

**LICENSING AND GENERAL PURPOSES COMMITTEE**

20 January 2020

Minutes of the Licensing and General Purposes Committee meeting held at the Council Chamber, Town Hall, Bexhill-on-Sea on Monday 20 January 2020 at 6.30pm.

Committee Members present: Councillors A.K. Jeeawon (Chairman), G.S. Browne, S.J. Coleman, G.C. Curtis, B.J. Drayson, K.M. Field, K.M. Harmer, A.S. Mier, R.B. Thomas and H.L. Timpe.

Other Members present: Councillors K.P. Dixon, P.J. Gray and C.A. Madeley.

Advisory Officers in attendance: Executive Director, Head of Service Environmental Services, Licensing and Community Safety, Deputy Legal Services Manager - Wealden and Rother Shared Legal Services and Democratic Services Officer.

Also Present: 1 member of the public.

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LG19/15. **MINUTES**

The Chairman was authorised to sign the Minutes of the meeting of the Licensing and General Purposes Committee held on 21 October 2019 as a correct record of the proceedings.

LG19/16. **APOLOGIES AND SUBSTITUTES**

Apologies for absence were received from Councillors R.K. Bird, T.J. Byrne, Mrs S. Hart, E.M. Kirby-Green (substitute) and Malcolm Johnston, Executive Director.

LG19/17. **DISCLOSURES OF INTEREST**

Declarations of interest were made by Councillors in the Minutes as indicated below:

B.J. Drayson      Agenda Item 7 – Personal interest in so far as he was a Committee Member of Light up Bexhill.

H.L. Timpe        Agenda Item 7 – Personal interest in so far as she was a company Director of Light up Bexhill.

**PART II – DECISIONS TAKEN UNDER DELEGATED POWERS**

LG19/18. **SURVEILLANCE ACTIVITY ANNUAL UPDATE**

Members received the report of the Executive Director providing an update on surveillance activity over the previous year, in line with the inspecting officer's recommendations.

There had been no use of legally approved surveillance powers in 2019, although overt activity had been undertaken; the last time the

Council had applied for and were granted surveillance powers by a Magistrate was in 2015.

During July 2019 the Council received extensive training at all tiers of management on the use of the Regulation of Investigatory Powers Act (RIPA), and in particular in the area of social media. The learning outcomes from that training were cascaded throughout the organisation to ensure that the use of social media for investigatory purposes was better controlled and audited. An updated RIPA Policy would be placed before Members in the spring for approval.

**RESOLVED:** That the Council's 2019 Annual update report on covert surveillance be noted.

LG19/19.

### **REVIEW OF LICENSING FEES AND CHARGES**

Members received and considered the report of the Executive Director outlining the Council's proposed licensing fees to be charged from April 2020. The fees were set to recover the full administration costs of issuing licenses and costs associated with ensuring compliance with conditions attached to licences, but not the costs associated with the enforcement of unlicensed premises and activities.

Three changes had been made to the licensing fees and charges for 2020/21:

- Animal Welfare Licensing fees (Animal Welfare Act 2006) - had been set for the first time the previous year and therefore revised, as the actual costs incurred in carrying out inspections and issuing licences had become known.
- English Proficiency Test for Hackney Carriage and Private Hire licensing fees – from £30 to £40 to cover the cost of the online testing.
- Pleasure Boatman's annual licence and the annual Operator Licence – from £30 to £40 and £240 to £250 respectively.

Regular procurement exercises for veterinary inspections and the Hiring of Horse fees had also been adjusted to reflect charges made by the vet.

Members had the opportunity to ask questions and the following points were noted:

- a licence was not required for horse livery, only for the hiring of horses;
- the Department for Environment, Food and Rural Affairs would be reviewing the animal welfare licensing legislation in due course; and
- keddle net fishing along Pett Level was a shore-line technique using fixed nets on the beach to catch fish.

**RESOLVED:** That the licensing fees and charges set out in Appendix A to the report be approved and apply from 1 April 2020.

**TEMPORARY STREET CLOSURE ORDERS**

Members received and considered the report of the Executive Director which outlined a policy for approving Temporary Street Closure Orders. Although the legislation defined circumstances when the District Council could make a road closure order, a policy would assist officers in determining applications.

The following points were to be incorporated into the policy:

- In all cases except Remembrance, a fee of £100 or a fee set by Cabinet would be payable.
- Orders would only be made if the previous year's audited accounts showed that over 50% of the profit from the event was paid to a registered or local charity, unless the Licensing Committee approved a lower percentage. For first-time applications, an undertaking must be given that this would apply.
- Applicants must provide an adequate event management plan (including risk assessments) with the application to show how the event could take place without creating unnecessary or uncontrolled hazards to the public.
- Applicants undertake to remove all waste generated, litter pick the road after the event or pay for any additional street cleaning costs.

The procedure for making applications for a temporary street closure order was appended to the report.

Members were advised that, over the previous 10 years, an increase in applications had been seen for events held for commercial or private gain, with little benefit to the public in turn for the disruption. A 50% payment to charity would therefore address this issue. If an event organiser was unable to commit to a 50% payment to charity, approval for a lesser amount could be sought from the Licensing Committee.

Members were given the opportunity to ask questions and the following points were noted from the discussions:

- Members were concerned that the policy did not mention consulting with the local Ward Member or a system for appeal if the application was refused;
- a public liability insurance up to £10 million was too high;
- Members were concerned that events may still be held without an approved road closure, which may pose a danger to the public;
- many events held in Battle were for the benefit of the community rather than charity;
- clarity on what constituted a community event rather than a charitable event was required within the policy and it was suggested that the wording 'not for profit organisation' be added;
- the process for seeking approval for a lesser percentage to be paid to charity required clarification; and
- many events also included stalls, profits of which did not go to the event organisers.

In light of the comments made, Members agreed to defer this matter and for officers to consider Members' comments and report back to a future committee.

**RESOLVED:** That officers consider the Committee's comments and an amended policy for approving temporary street closure orders be considered at a future meeting of the Licensing and General Purposes Committee.

(Councillor B.J. Drayson declared a personal interest in this matter in so far as he was a Committee Member of Light up Bexhill, and in accordance with the Members' Code of Conduct remained in the room during consideration thereof.)

(Councillor H.L. Timpe declared a personal interest in this matter in so far as she was a company Director of Light up Bexhill, and in accordance with the Members' Code of Conduct remained in the room during consideration thereof.)

## **CHAIRMAN**

The meeting closed at 7.05 pm