



Licensing and General Purposes Committee

Date and Time - **Monday 20 January 2020 - 6.30 pm.**

Venue - **Council Chamber, Town Hall, Bexhill-on-Sea**

Councillors appointed to the Committee:

Councillor A.K. Jeeawon (Chairman), Mrs S. Hart (Vice-Chairman), R.K. Bird, G.S. Browne, T.J.C. Byrne (ex-officio), 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.

Substitute Members: Mrs C.A. Bayliss, P.J. Gray, Mrs E.M. Kirby-Green and C.A. Madeley.

AGENDA

1. MINUTES

To authorise the Chairman 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.

2. APOLOGIES AND SUBSTITUTES

The Chairman to ask if any Member present is substituting for another Member and, if so, to declare his/her name as substitute Member and the name of the absent Member.

3. ADDITIONAL AGENDA ITEM

To consider such other items as the Chairman decides are urgent and due notice of which has been given to the Head of Paid Service by 12 Noon on the day of the meeting.

4. DISCLOSURES OF INTEREST

To receive any disclosure by Members of personal and disclosable pecuniary interests in matters on the agenda, the nature of any interest and whether the Member regards the personal interest as prejudicial under the terms of the Code of Conduct. Members are reminded of the need to repeat their declaration immediately prior to the commencement of the item in question.

5. SURVEILLANCE ACTIVITY ANNUAL UPDATE (Pages 1 - 2)

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louise.hollingsworth@rother.gov.uk (Tel: 01424 787815)

**Rother District Council's aspiring to deliver
an Efficient, Flexible and Effective Council; Sustainable Economic Prosperity;
Stronger, Safer Communities; and a Quality Physical Environment.**

6. **REVIEW OF LICENSING FEES AND CHARGES** (Pages 3 - 20)
7. **TEMPORARY STREET CLOSURE ORDERS** (Pages 21 - 24)

Dr Anthony Leonard
Executive Director

Agenda Despatch Date: 10 January 2020

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Rother District Council's aspiring to deliver
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Rother District Council

Report to	-	Licensing and General Purposes Committee
Date	-	20 January 2020
Report of the	-	Executive Director
Subject	-	Surveillance Activity Annual Update

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

Introduction

1. As Members may be aware, the Council has a range of surveillance powers under current legislation. These powers are covered by a Council policy and the express approval of a senior officer. This report brings an annual report for Members, in line with the inspecting officer's recommendation.
2. In order to keep Members up to date in this area, it was proposed that an annual update report be brought to this Committee. It is important to be aware that Rother's use of legal powers for surveillance is very limited. The last time the Council applied for these powers was in 2015. Rother's approach is fundamentally about the use of on the ground observations, and the Council only uses the legal surveillance powers when they are definitely required.

Reporting for 2019

3. In taking the opportunity to update Members, there was no use of legally approved surveillance powers in 2019. As stated in the previous paragraph, the last time the Council applied, and was granted surveillance powers by a Magistrate was in 2015.
4. During July 2019 the Council received extensive training at all tiers of management on the use of Regulation of Investigatory Powers Act (RIPA) powers, 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 will be placed before Members in the spring for approval.

Conclusion

5. The annual report to Members on surveillance activity meets the key recommendations of the previous Surveillance Commissioner's report. The next inspection is likely to be in 2021. The importance of undertaking surveillance activity in a way which conforms to legal requirements is critical. However, it must be emphasised, that these powers are very rarely used by the Council. Equally, to re-assure Members on the enforcement work undertaken by the Council, there are many other observations and investigations that are carried out overtly, that are not captured by this policy.

Malcolm Johnston
Executive Director

Risk Assessment Statement

Failure to update and comply with the Council's policy could lead to legal challenges to our surveillance activity and also potentially mean a failure in future inspection reports.

Rother District Council

Report to	-	Licensing and General Purposes Committee
Date	-	20 January 2020
Report of the	-	Executive Director
Subject	-	Review of Licensing Fees and Charges

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

Head of Service: Richard Parker-Harding

Introduction

1. This report seeks Committee approval for licensing fees proposed to be charged from April 2020.
2. Fees are set to recover the full administrative costs of issuing the licences and costs associated with ensuring compliance with the conditions attached to licences, but not the costs associated with the enforcement of unlicensed premises and activities. We cannot aim to recover more than the costs incurred.
3. Many fees are set by statute and are generally very low. The fees set by the Licensing Act 2003 have not been increased, despite requests by the Local Government Association. Maximum fees under the Gambling Act 2005 are also set by statute. This authority charges the maximum amounts.
4. Appendix A sets out the discretionary fees proposed to be charged from April 2020. Appendix B sets out the fees set by Cabinet as an Executive function and Appendix C are the fees set by statute. The last two appendices are reproduced for information and completeness.
5. Animal welfare licensing fees (Animal Welfare Act 2006) were set for the first time last year and have therefore been revised, as the actual costs incurred in carrying out inspections and issuing licences have become known.
6. The Council does not currently licence any sex establishments or zoos.
7. As environmental health is a shared service with Wealden District Council, we aim to charge the same fees for licences issued for Rother and Wealden premises, although each authority sets its own fees.
8. We carry out regular procurement exercises for veterinary inspections and the Hiring of Horses fees have therefore been adjusted to reflect the charges made by the vet.

Conclusion

8. Members are recommended to approve revised fees for licences from April 2020.

Malcolm Johnston
Executive Director

Risk Assessment Statement

Wherever possible, the fees charged for licences should cover the full administrative costs of issuing and ensuring compliance with the licence.

Appendix A
Discretionary Fees

Animal Welfare Act 2006
Animal Welfare Licensing Fees (3 years)

Item	Unit	2019/20	2020/21
Home Boarding / Dog Day Care	Each	£160.00 (Combined fee) ¹ -or- £155.00 for Processing & £25.00 for Issue of Licence plus actual vet costs if required	£220.00 (Combined fee) ¹ -or- £215.00 for Processing & £25.00 for Issue of Licence plus actual vet costs if required
Animal Boarding / Selling Pets	For each activity; cat boarding, dog boarding or selling animals	£190.00 (Combined fee) ¹ -or- £185.00 for Processing & £25.00 for Issue of Licence plus actual vet costs if required	£250.00 (Combined fee) ¹ -or- £245.00 for Processing & £25.00 for Issue of Licence plus actual vet costs if required
Breeding of Dogs	Each	£190.00 (Combined fee) ¹ -or- £185.00 for Processing & £25.00 for Issue of Licence plus actual vet costs if required	£250.00 (Combined fee) ¹ -or- £245.00 for Processing & £25.00 for Issue of Licence plus actual vet costs if required

		£160.00 (Combined fee) ¹ -or- £155.00 for Processing & £25.00 for Issue of Licence plus actual vet costs if required	£250.00 (Combined fee) ¹ -or- £245.00 for Processing & £25.00 for Issue of Licence plus actual vet costs if required
Exhibition of Animals	Each		

Regrading Request (except Riding Establishments)	Each	£100.00	£100.00
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Hiring of Horses: 1 – 10 horses	Each	£450.00 (Combined fee) ¹ -or- £445.00 for Processing & £25.00 for Issue of Licence. £350.00 for Re-grading. Includes initial vet costs.	£490.00 (Combined fee) ¹ -or- £480.00 for Processing & £30.00 for Issue of Licence. £390.00 for Re-grading. Includes initial vet costs.
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Hiring of Horses: 11 – 25 horses	Each	£550.00 (Combined fee) ¹ -or- £545.00 for Processing & £25.00 for Issue of Licence. £450.00 for Re-grading. Includes initial vet costs.	£590.00 (Combined fee) ¹ -or- £580.00 for Processing & £30.00 for Issue of Licence. £490.00 for Re-grading. Includes initial vet costs.
Hiring of Horses: 26 – 40 horses	Each	£650.00 (Combined fee) ¹ -or- £645.00 for Processing & £25.00 for Issue of Licence. £550.00 for Re-grading. Includes initial vet costs.	£690.00 (Combined fee) ¹ -or- £680.00 for Processing & £30.00 for Issue of Licence. £590.00 for Re-grading. Includes initial vet costs.
Hiring of Horses: 40 plus horses	Each	£750.00 (Combined fee) ¹ -or- £745.00 for Processing & £25.00 for Issue of Licence. £650.00 for Re-grading. Includes initial vet costs.	£790.00 (Combined fee) ¹ -or- £780.00 for Processing & £30.00 for Issue of Licence. £690.00 for Re-grading. Includes initial vet costs.
Regrading Request (Except Riding Establishments)	Each	£100.00	£100.00

¹ Local authorities are required to charge separate fees for processing applications and issuing the licence and carrying out enforcement. However, if the two fees are paid at the same time, then the administration costs are lower.

Animal Welfare Licensing Fees

Continued

Item	Unit	2019/20	2020/21
Dangerous Wild Animals (grant or renewal): small individual animal or small collection (Two year licence)	Each	£235.00 plus actual vet costs	£240.00 plus actual vet costs
Dangerous Wild Animals (grant or renewal): large individual or groups (Two year licence)	Each	£285.00 plus actual vet costs	£290.00 plus actual vet costs
Dangerous Wild Animals: Farm Type Activity – Grant: Two year licence (E.g. Ostrich, Wild Boar etc.)	Each	£775.00 plus actual vet costs	£780.00 plus actual vet costs
Dangerous Wild Animals: Farm Type Activity – Renewal: Two year licence (E.g. Ostrich, Wild Boar etc.)	Each	£295.00 plus actual vet costs	£300.00 plus actual vet costs
Dangerous Wild Animals: Variation of Licence (Two year licence)	Each	£230.00 plus actual vet costs	£240.00 plus actual vet costs
Zoo Licence: Application	Each	£1,000.00 plus actual team & vet costs	£1,000.00 plus actual team & vet costs
Zoo Licence Renewal - 6 Years	Each	£950.00 plus actual team & vet costs	£950.00 plus actual team & vet costs
Zoo Licence: Transfer	Each	£100.00 plus actual team & vet costs	£100.00 plus actual team & vet costs
Zoo (Dispensation)	Each	£200.00	£210.00
Variation of licence	Each	£50.00	£100.00

Local Government (Miscellaneous Provisions) Act 1976
Hackney Carriage and Private Hire Licensing Fees

Note 1: Refunds are not given for surrendered licences.

Note 2: A £10.00 Discount will be applied for on-line applications.

Item	Unit	2019/20	2020/21
Dual Driver (Renewals only)	3 year licence	£365.00	£365.00
Dual Driver (Renewals only)	1 year licence	£205.00	£205.00
Dual Driver (New applicants for first year only)	1 year licence	£230.00	£230.00
Dual Driver (New applicants three years)	3 year licence	£470.00	£470.00
Hackney Carriage Vehicle (no mechanical examination)	Per vehicle	£240.00	£240.00
Private Hire Vehicle (no mechanical examination)	Per vehicle	£225.00	£225.00
Private Hire Operator (PHO)	1 year licence	£315.00	£315.00
Private Hire Operator	3 year licence	£525.00	£525.00
Private Hire Operator	5 year licence	£630.00	£630.00
PHO if more than 20 vehicles	5 year licence	£1,000.00	£1,000.00
Relief Vehicle	3 month licence	£130.00	£130.00
Relief Vehicle renewal	3 month licence	£70.00	£70.00
Inspections and visits carried out away from Council offices at the Licence Holder's request	Each	£60.00	£60.00
Change of licence on same vehicle	Each	£60.00	£60.00
Transfer on vehicle ownership	Each	£60.00	£60.00
Replacement external vehicle plates where lost or damaged	Each	£60.00	£60.00
Replacement internal vehicle plates where lost or damaged	Each	£30.00	£30.00
Replacement Driver's Badge where lost or damaged	Each	£30.00	£30.00
Replacement Licence	Each	£30.00	£30.00
Exemption certificate (if not part of an application)	Each	£100.00	£100.00
Guidance Booklet	Each	£10.00	£10.00
Withdrawn applications administration fee	Per application	£120.00	£120.00
Additional administrative fee for application visits made at a distance greater than 5 miles outside of the Council's district boundary	Per new driver application - First hour	£65.00	£65.00
	Per new driver application - each additional hour or part thereof	£45.00	£45.00

Per renewal or vehicle application - First hour	£65.00	£65.00
Per renewal or vehicle application - Each additional hour or part thereof	£45.00	£45.00

Hackney Carriage and Private Hire Licensing Fees

Continued

Item	Unit	2019/20	2020/21
Door Signs	Each	£20.00	£20.00
DBS (if fee paid by Council)	Each	£60.00	£60.00
DBS (if not part of an application)	Each	£220.00	£220.00
Knowledge Tests -first	Each	Free	Free
Second test	Each	£50.00	£50.00
Third or more test	Each	£70.00	£70.00
English Proficiency Test	Each	£30.00	£40.00

Local Government (Miscellaneous Provisions) Act 1982-Sex Establishment Licensing Fees

Item	Unit	2019/20	2020/21
Initial Application	Per application	£6,300.00	£6,300.00
Annual Fee	Per licence	£5,250.00	£5,250.00

Skin and Body Piercing etc

Item	Unit	2019/20	2020/21
Registration of persons ¹	Per registration	£90.00	£90.00
Registration of premises or parts of the premises used in connection with the business ²	Per registration	£250.00	£250.00
Administration Fee for cheques Referred to Drawer	Per transaction	£10.00	£10.00

¹If the applicant can provide evidence of registration with another local authority for the same type of piercing then a discount of 50% is available

²If the premises is already registered, but new applicant, option to reduce registration fee by up to 50%

Other Licences

Item	Unit	2019/20	2020/21
Public Health Acts Amendment Act 1907			
Pleasure Boatman's Licence - annual	Each	£30.00	£40.00
Pleasure Boat Operator Licence	Annual	£240.00	£250.00
Pleasure Boat Operator Licence	3 year	£700.00	£700.00
Keddle Nets	3 years	£300.00	£300.00
Hypnotism Act 1952 licence	Each	£100.00	£100.00
Environmental Information Enquiries	Each	£90.00	£90.00
Photocopies of Public Register etc	Per hour or part thereof	£50.00	£50.00

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Street Trading in Bexhill

Street Trading during an organised event	Commercial event	Referred to Committee for decision	Fee for a consent per stall/pitch per day
No	N/A	Yes	Set by Committee
Yes	No, charitable or non-profit ¹	No, delegated to Officers	Free
Yes	Yes ²	No, delegated to Officers	£25

¹An event is classed as charitable/non profit if the event organisers are a registered charity, are substantially supporting a registered charity or a charity that benefits people locally. The event may generate an income however all profits are to be used for community projects or for charitable purposes. Event organisers must be able to supply event accounts and the registered Charity Number (if applicable)

²An event is classed as commercial if the event organisers are a profit making organisation, the event is planned to generate an income that is for benefit of the organiser or another commercial organisation.

A fee may be payable for a consent per stall/pitch per day in other consent streets that do not meet the specific criteria.

The fee for Street Trading for one year for Bexhill Farmers Market, Devonshire Square is £250.

MOBILE HOMES ACT 2013

Relevant Protected Sites	Band				
	A (2 – 5)	B (6 - 24)	C (25 - 99)	D (100+)	E (Single unit sites and family sites)
New Application for Site Licence	£175.00	£300.00	£330.00	£350.00	£175.00
Transfer of Site Licence	£60.00	£115.00	£115.00	£115.00	£60.00
Amendment of Site Licence	£60.00	£115.00	£115.00	£115.00	£60.00
Annual Fee	No Fee Charged	£185.00	£215.00	£235.00	No Fee Charged
Depositing of park rules with Local Authority	£40.00	£75.00	£75.00	£75.00	£40.00

Appendix B

Fees set by Cabinet

SCRAP METAL DEALER LICENCE (3 years)

	2019/2020	2020/2021
New Application	£500.00	£500.00
Renewal	£400.00	£400.00
Variation	£60.00	£60.00

FOOD HYGIENE RATING SCHEME (FHRS)

	2019/2020	2020/2021
First request for an inspection for FHRS scoring within three months of planned inspection	£150.00	£150.00
Further request for an inspection for FHRS scoring within three months of planned inspection	£200.00	£200.00
First request for an inspection for FHRS scoring after three months of planned inspection	Free	Free
Further request for an inspection for FHRS scoring after three months of planned inspection	£200.00	£200.00
Replacement FHRS sticker	NA	£25.00

[INTERNAL] EXPORT HEALTH CERTIFICATES FOR FISH AND MOLLUSCS, INCLUDING INSPECTION

	2019/2020	2020/2021
First hour (minimum)	NA	£100.00
Subsequent hours or part thereof	NA	£100.00 per hour

HMO LICENCES (5 years)

	2019/2020	2020/2021
Initial (first) Application Fee	£920.00	£920.00
Initial Issuing Fee	£50.00	£50.00
Combined Fee (if paid at the same time)	£950.00	£950.00
Additional fee if premises inspected and found not to be licensed	£300.00	£300.00
Renewal Application Fee	£650.00	£650.00
Renewal Issuing Fee	£50.00	£50.00
Combined Fee (if paid at the same time)	£680.00	£680.00

Fees set by Statute**LICENSING ACT 2003****Personal Licence**

Application for grant/renewal	£37.00
Notification of change of name or address of holder	£10.50
Lost, stolen, damaged or destroyed. (A4 or Photo ID or both)	£10.50
Notice of surrender of personal licence	No Fee

Premises Licences

Application for New Licence/Variation and Annual Fees

Band	A	B	C	D	E
Non Domestic Rateable Value (NDRV)	None - £4,300	£4,301 - £33,000	£33,001 - £87,000	£87,001 - £125,000	£125,001 +
Application New Licence / Variation For premises within Band B or Band E used exclusively or primarily for the supply of alcohol for consumption on the premises or where the maximum number of persons exceeds 5,000 please contact the Licensing Officer.	£100	£190	£315	£450	£635
Annual Fee For relevant premises in Band B or Band E, or where the maximum number of persons exceeds 5,000, please contact the Licensing Officer.	£70	£180	£295	£320	£350

If NDRV does not apply (i.e. you pay Council Tax) then Band A applies. Vehicles are also in Band A.

Church Halls, Village Halls, Parish Halls and Community Halls do not pay a fee for regulated entertainment only.

Schools and Colleges do not pay a fee for regulated entertainment carried on, for and on behalf of the school or college, however, a fee is payable if the school or college is letting out its premises to outside bodies.

Notification of change of name or address of Premises Licence Holder or Designated Premises Supervisor (DPS)	£10.50
Application to vary licence to specify individual as DPS	£23.00
Request from DPS for removal from licence	No Fee
Application for transfer of premises licence	£23.00
Lost, stolen damaged or destroyed licence or summary	£10.50
Application for a provisional statement	£315.00
Interim authority notice following death etc of licence holder	£23.00
Notice of interest in premises	£21.00
Supply of copy of information contained in register	£1.00 per page

Club Premises Certificate

Application for New Certificate/Variation and Annual Fees.

Band	A	B	C	D	E
Non-Domestic Rateable Value (NDRV)	None – £4,300	£4,301 – £33,000	£33,001 – £87,000	£87,001 – £125,000	£125,001 +
Application for New Certificate/Variation	£100	£190	£315	£450	£635
Annual Fee	£70	£180	£295	£320	£350

Notification of change of name or alteration of club rules	£10.50
Notification of change of relevant registered address	£10.50
Lost, stolen, damaged or destroyed certificate or summary	£10.50

Temporary Event Notice

Making of Temporary Event Notice	£21.00
Lost, stolen, damaged or destroyed notice	£10.50

**POLICE, FACTORIES, ETC MISCELLANEOUS
PROVISIONS ACT 1916**

Street Collection Permit No fee
**HOUSE TO HOUSE COLLECTIONS ACT 1939 or
CHARITIES ACT 1992**

House to House Collection Licence No fee

CARAVAN SITES & CONTROL OF DEVELOPMENT ACT 1960

Site Licence No fee

THE FOOD PREMISES (REGISTRATION) REGULATIONS 1991

Registration of Food Premises No fee

GAMBLING ACT 2005 PERMIT FEES

Licensed Premises Gaming Machine Permit

Occasion on which fee may be payable	Fee
Grant	£150.00
Existing operator Grant	£100.00
Variation	£100.00
Transfer	£ 25.00
Annual Fee	£ 50.00
Change of name	£ 25.00
Copy of Permit	£ 15.00

Licensed Premises Automatic Notification Process

Occasion on which fee may be payable	Fee
On notification	£ 50.00

Club Gaming Permits

Occasion on which fee may be payable	Fee
Grant	£200.00
Grant (Club Premises Certificate holder)	£100.00
Existing operator Grant	£100.00
Variation	£100.00
Renewal	£200.00
Renewal (Club Premises Certificate holder)	£100.00
Annual Fee	£ 50.00
Copy of Permit	£ 15.00

Club Machine Permits

Occasion on which fee may be payable	Fee
Grant	£200.00
Grant (Club Premises Certificate holder)	£100.00
Existing operator Grant	£100.00
Variation	£100.00
Renewal	£200.00
Renewal (Club Premises Certificate holder)	£100.00
Annual Fee	£ 50.00
Copy of Permit	£ 15.00

Family Entertainment Centre Gaming Machine Permits

Occasion on which fee may be payable	Fee
Grant	£300.00
Renewal	£300.00
Existing operator Grant	£100.00
Change of name	£ 25.00
Copy of Permit	£ 15.00

Prize Gaming Permits

Occasion on which fee may be payable	Fee
Grant	£300.00
Renewal	£300.00
Existing operator Grant	£100.00
Change of name	£ 25.00
Copy of Permit	£ 15.00

Small Lottery Registration

Occasion on which fee may be payable	Fee
Grant	£ 40.00
Annual Fee	£ 20.00

Gambling Act 2005

Classes of Premises Licence	Application Fee in respect of Provisional Statement Premises	Application Fee in respect of Other Premises	Annual Fee	Fee for Application to Vary Licence	Fee for Application to Transfer a Licence	Fee for Application for Reinstatement of a Licence	Maximum Fee for Application for Provisional Statement
Large casino premises licence	£5,000	£10,000	£10,000	£5,000	£2,150	£2,150	£10,000
Small casino premises licence	£3,000	£8,000	£5,000	£4,000	£1,800	£1,800	£8,000
Bingo premises licence	£1,200	£3,500	£1,000	£1,750	£1,200	£1,200	£3,500
Adult gaming centre premises licence	£1,200	£2,000	£1,000	£1,000	£1,200	£1,200	£2,000
Betting premises (track) licence	£950	£2,500	£1,000	£1,250	£950	£950	£2,500
Family entertainment centre premises licence	£950	£2,000	£750	£1,000	£950	£950	£2,000
Betting premises (other) licence	£1,200	£3,000	£600	£1,500	£1,200	£1,200	£3,000

Reduction for licences with seasonal condition: Nil.

Change of circumstances fee: £50

Copy of licence fee: £25

Permits FEC Gaming Machine and Prize Gaming: Application £300; Renewal £300, Transitional Application £100; Change of Name £25; Copy of Permit £15

Alcohol Licensed Premises (with Bar): Notification of two machines £50; More than two machines £100 (existing) £150 (new). Annual fee for Permits £50; Fee to vary £100; transfer £25; change name £25; copies £15

Temporary Use Notice £500.

Small Society Lotteries - £40 (£20 renewal)

Rother District Council

Report to	-	Licensing and General Purposes Committee
Date	-	20 January 2020
Report of the	-	Executive Director
Subject	-	Temporary Street Closure Orders

Recommendation to COUNCIL: That the proposed policy for approving temporary street closure orders, set out at paragraph 8, be approved and adopted.

Head of Service: Richard Parker-Harding

Introduction

1. The District Council has the authority to issue Temporary Street Closure Orders for street parties, bonfire/fireworks, processions, cultural events etc. under Section 21 of the Town Police Clauses Act 1847 (as amended by the East Sussex Act 1981).
2. Events must not be promoted for private gain. They must be for a genuinely public event.
3. The Council should not incur any additional costs, such as street cleansing as a result of an event.
4. We currently apply a fee of £100.
5. Although these events are not taking place on Council owned land there is still a responsibility on the Council to check that the applicant has produced a suitable event management plan, to protect the safety of the public attending.
6. Applications for other closures, such as road works have to be made to the Highways Authority.

Policy

7. Although the legislation defines the circumstances when the District Council can make a road closure order, it will assist officers in determining applications if the Council has an adopted policy.
8. It is proposed that the following policy be adopted:
 - In all cases except Remembrance, a fee of £100 or a fee set by Cabinet is payable.
 - Orders will only be made if the previous year's audited accounts show that over 50% of the profit from the event was paid to a registered or local charity, unless the Licensing and General Purposes Committee approves a lower percentage. For first-time applications, an undertaking must be given that this will apply.

- Applicants must complete the prescribed form and provide an adequate event management plan (including risk assessments) with the application to show how the event can 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.

9. The procedure for making applications is set out in Appendix A.

Conclusion

8. It is recommended that the Council adopt a policy for making temporary street closure orders.

Malcolm Johnston
Executive Director

Risk Assessment Statement

In order to comply with legislation, the Council should ensure that applicants for road closures are not doing so for private gain, that the road closure will not unduly disrupt other road users and that the event will be safe.

Procedure for applying for a Temporary Street Closure Order

An application on a prescribed form with an event management plan will be sent to the Legal Services three months before the event.

The Council will consult with the Traffic Management Section at Sussex Police, the local Police Inspector the Highways Section at the East Sussex County Council, and, if appropriate, other statutory bodies and bus companies.

If East Sussex County Council and Sussex Police have no objections, the Temporary Street Closure Order will be produced incorporating any requested conditions. If there are any objections, the application will be refused.

The Temporary Street Closure Order is then sealed and a copy sent to the applicant with a letter of confirmation.

Any Order made will be subject to:

1. Reasonable pedestrian access being available at all times.
2. Vehicular access for emergencies being available at all times.
3. Road closure and diversion signs being erected to the approval of the Highway Authority at the cost of your organisation and removed by them at the end of the temporary closure.
4. Your organisation being responsible for stewards in the event.
5. Your organisation being responsible for clearing the Highway immediately after conclusion of the event and for any damage which may be adjacent to the Highway, including street furniture, during the entire period of preparation, event and clearing-up operation.
6. Street fire hydrants must not be obstructed.
7. No assistance can be given by the Police in the removal of vehicles from the closed length of road during the preparation of the event.
8. No claims will be entertained by the County Council (as Highway authority), the District Council, the Parish or Town Council or any statutory undertaker in respect of any accident damage or injury sustained as a result of the event; the onus is on your organisation to obtain necessary insurance cover.
9. Your organisation being responsible for notification to all those affected by the Order, especially those fronting the Order, in writing 14 days prior to the event.
10. Separate application being made for any necessary Licences or permits for entertainment, charitable collections etc.

Before the Order is made you will be required to produce evidence of insurance to cover public liability up to £10 million.

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