

## LICENSING AND GENERAL PURPOSES COMMITTEE

18 January 2021

Minutes of the Licensing and General Purposes Committee held remotely on Monday 18 January 2020 at 6:30pm.

Committee Members present: Councillors A.S. Mier (Chairman), S.J. Coleman (Vice-Chairman), R.K. Bird, G.S. Browne, T.J.C. Byrne, G.C. Curtis, B.J. Drayson (ex-officio), K.M. Field, K.M. Harmer, C.A. Madeley, R.B. Thomas and H.L. Timpe.

Other Members present: Councillors K.P. Dixon, P.J. Gray, D.B. Oliver and G.S. Stevens.

Advisory officers present: Chief Executive, Head of Service Environmental Services, Licensing & Community Safety, Deputy Legal Services Manager – Wealden & Rother Shared Legal and Democratic Services Officer.

Also present: 5 members of the public, via the YouTube live broadcast.

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LG20/15. **MINUTES**

The Chairman was authorised to sign the Minutes of the meeting of the Licensing and General Purposes Committee held on 3 September 2020, at a later date, as a correct record of the proceedings.

LG20/16. **APOLOGIES AND SUBSTITUTES**

Apologies for absence were received from Councillors Mrs D.C. Earl-Williams and Mrs S. Hart.

LG20/17. **DISCLOSURES OF INTEREST**

There were no disclosures of interests.

### **PART I – RECOMMENDATIONS TO COUNCIL**

LG20/18. **LICENSING POLICY 2021**

Consideration was given to the report of the Head of Service-Environmental Services, Licensing and Community Safety on the Council's Licensing Policy 2021.

Rother District Council was required to have a Licensing Policy that set out how the Council would generally approach the licensing of premises, persons and events where there was the provision for the sale and /or supply of alcohol, regulated entertainment and late night refreshment. The Council's Licensing Policy had been developed in accordance with the Licensing Act 2003 and also with statutory guidance issued under section 182 of the Act.

There were four main licensing objectives that had to always be promoted whilst making decisions on applications received in regard to this area:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

It was a legal requirement for the authority to review and approve its Licensing Policy every five years. The Council had consulted the responsible authorities (Sussex Police, East Sussex Fire & Rescue Service etc.) and the Director of Public Health about any changes required to be made to the policy. No major changes were proposed, but the policy would be amended to reflect administrative changes - names and addresses etc.

Members noted that the policy could be reviewed at any time; if a request for amendment was received it would be reported to the Committee for consideration. Major changes would be subject to consultation with premises licence holders and the public.

Minor grammatical errors within the policy were noted and Members agreed that the Chief Executive and Head of Service make any necessary amendments prior to the submission to Council for approval in February 2021.

**RECOMMENDED:** That the Council's Licensing Policy 2021, as amended, be approved and adopted.

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

### **LG20/19. SURVEILLANCE ACTIVITY ANNUAL UPDATE**

Members received the report of the Chief Executive 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 2020, 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.

In May 2020, the Investigatory Powers Commissioner's Office completed an inspection of Rother's Surveillance Powers. These were carried out around every four years and in this case was completed by reviewing the Council's Policy and records, together with a comprehensive interview with the Council's RiPA Co-Ordinator. The inspection was successful, but two recommendations were made for the future: The Council's Policy needed to be updated to cover the surveillance of social media; and staff training should be brought up to date.

In late July 2019 an external trainer had provided comprehensive training over two days across the full range of covert powers. Day one was for senior managers and authorising officers, with day two covering a range of sessions on the use of social media for a range of investigators and benefits officers. Further training was to be arranged for 2022.

The Council's Policy was in the process of being updated in line with the Inspector's recommendation to cover the surveillance of social media, and a report would be brought back to the Committee in due course.

**RESOLVED:** That the Council's 2020 Annual update report on covert surveillance be noted.

LG20/20.

### **FEES AND CHARGES**

Members received and considered the report of the Head of Service-Environmental Services, Licensing and Community Safety outlining the Council's proposed licensing fees to be charged from April 2021. 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.

Appendix A to the report set out the discretionary fees proposed to be charged from April 2021, Appendix B the fees set by Cabinet as an Executive function and Appendix C set out the fees set by statute, which were generally very low. The fees set by the Licensing Act 2003 had not been increased, despite requests by the Local Government Association. Maximum fees under the Gambling Act 2005 were also set by statute. The Council charged the maximum amounts.

Two changes had been made to the licensing fees and charges for 2021/22:

- Animal Welfare Licensing fees (Animal Welfare Act 2006) – fees were set for the first time in 2019 and been revised for home boarding and dog day care, as the actual costs incurred in carrying out inspections and issuing licences have become known.
- Hackney Carriage and Private Hire Licensing Fees – increase to the withdrawn applications administration fee.

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

- fees could not be set so as to discourage certain activities, but to cover administration and ensuring compliance costs only; and
- improvements in technology and therefore more streamlined licensing processes reduced the need to increase fees further.

**RESOLVED:** That the licensing fees and charges set out in Appendix A to the report be approved and apply from 1 April 2021.

### **CHAIRMAN**

The meeting closed at 7:05pm