

LICENSING AND GENERAL PURPOSES COMMITTEE

17 January 2022

Minutes of the Licensing and General Purposes Committee held at the Town Hall, Bexhill-on-Sea on Monday 17 January 2022 at 6:30pm.

Committee Members present: Councillors A.S. Mier (Chairman), S.J. Coleman (Vice-Chairman), G.S. Browne, G.C. Curtis, K.M. Field, L. Hacking, J.M. Johnson, C.A. Madeley, R.B. Thomas and H.L. Timpe.

Other Members present: Councillors P.C. Courtel and A.K. Jeeawon.

Advisory officers present: Head of Service Environmental Services, Licensing and Community Safety and Democratic Services Officer.

Also Present: 1 member of the public.

Prior to the commencement of the meeting, the Chairman, on behalf of the Licensing and General Purposes Committee, thanked Andy Eaton, Deputy Legal Services Manager - Wealden & Rother Shared Legal Services, for his services to the Committee and to Rother District Council. Andy had retired from the authority at the end of the 2021.

LG21/7. **MINUTES**

The Chairman was authorised to sign the Minutes of the meeting of the Licensing and General Purposes Committee held on 25 October 2021 as a correct record of the proceedings.

LG21/8. **APOLOGIES AND SUBSTITUTES**

Apologies for absence were received from Councillors R.K. Bird, B.J. Drayson (ex-officio) and K.M. Harmer.

LG21/9. **DISCLOSURES OF INTEREST**

There were no disclosures of interest.

PART II – DECISIONS TAKEN UNDER DELEGATED POWERS

LG21/10. **HACKNEY CARRIAGE FARES**

Members received the report of the Head of Service Environmental Services, Licensing and Community Safety which detailed how the Council set hackney carriage fares in the district by adopting a fare card. Fares had last been increased in December 2016 and a proposed new table of fares, implementing a 10% (ten percent) increase was attached at Appendix A to the report.

The AA had reported that fuel prices had increased by 24% (twenty-four percent) between October 2016 and 2021. It was important that hackney carriage fares were increased periodically to attract new

hackney carriage owners and drivers to work in Rother, as drivers needed to be able to earn a sufficient income.

There was a cost to hackney carriage owners in recalibrating their metres and a cost to the Council in administering this change; the exercise was not therefore to take place too frequently. When an increase was made it needed to be at least 5% (five percent), to justify the costs involved. An informal survey of drivers found that 70% (seventy percent) supported a 10% (ten percent) increase. A further survey would be carried out in 2023 to see if there was support for a further increase in 2023. It was also proposed to remove the higher tariff on Sundays as this could no longer be justified.

Hackney carriage fares had not been increased since December 2016. A 10% (ten percent) increase was proposed, which would need to be formally advertised. If there were no objections, the new fare card would be implemented from 7 March 2022. If objections were received, they would be referred to the Licensing and General Purposes Committee for determination.

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

- the Council set the maximum fare that could be charged, but drivers could charge a lesser fare if they so wished; and
- it was a legal requirement for the taxi meter to use yards rather than metres (Town Police Clauses Act 1847).

RESOLVED: That:

- 1) a 10% (ten percent) increase in hackney carriage fares be advertised; and
- 2) if no objections are received, to increase fares from 7 March 2022.

LG21/11.

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 2022. 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 2022, with changes highlighted in red. Where fees were proposed to increase, they had increased by 1 or 2% (one or two percent). The hiring of horses fee included the veterinary inspection costs, which increased each year. 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.

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

- advertising campaigns were used to advise the public to only use licensed establishments and posters were issued to establishments to inform the public of their status. The public were encouraged to report any unlicensed establishments;
- fees were calculated to ensure the cost of officer time, which was recorded and collated over time, was reflected; and
- the main increases were concerned with hiring of horses due to increased vet charges.

RESOLVED: That the licensing fees and charges set out in Appendix A to the report be approved and applied from 1 April 2022.

LG21/12.

GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES

The Gambling Act 2005 (the Act) required Rother District Council, as the Licensing Authority, to formally review and approve its Statement of Principles (SoP) (Gambling Policy) in regard to how it regulated Gaming Premises every three years. The Statement was based upon the requirements of the Gambling Act 2005 and was developed in line with a nationally accepted template. The last SoP was approved in 2018.

Operators and personal licences were issued by the Gambling Commission, whereas premises licences were dealt with by the Local Authority. The Council had never received a representation against the granting of a premises licence under the Act. For this reason a hearing into an application had never been made and therefore reference to the SoP had not been made by Members.

Consultees (who included the Police, Gambling Commission, Department of Public Health and existing licence holders) would be advised that there were no significant changes in the regulations issued by the Secretary of State or guidance issued by the Gambling Commission that materially affected the SoP.

If there were no objections to the SoP, it would be recommended to Council for formal approval and adoption.

The Committee agreed that the draft SoP be approved for consultation and, subject to no objections being received, be recommended to full Council for formal approval and adoption. Should objections be received, a report would be presented to the Licensing and General Purposes Committee.

RESOLVED: That:

- 1) the draft Statement of Principles be approved for consultation; and
- 2) subject to no objections being received, be recommended to Council for approval and adoption.

LG21/13. **STREET TRADING CONTROLS**

Members received the report of the Head of Service Environmental Services, Licensing and Community Safety outlining street trading controls to be amended in Bexhill and imposing controls in Ticehurst.

The Council could designate certain streets as consent or prohibited streets for street trading. Street trading was prohibited in consent streets unless the Council had granted a consent to do so. Street trading could take place in a street not designated as either consent or prohibited. Street trading controls did not apply to news vendors, rounds men or trading on a shop forecourt.

The Chair of the Bexhill Town Centre Steering Group (Councillor Bayliss) had requested that the existing consent streets for street trading for Bexhill be amended to designate Sackville Road as a consent street, to permit markets to be held there, which was supported by Bexhill Town Council.

In July 2021, Ticehurst Parish Council requested that the northern end of Church Street, the Village Square itself and the High Street, be consent streets. A policy was requested by the Parish Council to be adopted that consents would only be granted during events organised by Ticehurst Parish Council.

In October 2021, Members of the Licensing and General Purposes Committee resolved to advertise the intention to make street trading controls. A Public Notice was placed in local newspapers, namely the Bexhill/Battle/Rye Observer and Sussex Express on 29 October 2021.

The Committee was requested to consider re-designating all streets in the district (Battle, Bexhill, Robertsbridge, Rye and Ticehurst) so that the extent of street trading controls throughout the district could be ascertained from one document, if designating Sackville Road as a consent street and further streets in Ticehurst.

Officers had delegated authority to grant consents if the policy adopted by the Council applied. In other cases, applications would be determined by this Committee. It was recommended that Members delegate this function to the General Licensing Panel.

A copy of the notice of intention to make the resolution was sent to the Chief Officer of Police and East Sussex County Council Highways for representations. Appendix C to the report set out the representations received when the intention was advertised for Members' consideration. The Council did not have any officers designated to enforce street trading controls, therefore if enforcement was required, officers would have to be taken off their existing duties. The Police, however, could enforce the Orders, but would normally look to the Local Authority to take the lead.

Members considered the streets in each town in turn and the following points were noted during the discussions:

- there would be no limit to the number of events held in Sackville Road, Bexhill per year (as was currently the case with Devonshire Road and Devonshire Square, Bexhill), but any applications outside the policy would be referred to Members for determination;
- the details of the consent for Sackville Road, Bexhill had been mistyped in the Appendix and Members agreed it be amended to state ‘from its junction with Western Road to Marine Parade’;
- it was a condition of all temporary road closures that emergency vehicles be given access if required and barriers removed immediately. The Fire Service had been consulted and had not raised any concerns;
- Members noted that there was an environmental impact from road closures and agreed that these would require mitigation by event organisers;
- Members requested and it was agreed that further clarification be given in the Orders of the Prohibited Streets in Battle concerning the Abbey Green. The Abbey Green was used for many events, the prohibited street would therefore only apply to sections of the roads surrounding the Abbey Green; and
- it was clarified that applications for events in Ticehurst organised by the Parish Council would be delegated to officers for approval, any other applications would be referred to Members.

Members thanked the Head of Service Environmental Services, Licensing and Community Safety for his assistance in bringing the issue to the Committee.

RESOLVED: That:

- 1) with effect from 7 March 2022, the streets in Battle, Bexhill, Robertsbridge, Rye and Ticehurst as set down in Appendix A, as amended, be designated prohibited streets or consent streets as indicated in the Appendix;
- 2) the Deputy Chief Executive and the Head of Service Environmental Services, Licensing and Community Safety be authorised to grant consents for street trading in consent streets in accordance with the policies set down in Appendix B to the report;
- 3) other applications for consents be delegated to the General Licensing Panel to determine; and
- 4) the prescribed notice of this resolution be published in the local newspaper for two consecutive weeks.

CHAIRMAN

The meeting closed at 7:15pm

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Street Trading Controls In Rother

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

PART III SCHEDULE 4

PROHIBITED STREETS IN BATTLE

LOWER LAKE from its junction with Marley Lane to a point 140 metres south of that junction

UPPER LAKE for its entire length

PARK LANE for its entire length

MOUNT STREET commencing at its junction with the High street, extending 200 metres in a north-easterly direction.

HIGH STREET from its junction with Upper Lake, terminating 100 metres north west of its junction with Mount Street.

PROHIBITED STREETS IN BEXHILL-ON-SEA

TERMINUS ROAD from its eastern junction with Sackville Road and Buckhurst Place to its western junction with Terminus Avenue.

COLLINGTON AVENUE and Terminus Avenue from their junction with Terminus Road to their western junctions with Sutherland Avenue.

WESTAWAY DRIVE, HOLMESDALE ROAD, WESTVILLE ROAD, COLEBROOKE ROAD, REGINALD ROAD, WAINWRIGHT ROAD,

BEECHING ROAD up to a distance of 500 metres from its southern junction with Terminus Road.

SOUTH CLIFF from its junction with Southcourt Avenue to its junction with Richmond Road.

RICHMOND ROAD from its junction with Richmond Close to its junction with West Parade.

BROCKLEY ROAD from its junction with West Parade to its junction with Egerton Road.

PARK ROAD from its junction with Egerton Road to its junction with West Parade.

DE LA WARR PARADE from its junction with Marina to the gate at the western end of Galley Hill cycle track.

DORSET ROAD SOUTH from its junction with De La Warr Parade to its junction with Cantelupe Road.

BOLEBROOK ROAD from its junction with De La Warr Parade to its junction with Cantelupe Road.

MIDDLESEX ROAD from its junction with De La Warr Parade to its junction with Cantelupe Road.

ALBERT ROAD from its junction with Marina to its junction with Parkhurst Road.

ALBANY ROAD from its junction with Marina to its junction with Parkhurst Road.

LINDEN ROAD from its junction with Marina to its junction with Parkhurst Road.

EGERTON ROAD, PARK AVENUE, RICHMOND GROVE, WEST PARADE, MARINA, SUTTON PLACE, BROOKFIELD ROAD, LIONAL ROAD, BETHUNE ROAD, KNOLE ROAD, BRASSEY ROAD, MARINA COURT AVENUE, CHANNEL VIEW EAST, CHANNEL VIEW WEST.

DEVONSHIRE ROAD from the junction with Parkhurst Road to Devonshire Square,

SEA ROAD from Marina to the junction of Endwell Road,

ENDWELL ROAD, EVERSLEY ROAD, WILTON ROAD,

SACKVILLE ROAD from its junction with Terminus Road to Western Road

BEDFORD AVENUE (from junction with DORSET ROAD SOUTH to end at junction with Cantelupe Road)

CONSENT STREETS IN BEXHILL-ON-SEA

DEVONSHIRE SQUARE and that part of DEVONSHIRE ROAD, between Marina and Parkhurst Road.

SACKVILLE ROAD from its junction with Western Road to Marine Parade

PROHIBITED STREETS IN ROBERTSBRIDGE

HEATHFIELD GARDENS, WILLOW BANK, WILLOW MEWS, DARWELL CLOSE, FAIR LANE, FAYRE MEADOW, NORTH BRIDGE STREET, GEORGE HILL STATION ROAD and BISHOPS LANE (from junction with George Hill to end 120 m south west).

CONSENT STREETS IN ROBERTSBRIDGE:

HIGH STREET from north of the junction with Station Road and THE CLAPPERS south of the most southerly river crossing.

CONSENT STREETS IN RYE

THE MINT, HIGH STREET, HILDERS CLIFF, LION STREET, MARKET STREET, EAST STREET AND OCKMANS LANE, THE STRAND, THE QUAY (including the road between The Strand and The Quay) THE DEALS, MERMAID STREET (from junction with The Strand to end 20 m east) and WISH WARD.

CONSENT STREETS IN TICEHURST

CHURCH STREET from its junction with St Mary's Lane to High Street (B2099),
HIGH STREET from the Bell Hotel (Inn) to its junction with St Mary's Lane,
All streets between Church Street and the High Street and
All streets between St Mary's Lane and the High Street, including the VILLAGE
SQUARE.

