

Unconfirmed



Minutes of a Meeting of the **Licensing Committee** held in the Conference Room, Riverside, on **Monday, 11 April 2022 at 6.30pm**

Members of the Committee present:

Councillor Paul Ashdown, Councillor Edward Back, Councillor Linda Coulam, Councillor Janet Craig, Councillor Tony Goldson, Councillor Colin Hedgley, Councillor Keith Patience, Councillor Keith Robinson

Other Members present:

Councillor Judy Cloke, Councillor Mary Rudd

Officers present: Teresa Bailey (Senior Licensing Officer), Sarah Carter (Democratic Services Officer), Martin Clarke (Licensing Manager and Housing Lead Lawyer), Alli Stone (Democratic Services Officer)

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors Newton, Rainger, Smith-Lyte and Wiles.

Councillor Cloke attended the meeting as a Substitute for Councillor Newton.

2 Declarations of Interest

There were no Declarations of Interest.

3 Minutes

RESOLVED

That the Minutes of the Meeting held on 14 February 2022 be confirmed as a correct record and signed by the Chairman.

4 Street Trading at Lowestoft Seafront

The Cabinet Member with responsibility for Community Health introduced report ES/1112 which related to the review of the Council's Street Trading Policy at Lowestoft Seafront in order to support the Council's project for the redevelopment of the East Point Pavilion.

Members were reminded that, at their meeting on 14 February 2022, they agreed to commence consultation on the process to un-designate from the Street Trading Policy Lowestoft Sea Front between East Point Pavilion and Claremont Pier, Royal Terrace, Royal Plain, Parade Road North, Marine Parade between Parade Road North and the first junction of the Royal Green Car Park and the portion of Royal Green Car Park within 20m of the East Point Pavilion project area.

That consultation had run from 18 February to 18 March and four responses had been received during that time. Those responses were contained in Appendix C to the report.

The Licensing Manager and Housing Lead Lawyer advised that Suffolk County Council and Suffolk Constabulary had no objections, Lowestoft Town Council supported the policy and Halesworth Town Council's comment was neutral. Members therefore had two options before them:

1. To retain the status quo, which was not being recommended as it would impact on the proposed events at the Pavilion.
2. Un-designate the specified area from the Street Trading Policy and allow street trading to take place without any licensing fees or restrictions. Consent from the Council as landowner would still be required.

The Licensing Manager and Housing Lead Lawyer drew Members' attention to Appendix D in the updated policy [agenda page 33] and advised that the current fees, as from 1 April 2022, were now £405 for application and annual fee, with a daily fee of £27. As previously mentioned, this report was the first part of a planned review of the Street Trading Policy which would continue in the Autumn. The proposals now before Members would be a useful guide in undertaking that full review.

In response to a question, the Licensing Manager and Housing Lead Lawyer confirmed that the statutory bodies had accepted the proposal, with County Highways having no objection and Suffolk Constabulary had no comments to make.

A Member raised questions over the current Street Trading Policy and expressed concern over the prohibited streets in Halesworth and how that would affect current events that had been taking place over a number of years.

The Licensing Manager and Housing Lead Lawyer advised that no changes were being proposed for Halesworth; the policy had been in place for a number of years and prior to him joining the Council. The Senior Licensing Officer confirmed that the report before Members related to an area in Lowestoft only and no other part of the District. The policy itself was to be reviewed later in the year and that review would look at the rest of the District including Halesworth. Events that were currently taking place in Halesworth were likely to be covered by a single event licence for street trading.

The Cabinet Member with responsibility for Community Health advised that she would undertake discussions with the Licensing Team that week to investigate the points made with regard to any street trading in Halesworth and report back to Councillor Goldson.

Further questions were raised as to how changes to street trading in the seafront area of Lowestoft would affect the small businesses in London Road South and further comment was made that businesses had not responded to the consultation. The Licensing Manager and Lead Housing Lawyer advised that two notices had been published in the local press and the proposal had been made available to the general public via the Council's website. It appeared therefore that local traders had not responded to the advertisements. Any trader on the seafront would still need the Council's permission to trade as it owned the land.

The Chairman reminded the Committee that, at its last meeting, it had agreed for the proposals to be consulted on and this report outlined the comments that had been received. The Senior Licensing Officer explained that the necessary consultation had been undertaken and it was up to individuals or businesses to respond as they saw fit.

Following a proposal for the recommendation in the report which was duly seconded, it was

RESOLVED

That it be agreed that Lowestoft Sea Front between East Point Pavilion and Claremont Pier, Royal Terrace, Royal Plain, Parade Road North, Marine Parade between Parade Road North and the first junction of the Royal Green Car Park, and the portion of Royal Green Car Park within 20 metres of the East Point Pavilion Project Area be undesignated from the Street Trading Policy.

5 Fuel Surcharge for Hackney Carriage Vehicles in the East Suffolk District

The Cabinet Member with responsibility for Community Health introduced report ES/1113 which related to a proposal from a group of licenced hackney carriage drivers for a fuel surcharge of 60p per journey requesting a temporary period of 12 months.

The report outlined the fact that the Council was responsible for licensing hackney carriage and private hire drivers, vehicles and operators and had the power to set and vary fares in accordance with the relevant 1976 legislation. Section 55 of the Town Police Clauses Act 1947 prohibited the driver of a hackney carriage from charging more than the set fare. A fuel surcharge was an extra charge added to the fare according to the fluctuation of fuel costs, outside the existing fare adjustment mechanism, which meant that a driver could add the additional charge at the start of a journey without the need to have their vehicle meter recalibrated and tested.

The Committee was advised that there was currently no fuel surcharge in place in East Suffolk. However, due to the rapid and significant increase in fuel prices, a proposal had been received from several drivers requesting consideration be given to a temporary fuel surcharge, details of which were contained in Appendix A to the report. If Members were minded to approve such a fuel surcharge, a notice would

need to be published in a local newspaper allowing time for objections, advising how objections could be submitted and, if no objections were received, a date would be specified for the new fares to come into force.

The Senior Licensing Officer advised that a fuel surcharge was being proposed to assist drivers with the cost of fuel for their licensed vehicles. It was always likely to be a temporary measure and might need to be reviewed on a regular basis and at short notice. As a result, it was suggested that authority be given to the Chairman of the Licensing Committee, in consultation with the Vice-Chairman and Cabinet Member for Community Health to introduce and carry out a review of any fuel surcharge that might be necessary.

Members questioned:

- The number of licensed drivers in East Suffolk.
- The number of drivers who had signed the petition.
- Whether 60p was sufficient and who would pay.
- The fees already being charged were higher in the south of the District than in the north.
- Number of journeys per day.
- Whether a flat rate was fair and should it depend on the length of the journey.

The Senior Licensing Officer confirmed there were currently 187 licensed hackney carriage drivers and nine drivers had signed the petition. Any surcharge would be a flat rate fee payable by the hirer. Mr Stokell of Felixstowe Cabs had indicated that drivers undertook around 18 jobs per day resulting in around £8-10 increase in fuel costs per day.

Whilst recognising the fact that there different fees were applicable in the former Waveney and Suffolk Coastal areas, a Member expressed concern that the Council was losing drivers in the north and there was a shortage of drivers for taxis, as some were earning more money by undertaking food deliveries. Comment was made that everyone in the whole country was affected by cost of living rises and in some areas people had no choice but to use a car; taxi drivers were not the only ones to be struggling financially. Some Members were of the opinion that 60p was too much and a surcharge should certainly not be considered for a temporary period of as long as 12 months. Some Members expressed the view that they had not heard from taxi drivers that they were struggling financially and perhaps consultation should be taken prior to making any firm decision.

The Licensing Manager and Housing Lead Lawyer advised that, in accordance with the relevant legislation, it would be necessary to have a proposal on which to consult, so Members could approve the consultation on a surcharge as set out in the report or the Committee could set its own surcharge amount. The Senior Licensing Officer confirmed that the hackney carriage drivers had proposed the amount of 60p and anyone in the trade could submit such a request. The petition appended to the report had come from the south of the District. If the Committee did agree to a consultation, they could delegate to the Chairman as outlined in the report which would save the matter of surcharges coming back to Committee.

The Senior Licensing Officer confirmed the current minimum fare in the north and the

south areas and that the 2020 review had been undertaken because the drivers in the south of the District had requested it. It was understood that the drivers in the north were looking to potentially review their tariffs and that might result in a report coming back to Committee at its next meeting in July. The consideration of a surcharge was a separate issue.

A proposal to refuse the request for a 60p fuel surcharge per journey was made as it was felt further consideration should be given to the request.

A proposal to agree the recommendation in the report was made and there being no seconder, that motion **fell**.

The Chairman stated that the meeting would be adjourned to enable Members to draft an alternative recommendation.

Note: *The meeting was adjourned from 7.22pm and reconvened at 7.28pm.*

On reconvening, the Chairman explained that no decision had been made during the adjournment and he invited Councillor Goldson to offer an alternative recommendation. He recommended that a surcharge of 20p per journey for a period of 3 months be proposed following consultation with the hackney carriage drivers and that that surcharge be reviewed by the Committee after that period of time. The proposal was seconded by Councillor Coulam.

The Senior Licensing Officer confirmed that they could now go out to consultation on that proposal if agreed, and would report back to Committee in July.

Following a vote, it was

RESOLVED

1. That a surcharge of 20p per journey for a period of 3 months be proposed following consultation with the hackney carriage drivers.
2. That the 20p surcharge be reviewed by the Committee after that 3 month period of time.

6 Issued Licences in East Suffolk and an Overview of the Work of the Licensing Sub-Committees - January to March 2022

The Cabinet Member with responsibility for Community Health introduced report ES/1114 which provided Members with information relating to issued licences in east Suffolk and gave an overview of the work of the Licensing Sub-Committees during the period.

The Chairman thanks the officers for producing a report that provided very interesting reading.

The Senior Licensing Officer advised that the report was for noting and was happy to answer Members' questions. She provided an update with regard to paragraph 1.4 in the report with regard to those licences that had been in consultation at the time of preparing the report.

There being no specific questions, Members accepted the report and

RESOLVED

That the overview of the work of the Licensing Team and the Licensing Sub-Committees during the first quarter of 2022 be noted.

Announcement

Prior to the closure of the meeting, on behalf of the Committee, the Chairman expressed thanks to Sarah Carter, Democratic Services Officer, for her support and wished her all the best her retirement.

As Chairman of Planning Committee North, Councillor Ashdown reiterated his comments and thanked Sarah for doing a fantastic job in supporting PCN. They would all miss Sarah.

The meeting concluded at 7.36pm.

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Chairman