

LICENSING COMMITTEE

20 September 2024 at 10.00 am

Present: Councillors Blanchard-Cooper (Chair), Haywood (Vice-Chair), Cooper, Goodheart, Kelly, Madeley, McDougall, Patel, Worne and Needs.

226. APOLOGY FOR ABSENCE

An Apology for Absence had been received from Councillor McAuliffe.

227. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

228. MINUTES

The Minutes of the previous meeting of the Committee held on 23 February 2024 were approved by the Committee as a correct record and were then signed by the Chair.

The Committee also noted the Minutes of the Licensing Sub-Committee meetings held on 23 May, 25 June and 19 August 2024.

229. ITEMS NOT ON THE AGENDA WHICH THE CHAIR OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

The Chair confirmed that there were no urgent items for this meeting to consider.

230. PUBLIC QUESTION TIME

The Chair confirmed that no questions had been submitted to this meeting.

231. START TIMES

The Committee

RESOLVED

That the start time of all remaining meetings of the Committee for 2024/25 would be 10.00 am.

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232. PAVEMENT LICENSING POLICY

The Environmental Health Team Manager presented the report providing the detail of a revised Pavement Licensing Policy and amended fees which the Committee was being asked to consider and adopt following recent amendments made to the regulations on 31 March 2024 through the Levelling-Up and Regeneration Act 2023.

The background detailing the changes introduced were explained. These covered the period that a pavement licence could be held and the revised fee structure that could be charged. This confirmed that the local authority could now set its fees up to the maximum level to ensure cost recovery was in line with the Council's approved financial strategy. The amendments introduced powers enabling the Council to take enforcement action dealing with tables and chairs placed on the pavement without a licence where one was required. Previously, action could only be taken by the Highways Authority [West Sussex County Council] but this authority had now transferred to Arun with the Council being able to recover the costs of doing so.

The changes in legislation also extended the consultation period and established the maximum period [from 7 to 14 days] for the period of consultation and the time the Council had to determine an application following consultation, allowing the Council more time to decide whether to issue a licence.

The Pavement Licensing Policy had first been adopted by the Council in 2020 following its introduction to support business recovery following Covid 19. At that time whilst the maximum fee that could legally be charged had been £100, the Council had opted not to introduce this charge. That decision had been revised in 2021 to a charge of £100. Having undertaken analysis of the time taken to administer pavement licence applications, it was proposed that the council introduce and adopt a new fee structure. The new fee structure did show an increase in fees but this was still below the statutory maximum levels, as shown in detail in the report. An Equality Impact Assessment had also been undertaken and provided with the report.

The recommendations were then proposed by Councillor Blanchard-Cooper and seconded by Councillor Haywood.

Following a series of questions asked about the fee structure and the cost to the council in administering applications, reassurance was provided explaining that members of the public; relevant ward councillors and Town and Parish Councils could make representations which had to be considered during the public consultation period and would be considered in determining any application. The Policy confirmed that licence fees would also be reviewed annually.

Following further discussion,

The Committee

RESOLVED – That

1. The revised Policy be adopted;
2. Delegated authority be given to the Group Head of Technical Services to make minor changes to the Policy;
3. The revised pavement licence fees be adopted; and
4. Delegated authority be given to the Group Head of Technical Services to make amendments to the adopted pavement licensing fees as required and within the legal maximum.

233. KEY PERFORMANCE INDICATORS 2022-2026 - QUARTER 1 PERFORMANCE REPORT FOR THE PERIOD 1 APRIL TO 30 JUNE 2024

In the absence of the Group Head of Organisational Excellence, the Environmental Health Team Manager presented the report which sought to update the Committee on the Quarter 1 performance for the Key Performance Indicators (KPIs) covering the period 1 April to 30 June 2024.

There was one KPI that was relevant to this Committee which was CP14 [% of licence applications determined within the various statutory of service time limits] and it was reported that this target was being achieved. The target set was 90% with the outturn for Q1 being 93%. Members' attention was drawn to the commentary provided which confirmed that due to continued vacancies and sickness absence, although the target had been achieved, there was an impact on other licensing work and policy reviews, resulting in the need to defer some items scheduled for reporting into the next meeting of the Committee in December being deferred until February 2025.

The Committee then noted the report.

234. WORK PROGRAMME

In receiving and noting its Work Programme, the Committee was advised that the item CCTV in taxis would be deferred for consideration from 13 December meeting to the 28 February 2025 to allow further consultation to be undertaken.

(The meeting concluded at 10.23 am)