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Tom Crowley, Chief Executive

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LICENSING COMMITTEE THURSDAY 31ST MAY 2012 AT 5.30 P.M. COUNCIL CHAMBER, PARK NORTH, NORTH STREET, HORSHAM

Councillors:

Peter Burgess Gordon Lindsay
George Cockman Chris Mason
David Coldwell Christian Mitchell
Christine Costin Josh Murphy
Helena Croft Sue Rogers
Leonard Crosbie Jim Sanson
Brian Donnelly David Skipp

David Jenkins

You are summoned to the meeting to transact the following business

TOM CROWLEY Chief Executive

AGENDA

Page No.

- 1. Election of Chairman
- **2.** Appointment of Vice-Chairman
- 3. Apologies for absence
- **4.** To approve as a correct record the minutes of the meeting of the Committee held on 2nd February 2012
- 5. To receive any declarations of interest from Members of the Committee
- **6.** To receive any announcements from the Chairman of the Committee or the Chief Executive
- **7.** To consider the following reports of the Head of Planning & Environmental Services:
 - (i) Hackney Carriage Fares Rate Increase

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(ii) Temporary Events Notices - delegation of authority to the Environmental Health & Licensing Manager and the Licensing Officer to authorise the addition of relevant conditions 10

- (iii) Appointment of the Environmental Health & Licensing Manager as the person responsible for making representations under the Licensing Act 2003 on behalf of the Authority
- 8. Licensing Activity 2011/12 for information 20
- **9.** Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

Please note that the meeting will be followed by a short briefing session for Members on recent changes to the Licensing legislation

LICENSING COMMITTEE 2nd February 2012

Present: Councillors: Christian Mitchell (Chairman), Jim Sanson (Vice-Chairman), Peter Burgess, George Cockman, David Coldwell, Christine Costin, Helena Croft, Brian Donnelly, David Jenkins,

Gordon Lindsay, Sue Rogers, David Skipp

Apologies: Councillors: Leonard Crosbie, Chris Mason, Josh Murphy

LI/15 MINUTES

The minutes of the meeting held on 3rd November 2011 were approved as a correct record and signed by the Chairman.

LI/16 DECLARATIONS OF INTEREST

There were no declarations of interest.

LI/17 ANNOUNCEMENTS

There were no announcements.

LI/18 HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE FEES

The Head of Planning & Environmental Services reminded the Committee that, at its last meeting, on 3rd November 2011, it had agreed draft proposed fees for hackney carriage and private hire licences for the three financial years 2012/13 to 2014/15, for consultation purposes (Minute No. LI/12 (3.11.11) refers).

Drivers and operators were advised of the proposals following the meeting and an advertisement was placed in the West Sussex County Times on 17th November 2011, with a closing date for comments of 14th December 2011.

No comments had been received and it was therefore that the proposed fees should be confirmed, as submitted.

RESOLVED

- (i) That the fees for hackney carriage and private hire licences be approved, as submitted.
- (ii) That the approved fees take effect on 1st April 2012, 2013 and 2014 respectively.

LI/18 Hackney Carriage and Private Hire Licence Fees (cont.)

REASONS

- (i) To ensure compliance with legislative requirements.
- (ii) To ensure transparency and openness in decision making.

The meeting ended at 5.40pm having started at 5.30pm

CHAIRMAN

Report to Licensing Committee

Date of meeting 31st May 2012

By Head of Planning and Environmental Services **DECISION REQUIRED/ INFORMATION REPORT**



Not exempt

Hackney Carriage Fares - Rate Increase

Executive Summary

Due to the significant increase in the price of fuel and Insurance costs, and that fares have not risen since November 2008, a proposal has been made by the Horsham Licensed Carriage Association and a majority of the independent hackney drivers to increase the taxi fares.

The proposed rise in fares would increase the flag rate (initial price shown on the meter) from £3.40 to £3.80. The distance travelled on the flag rate would decrease from 1350 metres to 1200 metres with the journey distance travelled being changed from 10p for each 90 meters to 10p for each 85 metres covered. This means that the first mile of each journey would increase from £3.70 to £4.30, and each mile thereafter increasing from £1.80 to £1.90.

This equates to an increase of 12.7% over a 2 mile journey which is the average journey nationally for a hackney carriage as shown in appendix 3.

Recommendations

The Committee is recommended:

- i) To agree the fares set out at appendix 2 to this report for statutory consultation with the hackney trade and public, and
- ii) That, subject to satisfactory consultation procedure and their being no representations to delegate implementation to the Chairman of the Licensing Committee.

Reasons for Recommendations

- i) To set standard fares throughout the District
- ii) To prevent fraud and overcharging of passengers

Background Papers

Consultation: Public and Trade

Wards affected: All

Contact: A Skipper x 5326

Background Information

1 Introduction

The purpose of this report

1.1 The purpose of this report is to bring forward a request from the Horsham Licensed Carriage Association and Independent drivers to propose a rise in fares which would increase the flag rate (initial price shown on the meter) from £3.40 to £3.80. The distance travelled on the flag rate would decrease from 1350 metres to 1200 metres with the journey distance travelled being changed from 10p for each 90 metres to 10p for each 85 metres covered. This means that the first mile of each journey would increase from £3.70 to £4.30, and each mile thereafter increasing from £1.80 to £1.90.

Background/Actions taken to date

1.2 The Council is responsible for licensing of hackney carriage and private hire driver's, vehicles and operators.

2 Statutory and Policy Background

Statutory background

2.1 Local Government (Miscellaneous Provisions) Act 1976

Relevant Government policy

2.2 Fares for hackney carriage can only be agreed following consultation with the trade and public.

Relevant Council policy

2.3 Council policy is that fares to be set for hackney carriages following consultation with the trade and public. Under the Council's constitution the setting of fares is delegated to the Licensing Committee to determine.

3 Details

3.1 Due to the significant increase in the price of fuel and Insurance costs and that fares have not risen since November 2008 a proposal has been made by the Horsham Licensed Carriage Association and a majority of the independent hackney drivers to increase the taxi fares.

The proposed rise in fares would increase the flag rate (initial price shown on the meter) from £3.40 to £3.80. The distance travelled on the flag rate would decrease from 1350 metres to 1200 metres with the journey distance travelled being changed from 10p for each 90 metres to 10p for each 85 metres covered. This means that the first mile of each journey would increase from £3.70 to £4.30, and each mile thereafter increasing from £1.80 to £1.90.

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This equates to an increase of 12.7% over a 2 mile journey which is the average journey nationally for a hackney carriage as shown in appendix 3.

4 Next Steps

- 4.1 Set out at Appendix 2 to this report is an advert to be placed in the West Sussex County Times on Thursday 7th June 2012 detailing the proposed fare increase. The public and any other members of the taxi trade have 28 days from the date of the advert to make any representations to the Council about the proposed increases.
- 4.2 If any representations are received they will be considered by the Licensing Committee before any final decision is made. It is proposed that subject to the statutory consultation procedure the new fares will take effect on Wednesday 25th July 2012.
- 4.3 Once the new fares have been agreed, arrangements will be put in place to recalibrate and reseal all of the hackney carriage meters.

5 Outcome of Consultations

5.1 Consultation with the trade and members of the public who will be affected by the new fares will be carried out during June and July 2012. If adverse comments are received from that consultation exercise then these will be considered by the Licensing Committee.

6 Other Courses of Action Considered but Rejected

6.1 None

7 Staffing Consequences

7.1 None

8 Financial Consequences

8.1 None

Appendix 1

Consequences of the Proposed Action

What are the risks associated with the proposal? Risk Assessment attached Yes/No	The increase in fares will ensure an active local taxi service that is safe thereby protecting the public who use the service.
How will the proposal help to reduce Crime and Disorder?	The provision of an active local taxi service in town helps to reduce crime and disorder by providing means of transport for people to leave the area rather than having to wait for the next taxi to arrive.
How will the proposal help to promote Human Rights?	No impact
What is the impact of the proposal on Equality and Diversity? Equalities Impact Assessment attached Yes/No/Not relevant	No negative impact on the equality groups is foreseen directly as a result of this proposal.
How will the proposal help to promote Sustainability?	

Appendix 2

PUBLIC NOTICE HORSHAM DISTRICT COUNCIL Local Government (Miscellaneous Provisions) Act 1976 S65 FIXING OF FARES FOR HACKNEY CARRIAGES

NOTICE is hereby given that Horsham District Council in the exercise of its powers under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 has made the following table of fares in connection with the rates of fares and other charges associated with the hire of a hackney carriage within the District. The figures given are a maxima.

<u>Table of Maximum Fares</u> FOR VEHICLES CARRYING 1-4 PASSENGERS TARIFF ONE - Effective for hiring begun between 07.00am and 11.29pm	
For the first 1200m or 6min 25 secs or combination of distance & time (or part) For each additional 85m or 20 secs or combination of distance & time (or part)	£3.80 £0.10
TARIFF TWO - Effective for hiring begun between 11.30pm and 06.59am For the first 1200m or 6 min 25 secs or combination of distance & time (or part) For each additional 85m or 20 secs or combination of distance & time (or part)	£5.70 £0.15
TARIFF THREE - Effective from midnight to midnight on Bank Holidays, Public Holidays, Christmas Day and Good Friday and from 18:00 New Years Eve For the first 1200m or 6min 25 secs or combination of distance & time (or part) For each additional 85m or 20 secs or combination of distance & time (or part)	£7.60 £0.20
EFFECTIVE FOR CARRYING 5 - 8 PASSENGERS	
TARIFF 4 - Effective for hiring begun between 07.00am and 11.29pm For the first 1200m or 6 min 25 secs or combination of distance and time (or part) For each additional 85m or 20 secs or combination of distance and time (or part)	£5.70 £0.15
TARIFF 5 - Effective for hiring begun between 11.30pm and 06.59am For the first 1200m or 6 min 25 secs or combination of distance & time (or part) For each additional 85m or 20 secs or combination of distance and time (or part)	£7.65 £0.20
TARIFF 6 - Effective for hiring from midnight to midnight on Bank Holidays, Public Holidays, Christmas Day and Good Friday and from 18:00 New Years Eve For the first 1200m or 6 min 25 secs or combination of distance & time (or part) For each additional 85m or 20 secs or combination of distance or time (or part)	£10.20 £0.30
EXTRA CHARGES Where licensed to carry 1-4 passengers, each passenger in excess of two Where licensed to carry 5-8 passengers, each passenger in excess of six For each box or package carried outside the passenger compartment of	£0.10 £0.10
the vehicle	£0.10

SOILAGE CHARGE

If this vehicle is damaged or soiled by a passenger the driver or proprietor is entitled to recover all costs of cleaning or repairing such damage or soiling from the passenger/person responsible.

Objections to the table of fares must be made in writing and addressed to:

R. Brown, Head of Planning and Environmental Services Horsham District Council, Park House, North Street, Horsham, West Sussex, RH12 1RL, by no later than 4th July 2012.

A copy of this notice is available for public inspection at Park North, North Street, Horsham. The table of fares shall take effect subject to the consideration of any objections in accordance with Section 65(3) of the Local Government (Miscellaneous Provisions) Act 1976 on and from 25th July 2012.

7th June 2012 R. Brown

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Head of Planning and Environmental Services

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Current Rate	
Flag Rate	£3.40
Flag Rate Distance	1350
Increment Distance	90
Increment Rate	£0.10

New Rate	
Flag Rate	£3.80
Flag Rate	
Distance	1200
Increment	
Distance	85
Increment Rate	£0.10

Journey Length	Current		
(Miles)	Price	New Price	Change %
Flag Rate Only	£3.40	£3.80	11.8%
1	£3.70	£4.30	16.2%
2	£5.50	£6.20	12.7%
3	£7.30	£8.10	11.0%
4	£9.10	£10.00	9.9%
5	£10.90	£11.90	9.2%
10	£19.80	£21.40	8.1%
20	£37.70	£40.30	6.9%
Running Mile	£1.80	£1.90	5.6%

Appendix 3

Report to Licensing Committee

Date of meeting: 31st May 2012 By Head of Planning and Environmental Services

DECISION REQUIRED

Not exempt



Delegation of authority to allow The Environmental Health and Licensing Manager and the Licensing Officer to authorise the addition of relevant conditions to a Temporary Event Notice.

Executive Summary

Following on from the adoption by Parliament of the Police Reform and Social Responsibility Act 2011 the Licensing Act 2003 has been amended as has the Statutory Guidance issued under section 182.

One of the new provisions is the power for the Licensing Authority to impose conditions to Temporary Event Notices (TEN), under certain circumstances, if the notice is in connection with licensable activities at licensed premises.

Should the authority receive a TEN that is in connection with licensable activities at licensed premises, the Police or Environmental Health may wish to impose one or more of the existing premises licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives.

The Act would seem to imply, and the guidance supports this assertion, that in order for the conditions to be added to a TEN, the decision, even if agreed by all parties must be authorised by the Licensing Committee. This would mean that a sub committee hearing would have to be held at very short notice to authorise an administrative procedure. In order to avoid unnecessary bureaucracy, in cases where all parties are in agreement with the conditions being imposed, the decision should be delegated to both the Environmental Health and Licensing Manager and The Licensing Officer

Recommendations

The Committee is recommended:

i) To delegate the Environmental Health and Licensing Manager and The Licensing Officer to authorise the addition of relevant conditions to Temporary Event Notices, where all parties are in agreement, without the need for a sub committee hearing.

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Reasons for Recommendations

- i) To ensure compliance with legislative requirements, and
- ii) To ensure efficiency in decision making.

Background Papers

None

Consultation

None

Wards affected

All wards will be affected by this decision

Contact

Ahmed Ramiz, Licensing Officer (5578)

Background Information

1 Introduction

The purpose of this report

1.1 The purpose of this report is to seek delegate authority to the Environmental Health and Licensing Manager and The Licensing Officer to authorise the addition of relevant conditions to Temporary Event Notices, where all parties are in agreement, without the need for a sub committee hearing.

Background/Actions taken to date

1.2 This is a new provision introduced on 25th April 2012.

2 Statutory and Policy Background

Statutory background

2.1 The Police Reform and Social Responsibility Act 2011 the Licensing Act 2003

Relevant Government policy

2.2 Revised Guidance issued under section 182 of the Licensing Act 2003.

Relevant Council policy

2.3 The Statement of Licensing Policy for Regulated Entertainment and the Sale and Supply of Alcohol (dated December 2010) does not cover this.

3 Details

- 3.1 The Police Reform and Social Responsibility Act 2011 amended the Licensing Act 2003. One of the new provisions is the power for the Licensing Authority to impose conditions to Temporary Event Notices (TEN), under certain circumstances, if the notice is in connection with licensable activities at licensed premises.
- 3.2 Should the authority receive a TEN that is in connection with licensable activities at licensed premises, the Police or Environmental Health may wish to impose one or more of the existing premises licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives.
- 3.3 The Act would seem to imply, and the guidance supports this assertion, that in order for the conditions to be added to a TEN, the decision, even if agreed by all parties must be authorised by the Licensing Committee. This would mean that a sub committee hearing would have to be held at very short notice to authorise an administrative procedure. In order to avoid unnecessary bureaucracy, in cases where all parties are in agreement with the conditions being imposed, the decision

Agenda Item 7(ii)

- should be delegated to both the Environmental Health and Licensing Manager and The Licensing Officer.
- 3.4 In cases where the person apply for the TEN is not in agreement with the conditions being imposed, there will need to be a sub committee hearing. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a "notice (statement of conditions)"), and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.

4 Next Steps

4.1 The Committee is requested to delegate authority to the Environmental Health and Licensing Manager and The Licensing Officer to authorise the addition of relevant conditions to Temporary Event Notices, where all parties are in agreement, without the need for a sub committee hearing.

5 Outcome of Consultations

5.1 No Consultation

6 Other Courses of Action Considered but Rejected

6.1 The alternative is for sub committee hearings to be held, probably at very short notice, just to confirm an agreed amendment to a Temporary Event Notice.

7 Staffing Consequences

7.1 None

8 Financial Consequences

8.1 Should the recommendations in this report be agreed there will be no additional financial consequences.

Appendix 1

Consequences of the Proposed Action

What are the risks associated with the proposal? Risk Assessment attached No	Should delegated authority not be given there is a risk that if a sub committee could not be convened in the time limits allowed that the event could go ahead without the agreed conditions being attached to the TEN.
How will the proposal help to reduce Crime and Disorder?	It will enable the licensing officer, in conjunction with the relevant Statutory Consultees to apply the new provisions of the Licensing Act with a minimum of bureaucracy.
How will the proposal help to promote Human Rights?	It will enable the licensing officer, in conjunction with the relevant Statutory Consultees to apply the new provisions of the Licensing Act with a minimum of bureaucracy.
What is the impact of the proposal on Equality and Diversity? Equalities Impact Assessment attached	None
Yes/No/Not relevant How will the proposal	It will enable the licensing officer, in conjunction with the
help to promote Sustainability?	relevant Statutory Consultees to apply the new provisions of the Licensing Act with a minimum of bureaucracy.

Report to Licensing Committee

Date of meeting: 31st May 2012

By Head of Planning and Environmental Services

DECISION REQUIRED

Not exempt



To appoint the Environmental Health and Licensing Manager as the person responsible for making representations under the Licensing Act 2003 on behalf of the authority.

Executive Summary

Following on from the adoption by Parliament of the Police Reform and Social Responsibility Act 2011 the Licensing Act 2003 has been amended as has the Statutory Guidance issued under section 182.

One of the new provisions is to include the Licensing Authority as a Responsible Authority under the 2003 Act.

The amendments made by this section (s103 (4)(a) & (b)) apply in relation to:

- Applications relating to premises licence or club premises certificates, and
- Notices under section 165(4) of the Licensing Act 2003 (closure orders).

The Licensing Authority needs to consider who will be responsible for making representations made on their behalf.

Recommendations

The Committee is recommended:

i) To appoint the Environmental Health and Licensing Manager as the person responsible for making representations and/or making an application to review a Premises Licence and/or Club Premises Certificate on behalf of the authority.

Reasons for Recommendations

- i) To ensure compliance with legislative requirements, and
- ii) To ensure efficiency in decision making.

Background Papers

None

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Consultation

None

Wards affected

All wards will be affected by this decision

Contact

Ahmed Ramiz, Licensing Officer (5578)

Background Information

1 Introduction

The purpose of this report

1.1 The purpose of this report is to seek to appoint the Environmental Health and Licensing Manager (currently Mr John Batchelor) as the person responsible for making representations and/or making an application to review a Premises Licence and/or Club Premises Certificate on behalf of the authority.

Background/Actions taken to date

1.2 This is a new provision and was introduced on 25th April 2012.

2 Statutory and Policy Background

Statutory background

2.1 The Police Reform and Social Responsibility Act 2011 and the Licensing Act 2003 as amended.

Relevant Government policy

2.2 The Revised Guidance issued under section 182 of the Licensing Act 2003 does not cover this aspect of the changes.

Relevant Council policy

2.3 The Statement of Licensing Policy for Regulated Entertainment and the Sale and Supply of Alcohol (dated December 2010) does not cover this.

3 Details

- 3.1 The Police Reform and Social Responsibility Act 2011 amended the Licensing Act 2003.
- 3.2 One of the new provisions is to include the Licensing Authority as a Responsible Authority under the 2003 Act.

The amendments made by this section (s103 (4)(a) & (b)) apply in relation to:

- a. Applications relating to premises licence or club premises certificates (including reviews), and
- b. Notices under section 165(4) of the Licensing Act 2003 (closure orders).
- 3.3 The Licensing Committee may delegate certain functions under the Act to subcommittees or in appropriate cases, to officials supporting the Licensing Authority.

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- 3.4 The Licensing Officer has been delegated a number of these functions including all matters relating to administration and enforcement of the provisions of the 2003 Act.
- 3.5 In order to protect the authority and ensure fairness it is desirable for the committee to nominate an officer, other than the Licensing Officer to make representations on behalf of the committee where appropriate.

4 Next Steps

4.1 The Committee is requested to appoint the Environmental Health and Licensing Manager as the person responsible for making representations and applications under the 2003 Act on behalf of the authority.

5 Outcome of Consultations

5.1 No Consultation

6 Other Courses of Action Considered but Rejected

6.1 The alternative is for nothing to be done placing the authority at risk of facing unnecessary appeals or Judicial Reviews.

7 Staffing Consequences

7.1 None

8 Financial Consequences

8.1 Should the recommendations in this report be agreed there will be no additional financial consequences.

Appendix 1

Consequences of the Proposed Action

What are the risks associated with the proposal?	Should delegated authority not be given there is a risk that the authority could have its decisions and that of the Licensing Officer challenged through the courts.
Risk Assessment attached No	
How will the proposal help to reduce Crime and Disorder?	It will enable the licensing authority to apply the new provisions of the Licensing Act and remove the risk of a successful legal challenge.
How will the proposal help to promote Human Rights?	It will enable the licensing authority to apply the new provisions of the Licensing Act and remove the risk of a successful legal challenge.
What is the impact of the proposal on Equality and Diversity?	None
Equalities Impact Assessment attached Yes/No/Not relevant	
How will the proposal help to promote Sustainability?	It will enable the licensing authority to apply the new provisions of the Licensing Act and remove the risk of a successful legal challenge.

Licensing Activity 2011/12

We have approximately 380 premises licences plus 33 club premises certificates across the District, and 1245 Personal License holders.

For the year 1st April 2011 to 31st March 2012 the following were issued:

Tens - 631

Personal Licences – 83

New Premises Licence Applications – 29 Variations to Premises Licences – 6 Minor Variations – 17

Hearings – Premises 1 Tens 1

Riding Establishments

Plus a large volume of assorted licence variations/transfers etc.

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There are 10 Betting Shops in the District and 2 Occasional Use Notices were granted

Dangerous Wild Animals Boarding Premises Pet Animals Sales Breeding Zoo	2 26 9 3
Street Trading Skin Piercing Premises Motor Salvage Operators Tables and Chairs Street Collections Lottery Registrations House to House Collections Banners Buskers	3 9 1 13 117 101 17 6 28
Private Hire Operators	44
Drivers – Hackney Private Hire Duel Badge	20 155 41
Vehicles – Hackney Private Hire	48 129