

LICENSING COMMITTEE
31st May 2012

Present: Councillors: Peter Burgess, George Cockman, Christine Costin, Helena Croft, Leonard Crosbie, Brian Donnelly, Christian Mitchell, Sue Rogers, Jim Sanson, David Skipp

Apologies: Councillors: David Coldwell, David Jenkins, Gordon Lindsay, Chris Mason, Josh Murphy

LI/1 **ELECTION OF CHAIRMAN**

RESOLVED

That Councillor Christian Mitchell be elected Chairman of the Committee for the ensuing Council year.

LI/2 **APPOINTMENT OF VICE-CHAIRMAN**

RESOLVED

That Councillor Jim Sanson be appointed Vice-Chairman of the Committee for the ensuing Council year.

LI/3 **MINUTES**

The minutes of the meeting held on 2nd February 2012 were approved as a correct record and signed by the Chairman.

LI/4 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

LI/5 **ANNOUNCEMENTS**

There were no announcements.

LI/6 **HACKNEY CARRIAGE FARES – RATE INCREASE**

The Head of Planning & Environmental Services reported that, due to the significant increases in the price of fuel and insurance costs, and the fact that fares had not risen since November 2008, a proposal had been made by the Horsham Licensed Carriage Association and a majority of the independent hackney drivers for an increase in hackney carriage fares.

It was proposed that the flag rate (the initial price shown on the meter) should

LI/6 Hackney Carriage Fares – Rate Increase (cont.)

increase from £3.40 to £3.80, with the distance travelled on the flag rate being decreased from 1350 metres to 1200 metres, and that the journey distance travelled should be changed from 10p for each 90 metres to 10p for each 85 metres covered. This would mean that the first mile of each journey would increase from £3.70 to £4.30, and each mile thereafter would increase from £1.80 to £1.90. This proposal would equate to an increase of 12.7% over a two mile journey, which was the average journey nationally for a hackney carriage.

Members were asked to approve the proposal for consultation purposes.

RESOLVED

- (i) That the proposed fares, as set out at in the report, be approved for statutory consultation with both the hackney trade and the public.
- (ii) That, subject to there being no representations received as a result of the consultation, the Chairman of the Licensing Committee be authorised to agree the implementation of proposed new fares.

REASONS

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

LI/7 **TEMPORARY EVENTS NOTICES - DELEGATION OF AUTHORITY TO THE ENVIRONMENTAL HEALTH & LICENSING MANAGER AND THE LICENSING OFFICER TO AUTHORISE THE ADDITION OF RELEVANT CONDITIONS**

The Head of Planning & Environmental Services reported that, following on from the adoption by Parliament of the Police Reform and Social Responsibility Act 2011, the Licensing Act 2003 and the Statutory Guidance issued under section 182 had been amended. One of the new provisions was the power for the Licensing Authority to impose conditions on Temporary Event Notices (TEN), under certain circumstances, if the notice was in connection with licensable activities at licensed premises.

If such a notice were received, it was possible that the Police or Environmental Health might wish to impose one or more of the existing premises licence conditions on the TEN (insofar as such conditions were not inconsistent with the event), if considered appropriate for the promotion of the licensing objectives.

LI/7 Temporary Events Notices - Delegation of Authority to the Environmental Health & Licensing Manager and the Licensing Officer to Authorise the Addition of Relevant Conditions (cont.)

However, in order for such conditions to be added to a TEN, the decision would need to be authorised by the Licensing Committee, unless such decisions had been delegated to an officer. Therefore, in order to avoid unnecessary bureaucracy, it was proposed that, in cases where all parties were in agreement with such conditions being imposed, the decision should be delegated to both the Environmental Health & Licensing Manager and the Licensing Officer.

RESOLVED

That, where all parties were in agreement, the Environmental Health & Licensing Manager and the Licensing Officer be authorised to approve the addition of relevant conditions to Temporary Event Notices without the need for a sub-committee hearing.

REASONS

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

LI/8 **APPOINTMENT OF THE ENVIRONMENTAL HEALTH & LICENSING MANAGER AS THE PERSON RESPONSIBLE FOR MAKING REPRESENTATIONS UNDER THE LICENSING ACT 2003 ON BEHALF OF THE AUTHORITY**

The Head of Planning & Environmental Services reported that, following on from the adoption by Parliament of the Police Reform and Social Responsibility Act 2011, the Licensing Act 2003 and the Statutory Guidance issued under section 182 had been amended.

One of the new provisions was to include the Licensing Authority as a Responsible Authority under the 2003 Act. The amendments made by this section (s103 (4)(a) & (b)) applied to applications relating to premises licence or club premises certificates and notices under section 165(4) of the Licensing Act 2003 (closure orders).

Whilst the Licensing Officer had been delegated a number of functions, including all matters relating to administration and enforcement of the provisions of the 2003 Act, in order to protect the authority and ensure fairness it was desirable for the Committee to nominate an officer, other than the Licensing Officer, to make representations on behalf of the Committee where appropriate.

LI/8 Appointment of the Environmental Health & Licensing Manager as the Person Responsible for Making Representations Under The Licensing Act 2003 on Behalf of the Authority (cont.)

It was therefore proposed that the Environmental Health & Licensing Manager should be appointed 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.

RESOLVED

That the Environmental Health & Licensing Manager be appointed 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

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

LI/9 LICENSING ACTIVITY 2011/12

The Head of Planning & Environmental Services submitted a summary of licensing activity in 2011/12, including numbers of licences and notices issued, varied and transferred. Future summaries would include comparison figures for previous years.

The meeting ended at 5.48pm having commenced at 5.30pm

CHAIRMAN