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# Licensing Committee

Thursday, 9th November, 2017 at 5.30 pm  
Conference Room, Parkside, Chart Way, Horsham

Councillors:

Jim Sanson (Chairman)	
Roger Clarke (Vice-Chairman)	
John Blackall	Paul Marshall
Karen Burgess	Christian Mitchell
Peter Burgess	Mike Morgan
Philip Circus	Godfrey Newman
Billy Greening	Brian O'Connell
Tony Hogben	Kate Rowbottom
Adrian Lee	

You are summoned to the meeting to transact the following business

Tom Crowley  
Chief Executive

## Agenda

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	Page No.
1. <b>Apologies for absence</b>	
2. <b>Minutes</b>	3 - 4
<i>To approve as correct the minutes of the meeting held on 13 June 2017 (Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to <a href="mailto:committeeservices@horsham.gov.uk">committeeservices@horsham.gov.uk</a> at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)</i>	
3. <b>Declarations of Members' Interests</b>	
To receive any declarations of interest from Members of the Committee	
4. <b>Announcements</b>	
To receive any announcements from the Chairman of the Committee or the Chief Executive	
5. <b>Minutes of Licensing Sub-Committee</b>	5 - 10
To receive the minutes of the Licensing Sub-Committees held at 10am and 2pm on 29 September 2017	

To consider the following reports of the Head of Environmental Health & Licensing:

6. **Environmental Health & Licensing - Licence Fees for 2018/2019** 11 - 16
7. **Hackney Carriage and Private Hire Licence Fees** 17 - 22
8. **Urgent Business**

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

**Licensing Committee**  
**13 JUNE 2017**

Present: Councillors: Karen Burgess, Peter Burgess, Roger Clarke, Billy Greening, Tony Hogben, Paul Marshall, Christian Mitchell, Mike Morgan, Godfrey Newman and Jim Sanson

Apologies: Councillors: John Blackall, Philip Circus, Adrian Lee, Brian O'Connell and Kate Rowbottom

LI/1 **ELECTION OF CHAIRMAN**

RESOLVED

That Councillor Jim Sanson be elected Chairman of the Committee for the ensuing Council year.

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

RESOLVED

That Councillor Roger Clarke be appointed Vice-Chairman of the Committee for the ensuing Council year.

LI/3 **MINUTES**

The minutes of the meeting held on 15<sup>th</sup> December 2016 were approved as a correct record and signed by the Chairman.

LI/4 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

LI/5 **ANNOUNCEMENTS**

There were no announcements.

LI/6 **MINUTES OF LICENSING SUB-COMMITTEE**

The minutes of the meeting of the Licensing Sub-Committee held on 23<sup>rd</sup> January 2017 were received.

*The meeting closed at 5.36 pm having commenced at 5.30 pm*

CHAIRMAN

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**Licensing Sub-Committee**  
**29 SEPTEMBER 2017 10.00AM**

Present: Councillors: Karen Burgess, Philip Circus and Adrian Lee

LI/1 **ELECTION OF CHAIRMAN FOR THE MEETING**

RESOLVED

That Councillor Karen Burgess be elected Chairman for the meeting.

LI/2 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

LI/3 **ANNOUNCEMENTS**

There were no announcements.

LI/4 **REVIEW APPLICATION FOR CONSIDERATION**

**FOR THE REVIEW OF A PREMISES LICENCE, UNDER SECTION 51 OF THE LICENSING ACT 2003, IN RESPECT OF THE COTTAGE TANDOORI, 25 WEST STREET, STORRINGTON**

The Chief Immigration Officer for the South East Immigration Compliance and Enforcement Team had submitted a review application which sought to revoke the Premises Licence that had been granted on 4 January 2006. This licence allows the following licensable activities to take place every day at the Cottage Tandoori, Storrington:

- Premises open to the public (8am – midnight);
- Sale and supply of alcohol by retail for consumption on the premises only (noon – 11.30pm);
- Playing of recorded music (noon – midnight);
- The provision of late night refreshment (11pm – midnight).

The Licensing Officer presented the report, which set out details of the application, including three enforcement inspections which had been conducted at the premises on 14 July 2016, 18 November 2016 and 31 May 2017. On each occasion a number of employees had been found to be working with an incorrect immigration status.

Responsible Authorities: It was reported that Sussex Police supported the application and considered the Licensing Objective of the prevention of crime and disorder was not being promoted at the premises.

There had been no consultation responses from other responsible authorities or interested parties.

The Sub-Committee heard from the applicant who considered that the Licensing Objective of prevention of crime and disorder had been seriously undermined by the Premises Licence holder.

The Sub-Committee then heard from the Premises Licence holder's representative. The Premises Licence Holder's representative invited the Sub-Committee to allow him to submit papers in mitigation regarding the health of the Premises Licence holder and the reputation of the premises. The meeting briefly adjourned while the Sub-Committee and the applicant reviewed these papers.

The Chairman and members of the Sub-Committee then questioned the Premises Licence holder and the applicant.

The Chairman invited the Sub-Committee to move to private session to deliberate in private. They considered all the evidence and submissions before them including the matters put forward in mitigation, and the statements and answers to questions given by those present.

The Sub-Committee concluded that The Cottage Tandoori Premises Licence holders had consistently failed to employ persons lawfully and its operation was therefore detrimental to the achievement of the Licensing Objective of the prevention of crime and disorder.

#### RESOLVED

That the application to have the Premises Licence LI/05/1009/PREM revoked be granted.

#### REASON

The operation of the business under this Premises Licence was detrimental to the achievement of the following Licensing Objective:

- The prevention of crime and disorder

The parties were informed of the rights of appeal.

*The meeting closed at 11.44 am having commenced at 10.00 am*

CHAIRMAN

**Licensing Sub-Committee**  
**29 SEPTEMBER 2017 2.00PM**

Present: Councillors: Paul Marshall, Godfrey Newman and Jim Sanson

LI/1 **ELECTION OF CHAIRMAN FOR THE MEETING**

RESOLVED

That Councillor Paul Marshall be elected Chairman for the meeting.

LI/2 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

LI/3 **ANNOUNCEMENTS**

There were no announcements.

LI/4 **REVIEW APPLICATION FOR CONSIDERATION**

**FOR THE REVIEW OF A PREMISES LICENCE, UNDER SECTION 51 OF THE LICENSING ACT 2003, IN RESPECT OF THE INDIAN COTTAGE, LONDON ROAD, ASHINGTON**

The Chief Immigration Officer for the South East Immigration Compliance and Enforcement Team had submitted a review application which sought to revoke the Premises Licence that had been granted on 4 January 2006. This licence allows the following licensable activities to take place every day at The Indian Cottage, London Road, Ashington:

- Premises open to the public (8am – midnight);
- Sale and supply of alcohol by retail for consumption on the premises only (noon – 11.30pm);
- Playing of recorded music (noon – midnight);
- The provision of late night refreshment (11pm – midnight).

The Licensing Officer presented the report, which set out details of the application, including three enforcement inspections which had been conducted at the premises. On the first two occasions a number of employees had been found to be working with an incorrect immigration status, and on the third occasion one employee had been found to be working with an incorrect immigration status. The applicant confirmed the dates of the inspections, which were incorrect in the Sub-Committee report, to have been 25 August 2016, 18 November 2016 and 22 June 2017.

It was noted that a witness statement for the third visit had not been included with the Sub-Committee report and the representative of the Premises Licence holder requested that only the first two inspections should be taken into consideration.

Responsible Authorities: It was reported that Sussex Police supported the application and considered the Licensing Objective of the prevention of crime and disorder was not being promoted at the premises.

There had been no consultation responses from other responsible authorities or interested parties.

The Sub-Committee heard from the applicant who considered that the Licensing Objective of prevention of crime and disorder had been seriously undermined by the Premises Licence holder.

The Sub-Committee then heard from the Premises Licence holder's representative. The Premises Licence Holder's representative invited the Sub-Committee to allow him to submit papers in mitigation regarding the health of the Premises Licence holder and copies of employees' identity papers.

The Chairman and members of the Sub-Committee then questioned the Premises Licence holder and the applicant.

The Chairman invited the Sub-Committee to move to private session to deliberate in private. They considered all the evidence and submissions before them including the matters put forward in mitigation, and the statements and answers to questions given by those present.

The Sub-Committee concluded that The Indian Cottage Premises Licence holders had consistently failed to employ persons lawfully and its operation was therefore detrimental to the achievement of the Licensing Objective of the prevention of crime and disorder.

#### RESOLVED

That the application to have the Premises Licence LI/05/1014/PREM revoked be granted.

#### REASON

The operation of the business under this Premises Licence was detrimental to the achievement of the following Licensing Objective:

- The prevention of crime and disorder

The parties were informed of the rights of appeal.

*The meeting closed at 3.34 pm having commenced at 2.00 pm*

CHAIRMAN

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## Report to Licensing Committee

Date of meeting: 9<sup>th</sup> November 2017

By the Head of Environmental Health and Licensing



**Horsham  
District  
Council**

### **DECISION REQUIRED**

Not Exempt

<b>ENVIRONMENTAL HEALTH AND LICENSING – LICENCE FEES FOR 2018/2019</b>
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### **Executive Summary**

Set out at Appendix 1 to this report are the proposed fees for 2018/2019 for the various licences issued by the Environmental Health and Licensing Department. The agreed fees will take effect on 1<sup>st</sup> April 2018

### **Recommendations**

The Committee is recommended:

- i) To approve the fees set out at Appendix 1 to this report to take effect from 1<sup>st</sup> April 2018

### **Reasons for Recommendations**

- i) The setting of fees for licences is the responsibility of the Licensing Committee, and
- ii) To ensure openness and transparency in decision making.

**Background Papers:** Budget Working Papers

**Wards affected:** All

**Contact:** John Batchelor, Head of Environmental Health and Licensing, Ext 5417.

## **Background Information**

### **1 Introduction and Background**

- 1.1 Set out at Appendix 1 to this report, for the Committee's consideration, are the proposed fees for 2018/2019 for Licences issued by the Environmental Health and Licensing Department. The new fees once approved will take effect from 1<sup>st</sup> April 2018. The individual licence fees are calculated to recover the cost of issuing the licence and ensuring compliance with the requirements of the legislation. Taxi and Private Hire fees are the subject of another Report. There are other Licences issued by the Environmental Health and Licensing Department where the fees are set by statute and these cannot be changed.

### **2 Relevant Council policy**

- 2.1 The Council's policy is to set fees to recover the costs of services provided, where appropriate. As such the Environmental Health and Licensing Department seeks to recover from applicants the cost of issuing the licence and ensuring compliance with the licence conditions so that these costs do not fall on the general charge payer.

### **3 Details**

- 3.1 The fees are calculated taking into account officer time, transport and any external costs that the Council incurs. The fees and charges have been increased by 2% where appropriate, for the financial year commencing 1<sup>st</sup> April 2018 to allow for inflation and increased council costs.
- 3.2 In setting licence fees local authorities must have regard to any guidance issued by the government and with all licence fees the European Court Directive is clear they must be based on cost recovery of the process and cannot be set to make surplus for the authority

### **4 Next Steps**

- 4.1 The Committee are recommended to agree the various licence fees set out at Appendix 1 to this report to take effect on 1<sup>st</sup> April 2018.

### **5 Outcome of Consultations**

- 5.1 The Monitoring Officer advises that where the Council has discretion to set fees and charges for licensing that function is delegated to Licensing Committee.
- 5.2 The Director of Corporate Resources advises that the fees are calculated to cover the cost of issuing the licence and ensuring compliance with the licence conditions so that these costs do not fall on the general charge payer.

## **6 Other Courses of Action Considered but Rejected**

6.1 None.

## **7 Resource Consequences**

7.1 The financial consequences of the review of fees and charges have been incorporated into the budgets for 2018 / 2019.

## **8 Legal Consequences**

8.1 The Council has discretion to set fees and charges for licensing that function is delegated to Licensing Committee.

## **9 Risk Assessment**

9.1 Not to increase the fees to cover the cost of administering the licensing regimes and ensuring compliance would mean the extra costs being met by the general charge payer.

## **10 Other Considerations**

10.1 The fees and charges set out in Appendix 1 seek to recover the Council's legitimate costs in providing these services.

Proposed Fees and Charges 2018/19

	2017/2018 Fee	2018/2019 Proposed Fee
<b>Riding Establishments Act 1964</b>		
Less than 5 horses	£303.00	£309.00
5 – 15 horses	£364.00	£371.00
More than 15 horses	£468.00	£477.00
<b>Animal Boarding Establishments Act 1963</b>		
	£159.00	£162.00
<b>Pet Animals Act 1950</b>		
	£159.00 + Vet if necessary	£162.00 + Vet if necessary
<b>Dangerous Wild Animals Act 1976</b>		
	£224.00+ Vet	£228.00+ Vet
<b>Breeding of Dogs Act 1973</b>		
New licence	371.00	£378.00
Renewal	£159.00 + Vet if necessary	£162.00 + Vet if necessary
<b>Street Trading</b>		
Annual Consent	£756.00	£756.00
Consent for special occasions	£48.00	£48.00
<b>Sex Establishments</b>		
Application fee	£3616.00	£3688.00
Renewal	£3616.00	£3688.00
Transfer	£3616.00	£3688.00
<b>Acupuncture, Tattooing, Ear Piercing and Electrolysis</b>		
Premise plus Operative	£146.00	£149.00
Premise plus Operative Ear Piercing only	£118.00	£120.00
New/Additional Operatives	£35.00	£36.00
<b>Scrap Metal Dealers</b>		
Site licence application	£360.00	£367.00
Site licence renewal	£360.00	£367.00
Site licence variation	£79.00	£81.00
Collector's licence application	£257.00	£262.00
Collector's licence renewal	£257.00	£262.00
Collector's licence variation	£79.00	£81.00

<b>Caravan sites 2017/18</b>	<b>Band</b>			
<b>Number of units on site</b>	<b>A</b> (1 – 5)	<b>B</b> (6 - 24)	<b>C</b> (25 - 99)	<b>D</b> (100+)
<b>New Application</b> for Site Licence	£271.00 (single sites exempt)	£396.00	£446.00	£506.00
<b>Transfer</b> of Site Licence	£60.00	£140.00	£140.00	£140.00
<b>Variation</b> of Site Licence	£60.00	£140.00	£140.00	£140.00
<b>Annual Fee</b>	£118.00 (single sites and family sites exempt)	£148.00	£169.00	£260.00
Deposit of <b>Park Rules</b> with Local Authority	£69.00	£69.00	£69.00	£69.00

<b>Caravan sites 2018/19</b>	<b>Band</b>			
<b>Number of units on site</b>	<b>A</b> (1 – 5)	<b>B</b> (6 - 24)	<b>C</b> (25 - 99)	<b>D</b> (100+)
<b>New Application</b> for Site Licence	£276.00 (single sites exempt)	£404.00	£455.00	£516.00
<b>Transfer</b> of Site Licence	£61.00	£143.00	£143.00	£143.00
<b>Variation</b> of Site Licence	£61.00	£143.00	£143.00	£143.00
<b>Annual Fee</b>	£120.00 (single sites and family sites exempt)	£151.00	£1172.00	£265.00
Deposit of <b>Park Rules</b> with Local Authority	£70.00	£70.00	£70.00	£70.00

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## Report to Licensing Committee

9th November 2017

By the Head of Environmental Health & Licensing

**DECISION REQUIRED**

Not exempt



**Horsham  
District  
Council**

### Hackney Carriage and Private Hire Licence Fees

#### Executive Summary

This report sets out the proposed fees for hackney carriage and private hire licences for the three financial years 2018/19 to 2020/21. The legislation requires that Councils consult on the fees and take into account any comments received from the trade before coming to a final decision.

Fees for hackney carriage and private hire licences were last set in 2015. Setting fees for a period of three years at a time allows the trade to be able to plan their business development and be certain of their fees over that period.

#### Recommendations

The Committee is recommended:

- i) To agree that the fees set out in appendix 1 to this report proceed for a statutory consultation with the hackney/private hire trade and the public, and
- ii) That, subject to there being no representations, to delegate implementation of the new fees to the Head of Environmental Health and Licensing in consultation with the Chairman of the Licensing Committee.

#### Reasons for Recommendations

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

#### Background Papers

**Consultation:** To be conducted

**Wards affected:** All

**Contact:** A Skipper x 5471.

## **Background Information**

### **1 Introduction and Background**

- 1.1 The purpose of this report is to agree the fees for hackney carriage and private hire licences for consultation with the trade. The proposed fees are set for three years and the first years fees will take effect on 1st April 2018.
- 1.2 The Council is responsible for the licensing of hackney carriage drivers and vehicles, private hire drivers and vehicles and operators in accordance with the Local Government (Miscellaneous Provisions) Act 1976.
- 1.3 Fees for hackney carriage and private hire licences can only be agreed following consultation with the trade.

### **2 Relevant Council policy**

- 2.1 The hackney carriage and private hire licensing service contributes towards the District Priority: Support our Communities.
- 2.2 The Council's policy is to set fees to recover the costs of services provided, where appropriate. As such the Environmental Health and Licensing Department seeks to recover from applicants the cost of issuing the licence and ensuring compliance with the licence conditions so that these costs do not fall on the general charge payer.
- 2.3 Under the Council's constitution the setting of fees is delegated to the Licensing Committee to determine.

### **3 Details**

- 3.1 Fees for hackney carriages and private hire licences were last set in 2015. Setting fees for a period of three years at a time allows the trade to be able to plan their business development and be certain of their fees over that period.
- 3.2 Set out in appendix 1 to this report is the proposed fee table for the three financial years 2018/19, 2019/20, 2020/21. The fees are calculated taking into account officer time, transport and external costs that the Council incurs. It is suggested that the hackney carriage and private hire and fees should increase by 2% to allow for inflation and increased Council costs.
- 3.3 The Council has to offer the option of a three year licence to drivers and the option of a five year licence to an operator. We have included for these longer duration licenses in the proposed fee table.
- 3.4 Emissions from road traffic are a major cause of air pollution and air pollution has a significant impact on health. In order to try to encourage the uptake of electric vehicles by the trade in order to help reduce emissions we are proposing a significantly reduced fee of £50 to licence a new all electric hackney carriage or private hire vehicle.

- 3.5 The legislation requires the Council to consult with the trade and take into account any representations received before finalising the fees. Any fees agreed will take effect on 1st April 2018, 1st April 2019, and 1st April 2020.

## **4 Next Steps**

- 4.1 Subject to agreement by the Licensing Committee the draft fees advert set out at appendix 1 will be placed in the West Sussex County Times on Thursday 23<sup>rd</sup> November 2017 seeking any comments by Wednesday 20<sup>th</sup> December 2017.
- 4.2 If no representations are received from the consultation, to delegate implementation of the new fees to the Head of Environmental Health and Licensing in consultation with the Chairman of the Licensing Committee. Should any representations are received they will be considered by the Licensing Committee before any final decision is made.

## **5 Outcome of Consultations**

- 5.1 Should any representations be received they will be considered by the Licensing Committee before any final decision is made

## **6 Other Courses of Action Considered but Rejected**

- 6.1 None

## **7 Resource Consequences**

- 7.1 The financial implications arising from this report have been built into budget assumptions for the financial year 2018/19 and will be included in budgets for future years

## **8 Legal Consequences**

- 8.1 The legal implications are contained within the body of this report and are within the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

## **9 Risk Assessment**

- 9.1 This does not relate to any of the specific risk on the corporate risk register.

## **10 Other Considerations**

- 10.1 There would be no negative impacts on those groups with protected characteristics under the Equality Act 2010 if the recommendations in this report are approved.
- 10.2 The proposal has no specific implications for human rights

## Appendix 1

### Horsham District Council Local Government (Miscellaneous Provisions) Act 1976 sec 53 and 70 Fees for Hackney Carriage and Private Hire Vehicles, Operators and Drivers

In the exercise of powers given by section 53 and 70 of the Local Government (Miscellaneous provisions) Act 1976, Horsham District Council has determined to vary the fees set out in the said section 70(2) and proposes that the following shall apply:

Licence	Fees		
	1/4/2018	1/4/2019	1/4/2020
<b>Hackney Carriage Vehicle</b>			
On first application	346.00	353.00	360.00
Renewal	316.00	322.00	328.00
Transfer	61.00	62.00	63.00
Electric Vehicle	50.00	50.00	50.00
Electric Vehicle Renewal	316.00	322.00	328.00
<b>Hackney Carriage Driver 1 Year Licence</b>			
Grant	119.00	121.00	123.00
Renewal	87.00	89.00	89.00
Conditions/Knowledge Test	33.00	34.00	35.00
Conditions/Knowledge Re test/non attendance	45.00	46.00	47.00
<b>Hackney Carriage Driver 3 Year Licence</b>			
Grant (must run concurrently with DBS)	342.00	349.00	356.00
Renewal (must run concurrently with DBS)	246.00	251.00	256.00
<b>Private Hire Vehicle</b>			
On first application	316.00	322.00	328.00
Renewal	284.00	290.00	296.00
Transfer	61.00	62.00	63.00
Electric Vehicle	50.00	50.00	50.00
Electric Vehicle Renewal	284.00	290.00	296.00
<b>Private Hire Driver 1 Year Licence</b>			
Grant	92.00	94.00	96.00
Renewal	87.00	89.00	91.00
Conditions/Knowledge Test	33.00	34.00	35.00
Conditions/Knowledge Re test/non attendance	45.00	46.00	47.00
<b>Private Hire Driver 3 Year Licence</b>			
Grant (must run concurrently with DBS)	261.00	266.00	271.00
Renewal (must run concurrently with DBS)	246.00	251.00	256.00
<b>Hackney Carriage/Private Hire Driver Dual Badge 1 Year Licence</b>			
Grant Dual Badge	163.00	166.00	169.00
Renewal Dual Badge	126.00	129.00	132.00
<b>Hackney Carriage/Private Hire Driver Dual Badge 3 Year Licence</b>			
Grant Dual badge (must run concurrently with DBS)	474.00	483.00	493.00
Renewal Dual Badge (must run concurrently with DBS)	363.00	370.00	377.00

<b>Private Hire Operator Licence (1 year)</b>	<b>Fees</b>		
	<b>1/4/2018</b>	<b>1/4/2019</b>	<b>1/4/2010</b>
Up to 1 Vehicle	195.00	199.00	203.00
2 – 5 Vehicles	330.00	337.00	344.00
6– 12 Vehicles	595.00	607.00	619.00
13 – 25 Vehicles	1090.00	1112.00	1134.00
26 - 50 Vehicles	2330.00	2377.00	2425.00
51+ Vehicles	2500.00	2550.00	2601.00
<b>Private Hire Operator Licence (5 year)</b>			
Up to 1 Vehicle	829.00	846.00	863.00
2 – 5 Vehicles	1403.00	1432.00	1461.00
6 – 12 Vehicles	2529.00	2580.00	2632.00
13 – 25 Vehicles	4633.00	4726.00	4821.00
26 - 50 Vehicles	9903.00	9705.00	9899.00
51+ Vehicles	10625.00	10838.00	11055.00

Any objections to the proposed fees must be made in writing and addressed to Head of Environmental Health & Licensing, Horsham District Council, Parkside, Chart Way, Horsham, West Sussex RH12 1RL, by no later than Wednesday 20<sup>th</sup> December 2017.

A copy of this notice is available for public inspection at Parkside, Chart Way, Horsham, during normal office hours.

If no objection is made or if objections are duly made but withdrawn then the fees proposed will come into force on 1<sup>st</sup> April 2018.

Dated: 23<sup>rd</sup> November 2017

J. Batchelor  
**Head of Environmental Health & Licensing**

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