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Licensing Committee

Thursday, 9th June, 2016 at 5.30 pm
Conference Room, Parkside, Chartway, Horsham

Councillors:

John Blackall
Karen Burgess
Peter Burgess
Philip Circus
Roger Clarke
Tony Hogben
Ian Howard
Adrian Lee

Paul Marshall
Christian Mitchell
Mike Morgan
Godfrey Newman
Brian O'Connell
Kate Rowbottom
Jim Sanson

You are summoned to the meeting to transact the following business

Agenda

	Page No.
1. Election of Chairman	
2. Apologies for absence	
3. Appointment of Vice-Chairman	
4. Minutes	1 - 4
To approve as correct the minutes of the meeting held on 24 th November 2015	
5. Declarations of Members' Interests	
To receive any declarations of interest from Members of the Committee	
6. Minutes of Licensing Sub-Committee	5 - 8
To receive the minutes of the meeting of the Licensing Sub-Committee held on 4 th April 2016	
7. Announcements	
To receive any announcements from the Chairman of the Committee or the Chief Executive	

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

The meeting will be followed by a briefing from the Police regarding the role of the Police in Licensing

LICENSING COMMITTEE
24th November 2015

Present: Councillors: Jim Sanson (Chairman), Roger Clarke (Vice-Chairman), Karen Burgess, Peter Burgess, Philip Circus, Roy Cornell, Paul Marshall, Christian Mitchell

Apologies: John Blackall, Christine Costin, Ian Howard, David Jenkins, Adrian Lee, Tim Lloyd, Connor Relleen

LI/10 **MINUTES**

The minutes of the meeting held on 15th July 2015 were approved as a correct record and signed by the Chairman.

LI/11 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

LI/12 **ANNOUNCEMENTS**

The Chairman advised that there had been no representations received during the consultation period for the draft Gambling Licensing Policy, which had been considered by the Committee on 15th July 2015, and therefore the draft policy would be recommended to Council for adoption.

LI/13 **RELAXATION OF LATE NIGHT REFRESHMENT – DEREGULATION ACT 2015**

The Environmental Health and Licensing Officer advised Members that the Deregulation Act 2015 gave local authorities the power to exempt premises, in certain circumstances, from the requirement to have a licence to provide hot food or hot drink to members of the public between 11pm and 5am.

The powers were intended to allow local authorities to exempt premises where there were no problems with antisocial behaviour or disorder associated with the night time economy. Licensing authorities were under no obligation to use exemptions and it was noted that several nearby local authorities with a similar demographic to Horsham District Council had chosen not to make use of these powers.

RESOLVED

That the Council continues to require all late night refreshment providers to be licenced.

LI/13 Relaxation of Late Night Refreshment – Deregulation Act 2015 (Cont.)

REASONS

- (i) To ensure compliance with legislative requirements.
- (ii) To ensure openness and transparency in the Council's decision making.
- (iii) To ensure that any anti-social behaviour or disorder associated with the night time economy continues to be prevented as far as possible by the imposition of licence conditions and regulation under the Licensing Act 2003.

LI/14 **DURATION OF TAXI AND PRIVATE HIRE LICENCES – DEREGULATION ACT 2015**

The Environmental Health and Licensing Officer advised Members that the Deregulation Act 2015 required local authorities to offer both one-year and three-year driver licences, and one-year and five-year operator licences. The Council currently only offered one-year licences. In order to accommodate this requirement a fee structure for the longer duration licences was required.

The Council's current fees for one year licences had been agreed for the three year period from 1st April 2015 to 31st March 2018 and were subject to an increase of 2% each year. The proposed fees for licences for more than one year would charge the same amount for each year of the licence, thus saving the licensee the 2% annual increase. This small saving would be similar to the amount saved by the Council in administration costs. It was noted that the frequency of driver's checks would remain unchanged.

RESOLVED

- (i) That the changes to Hackney Carriage & Private Hire licence durations for Drivers and Operators be noted.
- (ii) That the fee for the longer duration licences to be the fee for the year of application multiplied by the number of years' duration of the licence but without the 2% per annum increase.

LI/14 Duration of Taxi and Private Hire Licences – Deregulation Act 2015 (Cont.)

REASONS

- (i) To ensure compliance with legislative requirements.
- (ii) To allow drivers and operators to decide the length of licence subject to statutory requirements.
- (iii) To ensure that the Council is authorised to receive the appropriate licence fee following the implementation of these changes.

LI/15 TAXI AND PRIVATE HIRE LICENSING CRIMINAL CONVICTIONS POLICY

The Environmental Health and Licensing Officer presented the report which sought approval for a Taxi and Private Hire Licensing Criminal Convictions Policy. The council currently had regard to best practice and guidance when determining whether or not an applicant or existing licence holder was a fit and proper person to hold a licence, but had not formally adopted a policy.

The Council had a statutory obligation to provide protection for the travelling public by ensuring that hackney carriage and/or private driver or operator licences were only held by those considered to be 'fit and proper'. Consideration of criminal convictions was an important part of this decision making process and the proposed policy would formalise the existing procedure, encourage consistency, and provide information to applicants and existing licence holders on the Council's approach.

Members considered the implications of the proposal, in particular regarding non-conviction information where an applicant or licence holder had been arrested or charged but not convicted. Members were assured that any such case would be carefully considered by Officers who would seek legal advice as required.

RESOLVED

That the Taxi and Private Hire Licensing Criminal Convictions Policy, as submitted, be approved.

REASON

To ensure openness and transparency in the Council's decision making process.

LI/16 **LICENCE FEES FOR 2016/2017**

The Environmental Health & Licensing Manager reported on the proposed fees for various licences issued by the Environmental Health & Licensing Department. The fees, if approved by the Committee, would take effect on 1st April 2016.

The individual licence fees were calculated to recover the cost of issuing the licence and enforcing the requirements of the legislation. The fees were calculated taking into account officer time, transport and any external costs that the Council incurred. The fees could not make a profit for the Council and could not include the cost of enforcement. There were other licenses issued by the Environmental Health & Licensing Department, the fees for which were set by statute and could not be changed.

The proposed fees and charges would increase the current costs by 1.5% for the financial year commencing 1st April 2016, to allow for inflation and increased costs. It was noted that the proposed fees were in keeping with those set by other Councils.

RESOLVED

That the fees for licences issued during 2016/17 be approved, as submitted, to take effect from 1st April 2016.

REASONS

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

The meeting ended at 6.25pm having commenced at 5.30pm

CHAIRMAN

LIS160404

LICENSING SUB-COMMITTEE
4TH APRIL 2016

Present: Councillors: John Blackall, Karen Burgess, Adrian Lee,
Paul Marshall

Also present Councillors: Jim Sanson (Chairman of Licensing Committee),
Philip Circus

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

RESOLVED

That Councillor Paul Marshall be elected Chairman for the meeting.

LIS/2 **TO CONSIDER AN APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE, UNDER SECTION 34 OF THE LICENSING ACT 2003, IN RESPECT OF THE BIG KAHUNA, HOLMBUSH FARM, CRAWLEY ROAD, FAYGATE**

DETAILS OF APPLICATION: A premises licence for an event to be called The Big Kahuna, which would take place on the 26th, 27th and 28th August 2016 and every August Bank Holiday thereafter with a daily capacity including staff and performers of up to 9,999. The licence would allow the following licensable activities:

1. Premises open to the public;
2. Sale and supply of alcohol by retail for consumption on the premises only;
3. Late night refreshment;
4. Performance of plays;
5. Films;
6. Live music;
7. Recorded music;
8. Performance of dance.

The Licensing Officer presented the report, which set out details of the application and representations made by interested parties.

Representations:

Responsible Authorities:

The Council's Environmental Health & Licensing Department had originally objected to the application on the grounds that the proposal

LIS/2 To Consider an Application for the Grant of a New Premises Licence, under Section 34 of the Licensing Act 2003, in respect of The Big Kahuna, Holmbush Farm, Crawley Road, Faygate (Cont.)

would undermine the Licensing Objective for the prevention of public nuisance. The Environmental Health & Licensing Officer confirmed at the meeting that this objection was withdrawn in the light of a revised noise management plan that had been submitted by the applicant.

Sussex Police had originally objected to the application but after further consultation with the applicant, and amendments to the operating times and adding operating conditions within the site, had withdrawn their objection.

West Sussex Fire & Rescue Service had raised no objection.

Public Health had originally objected to the application but after further consultation with the applicant, and amendments to the operating times and adding operating conditions within the site, had withdrawn their objection.

Interested Parties: Colgate Parish Council had objected to the proposal. One hundred and thirty six members of the public submitted representation against the grant of the premises licence.

The Ward Member: No comments had been received from the Ward Member.

The Chairman heard from the Environmental Health Officer and a representative of West Sussex Fire & Rescue Service and then from the applicant.

A representative of Colgate Parish Council addressed the sub-committee in objection to the application. A member of the public addressed the sub-committee, on behalf of Colgate and Holmbush House residents, in objection to the application. One further member of the public also addressed the sub-committee in objection to the application.

The Chairman and members of the sub-committee further questioned the responsible authorities, the interested parties and the applicant. The Chairman expressed disappointment that the responsible authorities who had withdrawn their objection had not attended the meeting to clarify their position and reassure members of the public.

LIS/2 To Consider an Application for the Grant of a New Premises Licence, under Section 34 of the Licensing Act 2003, in respect of The Big Kahuna, Holmbush Farm, Crawley Road, Faygate (Cont.)

Members considered all the evidence and submissions before them including the representations made on the application, and the answers to questions given to the sub-committee by those present. They were satisfied that, on the balance of probability, the Grant of the new Premises Licence would not be detrimental to the achievement of the licensing objectives, subject to the conditions applied by the Statutory Bodies and subject to six additional conditions as enumerated by the sub-committee.

RESOLVED

That the application for a new Premises Licence for an event to be called The Big Kahuna, which would take place on the 26th, 27th and 28th August 2016 and every August Bank Holiday thereafter, be granted subject to the conditions applied by the statutory bodies and the following additional conditions:

- (i) Tickets only available on line in advance.
- (ii) Challenge 25 to be implemented at Event Entrance in addition to the licenced bars.
- (iii) Removal of any attendees from the Site will be in accordance with the stated removal policy with Select Security Ltd. Such policy to be submitted to the Licensing Officer no less than 28 days in advance of the Event.
- (iv) Any personnel employed who have direct contact and responsibility for children to be DBS checked (Disclosure and Barring Service).
- (v) The hotline land-line number to be published in the Parish Magazine and Parish notices, and for it to be requested for inclusion on the Horsham District Council website, for residents to contact regarding noise levels.
- (vi) No Smoking policy in children's areas to be adopted and enforced.

LIS/2 To Consider an Application for the Grant of a New Premises Licence, under Section 34 of the Licensing Act 2003, in respect of The Big Kahuna, Holmbush Farm, Crawley Road, Faygate (Cont.)

REASON

The proposal would not be detrimental to the achievement of the four Licensing Objectives.

The meeting closed at 1.25pm having commenced at 10am, with an adjournment from 11.40am to 1.15pm.