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Licensing Committee

Tuesday, 13th June, 2017 at 5.30 pm
Hastings & Knepp, Parkside, Chartway, Horsham

Councillors:

John Blackall
Karen Burgess
Peter Burgess
Philip Circus
Roger Clarke
Billy Greening
Tony Hogben
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

Tom Crowley
Chief Executive

Agenda

	Page No.
1. Election of Chairman	
2. Apologies for absence	
3. Appointment of Vice-Chairman	
4. Minutes	3 - 6
To approve as correct the minutes of the meeting held on 15 th December 2016	
5. Declarations of Members' Interests	
To receive any declarations of interest from Members of the Committee	
6. Announcements	
To receive any announcements from the Chairman of the Committee or the Chief Executive	

7. **Minutes of Licensing Sub-Committee**

7 - 10

To receive the minutes of the meeting of the Licensing Sub-Committee held on 23rd January 2017

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
15 DECEMBER 2016

Present: Councillors: Jim Sanson (Chairman), Roger Clarke (Vice-Chairman), Karen Burgess, Adrian Lee, Paul Marshall, Mike Morgan, Kate Rowbottom and Billy Greening

Apologies: Councillors: John Blackall, Peter Burgess, Philip Circus, Tony Hogben, Christian Mitchell, Godfrey Newman and Brian O'Connell

Also Present:

LI/5 **MINUTES**

The minutes of the Licensing Committee meeting held on 9th June 2016 were approved as a correct record and signed by the Chairman.

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

The minutes of the Licensing Sub-Committee meeting held on 9th August 2016 were approved as a correct record and signed by the Chairman.

LI/7 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

LI/8 **ANNOUNCEMENTS**

There were no announcements.

LI/9 **ANIMAL BOARDING ESTABLISHMENTS ACT 1963 - LICENSING OF DOG DAY BOARDING ESTABLISHMENTS**

The Environmental Health and Licensing Manager introduced the report on Dog Day Boarding Establishments. The Animal Boarding Establishments Act 1963 requires any person who keeps a boarding establishment for cats and/or dogs to be licensed by the Local Authority to ensure the health, welfare and safety of the animals during their stay.

Horsham District Council has only licensed the boarding of dogs at commercial kennels and private households as part of a business. The model licensing conditions adopted for traditional commercial kennels and home boarders were not appropriate for day boarding.

Dog day boarding establishments were likely to begin operating within Horsham District. These businesses are required to be licensed under the Animal Boarding Establishments Act 1963.

Applying more appropriate licence conditions to dog day care establishments would ensure the health, welfare and safety of the animals boarded. The proposed new conditions for the commercial day boarding of dogs had been adapted from the Council's existing conditions whilst taking conditions used by other local authorities in to account.

RESOLVED

- i) To endorse the licensing of commercial dog day boarding establishments.
- ii) To approve the new licence conditions for the commercial day boarding of dogs set out in Appendix 1 to the officer's report.

REASONS

- i) The setting of conditions for licences is the responsibility of the Licensing Committee.
- ii) To protect the welfare of dogs whilst at commercial dog day boarding establishments.

LI/10

ANIMAL BOARDING ESTABLISHMENTS ACT 1963 - AMENDED LICENCE CONDITIONS FOR HOME BOARDING (DOGS)

The Environmental Health and Licensing Manager took Members through the proposed licence conditions for home boarding. Whilst Horsham District Council follows the Model Conditions published by LACORS it was considered that two of the conditions required amending to make them more appropriate and enforceable.

RESOLVED

That the amended conditions as set out in Appendix 1 of the officer's report be approved with immediate effect.

REASONS

- i) The setting of conditions for licences is the responsibility of the Licensing Committee.
- ii) To ensure appropriate and enforceable conditions.

LI/11 **ENVIRONMENTAL HEALTH & LICENSING - LICENCE FEES FOR 2017/18**

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 2017.

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 had been fully recalculated on a cost recovery basis.

RESOLVED

That the fees for licences issued during 2017/18 be approved, as submitted, to take effect from 1st April 2017.

REASONS

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

LI/12 **URGENT BUSINESS**

The meeting closed at 5.49 pm having commenced at 5.30 pm

CHAIRMAN

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Licensing Committee
23 JANUARY 2017

Present: Councillors: Roger Clarke, Karen Burgess, Mike Morgan and
Kate Rowbottom

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 **APPLICATION FOR CONSIDERATION**

**FOR THE VARIATION OF A PREMISES LICENCE, UNDER SECTION 34 OF
THE LICENSING ACT 2003, IN RESPECT OF ROFFEY PARK INSTITUTE,
FOREST ROAD, COLGATE**

DETAILS OF APPLICATION:

- (i) To amend the operating condition, attached to the existing Premises Licence granted 14th February 2011, from:

‘Sources of noise from music, singing or speech, whether amplified or otherwise must be barely audible outside noise sensitive premises such that it is inaudible inside noise sensitive premises between the hours of **22.00 and 07.00**. This must take into account the periodic opening of the front door after 22.00 to allow patrons to enter and exit the premises for smoking. All other doors and windows should remain closed after 22.00 unless in the event of an emergency.’ to:

‘Sources of noise from music, singing or speech, whether amplified or otherwise must be barely audible outside noise sensitive premises such that it is inaudible inside noise sensitive premises between the hours of **00.00 and 07.00**. This must take into account the periodic opening of the front door after 00.00 to allow patrons to enter and exit the premises for smoking. All other doors and windows should remain closed after 00.00 unless in the event of an emergency.’

- (ii) To move the designated area for private functions further from the Roffey Park Institute boundaries and from neighbouring properties.

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

Responsible Authorities: The Local Licensing Authority (Environmental Health and Licensing) objected to the application on the grounds that it would undermine the licensing objective for the prevention of public nuisance.

There had been no objection from: Sussex Police; West Sussex Fire & Rescue Service; Public Health; Health & Safety Executive; and the Local Planning Authority.

Interested Parties: Colgate Parish Council objected to the proposal. Seven letters of representation objecting to the application had also been received.

The Sub-Committee heard the following representations:

The Environmental Health Officer outlined his reasons for objecting to the proposal.

The Ward Member for Rusper & Colgate addressed the Sub-Committee in objection to the application.

One member of the public spoke in objection to the proposal. He presented photographic details of the site which, with the agreement of the applicant, were circulated to Members of the Sub-Committee.

The Chairman then heard from the applicant and the applicant's representative.

The Chairman and members of the Sub-Committee further questioned the applicant and interested parties.

The Sub-Committee determined the application under the four licensing objectives: the prevention of crime and disorder; the prevention of public nuisance; the protection of children from harm; and public safety.

Members considered all the evidence and submissions before them including the representations made on the application, and the answers to questions given by those present.

The Sub-Committee were not convinced that the steps taken by the applicant were successful in preventing noise nuisance to nearby neighbours, and concluded that the proposed variation to the Premises Licence would, on the balance of probability, be detrimental to the achievement of the Licensing Objective of the prevention of public nuisance.

RESOLVED

That the application for a variation to the Premises Licence for Roffey Park Institute be refused.

REASON

The proposal would be detrimental to the achievement of the following Licensing Objective:

- the prevention of public nuisance.

The parties were informed of the rights of appeal.

The meeting closed at 12.20 pm having commenced at 10.15 am

CHAIRMAN

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