

# Crawley Borough Council

## Minutes of Licensing Committee

9 September 2009 at 7.30 p.m.

### Present:

Councillor A G Brown (Chair)

Councillors B K Blake, B J Burgess, L Gilroy, R J Hull,  
B McCrow, B J Quinn, L A Seekings, D J Shreeves and L Taylor

### Also in Attendance:

Councillor S A Blake

### Officers Present:

J Green  
S Kirby  
M Lyons  
A Williams

Principal Democratic Services Officer  
Enforcement & Technical Services Manager  
Licensing Officer  
Lawyer

### Apologies for Absence:

Councillors B M Brockwell, S Kaur, D P Kavanagh, C J Redmayne and  
J A Singh

### 8. Minutes

The minutes of the meeting of the Committee held on 10 June 2009 were approved as a correct record and signed by the Chair.

### 9. Members' Disclosure of Interests

The following disclosure of an interest was made by a Member:-

<b>Member</b>	<b>Minute Number</b>	<b>Subject</b>	<b>Nature of Disclosure</b>
Councillor R J Hull	Minute 10	Licensing Sub-Committee Minutes	Personal Non-Prejudicial – Councillor Hull is a member of the Co-op

## 10. Licensing Sub-Committee Minutes

The minutes of the following meetings of the Licensing Sub-Committee were approved as a correct record and signed by the Members indicated below:-

Date	Sub-Committee Minutes	Minutes signed by
14 July 2009	Application to review a premises licence at 1 – 2, Tilgate Parade, Tilgate	Councillor B J Quinn (Chair of the Panel)
15 July 2009	Application to review a premises licence at 8, Maidenbower Square, Maidenbower.	Councillor B J Burgess (Chair of the Panel)
23 July 2009	Application to review a premises licence at 8, Maidenbower Square, Maidenbower	Councillor B J Burgess (Chair of the Panel)
23 July 2009	Application to review a premises licence at 1 – 2, Tilgate Parade, Tilgate	Councillor B J Quinn (Chair of the Panel)

## 11. Application for the renewal of the Sex Establishment Licence for Xesdesire – 4, Ifield Road, West Green

The Committee considered report ES/218 of the Head of Regulatory Services on an application for the review of the sex establishment licence for Xesdesire at 4, Ifield Road, West Green.

The Committee was informed that statutory consultation had taken place with the Police, Fire Officer, West Sussex Trading Standards Department and the Council's own Environmental Services Division. No objections had been received from these consultees. It was noted that the premises had operated for seven years without complaint.

It was reported that public notice had been given in accordance with the Local Government (Miscellaneous Provisions) Act 1982 and the Council's procedure, and one objection had been received from a member of the public. The objection had been received from a resident of the Borough who did not live near the premises. It had been submitted on the grounds that the premises were close to the heart of the town, patrons of the shop might have an undesirable effect on children and young families in the area, and the shop would consequently affect the locality and, as such, would make this an undesirable location. It was pointed out by the Licensing Officer that the application was for a renewal of the licence and not for an expansion of the business as had been suggested in the objection.

The Committee was advised that it was not open to them to base their decision on objections made on moral grounds. However, the objection now before them was also based on one of the grounds on which the Council could refuse a renewal application

(that the renewal would be inappropriate having regard to the character of the relevant locality). In this connection, the Committee were informed that the location in which the premises were situated had not drastically altered over the last twelve months and, therefore, it was suggested that the character of the relevant locality had not changed to such an extent that the location had become inappropriate for the continued operation of these well-run premises

The Committee also noted a recent Court of Appeal decision, where it had been emphasised that the existence of a licence was a factor which local authorities had to take into consideration in determining an application. The decision had gone on to say that, although the local authority's decision was unfettered, there was a difference between an application for the grant of a licence and an application for renewal. It had stressed that it was particularly important, when considering an application for renewal that the authority should draw that distinction and give due weight to the fact that a licence had been granted in the previous year and, where appropriate, for the many years before that.

The Committee took all of these matters into consideration in determining the application before it.

### **RESOLVED**

That the application for the renewal of the sex establishment licence at Xesdesire, 4, Ifield Road, West Green be granted, subject to the standard terms and conditions, including the conditions referred to in paragraph 8.3 of report ES/218.

## **12. Closure of Meeting**

With the business of the Committee concluded, the Chair declared the meeting closed at 7.40 p.m.

A G BROWN  
**Chair**