

# Crawley Borough Council

## Minutes of Licensing Committee 12 November 2012 at 7.30pm

### Present:

Councillor B J Burgess (Chair)

Councillor K B Williamson (Vice-Chair)

Councillors M L Ayling, B K Blake, N Boxall, V S Cumper, C R Eade, P K Lamb,  
L S Marshall-Ascough, C J Mullins, C Oxlade, D M Peck, B J Quinn  
and K Trussell

### Officers Present:

Tony Baldock	Environmental Health Manager (Port Health, Food, Licensing, Workplace Safety and Wellbeing)
Mez Matthews	Democratic Services Officer
Bill Nailen	Licensing Officer
Astrid Williams	Solicitor

### Apologies for Absence:

Councillor D J Shreeves

### 10. Members' Disclosure of Interests

No disclosures of interests were made by Members.

### 11. Minutes

The minutes of the meeting of the Committee held on 5 September 2012 were approved as a correct record and signed by the Chair.

### 12. Licensing Sub Committee Minutes

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

Date	Sub-Committee Minutes	Minutes signed by
17 October 2012	Application for the Grant of a New Premises Licence – Northgate Newsagents	Councillor C J Mullins (Chair of the Panel)

### **13. Hackney Carriage Fares, 2012-2013**

The Committee considered report PES/098 of the Head of Planning and Environmental Services which requested that the Committee consider proposals from the Hackney Carriage Association (HCA) for increases to the Hackney Carriage table of fares for 2012-2013. The report detailed the current table of fares for Hackney Carriages, the proposals by the HCA, the results of the ballot of the Hackney Carriage proprietors as well as a comparison of charges with that of neighbouring authorities.

The Licensing Officer informed the Committee that the Chairman of the HCA had informed him that all Hackney Carriage proprietors automatically became members of the HCA and that of the 128 members, he understood that 99 responses to the ballot had been received. The Committee noted that should they approve the variation, it was proposed it would take effect on 15 December 2012 in the event that no objections were received to the published notice of variation. However, it also noted that should the variation be approved by them and objections were received in response to the public notice, then the variation would not take effect on 15 December 2012 and the objections would be referred back to the next Licensing Committee (on 9 January 2013) to consider and the Committee would then decide to proceed with the advertised table of fares or amend it, having taken into account any objections.

Several members of the Committee were concerned that the HCA had not stated sufficient reasons for the requested increase to fares and that such an increase would negatively impact on the public, especially the increase in Tariff 1 which would affect the vulnerable members of society. Some members of the Committee were of the view that insurance and fuel prices had not increased significantly enough over the past year to warrant an increase in fares, although it was acknowledged that customers had a choice whether to use Hackney Carriages and that Hackney Carriage proprietors might lose trade if fares increased too much. It was suggested that in future the HCA be asked to submit detailed evidence along with its request for a fare increase.

In response to a query as to how often a fare increase could be considered, officers informed members that there was no specific provision about how often the table of fares could be varied, however, in the Borough there was an informal arrangement with the representative body, the HCA, that it would submit only 1 request for an increase in fares per year and that if submitted, it would be referred to the Committee for consideration.

There was also a question as to when the fares were last varied. The Licensing Officer informed the Committee that the last variation took effect in January 2012, however, it had originally been resolved in November to take effect in December 2011 but there had been objections which had to be first be considered by the Licensing Committee at its meeting in January 2012.

It was queried why Tariff 1 referred to charging for each subsequent 153 metres (167 yards), whereas Tariffs 2 and 3 referred to 161 metres (176 yards). The Environmental Health Manager informed the Committee that he believed that was not an anomaly but a change made at the request of the Trade who had asked for a decrease in 'flag-drop' (distance for that tariff) rather than requesting an increase in charge. Officers agreed to provide confirmation of that to the Committee.

The Committee thanked the Licensing Officer for the work he had undertaken on the matter.

## RESOLVED

1. That the existing table of fares for hackney carriage fees be varied as follows:
  - (a) that the starting tariff (for Tariff 1) which is currently £3.60 be increased to £3.80; and
  - (b) that the starting tariff (for Tariff 2) which is currently £4.50 be increased to £4.80;
2. That the Head of Planning and Environmental Services, or officer acting on her behalf, be authorised to publish a public notice of the variation and the period within which objections can be made (the expiry date of the period to be set by the Head of Planning and Environmental Services but be no later than 15 December 2012) in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976;
3. Noted that should any objections be received following the publication of a notice which are not withdrawn, the Committee will be required to meet and consider those objections;
4. That officers of Crawley Borough Council invite the Hackney Carriage Association, on the next occasion that the Hackney Carriage Association ask for an increase in Hackney Carriage Fares, to provide evidence in support of their request including: information relating to fuel and insurance increases; the estimated percentage increase in profit in the average working week should their proposed increase be agreed; and comparison and trend figures for the past two years showing inflationary pressures compared with changes to their income for themselves (profits).

### **14. Approval of the Food Safety and Port Health Service Plan 2012-2013**

The Committee considered report PES/099 of the Head of Planning and Environmental Services which requested that the Committee consider and approve the contents of the Food Service Plan. The Environmental Health Manager gave a presentation regarding the Service Plan as well as health and safety within the Borough.

The Committee noted that the frequency and detail of inspections were dependent on the risk rating of a premise and that although a premise did not currently have to display its food hygiene rating, it was hoped that it would become mandatory in the future. It was noted that although Page D20 stated that Crawley Borough Council would sample from the major Sainsbury's supermarket in the town, in reality all the major supermarket in the area were sampled. The Committee was informed that the Council did not 'shy away' from prosecuting premises where necessary, but that the Council's aim was to help and advise premises and give credit where it was due. Concern was raised regarding the mobile food premises which visit the town during special events. The Committee was assured that those premises were inspected periodically for health and safety purposes, that the food hygiene scheme was portable and mobile premises were not permitted onto Borough-owned land unless they were registered either with Crawley Borough Council or another Local Authority.

The Committee was informed that they were welcome to attend an inspection of food premises and that they should contact the Environmental Services Manager should

they wish to do so. The Committee was also informed that the BBC had recently filmed officers inspecting food premises within the Borough and that members would be notified should any footage of those visits be aired on television.

The Committee thanked the Environmental Health Manager and his team for a comprehensive Policy.

**RESOLVED**

That the contents of the Food Service Plan be approved.

**15. Approval of the Health and Safety and Licensing Service Plan 2012-2013**

The Committee considered report PES/100 of the Head of Planning and Environmental Services which requested that the Committee consider and approve the Health and Safety Service Plan. The Environmental Health Manager gave a presentation regarding the Service Plan as well as health and safety within the Borough. It was noted that the name of the Cabinet Member for the Health and Safety Service referred to in the first sentence of Section 2.2 on Page E11 of the Policy was incorrect and should be amended to read "Councillor Ken Trussell".

**RESOLVED**

That the Health and Safety Service Plan be approved subject to the amendment of the Cabinet Member's name referred to in Section 2.2 of the Policy.

**16. Review of Alcohol, Regulated Entertainment and Late Night Refreshment Policy 2013-2018**

The Committee considered report PES/101 of the Head of Planning and Environmental Services which set out the proposed draft Licensing Act 2003 policy for the 5 year period 2013-2018.

The Committee noted that the draft policy was currently out for consultation and that the consultation period would end on 24 December 2012. The Policy was available to view in the Members' Study as well as on the Council's website. The Committee was encouraged to comment on the Policy and it was agreed that an electronic link to the online draft policy would be sent to all Members.

The Committee was informed that although much of licensing policy was Central Government led via the legislation and the section 182 guidance, the local policy contained locally specific information, and the draft policy includes such proposals as the inclusion of a limit on ABV strength for off-sales given that it had been identified as an issue within the Borough.

The Environmental Health Manager and his team were thanked for the work they had undertaken on the Policy.

**RESOLVED**

1. That the contents of the Policy be noted;
2. That any comments on the Policy be sent to the Environmental Services Manager.

**17. Closure of Meeting**

With the business of the Committee concluded, the Chair declared the meeting closed at 8.48pm.

**B J BURGESS**  
**Chair**