

Crawley Borough Council

Licensing Committee

Agenda for the **Licensing Committee** which will be held in **Council Chamber - Town Hall**, on **Monday, 10 June 2019** at **7.30 pm**

PLEASE NOTE THE VENUE FOR THIS MEETING

Nightline Telephone No. 07881 500 227



Head of Legal, Democracy and HR

Membership:
Councillors

M G Jones (Chair), M L Ayling (Vice-Chair), T G Belben, B J Burgess, M Flack, J Hart, K L Jaggard, K McCarthy, Millar-Smith, C J Mullins, D M Peck, C J Petts, R Sharma, B A Smith and K Sudan

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Published 31 May 2019

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Switchboard: 01293 438000
Main fax: 01293 511803
Minicom: 01293 405202 DX:
57139 Crawley 1
www.crawley.gov.uk

Town Hall
The Boulevard
Crawley
West Sussex
RH10 1UZ

The order of business may change at the Chair's discretion

Part A Business (Open to the Public)

	Pages
1. Apologies for Absence	
2. Disclosures of Interest	
In accordance with the Council's Code of Conduct, Councillors of the Council are reminded that it is a requirement to declare interests where appropriate.	
3. Minutes	5 - 8
To approve as a correct record the minutes of the Licensing Committee held on 5 November 2018.	
4. Licensing Sub Committee Minutes	9 - 46
Minutes relating to the following meetings of the Licensing Sub Committee are attached for approval as a correct record:-	
<ul style="list-style-type: none">• List of Licensing Sub Committees:• Meeting held on 7 November 2018. Application to Review the Premises Licence applicable to the MOONRAKER, 199 Three Bridges Road, Three Bridges, Crawley Chaired by Councillor C J Mullins (Appendix A)• Meeting held on 12 February 2019. Application to Vary the 'Club Premises Certificate' – Crawley Masonic Club, St Margaret's Hall, Ifield Green, Crawley Chaired by Councillor K L Jaggard (Appendix B)	
5. Public Consultation Findings Hackney Carriage and Private Hire Vehicle Livery	47 - 62
To consider report HCS/13 of the Head of Community Services (Interim).	
6. Review of Statement of Licensing Policy Gambling Act 2005 (2020 - 2023)	
The Committee is advised that the Review of the Statement of Licensing Policy Gambling Act 2005 for the next 3 years (2020-2023)	

will be going out to consultation later this year. The Policy is a Policy Framework Document, and as such the report on the outcomes of the consultation and on the Policy as updated will be considered by the Overview and Scrutiny Commission, before its submission to the Cabinet and the Full Council in November 2019 for approval and adoption.

All Members of the Licensing Committee will have the opportunity to be consulted as part of the consultation – as consultees. However, should the Committee wish to consider the report and consultation in order to provide a collective response, the Committee is requested to confirm, at this 10 June meeting, whether or not it would like to take that opportunity, and if so provide its collective response at its meeting on 9 September 2019.

Recommendation

The Committee is asked to confirm whether or not it would like to provide a collective response to the consultation on the Review of the Statement of Licensing Policy Gambling Act 2005 for the next 3 years (2020-2023), and if so note that the collective response will be sought at the Committee's meeting on 9 September 2019.

7. Supplemental Agenda

Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.

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Crawley Borough Council

Minutes of Licensing Committee

Monday, 5 November 2018 at 7.30 pm

Councillors Present:

M W Pickett (Chair)

M L Ayling (Vice-Chair)

T G Belben, N J Boxall, B J Burgess, R S Fiveash, K L Jaggard, M G Jones, K McCarthy, C J Mullins, D M Peck, B J Quinn, R Sharma and J Tarrant

Officers Present:

Tony Baldock Environmental Health Manager

Roger Brownings Democratic Services Officer

Astrid Williams Solicitor

Apologies for Absence:

Absent:

Councillor C Portal Castro

1. Disclosures of Interest

No disclosures of interests were made.

2. Minutes

The minutes of the meeting of the Licensing Committee held on 11 June 2018 were approved as a correct record and signed by the Chair.

At this point, and in response to a request from the Chair, the Committee acknowledged for its information a copy of a letter as tabled from Councillor Malik regarding his attendance at the Committee's last meeting.

3. Review of the Statement of Licensing Policy Licensing Act 2003

The Committee considered report HCS/08 of the Head of Community Services. The Committee was advised that the Council's current Statement of Licensing Policy concerning the Licensing Act 2003 expired in 2018 and as such the Council was required to update that Policy to reflect its proposed strategy in discharging its role as the Licensing Authority for the 5 year period 2019 – 2024. The Committee acknowledged that whilst as a Policy Framework Document the adoption of the Policy as updated, must ultimately be considered by the Overview and Scrutiny Commission and be agreed by the Cabinet for recommendation to the Full Council, the purpose of

Agenda Item 3

Licensing Committee (5)
5 November 2018

the report was to ensure that the Committee was involved in the process as far as was possible and was aware of the work being undertaken. At this point a member of the public abruptly stood and tried to ask questions regarding a taxi matter. The Chair explained to him that this was not the forum to raise his personal situation, and eventually he left the Committee room.

The Committee considered the report in detail, and in response to issues raised, the Environmental Health Manager:

- Emphasised that the Council was obliged to consult, and as widely as possible, on the updating of its Policy.
- Explained that the consultation was currently in progress, and in addition to consulting with the key named stakeholders, the consultation involved a wide range of representative groups. Every Councillor, including those of this Committee, was able to make representations as part of the consultation process.
- Advised that the Council had to ensure that our policy and procedures were compliant with guidance regarding consultation good practice, and specific guidance, as issued under section 182 of the Licensing Act 2003.
- Confirmed there had been a substantial number of changes to the law concerning this area of regulation since 2013 which now needed to be included in the Policy document.
- Indicated that with regard to a new provision which would allow the Council to revoke a personal licence if the holder had been convicted for a specified offence, he would provide clarification to Members as to the associated procedure for appeal. **ACTION.**

In further seeking and receiving clarification on details set out in the report, the Committee indicated its thanks to Officers for that report and for the information provided therein.

RESOLVED

That the report be noted.

4. Arrangements for the Licensing of Activities Involving Animals

The Committee considered report HCS/07 of the Head of Community Services, the purpose of which was to consider new arrangements for the licensing of activities involving animals and approve the revised fee levels as proposed.

The Committee was informed that The Animal Welfare Act 2006 was the enabling legislation for recently introduced regulations. The new regulations, called the Animal Welfare (Licensing of Activities Involving Animals) Regulations (the regulations), were passed by the Government in April 2018 and came into effect on 1st October 2018. These regulations repealed and amended the raft of legislative provisions (as set out in Paragraph 4.3 of the report) that currently governed the Council's licensing activities in relation to animal establishments.

The Committee considered the report in detail, and in response to issues raised, the Environmental Health Manager:

- Confirmed that for licensing purposes the new Regulations provided a comprehensive list of activities involving animals.

Agenda Item 3

Licensing Committee (6)
5 November 2018

- Explained that Zoos' and 'Dangerous Wild Animal' establishments would continue to operate under their current licensing regimes.
- Advised that Dangerous dogs would continue to be covered by the Dangerous Dogs Act.
- Agreed that before using boarding establishments for their cats or dogs, the public would be advised to seek assurances from those establishments that they were covered by the new legislation.
- Explained, that as a safeguard and added assurance, a new risk rating system would be implemented resulting in a business receiving a 1-5 star score. The duration of a business' licence would be determined by the level of compliance and extent to which they met or exceeded the required standards.
- Emphasised that a lot of publicity was being undertaken to ensure that all relevant animal establishments, including those involved in the boarding and breeding of dogs, were aware of the new legislation, whilst investigatory work by the Council along with expected peer pressure, would help to pinpoint any establishments that might go unnoticed or did not come forward for this licensing purpose.
- Advised that in terms of the licensing of "keeping or training animals for exhibition" - which was to be transferred from County Councils to District Councils, he would provide further clarification to Members as to which groups of animals fitted into this licensing activity. **ACTION.**
- Emphasised that the cost of implementing and operating the new licence regime was required to be covered by income from animal establishment licensing fees.
- Explained that the new licensing regime would necessitate additional work by the Council and accordingly a new fee regime was proposed to ensure that the Council covered its costs.
- Indicated that the proposed fees were comparable generally with those of other authorities.
- Acknowledged that there might be more work than anticipated due to the unknown numbers of persons / organisations needing to be licensed, in which case future fees might need to be adjusted to reflect this possibility.

RESOLVED

1. That the new arrangements for the licensing of activities involving animals be agreed
2. That the implementation of revised fee levels as set out in Appendix A to the report be approved.

Closure of Meeting

With the business of the Licensing Committee concluded, the Chair declared the meeting closed at 8.20 pm.

M W PICKETT
Chair

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Agenda Item 4

The following licensing sub Committee minutes are attached for approval:

- 7 November 2018 (Appendix A)
- 12 February 2019 (Appendix B)

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Crawley Borough Council

Minutes of Licensing Sub Committee

Wednesday, 7 November 2018 at 10.00 am

Councillors Present:

K L Jaggard, C J Mullins and M W Pickett

Officers Present:

Tony Baldock	Environmental Health Manager
Heather Girling	Democratic Services Officer (observing)
Mike Lyons	Senior Licensing Officer
Mez Matthews	Democratic Services Officer
Astrid Williams	Legal Clerk – Senior Lawyer (Solicitor)

Also in Attendance:

Applicant	Pauline Giddings (Sussex Police – Licensing Officer) Warren Jones (Sussex Police – Police Constable) Di Lewis (Sussex Police – Inspector)
Premises	Nicholas Hanlon (Ei Group Plc – Regional Manager) Richard Taylor (Solicitor for Ei Group Plc)
Interested Party	Holly Yandall (WSCC Public Health – Public Health Lead for Alcohol and Drugs)

1. Appointment of Chair

RESOLVED

That Councillor Mullins be appointed Chair for the meeting.

2. Members' Disclosures of Interest

No disclosures of interests were made.

3. Application to Review the Premises Licence applicable to the MOONRAKER, 199 Three Bridges Road, Three Bridges, Crawley

The Sub Committee considered an application to review the premises licence held in respect of the 'Moonraker', 199 Three Bridges Road, Three Bridges, Crawley.

Following the introduction of those present at the meeting, the Legal Clerk advised that the Sub Committee would follow the Hearing Procedure, a copy of which had accompanied the letters of invitation.

The Legal Clerk then asked all parties present, if they wished to make any relevant applications, for example additional information or to cross-examine any party. Sussex Police drew the Committee's attention to supplementary agenda item 6 which referred to its intention to bring to the Hearing further CCTV footage relating to the additional supporting evidence regarding the incident which took place on 18 October 2018. Due to the format of the CCTV footage it had not been possible to circulate the video to all parties prior to the Hearing, however Sussex Police were of the opinion that, due to the nature of the incident, it was important that it be viewed by the Sub Committee. In light of this, Sussex Police made an application to present the CCTV footage as additional information.

The Legal Clerk informed all parties that the Sub Committee had requested a pre-meeting with the Legal Clerk and Democratic Services Officers prior to the commencement of the Sub Committee, to confirm the procedure that would be followed during the meeting. At that pre-meeting the Sub Committee had confirmed receipt of the supplementary agenda documents which had been circulated following publication of the main agenda, been briefed regarding the Premises Licence transfer details, been informed of the CCTV footage regarding the incident on 18 October 2018 and the possibility of its submission as additional information, been reminded of the regulations which were relevant to the review before them and the actions available to the Sub Committee.

Report HCS/09 of the Council's Head of Community Services was presented by Mike Lyons, a Senior Licensing Officer for Crawley Borough Council.

The Application

The Senior Licensing Officer, Mr Lyons, informed the Sub Committee that on 20 September 2018, Sussex Police as a 'responsible authority' had submitted an application to the Council as the Licensing Authority for the Borough of Crawley for a review of the premises licence in respect of premises known as the 'Moonraker' at 199 Three Bridges Road, Three Bridges, Crawley.

The application was detailed in Appendix A to the report and sought a review on the grounds that the Premises Licence Holder was not promoting the statutory licensing objectives of prevention of crime and disorder and public safety. Sussex Police contended that the licensing objectives had been seriously undermined by the failure of Martin Radmall, the Premises Licence Holder and Designated Premises Supervisor, following a particularly serious assault upon a patron which went unreported, also that he failed to adhere to the conditions attached to the premises licence and to appropriately deal with the management of the premises.

Evidence submitted by Sussex Police in respect of the incident which took place on 27 April 2018 was attached as Appendix B to the report and Appendix C detailed the premises licence identifying Martin Radmall as the Premises Licence Holder.

Mr Lyons drew the Sub Committee's attention to the supplementary agenda items which had been circulated following publication of report HCS/09 and which the Sub Committee should take into account during its deliberations. Those supplementary agendas detailed the following:

Supplementary Agenda Item 5:

- Additional evidence submitted by Sussex Police: CCTV footage of the incident which took place on 27 April 2018.
- Additional evidence from Sussex Police regarding a further incident which had taken place on 18 October 2018.

Supplementary Agenda Item 6:

- Additional information provided by the Licensing Authority in respect of the Premises Licence: Transfer of the Licence from Mr Martin Radmall to Ei Group Plc.
- Further supporting evidence from Sussex Police regarding the incident which had taken place on 18 October 2018 (with an intention that CCTV footage of the incident would be presented at the Hearing, subject to the agreement of all parties present).
- In addition to undermining the licensing objectives of prevention of crime and disorder and public safety, Sussex Police, in their additional evidence regarding the incident on 18 October 2018, further contended that the licensing objective of protecting children from harm had been undermined.

Mr Lyons advised the Sub Committee that, during the 14 day notice period in which the relevant responsible authorities had the opportunity to object to the transfer of the premises licence, Ei Group Plc (as the 'new' Premises Licence Holder) held all the responsibilities of a Licence Holder. The Sub Committee noted that it had the option to formally remove Martin Radmall as Designated Premises Supervisor.

It was confirmed that the application had been advertised in accordance with legislation, and as a result of the consultation process, two relevant representations had been received. The representation which had been submitted by Gosschalks Solicitors (on behalf of their client Ei Group Plc) (Appendix D to the report) addressed the issues raised by Sussex Police in their application for the review, and proposed several actions which could be taken as a result. A representation had also been received from the Public Health Department (Appendix E to the report) which fully supported the request by Sussex Police for a suspension of the premises licence and the additional conditions proposed.

The Sub Committee was then guided through the remainder of the report which set out the reasons for the Hearing and the matters which the Sub Committee should take into consideration when dealing with the application, including the relevant sections of the Guidance issued by Government pursuant of Section 182 of the Licensing Act 2003, and the relevant parts of the Council's policy Statement of Licensing Policy. In particular, Mr Lyons drew the Committee's attention to the conditions and actions suggested by Sussex Police in its application for review (Appendix A).

Mr Lyons then proceeded to inform the Hearing of the steps available to it in respect of the application, and reminded the Sub Committee that any decision must be appropriate for the promotion of the four licensing objectives. Mr Lyons confirmed the steps available to the Sub Committee were such as those set out below, if any:

- (i) Modify the conditions of the premises licence;
- (ii) Exclude a licensable activity from the scope of the licence;
- (iii) Remove the Designated Premises Supervisor;
- (iv) Suspend the licence for a period not exceeding three months;
- (v) Revoke the licence.

The Sub Committee confirmed that it did not have any questions in relation to the report.

The Applicant (Sussex Police)

Inspector Di Lewis, Sussex Police, addressed the Sub Committee and stated that the Police had serious concerns regarding Martin Radmall's management of the premises which, she believed, had led to the serious assault on 27 April 2018 and where appropriate action had not been taken by Mr Radmall following the incident. Inspector Lewis advised the Sub Committee that, following the transfer of the licence, Sussex Police had been in regular contact with Ei Group Plc as the new Premises Licence Holder and the premises was now temporarily closed on a voluntary basis.

Inspector Lewis advised that, when Sussex Police had submitted its application for a review of the licence, concerns related to:

- Appropriate action not being taken following the serious assault on 27 April 2018, with Sussex Police and emergency services not being contacted by staff on the premises following the incident.
- The breach of a number of conditions on the premises licence.
- The use of the pool tables, as it was Sussex Police's view that the pool tables were a focal point of many of the problems facing the premises.
- Bar staff not dealing appropriately with incidents taking place at the premises;
- Children being present on the premises after 1900hrs (which breached the conditions of the current licence).
- A lack of respect by Martin Radmall of the conditions of the licence.

Inspector Lewis requested that the Sub Committee consider imposing the measures proposed by Sussex Police in its application for review, which she believed would promote the licensing objectives and allow the new Premises Licence Holder to implement the changes necessary to protect members of the public from harm and ensure that the premises could be run safely to the benefit of the local community. In particular Inspector Lewis requested that the Sub Committee remove Martin Radmall as the Designated Premises Supervisor; impose a suspension of the licensable activities to allow time for training and a change in clientele. Inspector Lewis advised that Sussex Police did not seek revocation of the licence but requested that restrictions be imposed.

As requested earlier in the Hearing, Inspector Lewis referred to the CCTV footage which Sussex Police wished to submit as additional information. Following confirmation from the Legal Clerk that all relevant representatives had been sent the CCTV footage of the incident which took place on 27 April 2018, Inspector Lewis clarified that the CCTV footage which Sussex Police wished to submit as additional information related to the incident which took place on 18 October 2018. The Premises Licence Holder's representative, Mr Taylor, addressed the Committee and, in the spirit of cooperation, raised no objection to the CCTV footage being submitted for consideration.

The Legal Clerk advised those present that the CCTV footage included an image of a child who was, in her opinion, identifiable. As such the CCTV footage was deemed to be exempt information and, with exception of the representatives for Sussex Police, the Public Health Department and the Premises Licence Holder, members of the public and press were asked to leave the room whilst all relevant parties viewed the footage.

4. Exempt Information - Exclusion of the Public

RESOLVED

That under Section 11A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

5. Application to Review the Premises Licence applicable to the MOONRAKER, 199 Three Bridges Road, Three Bridges, Crawley

Exempt Paragraph 2.

Information which is likely to reveal the identity of an individual.

The Sub Committee and the representatives for Sussex Police, the Public Health Department and the Premises Licence Holder viewed the CCTV footage of the incident which took place on 18 October 2018.

Re-admission of the Public

The Chair declared the meeting re-open for consideration of business in public session.

6. Application to Review the Premises Licence applicable to the MOONRAKER, 199 Three Bridges Road, Three Bridges, Crawley

Questions asked by the Sub Committee of the Applicant (Sussex Police)

The Sub Committee then asked the following questions of the Applicant:

Questions by the Sub Committee	Response <i>(respondent in brackets)</i>
Was the time shown on the CCTV footage for 18 October 2018 correct?	Yes. The CCTV footage for the incident on 27 April 2018 had shown a two hour time difference. The issue had been rectified since then and the time shown on the footage for 18 October 2018 was correct <i>(PC Jones)</i>
Was the child present on the CCTV footage the child of a staff member?	Yes, although the staff member was not working at the time and was drinking at the bar <i>(Inspector Lewis)</i>

Inspector Lewis advised the Sub Committee that the incident on 18 October 2018 provided further evidence of the lack of management at the premises, the culture within the premises and the level of control within the premises some of the patrons appeared to show. The CCTV footage of the incident on 18 October 2018 demonstrated that, although the suspect had been excluded from entering any Crawley and Gatwick Business Watch Pub (of which the Moonraker was a member), he had been served by bar staff on the night in question. Inspector Lewis also highlighted that the child had been on the premises beyond the hours allowed on the

conditions of the licence and had not been removed from the premises when the situation escalated.

Interested Party (Public Health Department)

The representative for West Sussex County Council's Public Health Department, Holly Yandall addressed the Sub Committee in support of Sussex Police's application to review the licence and drew the Sub Committee's attention to the representation she had submitted which was included within the report (Appendix E).

Ms Yandall emphasised the impact an assault had on the public health services and cited research by the Trauma Audit Research Network at the University of Manchester which had established that a serious assault, such as the one on 27 April 2018 would amount to a total cost of £20,269 to the health service, ambulance service, Police and the impact on the victim. Ms Yandall advocated that, had the conditions on the premises licence been adhered to and the licensing objectives promoted, it was unlikely that either of the incidents outlined in the report would have taken place.

In addition, Ms Yandall referred to the evidence of the level of drug use on the premises which Sussex Police had submitted as additional evidence (Appendix B to the report). Specifically, Ms Yandall explained that when alcohol was mixed with cocaine it produced cocaethylene which had been shown to impact an individual's behaviour by reducing inhibitions and increasing reckless and violent behaviour.

Ms Yandall informed the Hearing that she supported the recommended actions and conditions proposed by Sussex Police in its application for review (Appendix A to the report) especially in relation to providing a clear drugs policy, providing the associated training and ensuring that the drugs policy was enforced. Ms Yandall also urged the Sub Committee to remove Martin Radmall as the Designated Premises Supervisor. Ms Yandall was of the view that those actions would create a break in the culture of the premises and the present clientele, and would provide a 'reset' for the new management.

The Council's Senior Licensing Officer took the opportunity to draw the Sub Committee's attention to the statement of PC Jones dated 28 August 2018 (Appendix B to the report) which detailed the swab results for controlled substances taken within the premises. At this point PC Jones provided the Hearing with more information relating to the levels of controlled substances found on various surfaces within the premises. PC Jones highlighted that a significant number of the surfaces had a result of 4 or above which was classed as a 'high' response and was indicative of recent and direct contact with measureable quantities of the narcotic identified by the machine.

Questions asked by the Sub Committee of the Interested Party (Public Health Department)

The Sub Committee then asked the following questions:

Questions by the Sub Committee	Response (<i>respondent in brackets</i>)
The swab results pertaining to the gaming machine and jukebox where above 4 which indicated a 'high' response. PC Jones' statement dated 28 August 2018 (Appendix B to the	Whilst it was a possibility, there was no certainty that was the case (<i>Response provided by PC Jones of Sussex Police</i>)

Questions by the Sub Committee	Response <i>(respondent in brackets)</i>
<p>report) stated that the image provided by CCTV Camera 2, which covered those areas, was at that time obscured by a number of patio umbrellas that had been placed there for storage. Was PC Jones of the opinion that the camera had been purposefully covered to hide drug use?</p> <p><i>(Question directed to Sussex Police)</i></p>	
<p>The CCTV footage for 27 April 2018 showed smoking taking place within the premises. Why had neither Sussex Police nor the Public Health Department mentioned that in their submissions?</p>	<p>Smoking within the premises was a matter for the local Public Health Department to pursue and was not a Sussex Police matter. Holding a cigarette in their mouth did not necessarily mean that the cigarette was lit, those individuals might have been holding the cigarette in their mouth on the way to the door where the cigarette would be smoked outside the premises <i>(Response provided by PC Jones of Sussex Police)</i></p> <p>Holly Yandall acknowledged that when viewing the CCTV footage of 18 October 2018, she had noticed that an individual had lit a cigarette within the premises <i>(Holly Yandall)</i></p>

Premises Licence Holder (Ei Group Plc)

Mr Richard Taylor of Gosschalks Solicitors, the representative for Ei Group Plc as the Premises Licence Holder, addressed the Sub Committee and stated that Ei group Plc supported Sussex Police's application for review and the conditions proposed by Sussex Police. Mr Taylor advised the Hearing that he acted on the behalf of Ei group Plc and was not there to represent the former Premises Licence Holder Martin Radmall. Mr Taylor also took the opportunity to remind the Sub Committee that Ei Group Plc had not been the Premises Licence Holder when either of the incidents in question had taken place.

Mr Taylor drew the Sub Committee's attention to the representation submitted on behalf of Ei Group Plc (attached as Appendix D to the report) and he made the following submissions:

- The vast majority of the licensed premises owned by Ei Group Plc were the subject of lease/tenancy agreements and the tenants operated their own business from the premises. Therefore, when both the incidents in question took place, Martin Radmall operated the business.
- Since the application for review had been submitted by Sussex Police, Ei Group Plc had removed Martin Radmall as a tenant and the Premises Licence had been transferred to Ei Group Plc.

- Martin Radmall had vacated the premises on 30 October 2018 and Ei Group Plc had regained possession of the premises. The premises had been closed for business as of 31 October 2018.
- Ei Group Plc were currently seeking to appoint new professional management for the premises, who would operate the premises through the Christmas period.

Mr Taylor advised the Sub Committee that since Martin Radmall's departure from the premises, Mr Taylor had been in discussion with Inspector Lewis regarding Sussex Police's proposed actions and conditions. Ei Group Plc wanted to work in partnership with Sussex Police and uphold the licensing objectives, and in light of this and the discussions that had taken place with Sussex Police, Ei Group Plc:

- Agreed with the conditions proposed by Sussex Police in its application for review (Appendix A to the report).
- Had removed the pool tables from the premises with no intention of reinstating them.

Whilst Ei Group Plc did not object to Sussex Police's proposal that the licence be suspended for a period of time, Mr Taylor was of the opinion that the minimum eight week period of suspension requested by Sussex Police could have an irreversibly negative effect on the business. Mr Taylor therefore requested that, should the Sub Committee be minded to suspend the licence, that any such a suspension cease by the 30 November 2018 therefore allowing the premises to reopen on 1 December 2018. Mr Taylor provided the following reasons for the request:

- An eight week suspension period would result in the premises closing from the end of November 2018 to the end of January 2019. If the premises were closed over the Christmas period, the business might never recover.
- The licensed premises was not a 'bad pub', but that the issues which had resulted in the Hearing were due to the premises being poorly operated. With the right staff and management in place the pub had the potential to be a benefit and not a burden to the local area.
- Should the premises be allowed to open over the Christmas period, new management would be in place and all staff would be fully trained.
- A period of closure until 1 December 2018 would (should the Sub Committee be minded to take the relevant action) be sufficient time to:
 - Remove Martin Radmall as the Designated Premises Supervisor.
 - Identify and appoint a new Designated Premises Supervisor who met the approval of Sussex Police.
 - Impose the conditions on the licence proposed by Sussex Police.

Mr Taylor, directed the Sub Committee to Paragraph 6.2.7 of the report which referenced associated Paragraph 11.20 of the Section 182 Guidance of the Licensing Act 2003 which stated that, in deciding which powers to invoke, licensing authorities should first seek to establish the cause of the concerns identified by the representations and then direct remedial action at those causes, and such action should be no more than an appropriate and proportionate response to address those causes for concern. Mr Taylor proposed that the incidents detailed in Sussex Police's application for review and their additional evidence had been a consequence of Martin Radmall's lack of management, and that had therefore been the cause of the concerns raised by Sussex Police. Mr Taylor reminded the Sub Committee that Martin Radmall had now been removed as the Premises Licence Holder and, in Mr Taylor's opinion, the appropriate and proportionate remedial action would be to also remove him as the Designated Premises Supervisor.

Questions asked by the Sub Committee of the Premises Licence Holder (Ei Group Plc)

The Sub Committee then asked the following questions of the Premises Licence Holder:

Questions by the Sub Committee	Response <i>(respondent in brackets)</i>
<p>What assurances could Ei Group Plc provide that the premises would be run properly in the future?</p>	<p>Ei Group Plc owned approximately 4,000 public houses in England and Wales. The Plough public house (also along Three Bridges Road) was owned by Ei Group Plc and had good management. When Martin Radmall had been appointed by Ei Group Plc five/six years ago no information had been found which deemed Martin Radmall to not be a 'suitable' appointment. Although Ei Group Plc could not provide the guarantee being sought by the Sub Committee, it would carry out all the necessary checks when making an appointment for new management <i>(Richard Taylor)</i></p>
<p>Would Ei Group Plc review the performance of any new management appointed?</p>	<p>Ei Group Plc would closely monitor the new management of the premises. Ei Group Plc's Regional Manager would liaise with the new Designated Premises Supervisor, the Council's Senior Licensing Officer and Sussex Police to ensure that the premises was being well managed. Any tenancy agreement would be for a minimum period of five years up to a maximum of twenty years – the long term nature of the lease would provide for stability in the new management <i>(Richard Taylor)</i></p>
<p>Were Ei Group Plc aware of any historical incidents (not detailed within report HCS/09) which had taken place at the premises?</p>	<p>Ei Group Plc was only aware of the instances detailed within report HCS/09 <i>(Richard Taylor)</i></p> <p>Ei Group Plc had performed a background check on Martin Radmall before appointing him as management for the premises. Had anything been highlighted when those pre-application checks had been carried out, Ei Group Plc would have refused to appoint Martin Radmall. Apart from the incidents which had taken place on 27 April 2018 and 18 October 2018, Ei Group Plc did not have a record of any historical issues relating to the premises <i>(Nicholas Hanlon)</i></p>

Questions by the Sub Committee	Response <i>(respondent in brackets)</i>
	<p>PC Jones informed the Sub Committee that he had been a police officer for 27 years and had worked within Crawley for the past five years. PC Jones confirmed that a violent incident, in addition to those identified in the report, had taken place in the past, but that Ei Group Plc would not have been aware of the incident as it had not been the Premises Licence Holder at that time <i>(PC Jones)</i></p> <p>The Council's Senior Licensing Officer confirmed that, the Licensee prior to Martin Radmall had been removed following an altercation which had taken place. The incident involved personal guests of the then Licence Holder and had occurred out of hours on the premises. A person had been stabbed with a broken pool cue. Although Ei Group Plc owned the business at that time, it was not the Premises Licence Holder, the person named on the lease or an interested party at the time of the incident. The Sub Committee noted that the incident in question was not relevant to the current Hearing <i>(Mike Lyons)</i></p>

Final Comments made by the Applicant (Sussex Police)

Sussex Police's Licensing Officer suggested that Ei Group Plc retain the Premises Licence for a minimum of six months which would allow it an increased level of control over the premises. At this point Mr Taylor, the representative for Ei Group Plc, acknowledged that whilst it was not possible to add Sussex Police's request as a condition, should Sussex Police support Ei Group Plc's request that any suspension of the licence be concluded by 1 December 2019, he could provide assurance that Ei Group Plc would remain the Premises Licence Holder for six months. Mr Hanlon, Regional Manager for Ei Group Plc, added that, as was a requirement of the Pub Code etc Regulations 2016, any new Premises Licence Holder would be made fully aware of any enforcement action taken by the Council in connection with the premises during the previous 2 years. Ei Group Plc would also ensure that any individual appointed as the Premises Licence Holder was experienced.

The Council's Senior Licensing Officer took the opportunity to remind the Sub Committee that once Ei Group Plc had appointed a new tenant, Ei Group Plc could apply for a transfer of the Premises Licence. Approval of any such application would be subject to an opportunity for objections being made by Sussex Police and others. Inspector Lewis added that Sussex Police sought assurance that the any new Premises Licence Holder would be a suitable appointment and able to manage the

premises. Inspector Lewis emphasised the need for the premises to employ effective staff and ensure a change in the clientele following any suspension of the licence. Mr Taylor advised that some staff members would be retained under the new management, and that all staff would be fully trained and would have a strong manager.

PC Jones added that Sussex Police would be happy to work with Ei Group Plc and the new management in conducting swab testing for controlled substances within the premises.

Final Comments made by the Premises Licence Holder (Ei Group Plc)

Mr Taylor, representative for the Premises Licence Holder, made the following additional comments prior to the Sub Committee's deliberations:

- Ei Group Plc would appoint new management which met the approval of Sussex Police. Such new management would have a proven track record of managing 'difficult' licensed premises.
- To assist the 'resetting' of the premises, a change in the premises' name was also an option.
- Ei Group Plc did not want to own premises which caused problems, as such issues were costly for the business.

Clarification Sought by the Legal Clerk

The Legal Clerk addressed the Hearing and sought clarification on a number of the conditions proposed by Sussex Police in the application for review (Appendix A to the report):

Proposed Condition	Clarification Sought	Response (<i>respondent in brackets</i>)
5 (pool tables)	Acknowledged that the pool tables had been removed. Should the Sub Committee be minded to agree proposed condition 5, would the Premises Licence Holder have any objection to the tables being permanently removed?	The pool tables had been removed. Ei Group Plc was happy for that to remain the case (<i>Richard Taylor</i>) Sussex Police would like the pool tables to be permanently removed (<i>Pauline Giddings</i>) For the avoidance of doubt, the representative for the Department of Health requested that, should the Sub Committee be minded to impose the condition, that the wording be amended to also include snooker tables (<i>Holly Yandall</i>)
6 (duty of care policy)	Should the Sub Committee impose proposed condition 6, would the relevant parties present be willing to draft wording for the Sub Committee's consideration outlining the type	The representative for Ei Group Plc agreed to draft wording, in consultation with the representatives of Sussex Police and the Department of Health,

Proposed Condition	Clarification Sought	Response <i>(respondent in brackets)</i>
	of information to be included in the Duty of Care Policy?	for the Sub Committee's consideration <i>(Richard Taylor)</i> The Duty of Care Policy would relate to the care vulnerable persons <i>(Pauline Giddings)</i>
8 (drugs policy)	Did all relevant parties present have any views on whether condition 3 on the existing licencing (which related to an active drugs policy) to be adequate?	The current wording of condition 3 was deemed adequate <i>(Richard Taylor and Pauline Giddings)</i>
10 (risk assessment)	How frequently did Sussex Police expect the risk assessment to be reviewed?	It was envisaged that the assessment would be reviewed quarterly <i>(Richard Taylor)</i> The risk assessment was a 'live' document. It was likely to remain unchanged unless an event was expected to alter the type or level of activity within the premises. In those instances the risk assessment should be reviewed and an additional assessment should be considered <i>(Pauline Giddings)</i>

7. Exempt Information - Exclusion of the Public

RESOLVED

In accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from the following part of the Hearing. The Sub Committee considered that the public interest in taking such action outweighed the public interest in the Hearing taking place in public.

8. Application to Review the Premises Licence applicable to the MOONRAKER, 199 Three Bridges Road, Three Bridges, Crawley

The Sub Committee gave further consideration to the application and to the matters raised at the meeting. In formulating its decision, the Sub Committee took into account the options that were available to it and considered what was appropriate to ensure that the licensing objectives were promoted.

RESOLVED

The Sub Committee, having considered the application and the relevant representations in detail, resolved to take the actions as detailed in **Appendix 1** to

these minutes, because it was considered appropriate to promote the licensing objectives.

Re-admission of the Public

The Chair declared the meeting re-open for consideration of business in public session.

9. Application to Review the Premises Licence applicable to the MOONRAKER, 199 Three Bridges Road, Three Bridges, Crawley

The Legal Clerk, on behalf of the Sub Committee, read out the Sub Committee's decision as detailed in **Appendix 1** to these minutes. It was also announced that all parties would receive a copy of the decision notice within five days of the Hearing.

Closure of Meeting

With the business of the Licensing Sub Committee concluded, the Chair declared the meeting closed at 2.05 pm

Chair

Appendix 1: Decision of the Licensing Sub-Committee sitting at Crawley Borough Council in relation to the application for a review of the premises licence in effect for the premises known as Moonraker at 199 Three Bridges Road, Three Bridges, Crawley

1. The Sub-Committee listened carefully to the submissions made on behalf of the applicant for the review, Sussex Police, the representative for Public Health and the Licence Holder.
2. In coming to its determination, the material and documentation the sub-committee took into account included:
 - 2.1 the representations made on behalf of all parties and the evidence presented by Sussex Police before the meeting and the CCTV evidence presented during the meeting;
 - 2.2 the requirements of the Licensing Act 2003;
 - 2.3 the Statutory Guidance; and
 - 2.4 Crawley Borough Council Licensing Policy.

Observations by the Sub-Committee:

3. The Sub-Committee found the Police submissions and those by the Public Health representative to be informative and helpful.
4. The Sub-Committee welcomed, and was encouraged by, the new Licence Holder's submissions made during the hearing regarding their proposals for tackling and changing the management and culture at the premises; and their confirmation that they do not intend to apply for a transfer of the licence for a period of 6 months, which the Sub-Committee felt was an adequate period of time for the new management to be established. The Sub-Committee noted that the new Licence Holder had taken the responsible step of closing the premises. At the outset, the Sub-Committee wanted to say that it wished to support the Licence Holder's intention to install a new Designated Premises Supervisor (DPS) with strong management skills.
5. The Sub-Committee also welcomed the evidence given during the hearing of the Licence Holder working with the Police.

Findings

6. The Sub-Committee found that the evidence presented by the Police clearly demonstrated that there had been repeated breaches of the existing licence conditions by the former Licence Holder/current DPS, Mr Radmall, resulting in serious incidents on the premises and other matters of concern. The Sub-Committee found that the causes of the current situation on the premises were:
 - 6.1 The failure to adhere to existing licence conditions and the management, or complete lack of management, by former Licence Holder/current DPS, of Mr Radmall; and
 - 6.2 A culture at the premises which had developed due to the serious failings of Mr Radmall which featured an acceptance of violence, drug-taking and concerning behaviour regarding minors.

7. The Sub-Committee concluded that it wished to achieve what was described by the Public Health representative as a 're-set' of these premises, aiming to achieve the following:
 - 7.1 the appointment of a new Designated Premises Supervisor capable of being a strong manager who can foster a different culture in the premises which promotes the 4 licensing objectives and provides a safe, well-run premises for both staff and clientele;
 - 7.2 a hiatus in operation of the premises to allow a period where regular, problem clientele are absent from the premises to assist in the fostering of a new culture when the premises re-opens;
 - 7.3 the undertaking a deep clean of the premises to remove (as much as possible) cocaine and other illicit drug residue.

Measures to address these causes/achieve the 're-set'

8. Members decided that the following were appropriate steps which should be taken to address the causes, achieve a successful 're-set' of the premises and thereby promote the licensing objectives.
9. Remove existing DPS, Martin Radmall.
10. Suspend the premises licence until and including 13 December 2018 (to be clear this allows re-opening on 14 December). The Sub-Committee considered this is was the appropriate period for the above aims to be achieved (installing a new, responsible management, creating a break to the existing undesirable culture, and allowing the premises to be deep cleaned). In particular they felt this was the appropriate period to break the link between the undesirable culture and the premises, and that this period will also act as a deterrent to such undesirable conduct being repeated.
11. Vary the conditions of the licence as follows:
 - 11.1 Existing condition 3 of Annex 2 of the premises licence is to be replaced with this condition:
 - 11.1.1 The premises will be run with a zero tolerance drug policy. The DPS will ensure that all staff are trained with regard to this policy. All persons found to be in possession of drugs or dealing drugs will be reported to the police and banned from the premises, and a report will also be forwarded to the Licensing Authority (Crawley Borough Council).
 - 11.2 Signage stating that the premises has a zero tolerance towards drugs must be prominently displayed and Sussex Police must be consulted on the placement of such signs. The signs must be in situ prior to any licensable activity taking place.
 - 11.3 Toilet checks must be completed at regular intervals. The minimum number of checks must be: every 2 hours Sunday to Thursday and hourly on Fridays and Saturdays.
 - 11.4 Martin Radmall, the former Licence Holder/DPS, is not to be permitted onto the premises for a period of 6 months, that is up to and including 6 May 2019 (to be clear, after this period, Mr Radmall may be permitted onto the premises).

(The Sub-Committee's view was that the above condition would assist in successfully securing a complete change in management and culture on the premises.)

- 11.5 A DPS or a staff member who holds a personal licence must be on the premises, in a working capacity, each day until all members of the public have left the premises and its curtilage.
- 11.6 There shall be no pool tables, snooker tables or similar on the premises.
- 11.7 The DPS must prepare a written duty of care policy which will include ensuring that appropriate first aid/other attention is given by staff when necessary and until such time as medical/other emergency services are in attendance. All staff and any contract SIA door staff must be trained on this policy and this training must be included with the induction training required by condition 8 of Annex 2.
- 11.8 (i) A documented risk assessment for normal trading must be written. This must identify the activities undertaken at the premises and the controls necessary to promote the licensing objectives. The risk assessment for normal trading must be reviewed annually.
- (ii) An additional risk assessment must be conducted and written for events that are anticipated will significantly increase customer numbers, eg. sporting events of national or local interest or funeral events. On occasions when a requirement is identified by the risk assessment or requested by Sussex Police, SIA trained and licensed door supervisors shall be employed and polycarbonate drinking vessels will be used in both internal and external parts of the premises.
- (iii) The risk assessments will be completed by the DPS, retained on site and made available for inspection by the police and licensing authority on request.
- 11.9 A written record of those authorised to make sales of alcohol shall be kept. This shall be endorsed by the DPS with the date such authorisation commences. This shall be made available immediately upon request to the Local Authority (Crawley Borough Council) and Sussex Police Licensing Officers.

Crawley Borough Council

Minutes of Licensing Sub Committee

Tuesday, 12 February 2019 at 10.30 am

Councillors Present:

K L Jaggard (Chair)

B J Burgess and R Sharma

Officers Present:

Heather Girling	Democratic Services Officer
Mike Lyons	Senior Licensing Officer
Kareen Plympton	Health, Safety and Licensing Team Leader
Astrid Williams	Senior Lawyer (Legal Clerk)

Also in Attendance:

Adam Humphrey	Applicant and Lodge Director
Ryan Smith	Lodge Director
John Byng	Interested Party
Jacqueline Smith	Interested Party
Pauline Smith	Interested Party (representing Deepa Patel)

1. Appointment of Chair

RESOLVED

That Councillor K L Jaggard be appointed Chair for the meeting.

2. Members' Disclosures of Interest

No disclosures of interests were made.

3. Application to Vary the 'Club Premises Certificate' - Crawley Masonic Club, St Margaret's Hall, Ifield Green, Crawley

The Sub Committee considered an application to vary the Club Premises Certificate in respect of Crawley Masonic Club, St Margaret's Hall, Ifield Green, Crawley.

Following the introduction of those present at the meeting, the Legal Clerk outlined the procedure for the meeting. The Legal Clerk informed all parties that the Sub Committee had requested a pre-meeting with the Legal Clerk and Democratic Services Officer prior to the commencement of the Sub Committee, to confirm the procedure that would be followed during the meeting. At that pre-meeting the Sub Committee had confirmed receipt of the supplementary agenda documents which had been circulated following publication of the main agenda. It was confirmed that the Sub Committee had not asked for clarification of any aspect of the application or on the representations received from any party.

The Legal Clerk then asked all parties present, if they wished to make any relevant applications, for example to rely upon additional information, an adjournment or to cross-examine any party. No applications were made.

Report HCS/12 of the Council's Head of Community Services was presented by Mr Lyons.

The Application

Mr Lyons, informed the Sub Committee that on 20 December 2018 'Crawley Masonic Club', had submitted an application to the Council as the Licensing Authority for the Borough of Crawley to vary the Club Premises Certificate (CPC) for the premises – Crawley Masonic Club, St Margaret's Hall, Ifield Green, Crawley in accordance with the provision of the Licensing Act 2003. A copy of the application was set out in Appendix A to the report, which included information provided by the Applicant as to how the four licensing objectives would be promoted.

The application proposed to vary the CPC:

(i) To extend the supply of alcohol as follows:

Mon – Sat 11.00 – 01.00hrs (the existing hours were 11.00 to 23.00)

(The application did not seek to vary the existing hours for the supply of alcohol on Sundays or holidays)

(ii) To extend the opening hours

Mon – Sat 10.00 – 02.00hrs (the existing hours were 10.00 to 01.00)

(The application did not seek to vary the existing opening hours for Sundays or holidays)

It was confirmed that the application had been advertised in accordance with legislation and as a result of the consultation process Sussex Police had submitted a relevant representation in which they proposed additional conditions to the CPC (Appendix E to the report) if the application to vary was granted. The applicant had confirmed to the Council that they agreed to the additional conditions proposed by Sussex Police.

Environmental Services had also submitted a relevant representation in which the officer stated that according to their records, Environmental Health (Pollution Team) had not received any noise complaints concerning the premises and whilst aware some interested parties referred to loud music, Environmental Services had no evidence to support or counter such claims. The representation also stated that as the proposed changes only related to the sale of alcohol and no extension to regulated entertainment, Environmental Health consequently had raised no objection to the application (Appendix C).

West Sussex Fire and Rescue Service also submitted a relevant representation which it stated had no objection to the application (Appendix D).

The Licensing Authority had also received 8 relevant representations raising objections to the application (attached as Appendices F - M to the report).

The Sub Committee was then guided through the remainder of the report which set out the reasons for the Hearing and the matters which the Sub Committee should take into consideration when dealing with the application, including some of the relevant sections of the Guidance issued by Government pursuant of Section 182 of the Licensing Act 2003, and the Council's policy considerations.

It was emphasised that all licensing determinations should be considered on a case-by-case basis, be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate. It was also emphasised that the section 182 guidance issued by the Secretary of State and the Council's own Policy indicated that the Council should look to the Police as the main source of advice in relation to crime and disorder.

The Sub Committee was informed that should problems arise in future it is possible for an application to be made to the Council to undertake a review of the CPC.

Mr Lyons then proceeded to inform the Hearing of the options available to it in respect of the application, and reminded the Sub Committee that any decision must be appropriate for the promotion of the four licensing objectives. The options were to:

1. Modify the conditions of the certificate.
2. Reject the whole or part of the application.

Questions asked by the Sub Committee of the Council's Senior Licensing Officer

The Sub Committee then asked the following questions of the Council's Senior Licensing Officer:

Questions by the Sub Committee	Response <i>(respondent in brackets)</i>
Please can the conditions from the Police be clarified?	<p>Page 33 of the agenda bundle referred to a representation letter from Sussex Police. Sussex Police had imposed additional conditions as referred to on page 34, which the club had indicated they have accepted. If Members decided to grant the application, part of granting the application the conditions would form part of the variation. <i>(Mike Lyons)</i></p> <p>The application sought to vary hours of serving alcohol and also relating to hours opening. However even if the committee was not minded to vary the CPC in those respects the Sub Committee could still impose these</p>

Questions by the Sub Committee	Response <i>(respondent in brackets)</i>
	conditions or some form of these conditions or any other conditions it wished. (Legal Clerk)
Have there been any breaches of licensing objectives in the past?	The Council as Licensing Authority had not had any dealings with the Club and not received any complaints. Environmental Services had indicated similar. (Mike Lyons)
Are there any limits on the number of people allowed on the premises?	That matter comes under the Fire Regulatory Order and is now determined by the Fire Chief. (Mike Lyons)

The Applicant

Mr Ryan Smith, on behalf of the Applicant addressed the Sub Committee and made the following submissions:

- Crawley Masonic Hall is a members' only club. It is not hired out to non-members;
- The bar in the hall is used approximately 60 times per year and the masonic year runs from October until April, avoiding the summer months;
- The extension applied for is to allow members the opportunity to have a drink legally after a meeting should they wish as occasionally meetings run late;
- During the last year, the hall had been hired out twice to members and no complaints were received.
- Residents' representations regarding the parking and smoking have been acknowledged and communications had been issued to all residents notifying how the Club have attempted to tackle the concerns. The Club had:
 - Asked members to be considerate and to park in nearby public car park.
 - Contacted local taxi firms to seek their co-operation to reduce noise when collecting members.
 - Provided a smoking area for members
- There had been no complaints to the local authorities.
- Club contact details would be provided to local residents should they have future concerns regarding the Club in order to resolve issues promptly.
- The Club appreciated it is an emotive topic and wished to work with the local community but feel the areas are being addressed.

As a point of clarification, Mr Lyons, informed those present that whilst nearby parking was a concern raised by the interested parties, it fell outside the remit of the licensing objectives and was therefore the responsibility of other enforcement bodies and not of the Licensing Authority.

Mr Ryan Smith further added that whilst it was acknowledged that parking was not the responsibility of the Licensing Authority, as responsible neighbours the Club would be happy to publish the dates of the Club's meetings so the enforcement officers were aware as the club would discourage their members from parking illegally.

Questions asked by the Sub Committee of the Applicant

The Sub Committee then asked the following questions of the Applicant:

Questions by the Sub Committee	Response <i>(respondent in brackets)</i>
<p>How many members usually attend the meetings and what percentage would potentially stay on after the meeting is over?</p>	<p>On average approximately 35 members per meeting, arrive at about 5.30pm in the evening. The events usually go on until around 9.30pm/10.00pm. There are larger meetings however, but never usually more than 20 people staying until 11.00pm. <i>(Adam Humphrey)</i></p> <p>The biggest lodge in Crawley probably has between 6-10 members staying behind after a meeting, maybe sometimes up to 20. The majority of meetings occur midweek so it's unusual for many to stay usually just a few members wish to stay. <i>(Ryan Smith)</i></p>
<p>A point of clarification, if the applicant could please just provide a rough indication of the measurements of the bar area please? (page 27 of the agenda pack) <i>(Mike Lyons)</i></p>	<p>The bar area on the west side of the building is 20ft in length and 18ft in width. There is seating area around the edge. The bar is in the middle. The exit people use is on the west of the building which faces out on to the road. The back of the building on the east of the building backs onto Old Manor Close. The picture of the rear elevation of the building can be found in the supplementary agenda. Fire exits are on the north and south. <i>(Adam Humphrey)</i></p> <p>It would be very difficult to get more than 20 people at the bar at once and if so it would be "standing room only". It is not a drinking club, it's a Masonic Hall and therefore has the facility for people to have a drink and the club does not have a large bar which does not dominate the premises. <i>(Ryan Smith)</i></p>
<p>Is there a maximum number of people allowed in the hall from the fire department certificate?</p>	<p>Believed it is 88 but it's never been an issue as the meetings are never that big. The biggest lodge holds the largest meeting and had 60 people in attendance. There are restrictions owing to members' during meetings and the placement of tables and chairs makes it difficult to get the maximum number within the hall. Clarification would be needed from the Fire Chief for the exact</p>

Questions by the Sub Committee	Response <i>(respondent in brackets)</i>
	number. It used to be under the old system, around 100 but it was changed. <i>(Ryan Smith)</i>

Interested Party (Ms Jacqueline Smith)

Ms Jacqueline Smith addressed the Sub Committee objecting to the application and made the following submissions:

- Parking was a concern with Old Manor Close with vehicles arriving mid-afternoon. It was felt this would cause potential access issues for emergency vehicles.
- Whilst acknowledging the Club had requested their members park in other areas she questioned the enforcement of such an approach.
- There were concerns that the future increase in hours would result in an increase in hall rental for functions.
- Ms Jacqueline Smith believed that granting the application would not be conducive for residents' quality of life;
- The applicant mentioned the club hadn't received any complaints, however Deepa Patel had informed her that she had previously complained to the Brighton branch of the Masonic Club.

As a point of clarification, Mr Lyons informed the Sub Committee that that parking issues were a matter for Sussex Police unless it was a local enforcement matter. It was also emphasised that the application before the Sub Committee was not one for review of the CPC and consequently the Sub Committee could only consider the current application before it.

In response to Ms Jacqueline Smith, Mr Ryan Smith commented that the Brighton centre was not a branch of Crawley Masonic Hall Ltd and unfortunately the Crawley Masonic Hall had received any communication but would be interested to know the relevant dates and details.

Questions by the Sub Committee	Response <i>(respondent in brackets)</i>
People do not appreciate that when there is a complaint, the best procedure to follow is to approach Mr Lyons in the Licensing Department as the Licensing Authority is that correct? <i>(Councillor B J Burgess)</i>	That is correct, if it is a licensing objection or a concern regarding a licensed premises individuals can come to the Licensing department and raise the matter. Again if it is a parking issue it can be referred to the Parking Enforcement Team. <i>(Mike Lyons)</i>

Interested Party (Mr John Byng)

Mr John Byng addressed the Sub Committee in objection to the application and made the following submissions:

- Mr Byng confirmed his correct address for the Sub Committee's records;
- He had concerns that the long hours being requested did not justify the small number of members remaining, nor the wages of the steward;

- He questioned the number of meetings the Club said that they had per year, together with the minimal number of additional events;
- He said he had had previous issues with catering vans parking on pavement but not necessarily with regards to members' parking.
- Mr Byng added that he had no serious complaints against the club and felt they were good neighbours. However he did have concerns that should the licensing hours be extended this would lead to the potential for public nuisance.
- He said that he understood that various similar clubs operated within the town which did not have as late licensing hours (as being requested in the application) and he queried if occasional extensions to the licence could be adopted.

Questions asked by the Sub Committee of Mr John Byng

The Sub Committee confirmed that it did not have any questions for Mr John Byng.

Interested Party (Mrs Pauline Smith representing Miss Deepa Patel)

Mrs Pauline Smith addressed the Sub Committee in support of Miss Patel's written representation made in respect of the application and made the following submissions:

- Mrs Pauline Smith said she lives right next door to the Hall;
- She said that if an event takes place therefore, it usually finishes by 10.00pm;
- She said that if the side door is open, occasionally some noise can be heard from inside.

Questions asked by the Sub Committee of Mrs Pauline Smith

The Sub Committee confirmed that it did not have any questions for Pauline Smith

Questions asked by the Interested Parties of the Applicant (Mr Adam Humphrey)

The interested parties then asked the following questions of the Applicant, (Mr Adam Humphrey)

Questions by the Interested Parties <i>(questioner in brackets)</i>	Response <i>(respondent in brackets)</i>
<p>It was enquired whether the Applicant and the Licensing Authority had considered the option which is a feature of the Emerald Sports and Social Club licence that the licence should remain the same but the possibility of a limited number of extensions per year? <i>(John Byng)</i></p>	<p>There are a number of different types of clubs in Crawley. The Emerald Club is a "recognised club" as it holds a premises licence which is similar to a pub licence where the public can enter if the members and committee so wish.</p> <p>The Crawley Masonic Club is a private members' club run under a CPC not a licence so they do not have the authority to serve alcohol to the public.</p>

Agenda Item 4 Appendix b

Licensing Sub Committee (24)

Tuesday, 12 February 2019

Questions by the Interested Parties <i>(questioner in brackets)</i>	Response <i>(respondent in brackets)</i>
	<p>With regards to the limited number of extensions, although it was possible to apply for this, that is not what the applicant applied for in the application being considered so the Licensing Authority cannot consider that request unless the Sub Committee decide it would be appropriate in this instance.</p> <p>The applicant could apply for a temporary event notice (TEN) for up to 15 events a year for a maximum of 21 days. If it was the Sub Committee's decision not to grant the application today, the Club could submit a TEN. This would be granted unless an objection is raised by Environmental Health or the Police. <i>(Mike Lyons)</i></p> <p>A TEN was considered but it was hard to gauge how many members would turn up for an individual meeting and we don't confirm numbers until 7 days prior. From an administrative point of view, the timescales are not feasible for submitting a TEN. In addition our meetings aren't classed as events. The current licence finishes at 11.00pm and the certificate variation would allow members to have a drink legally. <i>(Ryan Smith)</i></p>
<p>The applicants are referring to their present behaviour and present patterns. But there is concern here about the potential. This licence applied for provides the potential to hire the hall out to members any number of times a year until 2.00am. Currently residents live with the Masonic Hall right next door to residential properties without any problems at present and that's the way it should be left. <i>(John Byng)</i></p>	<p>As indicated in the letter that was issued to local residents, the club is applying for an hour's extension of the premises being open. The hall will not be rented to the public. It has only been hired out twice in the last year. <i>(Adam Humphrey)</i></p> <p>To confirm the Club is a private members' club and for guests and members only. The club does not have a premises licence and cannot issue alcohol to non-members and consequently would need to apply for a TEN. There is also a review mechanism, and Sussex Police or</p>

Agenda Item 4 Appendix b

Licensing Sub Committee (25)

Tuesday, 12 February 2019

Questions by the Interested Parties <i>(questioner in brackets)</i>	Response <i>(respondent in brackets)</i>
	<p>the Licensing Authority should be contacted in the first instance. Following the compilation of sufficient evidence a review could be called if the conditions were breached.</p> <p><i>(Mike Lyons)</i></p>

Further Questions asked by the Sub Committee of the Applicant

The Sub Committee then asked the following further questions of the applicant:

Questions by the Sub Committee	Response
Does the Club's rules prevent the hiring to the public?	<p>The Club's Byelaws prevent the hiring to the public. We only hire out to Members and a Member must be present for the duration. Irrespective of the Byelaws, the current certificate prevents the supply of alcohol to the public.</p> <p><i>(Ryan Smith)</i></p>
Who is responsible for hiring the hall if a TEN is applied for and there is a noise complaint?	<p>Under a temporary event notice, if there is a noise complaint it would be the person responsible for the TEN.</p> <p><i>(Mike Lyons)</i></p>
<p>If the Club is hiring the hall to members for other events, would the club consider restricting the hiring times to the "old times"?</p> <p>And is it a fair compromising situation for Mr Byng?</p>	<p>Whilst not committing on behalf of all the members but the events that the club hire are very limited but it is something that could be considered.</p> <p><i>(Ryan Smith)</i></p> <p>It was not thought possible to grant a licence to sell alcohol until 1.00am and to stay open until 2.00am and then set a restriction on the number of events that can take place there. That needs clarification from the Licensing Officer.</p> <p>Lodge meetings and events need to be looked at together and consideration needs to be given whether it is reasonable to extend the licence and the potential that the number of lodge meetings and the number of events will be higher than at present.</p> <p><i>(John Byng)</i></p> <p>Mr Byng is correct. The application is for 1.00am and 2.00am</p>

Agenda Item 4 Appendix b

Licensing Sub Committee (26)

Tuesday, 12 February 2019

Questions by the Sub Committee	Response
	<p>respectively for the use of lodge meetings. There are various options available but in terms of restrictions on the number of meetings or outside lodge meetings, outside of lodge meetings do not appear to be the current concern due to the limited number. The Sub Committee has before it an application and could restrict the times per the current application or reject the application. <i>(Mike Lyons)</i></p> <p>There is too much reliance upon past good behaviour when dealing here with a licence for the future. The whole purpose of licensing is to restrict potential for problems. The purpose for reviews is to deal with past problems and act upon past problems. I'm not here complaining about past issues we want to prevent the possibility of future problems. Extending this licence to 1.00am for alcohol and 2.00am for the premises in a residential area is potentially damaging to the public nuisance issue but also sets a bad precedent that the Committee might have to deal with for other licensing applications. <i>(John Byng)</i></p>
Please can the applicant confirm that they accept the 7 proposed conditions detailed on page 34 of report HCS/12?	The club had direct contact with Sussex Police and accept all the additional conditions that were imposed. <i>(Adam Humphrey)</i>

Closing Statement on behalf of the Applicant (Mr Adam Humphrey)

Mr Ryan Smith made the following points in his closing statement:

- The Club would provide contact details to the local residents committee should they wish to contact the Club about issues or concerns.
- The issues raised by residents regarding parking and smoking had been addressed (contacting local taxi firms and the siting of a smoking area).
- The Club had requested its members to park in a nearby public car park.
- The Club showed a willingness to engage with the local community.

Closing Statement by the Interested Party (Mr John Byng)

Mr John Byng made the following points in his closing statement:

- He acknowledged the past behaviour had been generally good, and he had no serious complaints.
- However he was concerned the granting of the application would create a 'precedent'.
- He said he welcomed the willingness of the club for contact details to be shared and to engage with the community.

Closing Statement by the Interested Party (Ms Jacqueline Smith)

Ms Jacqueline Smith made the following points in her closing statement:

- She expressed concern that the extension in hours would result in the potential for public nuisance.
- She said in her view the more times the Club were able to hire out would result in additional disturbance for residents.

4. Exempt Information - Exclusion of the Public

RESOLVED

In accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from the following part of the Hearing. The Sub Committee considered that the public interest in taking such action outweighed the public interest in the Hearing taking place in public.

5. Application to Vary the Club Premises Certificate - Crawley Masonic Club, St Margaret's Hall, Ifield Green, Crawley

The Sub Committee gave further consideration to the application and to the matters raised at the meeting. In formulating its decision, the Sub Committee took into account the options that were available to it and considered what was appropriate to ensure that the licensing objectives were promoted.

RESOLVED

The Sub Committee, having considered the application and the relevant representations in detail, resolved to take the actions as detailed in **Appendix A** to these minutes, because it was considered appropriate to promote the licensing objectives.

Re-admission of the Public

The Chair declared the meeting re-open for consideration of business in public session.

6. Application to Vary the Club Premises Certificate - Crawley Masonic Club, St Margaret's Hall, Ifield Green, Crawley

The Legal Clerk, on behalf of the Sub Committee, read out the Sub Committee's decision. It was also announced that all parties would receive a copy of the decision notice (as detailed in **Appendix A** of these minutes) within five days of the Hearing.

Closure of Meeting

With the business of the Cabinet concluded, the Chair declared the meeting closed at 3.02 pm

K L Jaggard
Chair

Appendix A

Determination of the Licensing Sub-Committee sitting at Crawley Borough Council

12 February 2019

Decision and reasons in relation to the application for the variation of a club premises certificate in respect of the Crawley Masonic Club, St Margaret's Hall, Ifield Green, Crawley

1. *The hearing was held to consider the relevant representations made in respect of an application of the Crawley Masonic Club to vary its club premises certificate (CPC). The application sought the following variations to the conditions of the CPC:*
 - (1) *to extend the current hours of sale of alcohol on Mondays to Saturdays from 11:00pm to 1:00am; and*
 - (2) *to extend the current hours of opening on Mondays to Saturdays of the premises from 1:00am to 2:00am.*

2. *The Sub-Committee, in determining the application, carefully considered the following:*
 - (1) *The application and all the material provided in support of it including submissions made on the applicant's behalf at the hearing.*

 - (2) *The relevant representations made by the responsible authorities: the Environmental Health department, the Fire Authority and Sussex Police.*

 - (3) *The relevant representations made by 8 interested parties being local residents, including the submissions made by 2 who attended the hearing in person and the representations of a third*

interested party who was represented at the hearing.

- (4) The guidance issued by the Secretary of State pursuant to s182 of the Licensing Act 2003 (S182 Guidance).**
- (5) The Council's own Statement of Licensing Policy (CBC's Policy).**

Decision

- 3. The decision of the Sub-Committee was that the appropriate step for the promotion of the licensing objectives was to modify the conditions to the CPC as follows:**

- (1) The hours for the supply of alcohol to be extended from 11:00pm to 1:00am on Mondays to Saturdays;**
- (2) The opening hours of the premises to be extended from 1:00am to 2:00am on Mondays to Saturdays; and**
- (3) The 7 proposed conditions as agreed between the applicant and Sussex Police (as set out on page 34 of report HCS/12), shall be added as conditions to the CPC. These are:**

- 1. The Club will operate an age verification policy set at a minimum of 25 years, whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. Signage advertising the "Challenge" policy will be displayed in prominent locations in the premises and shall include the point of sale and the area where the alcohol is displayed, as a minimum.**
- 2. Children under the age of 18 must be accompanied by their parent, guardian or other appointed adult at all times when in or around the Club.**
- 3. New members may not make use of the licensed premises until a period of 48 hours has elapsed since the date of the application.**
- 4. Club members may sign in a maximum of two guests at any one time.**
- 5. All staff members engaged, or to be engaged, in selling**

alcohol on the premises shall receive full training pertinent to the Licensing Act 2003, specifically in regard to age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed prior to engaging in any sale of alcohol. Refresher training (which may be verbal reinforcement) shall be conducted thereafter at intervals of no more than sixteen (16) weeks. All restricted sales training undertaken by members shall be fully documented and signed by those persons involved in the sale/supply of alcohol and a member of the committee. All training records shall be retained at the Club and made available upon request to the Local Authority Licensing Officers and Sussex Police Officers.

- 6. The Club shall at all times maintain and operate a sales refusals log and an incident log, recording all refusals and incidents of crime or disorder. These shall be reviewed and signed by a committee member at intervals of no more than eight (8) weeks. Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises. These records shall be kept at the Club for a minimum of twelve (12) months, and made available upon request to officers of any responsible authority.***
- 7. Children under the age of 18 may not be permitted on the premises after 21:00 hours.***

Reasons

- 4. The Sub-Committee noted that the evidence from the representatives from the applicant included the following:***
 - (1) That the Club's byelaws limited the hiring out of the premises to members only and so the current arrangements are that the premises cannot be let to the general public.***
 - (2) That the Club's intention in applying for increased hours was primarily to allow members to stay behind longer after their meetings, rather than an intention to increase the number of hirings of the premises for events not associated with non-lodge meetings (i.e. lettings to members for private functions).***
- 5. The Sub-Committee noted that there was no objection to the application from***

any of the responsible authorities. In particular they noted that Sussex Police said in their representation: *“Sussex Police have no issues whatsoever or any concerns about the premises or this variation application to increase the hours”*. The Sub-Committee was minded to give the relevant representations from the responsible authorities considerable weight bearing in mind paragraph 2.1 of the S182 Guidance and paragraph 2.14 of CBC’s Policy.

6. All of the relevant representations by the 8 interested parties opposed the variation application. The interested parties each raised one or more concerns. Broadly, the concerns raised by the interested parties were that should the hours be extended as applied for, then the following negative impacts would occur or increase:

(1) Illegal and inconsiderate parking and the resulting access problems associated with this;

(2) Noise causing disturbance from both within the premises and from those leaving the premises;

(3) Noise associated with taxis picking up people from the premises;

(4) Smoking outside the premises by those attending the premises, in particular at or near the main entrance, and cigarette butts on the ground; and

(5) Crime and disorder.

7. The Sub-Committee reminded itself that that parking off the premises on the highway was not a matter which is regulated by the Licensing Act 2003 – it is regulated by other legislation and regulatory bodies – and so the Sub- Committee’s view was that to the extent that any of the representations raised this concern it was not relevant to their determination.

8. In terms of the other concerns raised by the 8 interested parties, the Sub- Committee was mindful that its decision ought to be evidence-based – taking (bearing in mind paragraph 9.43 of the S182 Guidance), and therefore they considered in detail the relevant representations and

submissions made at the hearing by the interested parties.

9. *The Sub-Committee found that the evidence relating to actual past noise associated with the premises was very limited, and in summary was as follows:*

- (1) *In Miss Patel's written representation she stated that on "a number of occasions" there had been "loud music (including discos)", however she did not specify how many occasions, the period of time during which these occasions occurred or the times of the day during which she heard noise. Miss Patel said that she had made complaints. However how many were made, when they were made and the detail of the complaints was not clear. It was clarified at the hearing on her behalf (by Mrs J. Smith) that the complaints had been submitted to the Brighton Masonic centre. In response to this, the applicant's representatives stated any complaints made to the Brighton centre had not been received locally by them. Miss Patel's representative at the hearing, Mrs P. Smith spoke of there "sometimes" being noise associated with the premises and "occasionally" the side door being left open and that noise could be heard from inside the premises. Mrs P. Smith also said that if there is an event on the premises it is usually finished by 10pm.*
- (2) *Mrs J Smith in her written representation said that she has been woken up by cars leaving and that it is disruptive. However, Mrs J Smith did not provide evidence about how often this occurs and at what times, and it was not entirely clear that that the cars she was referring to were in fact driven by those exiting the club. Mrs J Smith also said at the hearing that an increase of hours would mean a potential of more hirings out of the premises. She said that the potential of public nuisance and disturbance (should the extended hours be granted) is what she is most concerned about.*
- (3) *Mr Byng in his written representation stated that "Most events at the hall have been orderly but noise has occurred occasionally". At the hearing, Mr Byng confirmed that the applicant's (or its members and guests') past behaviour had been generally good,*

and he had no serious complaints. He also confirmed his objection was based on his concern of potential problems which may arise if the hours were to be extended. Mr Byng also said he was concerned that to allow the extended hours may create a precedent. In relation to this last point, the Sub-Committee reminded itself that the licensing regime under the Licensing Act 2003 requires each application and premises to be considered on its own merits and that a decision to extend the hours in respect of this CPC would not create a 'precedent' which would be subsequently followed in other cases, in the way which Mr Byng feared it might.

- (4) Mr Smyth in his written representation stated: *"I am concerned that if the premises are open until the early hours those leaving will make noise as they speak leaving the building. We already experience some noise late at night in the summer from pedestrians in Ifield Green".* The Sub-Committee found that it was not clear whether the noise Mr Smyth from pedestrians in Ifield Green Mr Smyth referred to was linked in any way to people attending the premises.

- 10. The Sub-Committee found that the balance of the representations regarding noise to be speculative. Many of the interested parties referred to concerns that if hours were extended they felt this would be likely lead to an increase in noise from the premises or from those exiting the premises or associated with vehicles used by those leaving the premises.***
- 11. The Sub-Committee considered the limited evidence of actual past noise and weighed this against (1) the lack of any evidence of complaints to Environmental Health or any other responsible authority and (2) the steps taken by the applicant to try to reduce any noise associated with people leaving the premises (detailed further below). They concluded that there was inadequate evidence to indicate a likely increase in noise from the premises/those exiting the premises due to any extension of the hours for the supply of alcohol and opening times.***
12. In relation to the representations by the interested parties about a potential rise in criminal conduct and disorder, it was noted that these were speculative in

nature. Mr Ferguson referred to the *“likely increase risk of crime in same way it does any area late licenses are granted”*, and Mr Weeks’s concern that *“driving whilst under the influence of alcohol may take place”*. However, the Sub- Committee noted that there was no evidence before them from any party, and significantly none from Sussex Police, that there is or has been any criminal activity associated with the premises, or that criminal activity might increase if the hours were to be extended.

13. The Sub-Committee also noted concerns raised by Mr Weeks regarding an increased in “risk to children”, however, this appeared to primarily be linked to his concerns about parking. The Sub-Committee found no evidence in any material before it which indicated that an increase in the hours for the service of alcohol and opening times at the Club might lead to an increased risk of harm to children.

14. The Sub-Committee wished to acknowledge the steps which the applicant has taken to address concerns raised by local residents in the written representations, including:

(1) the siting of a smoking area to the north of the building away from the residents in Old Manor Close;

(2) contacting its members reminding them that neighbours may be sleeping when they leave the premises and so to leave as quietly as possible and be ready to leave in a taxi as soon as it arrives;

(3) contacting local taxi firms to seek their co-operation to reduce noise when collecting patrons; and

(4) asking its members to park in a nearby public carpark.

15. The Sub-Committee also appreciated the offer made during the hearing by the applicant’s representatives to provide contact details for local residents should they have future concerns or issues regarding the Club.

16. The Sub-Committee felt that the evidence before them showed a willingness on the part of the applicant’s members to engage with the local

residents regarding concerns which might arise in the future due to the extended hours (and also concerns more generally about the use of the premises), and was of the view that there was good reason to believe that such future concerns might be capable of being quickly resolved between the parties. However, the Sub- Committee also reminded itself that any person can apply to the Council for a review of the CPC should there be evidence in future of any of the licensing objectives being undermined by the use of the premises, and the Sub- Committee was of the view this was the appropriate way to address the residents' concerns and fears should they materialise in the future.

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Crawley Borough Council

Report to Licensing Committee

10th June 2019

Public Consultation Findings Hackney Carriage and Private Hire Vehicle Livery

Report of the Head of Community Services – HCS/13

1. Purpose

- 1.1 To present to the Licensing Committee the results of a consultation exercise conducted in connection with a request from the trade for a change to the Council's policy to allow the use of temporary (magnetic) livery signs.
- 1.2 The Licensing Committee is asked to consider whether to amend the current vehicle livery conditions that require permanent signage.

2. Recommendations

- 2.1 The Licensing Committee is asked to:
 - (1) Consider the findings of the independent survey and any other relevant information; and
 - (2) Decide whether to amend the current policy of requiring permanent door signs and vehicle plates on CBC-licensed private hire vehicles and hackney carriages.

3. Reasons for the Recommendations

- 3.1 The Licensing Committee are the decision making body in regards to the issue of licences pertaining to the trade which includes any changes connected to the requirements to hold a licence.
- 3.2 The fundamental objective of licensing the trade is for the purpose ensuring public safety. This must nevertheless be proportionate and necessary in keeping with the principles of good regulatory practice. The current livery requirements have been in place since September 2002 and whilst the Council has adopted a Policy to ensure a consistent approach to the trade is undertaken, no fundamental changes to the signage requirements have been made since their inception. A review of the current requirements is therefore useful to explore if the present licensing conditions for vehicles concerning permanent door signage are appropriate in light of balancing the needs to deal with potential vehicle crime when weighed against public safety.

4. Background

- 4.1 The public consultation exercise informing the material for the basis of this report was undertaken independently by a private company. The company were required to

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create a set of questions to test if the public would feel safe using vehicles with removable signs. A set of questions was also created for members of the local trade to ask if they had had any problems with their vehicles being damaged and also their view about public safety and removable signs.

- 4.2 In the spring of 2018 the local trade was subjected to a high level of vehicle crime in specific areas of Crawley with in excess of 100 drivers suffering a break in and damage. Private Hire Vehicles were affected the most although several Hackney Carriages were also damaged. Whilst drivers were advised and were cooperative in taking precautions such as not leaving money of valuables in their cabs, break ins nevertheless continued. Due to the scale of the problem the Licensing Team requested a meeting with the local Police to try to assist in solving the problem as the Council is not the lead authority regarding criminal damage.
- 4.3 At the meeting arranged as outlined above it was agreed that the matter of livery requirements particularly the requirements for permanent signage to be used be raised with the Licensing Committee at the next opportunity, to explore possible options to move towards magnetic signs. The Licensing Committee subsequently resolved that the Licensing Team should undertake a consultation process on a possible amendment to the Council's policy. Following this, a public consultation exercise was undertaken on behalf of but totally independently of the Council. This work was undertaken by the Survey Initiative as arranged through the Council's communications team.
- 4.4 The aims of the survey were to uncover the feelings and attitudes of CBC licensed drivers of licensed private hire vehicles and hackney carriages (referred to as Taxi Drivers in this report) and of members of the public regarding security, authenticity, reliability and propensity to use taxis in permanent/removable signage scenarios.
- 4.5 The survey was run from 15 October to 6 December 2018. 355 responses were returned. Taxi Drivers had 25% response rate - 233 out of 937 invited via a paper questionnaire mailed to their home address. 111 responses were received from Members of the public who accessed an online survey via the Council's website or were emailed an invitation to take part. In addition, responses were provided by:
- Connected with Taxis Trade other than a driver (1)
 - Member of a Group Representing Disabled People (3)
 - Visitor (Business) (1)
 - Visitor (Leisure) (2)
 - Not stated (4)
- 4.6 The results of the work undertaken by the Survey Initiative show a divergence between the attitude of the public and the trade in regards to the issue of public safety and the use of temporary stickers with the public having concerns. The results of the survey are attached in full at Appendix A. A representative from the company who undertook the survey has been invited to this meeting to present a summary of their findings and also be on hand to answer and questions that may arise.
- 4.7 It is important to note that some surrounding Local Authorities do not require the use of permanent signage and these vehicles are permitted to legally undertake work in Crawley if properly booked through an operator based outside of the area. Whilst Crawley has had stringent standards concerning both Hackney Carriages and Private Hire Vehicles for a number of years this is not uniform across the country. Historically the fact that London Gatwick Airport is within the Council's area of control has resulted in high degree of attention to this aspect of licensing.

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- 4.8 The Council's initial intention was to apply the same licence conditions to all Private Hire Vehicles in the borough. This was nevertheless successfully challenged by the Gatwick Airport Drivers Association via the Magistrates Court in 2002 resulting in vehicles operating from this location being exempt. This situation is considered unsatisfactory and the Licensing Office are working on a plan to revisit the requirements for signage to be required here also.
- 4.9 Sussex Police and West Sussex County Council also responded directly via the Council's Community Safety Manager concerning potential changes to livery requirements. The responses are attached to this report at Appendix B.
- 4.10 Two youths were apprehended in the Summer of 2018 after one of the Council's Community Wardens discovered a moped which was linked to the vehicle crime spree affecting the trade. The number of incidents is believed to have fallen as a result. A request has been made to the Police for current data on this subject but nothing has been received at the time of writing this report. A check on the National Crime map for Broadfield does show a slight increase in vehicle crime in early 2019. It is not possible to filter this data for vehicle type thus it is not possible to see if they are trade-related.

5.0 Description of Issue to be resolved

- 5.1 To consider if the current livery conditions of requiring permanent signage to be affixed to all licenced vehicles is proportionate as regards regulatory controls and the need to ensure public safety.

6.0 Information & Analysis Supporting Recommendation

- 6.1 To analyse the feedback from the independent survey and responses from other agencies in consideration of 5.1 above.
- 6.2 Ward Councillors were not consulted directly as the matter is not ward specific.

7.0 Future Developments and Other Implications

- 7.1 Central Government recently set up a task and finish group (TFG) to look at taxi and private hire vehicle licensing in England. This group made 34 recommendations including '*Government should legislate for national minimum standards for taxi and PHV licensing - for drivers, vehicles and operators. The national minimum standards that relate to the personal safety of passengers must be set at a level to ensure a high minimum safety standard across every authority in England. Government must convene a panel of regulators, passenger safety groups and operator representatives to determine the national minimum safety standards. Licensing authorities should, however, be able to set additional higher standards in safety and all other aspects depending on the requirements of the local areas if they wish to do so.*' It is therefore possible that minimum national standards will soon be in force nationally which may or may not have some impact on current livery requirements also requiring further review.
- 7.2 It is possible that drivers may forget to put their door signs on at the start of their working day which may require additional enforcement by the staff in the Licensing Office. Signs could also be stolen from the vehicle when the vehicle is unattended if not removed on each occasion.
- 7.3 The cost of magnetic signs is likely to be higher than that of the current vinyl stickers resulting in higher costs for licensed drivers.

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8.0 Background Papers

[Government Response to Taxis Task and Finish Group](#)

[Draft Statutory Guidance National Minimum Licensing Standards for Taxis](#)

[LGA Councillors Handbook Taxis](#)

[CBC Taxi Licensing Policy](#)

Tony Baldock
Environmental Health and Licensing Manager
Tel: 01293 438220
Email: tony.baldock@crawley.gov.uk

Report for

Crawley Borough Council
Taxi Licensing Consultation
'Have Your Say on Taxi Vehicle Signage'
Survey 2018
Summary Report



the survey initiative
employee research

Abbey Farm, Spinnels Lane, Wix, Manningtree, Essex, CO11 2UJ, United Kingdom

+44 (0) 1255 870735

info@surveyinitiative.co.uk

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Introduction

This report is designed to provide an executive summary of the results of the Taxi Licensing Consultation undertaken for Crawley Borough Council between the dates of 15 October and 6 December 2018. It looks to identify trends in the data and to provide a summary of the opinions and perceptions of the respondents that took part.

Background

Crawley's private hires and hackney carriages must have permanent signage displayed on their vehicles, to make it clear that they are licensed and comply with the Council's conditions. However, following recent break-ins of these types of vehicles whilst they are not in use, some drivers are seeking permission to use removable signage so that their identification as licensed vehicles can be removed whilst not in use. This could include detachable signage such as magnetic door stickers.

The consultation sought to uncover the feelings and attitudes of different groups of respondents: the drivers of licensed private hires and hackney carriages (referred to as taxi drivers), and members of the public (referred to as the public) and other stakeholders (Connected with Taxis Trade other than a driver, Member of a Group Representing Disabled People, Visitor (Business), Visitor (Leisure) and the Police). A survey was designed to explore opinions regarding security, authenticity, reliability and propensity to use taxis in permanent/removable signage scenarios.

Approach

A total of 355 responses to the survey were received from the two respondent groups: 233 were received from the 937 taxi drivers invited to participate via a paper questionnaire mailed to their home address, providing a response rate of 25%. 111 responses were received from the public and 11 from other stakeholders, both groups accessed an online survey via the Council's website or via an email invitation to the online survey.

Essentially, the same set of questions/statements were asked of all participants. These were phrased slightly differently for the respondent groups to make them relevant and easy to understand for the participant. For example, members of the public were asked how much they agreed with the statement *I would be confident that I was entering a genuine, licensed taxi if it was fitted with permanent signage*, whereas for taxi drivers the format was *Members of the public would be confident that they were entering a genuine, licensed taxi if it was fitted with permanent signage*.

A sample of the free text comments has been included within this report to give an indication of the sentiment, opinion and feeling of respondents.

Overall observations

The results indicate that the opinions of the members of the public were diametrically opposite to those of the taxi drivers for every aspect considered in the consultation. Public respondents feel more confident in all aspects of the consultation if signage is permanent as opposed to being removable. These views and opinions are not generally shared by the taxi driver respondents.

Genuine licensed taxi/driver

95% of the public respondents said that they would be confident that they *were entering a genuine, licensed taxi if it was fitted with permanent signage* and only 24% said they would feel confident *if it*

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was fitted with **removable** signage. In contrast, for taxi drivers the scores were 32% for **permanent** signage and 88% for **removable** signage.

When asked if they would be confident that the driver was licensed, 91% of the public respondents felt they would be if the taxi was fitted with **permanent** signage, whilst 20% felt they would if it was fitted with **removable** signage. Taxi drivers on the other hand returned 32% for **permanent** signage and 87% for **removable** signage.

“To reduce the possibility of "fake taxis" in Crawley, keep permanent signage on taxis. Removable signage would inevitably lead to theft of the signs and ultimately an increase in unlicensed taxis operating using fake or stolen signage...”

“With use of removable signage you could get unlicensed people claiming they are a taxi but forgot to install their signage before starting the day. Older people and ladies could be left unsure.”

Insurance and maintenance

The results indicate that the views of the public respondents and taxi driver respondents are also in contrast to each other with regard to confidence that the vehicle is fully insured. 93% of the public respondents would be confident that the vehicle was fully insured if the taxi was fitted with **permanent** signage (29% for taxi drivers) but only 20% if it was fitted with **removable** signage (86% for taxi drivers).

When asked if they would be confident that the vehicle was properly maintained, 88% of the public respondents felt they would be if the taxi was fitted with **permanent** signage (28% for taxi drivers), but only 17% if it was fitted with **removable** signage (86% for taxi drivers).

“...I have a friend who received life changing injuries back in the 90s when a "taxi" she was in jumped a red light, was hit by car coming other way – and the taxi driver had no insurance. It would be grossly irresponsible for the council not to ensure licence plate are secured to the vehicle so that the public can be confident the right checks have been done.”

Charged fairly and safety

The story is the same in response to the statement I would be confident that I was being charged fairly, where the public were 88% positive for **permanent** signage and 23% for **removable** signage, with taxi drivers 30% and 85% respectively.

94% of public respondents would feel safe if the taxi was fitted with **permanent** signage, 19% for **removable** signage. The opposite view was expressed by taxi drivers, 32% and 86% respectively.

“Anyone can fit removable signage to any car and pretend to be a taxi. This is a backwards step. I would feel less safe and my daughter would be less safe if any car could put removable signs on it”

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Propensity to use taxis

The difference of opinion between taxi drivers and the public was also present for the survey statement relating to whether *Members of the public would use taxis less often if they were fitted with **removable** signage*. Agreement was 79% amongst the public whereas only 17% of taxi drivers felt this way.

“I would feel far more confident about permanent signage, whilst removable signage may not entirely stop me using a taxi, it would put a doubt in my mind as to the vehicle complying with necessary regulations.”

Vehicles being broken into or damaged

The primary focus of the survey was to understand the opinions of the public respondents and to understand what taxi drivers believe the public’s opinion to be. The results reveal how different the perceptions are when compared to the public’s feedback.

The free text comments, in response to the question *Are there any other comments you would like to make or answers you’ve given which you wish to develop or explain?* indicate that taxi drivers feel that there is an unacceptably high risk that their vehicles, displaying permanent signage, will be broken into or damaged when parked overnight. They feel that removable signage would alleviate this risk, saving them the expense of repairing damaged vehicles.

Of 99 comments made by taxi drivers, 39 were related to the theme *Removable signage would help keep our vehicles safe when not in use and be clear as to when we are / are not available for hire*.

For example:

“I have had my car broken into on several occasions which I strongly believe is due to the door signage. This comes at a great cost to every driver who has had this happen to them.”

“Dear Sir / Madam. I am a private hire Gatwick driver I have been doing this 30 years, because I like what I do. Recently my car is been broken into 4 times during the night time because people see the txi plate e roof sign e automatic ally they think this cab have many left in it if my plate e sign was removable it wouldn't happen so please re design the car plates e sign so they can be removed when we are not working...”

The free text comments give an indication of the strength of feeling and concerns of the taxi drivers that having permanent signage on their vehicles overnight makes them a target for vandalism and other crimes, specifically break-ins and theft of takings. Taxi drivers see having removable signage as the solution to the problem. They recognise the concerns that removable signage could be stolen with a number of the comments addressing the security of the signage.

“Drivers will not be able to work without removable signage on their cars, they will have every incentive to keep the signage safe and secure, as they would their home keys, car keys and mobile phones...”



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It is also clear from both the quantitative and qualitative elements of the survey that whilst members of the public have shown empathy and understanding for the plight of taxi drivers, they are very much against removable signage. They express concern that removable signage would be too easy to remove and could be used by rogue drivers, raising issues of safety especially for vulnerable groups.

“Whilst it is unfortunate that there is an increase of break ins I feel it unacceptable to make it easier for rogue taxi drivers to operate and put the public at risk.”

“While appreciating the concerns of taxi-owners about break-ins, I think permanent signage is preferable. Removable signage could all too easily be incorrectly used.”

“It is vital that disabled people have confidence that they are secure and safe when travelling by taxi. Having permanent signage is essential for this. Removable signage would allow too many opportunities for fraudulent use...”

Alternative solutions

Within the free text comments there were 21 replies relating to the theme *Look for an alternative solution and take a closer look at why there are so many break ins* in the **Comment Report**.

Suggestions were largely around more use of modern IT/smart phones/apps and also embracing the Uber model.

“If all taxi companies in Crawley allowed us to use a smartphone app to book taxis, then this would remove any concerns about a taxi with removal signage not being vetted, insured etc... as the onus would be on the taxi company to supply qualified drivers / cars. The biggest concern is as you have outlined, security, and getting into a cab that is not legitimate but has removable signs.”

“As drivers, we all are in favour of having removable signs including plates and door signs. Nowadays, customers happily sit in Ubers which have no signage at all. Plus all companies operating send details via text to the customer with information about plate number registration number, car colour, license numbers so all these permanent signages are redundant...”

“The biggest I go by with taxi is that I get a text message before the taxi arrives telling me the registration of the taxi and the make. Also now you can track your taxi on your smartphone; which most people now own. Also, I look for the taxi driver to identify me by name. Without this I would be reluctant to get into a taxi. I do look for the taxi firm name on the taxi; but to be honest, I had no idea whether it was permanent or not until I done this survey.”

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Other suggestions, which are in a similar vein to giving thought to the Uber model, were around considering what other Councils do regarding the licensing and signage of taxis.

“As a driver for 17 years I believe permanent signage is NOT needed on license vehicles as other councils dont feel the need to ensure this on their fleets. It wont effect members of the public using taxis with removeable signs as when they see the signs they know the vehicle is for hire. No signs it is not for hire. I am a driver who has had 7 windows smashed BECAUSE I have permanent signage.”

“Crawley taxi for no door sticker. It should be like other councils like Reigate and Banstead (Many other council)”

There were also suggestions regarding the design or re-design of the signage to make it obvious that the vehicle is a genuine taxi when in use, but to be inconspicuous (but not removable) when not.

“Perhaps a rethink on an optional alternative of the existing design of the signage that allows it to be highly visible when touting for business but almost inconspicuous when it is not may be sufficient for those drives who are concerned.”

“Removal signage could be attached inside windows to reduce the risk of it being stolen.”

Questions were raised as to why cash was left in taxis overnight.

“I understand that some, if not all, of the taxis broken in to were targeted because they had large amounts of cash in them. As part of your consultation process, I feel you should ask the drivers why they feel the need to leave cash in their vehicles overnight...”

“...The responsibility lies with driver to take valuables out when they park up for the night/day...”

There was a pertinent comment made by a stakeholder (due to the small sample size, to preserve confidentiality we are unable to disclose the writer’s association with the consultation, but this group includes those Connected with Taxis Trade other than a driver, Members of a Group Representing Disabled People, Visitors and the Police).

“There would be an increased safeguarding risk if taxis had removable signs. Not only around insurance but taxis with signs that are transferrable increases the risk of them being stolen and used by criminals within organised crime gangs around drugs related crime or placing those who are vulnerable at risk of serious sexual offences etc. On a scale of threat harm and risk, using transferrable signs vs permanent signs is much greater risk of harm to vulnerable people or criminal exploitation, as opposed to the harm and risk to individual owners associated with theft. As such this is not something I

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would support. Instead I would encourage owners taking more responsibility around keeping loose change or money in the taxi (especially if visible). It was shown that this reduced the theft during the recent summer months.”

One comment raised the requirement for Crawley Borough Council to be mindful of its legal requirements.

“Section 41 of the Town Police Clauses Act of 1847 states "the number of such licence which shall correspond with the number to be painted or marked on the plates to be fixed on such carriage, together with such other particulars as the commissioners think fit" the definition of the word FIXED is as follows: "fastened securely in position". If the council permit licensed hackney carriages to have non permanently fixed licence plates they are permitting the licensed person to breach the primary legislation. The council would be acting in a ultra vires manner by exceeding their authority by positively breaching the primary legislation and permitting breach of the law. Primary purpose of licensing is public safety and allowing non permanent plates will put the public at risk.”

Conclusions

The results of the consultation have clearly shown that the views and opinions of taxi drivers and the public contrast with each other. As one taxi driver wrote: *“something must be done to safe guard crawley taxis”*, whilst a member of the public wrote: *“Problem is that whilst reducing one crime, e.g. thefts from taxis with permanent signage, other crimes might increase, e.g. thefts of removable signage, unscrupulous people just fitting bogus signage to their vehicle”*

The results give an indication of the strength of feeling for the taxi drivers in particular. Although the taxi drivers feel that removable signage will resolve the issues that they are facing with regard to damage to and break-in of their vehicles, the results also indicate that removable signage may have an impact on their income as the public report feeling less likely to use a taxi with removable signage.

The opinions of the public respondents show that the solution to the issues faced by the taxi drivers is unlikely to lie in implementing removable signage unless there is further consideration of how to solve the issues relating to the public’s concerns of ensuring that only licensed taxi drivers are operating with the removable signage.

The alternatives suggested within the free text comments offer potential solutions that could be considered in consultation with the taxi drivers.

Prepared by
Ralph Sutcliffe
The Survey Initiative



Crawley Prevention Team

22nd January 2019

Dear Crawley Borough Council Licensing Team

Recent Consultation on Taxi Vehicle Signage

Please accept this formal feedback from the local police team on the content and implications of the Taxi Vehicle Signage consultation.

We are committed to catching criminals and making Crawley a safer place to live. The taxi licensing controls and information we receive from the council plays a huge part in enabling us to do that. As such we would have serious concerns if the Licenced Taxi fleet in Crawley was predicated on removable identification. The reasons for this position are detailed below:

We have conducted a number of operations in partnership in 2018 and on every occasion found vehicles that have been reported for breaches of legislation. This is despite the knowledge that the vehicle may be routinely or randomly inspected. The very real risk is that the identification will be used on unofficial vehicles or vehicles in a poor state of repair particularly if the primary car becomes unserviceable.

There is viable intelligence that organised criminals are utilising the Crawley taxi fleet for drugs dealing and our ability to police this is predicated on our right to inspect taxis. This would be hampered by the vehicle signage being removed when drugs or illicit materials or persons were being carried.

We also know that young women on poor incomes disproportionately use taxi's and believe there is a risk of harm for this cohort. Many of our campaigns around personal safety have focussed on ensuring that the taxi is definitely licensed and appropriately identifiable. Removable signage makes fake insignia so much easier for a determined offender to replicate.

In the last 12 months we had 330 direct calls to police about incidents that involved taxis in central Crawley. Calls ranged from Road Traffic Collisions, to assaults on drivers so we consider this sector as a significant demand for policing and as a result needs to be visibly regulated for protection of the public and the drivers.

Finally we suspect that the added risks to individuals highlighted above and frustration of police powers will also be relevant to our Council enforcement partners whom we rely on to conduct regular checks independently of the police.

For any questions or queries you may have, you can also contact the Crawley Prevention Inspector Simon Starns on **087901513543**

Thank you for your help. For more information about the work of Sussex Police and links to the useful advice on crime prevention we currently use, please see our website **www.sussex.police.uk**

Yours sincerely,

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Sussex Police
Serving Sussex

www.sussex.police.uk

Inspector Simon Starns CS610

Prevention Inspector; Crawley | West Sussex Division |Sussex Police

Crawley Police Station | Northgate Avenue | Crawley | RH10 8BF

Tel No: 101 Sussex / ext 531377

Mobile No: 07901513543

A message from Sussex Police

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East Wing Attic
County Hall
Chichester
West Sussex
PO19 1RG

APPENDIX B

Victoria Wise
Community Services Manager
Crawley Borough Council
Town Hall
The Boulevard
Crawley
West Sussex
RH10 1UZ

25th January 2019

West Sussex Safeguarding Children Board response to Crawley Borough Council's consultation on taxi vehicle signage

Dear Victoria

The West Sussex Safeguarding Children Board (WSSCB) is responding to Crawley Borough Council's consultation on possible changes to how licensed vehicles (taxis) display their signage. The consultation is in response to local taxi drivers' disquiet about vehicle security.

Safeguarding children across our partnership must be a central consideration to our collective and individual decision making processes. In this instance the WSSCB believe that the proposed changes to improve security of licensed vehicles may raise issues for the protection of vulnerable children and young people.

Examples of how safety could be compromised include scenarios where signage could be lost, stolen, or fraudulently used on other vehicles, either by sharing or copying. This could place vulnerable children and young people at risk of getting into cars with unknown occupants.

This proposed change could also potentially lead to difficulties in tracing vehicles if a crime was committed.

For these reasons the Board would want to be reassured that the implications for safeguarding children and young people have been fully explored in any decision.

Yours Sincerely

A handwritten signature in black ink that reads "Lesley Walker".

Lesley Walker
Independent Chair, West Sussex Safeguarding Children Board



Everyone's business
Working together to
prevent harm and abuse

West Sussex Safeguarding Adults Board
Post Point 0.4, Centenary House
Durrington Lane, Worthing
West Sussex, BN13 2QB

Email:
SafeguardingAdultsBoard@westsussex.gov.uk

Victoria Wise
Community Services Manager
Crawley Borough Council
Town Hall
The Boulevard
Crawley
West Sussex
RH10 1UZ

8 February 2019

West Sussex Safeguarding Adults Board response to Crawley Borough Council's consultation on taxi vehicle signage

Dear Victoria,

Apologies for the delay in responding.

The SAB would be concerned of the potential increased risk to vulnerable adults with the proposed changes. This is particularly since signage could be lost, stolen, used by others fraudulently and be hard to trace once lost which, would then create difficulties tracing vehicles if harm occurred/a crime was committed.

Crime prevention and education for drivers (including the risk to those who are vulnerable being elevated by the proposed changes) would be a first good step to support drivers.

Public vehicle services are featured and therefore, been evidenced in relation to crime against those adults who are vulnerable. There is, therefore, clear evidence that safety mechanisms to protect those who are vulnerable, including signage use, is considered to the Safeguarding Adults Board, to be very important in preventing/reducing the risk of harm/crime.

The Board would therefore want assurance that the impact for vulnerable adults has been considered with any decision going forward.

Kind regards,

A handwritten signature in black ink, appearing to read 'Annie Callanan'.

Annie Callanan
Independent Chair, Safeguarding Adults Board