

HAVANT BOROUGH COUNCIL
PUBLIC SERVICE PLAZA
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LICENSING COMMITTEE AGENDA

Membership: Councillor Keast (Chairman)

Councillors Carpenter, Hart, Howard, Inkster, Jenner, Kennett, Lloyd, Milne, Raines, Rennie, Robinson, Thomas, Wade and Weeks

Meeting: Licensing Committee

Date: Wednesday 8 January 2020

Time: 5.00 pm

Venue: Newlease Room, Public Service Plaza, Civic Centre Road,
Havant, Hampshire PO9 2AX

The business to be transacted is set out below:

David Brown
Monitoring Officer

31 December 2019

Contact Officer: Mark Gregory (023) 9244 6232
Email: mark.gregory@havant.gov.uk

PART 1 (Items open for public attendance)

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1 Apologies

2 Minutes

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3 Matters Arising

4 Declarations of Interests

To receive and record any declarations of interests from members present in respect of any of the various matters on the agenda for this meeting.



5 Chairman's Report

6 Prices for Taxi and Private Hire Licensing

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Further to Minute 16/11/2019 to reconsider the report of the Environmental Health Manager (Food, Safety & Licensing) together with the findings of the Committee's task and finish group.

LICENSING COMMITTEE – TERMS OF REFERENCE

(a) **Membership:** 15 Members

(b) **Functions**

	<u>Function</u>	<u>Provision of Act or Statutory Instrument</u>	<u>Delegation to Officers/Service Manager</u>
(i)	Licensing and Registration Functions		
(1)	Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c.62).	Head of Neighbourhood Support
(2)	Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c.49).	Head of Neighbourhood Support
(3)	Power to licence hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c.67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c.57); (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Head of Neighbourhood Support
(4)	Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Head of Neighbourhood Support
(5)	Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Head of Neighbourhood Support

	<u>Function</u>	<u>Provision of Act or Statutory Instrument</u>	<u>Delegation to Officers/Service Manager</u>
(6)	Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act 2005 (Commencement No 6 and Transitional Provisions) Order 2006 (S.I. 2006/3272) (“the Gambling Act Order”).	Head of Neighbourhood Support
(7)	Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act Order.	Head of Neighbourhood Support
(8)	Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(e) and (4) of the Gambling Act Order.	Head of Neighbourhood Support
(9)	Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 as saved for certain purposes by article (4)(2) (l) and (m) of the Gambling Act Order.	Head of Neighbourhood Support
(10)	Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article (5)(2) (a) and (3) of the Gambling Act Order.	Head of Neighbourhood Support
(11)	Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article (5)(2)(d) and (5) of the Gambling Act Order.	Head of Neighbourhood Support

	<u>Function</u>	<u>Provision of Act or Statutory Instrument</u>	<u>Delegation to Officers/Service Manager</u>
(12)	Power to license sex shops and sex cinemas, and sexual entertainment venues.	Section 2 & Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).	Head of Neighbourhood Support
(13)	Power to license performances of hypnotism.	The Hypnotism Act 1952 (c.46).	Head of Neighbourhood Support
(14)	Power to license premises and practitioners for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.	Head of Neighbourhood Support
(15)	Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c.53).	Head of Neighbourhood Support
(16)	Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.	Head of Neighbourhood Support
(17)	Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c.32); sections 2 to 16 of the Game Licensing Act 1860 (c.90), section 4 of the Customs and Inland Revenue Act 1883 (c.10), sections 12(3) and 27 of the Local Government Act 1874 (c.73), and section 213 of the Local Government Act 1972 (c.70).	Head of Neighbourhood Support
(18)	Power to register and license premises for the preparation of food.	Article 31 (i) (b) Reg 882/2004 Article 31 (i) (a) Reg 882/2004	Head of Neighbourhood Support
(19)	Power to license scrap retail dealers and collectors.	Scrap Metal Dealers Act 2013	Head of Neighbourhood Support

	<u>Function</u>	<u>Provision of Act or Statutory Instrument</u>	<u>Delegation to Officers/Service Manager</u>
(20)	Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c.52).	Head of Neighbourhood Support
(21)	Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27).	Head of Neighbourhood Support
(22)	Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 (c.60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.	Head of Neighbourhood Support
(23)	Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c.35); section 1 of the Animal Boarding Establishments Act 1963 (c.43); the Riding Establishments Acts 1964 and 1970 (1964 c.70 and 1970 c.70); section 1 of the Breeding of Dogs Act 1973 (c.60), and sections 1 and 8 of the Breeding of Dogs (Welfare) Act 1999.	Head of Neighbourhood Support
(24)	Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c.38).	Head of Neighbourhood Support
(25)	Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c.37).	Head of Neighbourhood Support
(26)	Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c.38).	Head of Neighbourhood Support

	<u>Function</u>	<u>Provision of Act or Statutory Instrument</u>	<u>Delegation to Officers/Service Manager</u>
(27)	Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I.1999/646).	Head of Neighbourhood Support
(28)	Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c.31) and section 2 of the House to House Collections Act 1939.	Head of Neighbourhood Support
(29)	Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c.40).	Head of Neighbourhood Support
(30)	Duty to keep register of food business premises.	Article 31 (i) (b) Reg 882/2004 Article 31 (i) (a) Reg 882/2004	Head of Neighbourhood Support
(31)	Power to register food business premises.	Article 31 (i) (b) Reg 882/2004 Article 31 (i) (a) Reg 882/2004	Head of Neighbourhood Support
(32)	Power to make order identifying place as a designated public place for purposes of police powers in relation to alcohol consumption.	Section 13 (2) of Criminal Justice and Police Act 2001.	Head of Neighbourhood Support
(33)	Power to grant permission for provision etc of services, amenities, recreations & refreshment facilities on highway and related powers	Sections 115E, 115F and 115K of Highways Act 1980	Head of Neighbourhood Support
(34)	Duty to publish notice in respect of proposal to grant permission under S115E of the	Section 115G of Highways Act	Head of Neighbourhood Support

<u>Function</u>	<u>Provision of Act or Statutory Instrument</u>	<u>Delegation to Officers/Service Manager</u>
(35) Highways Act Power to licence Houses in Multiple Occupation	Section 64 of Housing Act 2004	Head of Neighbourhood Support
(ii) Functions relating to health and safety at work		
(1) Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health & Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health & Safety at Work etc. Act 1974.	Head of Neighbourhood Support
(iii) Conditions etc. and Enforcement		
(1) The functions of imposing any condition, limitation or other restriction on any approval, consent, licence, permission or registration granted in the exercise of any of the above functions and determining any other terms to which any such approval, consent, licence, permission or registration is subject.		Head of Neighbourhood Support
(2) The function of determining whether, and in what manner, to enforce –		Head of Neighbourhood Support
(a) any contravention or failure to comply with an approval, consent, licence, permission or registration granted as mentioned above; or		
(b) any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject.		
(3) The function of –		Head of Neighbourhood

<u>Function</u>	<u>Provision of Act or Statutory Instrument</u>	<u>Delegation to Officers/Service Manager</u>
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- (a) amending, modifying or varying any such approval, consent, licence, permission or registration as is mentioned above, or any condition, limitation or term to which it is subject, or
- (b) revoking any such approval, consent, licence, permission or registration.

(c) Delegation

- (i) In exercising the above powers and responsibilities, the Committee and, unless the Committee directs otherwise, the relevant Officer shall have delegated powers to make decisions and act on behalf of the Council, except that in the following matters, neither the Committee nor the relevant Officer shall exercise their delegated powers, but shall submit recommendations to the Council:
- (1) decisions on the control of hackney carriage numbers.
 - (2) the fixing of hackney carriage fares
 - (3) any item which the Council calls in for determination
 - (4). any function conferred on the Council under Section 5 of the Act (statement of licensing policy).
 - (5) the exceptions in Section 10 (4) of the Licensing Act 2003 to an officer of the licensing authority as follows.

<u>Matter to be dealt with</u>	<u>Licensing Subcommittee</u>	<u>Head of Neighbourhood Support</u>
A Application for personal licence.	In cases of police objection	If no objection made
B Application for personal licence with unspent convictions.	All cases	
C Application for personal licence with convictions of an offence during the application period.	All cases	

<u>Matter to be dealt with</u>	<u>Licensing Subcommittee</u>	<u>Head of Neighbourhood Support</u>
D Application for premises licence/club premises certificate.	If relevant representation made and not withdrawn	If no relevant representation made
E Application for provisional statement.	If relevant representation made and not withdrawn	If no relevant representation made
F Application to vary premises licence/club premises certificate.	If relevant representation made and not withdrawn	If no relevant representation made
G Application to vary designated premises supervisor.	In cases of police objection	All other cases
H Request to be removed as a designated premises supervisor		All cases
I Application for transfer of premises licence.	In cases of police objection	All other cases
J Applications for interim authority.	In cases of police objection	All other cases
K Application to review premises licence/club premises certificate.	All cases	Not applicable
L Decision on whether a complaint is irrelevant, frivolous, vexatious etc	All cases	Not applicable
M Decision to object when local authority is a consultee and not the relevant authority considering the application.	All cases	Not applicable
N Decision about police objection to temporary event notice.	All cases	Not applicable

<u>Matter to be dealt with</u>	<u>Licensing Subcommittee</u>	<u>Head of Neighbourhood Support</u>
O Decisions on applications for minor variations to a premises/club premises certificate	Not applicable	All cases
P In cases where the magistrates court has determined the licence on appeal	Not applicable	All Cases
Q Decisions on applications for minor variations	Not applicable	All Cases

(6). the exception of any function conferred on the Council under sections 166, and 349 of the Gambling Act 2005.

(7). the exceptions in Section 154(4) of the Gambling Act 2005 to an officer of the licensing authority as set out below

<u>Matter to be dealt with</u>	<u>Full Council</u>	<u>Licensing Sub-Committee</u>	<u>Head of Neighbourhood Support</u>
A Five year licensing policy.	✓		
B Policy not to permit casinos.	✓		
C Application for premises licences.		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
D Application for a variation to a licence.		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
E Application for a transfer of a licence.		Where representations have been received from	Where no representations received from the Commission

<u>Matter to be dealt with</u>	<u>Full Council</u>	<u>Licensing Sub-Committee</u>	<u>Head of Neighbourhood Support</u>
		the Commission	
F Application for a provisional statement.		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
G Application for a temporary event notice		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
H Application for a street trading licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
I Application for a pavement café licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
J Review of a premises licence.		All cases	
K Application for club gaming/club machine permits.		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
L Cancellation of club gaming/club machine permits.		All cases	
M Applications for other permits.			All cases

	<u>Matter to be dealt with</u>	<u>Full Council</u>	<u>Licensing Sub-Committee</u>	<u>Head of Neighbourhood Support</u>
N	Cancellation of licensed premises gaming machine permits.			All cases
O	Consideration of Temporary Use Notice.			All cases
P	Decision to give a counter notice to a Temporary Use Notice.		All cases	
Q	Application for permit for Amusement with Prizes machines.		For permit for more than two gaming machines	For permit for no more than two gaming machines
R	Application by holder of a community premises licence to disapply for the requirement for a designated premises supervisor.			All cases
S	Cancellation of club gaming/club machine permits.		All cases	

- (8) To establish one or more sub committees consisting of three members of the Committee.

GENERAL INFORMATION

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Havant

BOROUGH COUNCIL

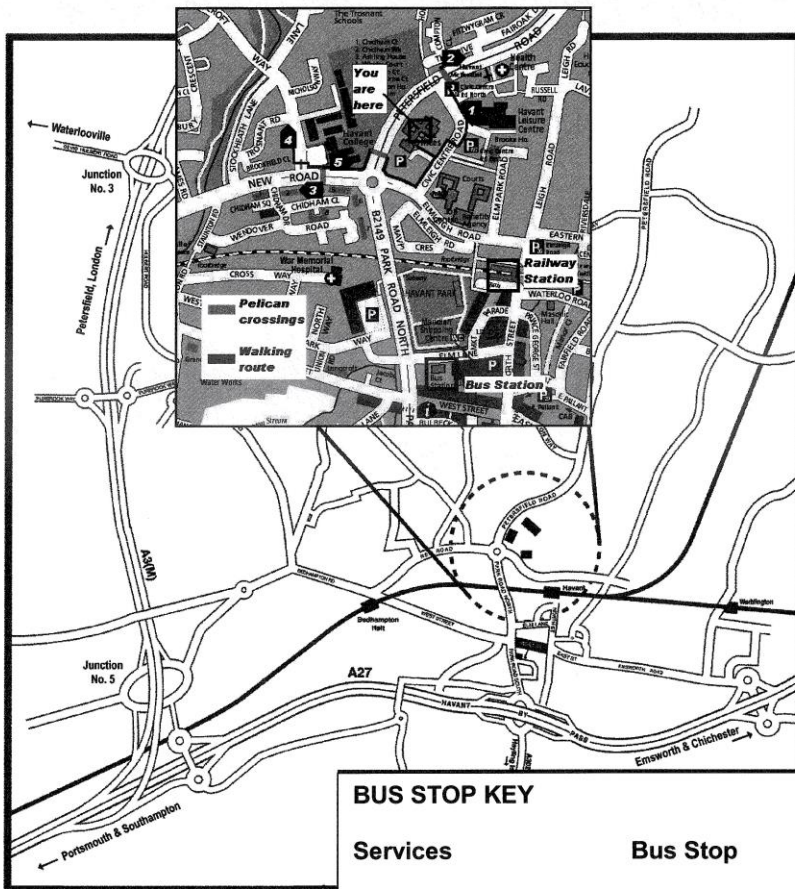
PROTOCOL AT MEETINGS – RULES OF DEBATE

Rules of Debate

- Councillors must always address each other as “Councillor ...” and must always address the meeting through the Chairman;
- A motion must relate to the business included on the agenda or accepted by the meeting as urgent business
- A motion must be proposed and seconded before it is debated until it is either accepted or rejected by a vote;
- An amendment can be proposed to the original motion and this must be seconded before it is debated;
- An amendment cannot be considered if it is inconsistent with an amendment previously adopted or repeats an amendment previously rejected;
- The mover of an original motion may, with the consent of the mover of an amendment, incorporate an amendment into the motion;
- Only one amendment may be moved at a time. No further amendments can be moved until the previous amendment has been dealt with;
- Each amendment must be voted on separately;
- If an amendment is carried, the amended motion becomes the substantive motion to which further amendments may be moved;
- If an amendment is lost, other amendments may be moved to the original motion.
- The mover may withdraw an amendment at any time
- After an amendment has been carried, the Chairman will read out the amended (substantive) motion, before accepting any further amendment, or if there are none, put it to the vote.

Voting

- Voting may be by a show of hands or by a ballot at the discretion of the Chairman;
- Councillors may not vote unless they are present for the full duration of the item;
- Where there is an equality of votes, the Chairman may exercise a second (casting) vote;
- Two Councillors may request, before a vote is taken, that the names of those voting be recorded in the minutes
- A recorded vote will always be taken in respect of approval of the Annual Budget
- Councillors may not vote unless they are in the meeting for the full debate on any particular item
- A Councillor may request that his/her vote be recorded in the minutes



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BUS STOP KEY

Services	Bus Stop
20, 21, 39, 63	1
20, 21, 36**, 39	2
23, 36**	3
23, 27**, 37	4
23, 27**, 36**, 37	5

** - also stops "hail and ride" opposite Stop 1 in Civic Centre Road

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