

Licensing Committee

Tuesday 25 June 2019 at 7.30pm

**Committee Room
Runnymede Civic Centre, Addlestone**

Members of the Committee

Councillors D Cotty (Chairman), E Gill (Vice-Chairman), J Broadhead, T Burton, I A Chaudhri, D Clarke, J Furey, J Gracey, R King, J Olorenshaw and P Snow.

In accordance with Standing Order 29.2 any non-member of the Committee who is considering attending the meeting should first request the permission of the Chairman.

A G E N D A

Notes:

- 1) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- 2) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Miss C Pinnock, Democratic Services, Law and Governance Business Centre, Runnymede Civic Centre, Station Road, Addlestone (Tel: Direct Line: 01932 425627). (Email: clare.pinnock@runnymede.gov.uk).**
- 3) Agendas and Minutes are available on a subscription basis. For details, please ring Mr B A Fleckney on 01932 425620. Agendas and Minutes for all the Council's Committees may also be viewed on www.runnymede.gov.uk.
- 4) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.
- 5) **Filming, Audio-Recording, Photography, Tweeting and Blogging of Meetings**

Members of the public are permitted to film, audio record, take photographs or make use of social media (tweet/blog) at Council and Committee meetings provided that this does not

disturb the business of the meeting. If you wish to film a particular meeting, please liaise with the Council Officer listed on the front of the Agenda prior to the start of the meeting so that the Chairman is aware and those attending the meeting can be made aware of any filming taking place.

Filming should be limited to the formal meeting area and not extend to those in the public seating area.

The Chairman will make the final decision on all matters of dispute in regard to the use of social media, audio-recording, photography and filming in the Committee meeting.

LIST OF MATTERS FOR CONSIDERATION

PART I

Matters in respect of which reports have been made available for public inspection

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PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.

- a) Exempt Information
(No reports to be considered under this heading).
- b) Confidential Information
(No reports to be considered under this heading)

1. **FIRE PRECAUTIONS**

The Chairman will read the Fire Precautions which set out the procedures to be followed in the event of fire or other emergency.

2. **MINUTES**

To confirm and sign, as a correct record, the Minutes of the meeting of the Committee held on 13 November 2018, previously circulated to all Members of the Council via email in December 2018.

3. **APOLOGIES FOR ABSENCE**

4. **DECLARATIONS OF INTEREST**

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Democratic Services Officer at the start of the meeting. A supply of the form will also be available from the Democratic Services Officer at meetings.

Members are advised to contact the Council's Legal section prior to the meeting if they wish to seek advice on a potential interest.

Members are reminded that a non pecuniary interest includes their appointment by the Council as the Council's representative to an outside body and that this should be declared as should their membership of an outside body in their private capacity as a director, trustee, committee member or in another position of influence thereon.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is a disclosable pecuniary interest or if the interest could reasonably be regarded as so significant as to prejudice the Member's judgement of the public interest.

5. **2019 ANNUAL REPORT ON THE LICENSING ACT 2003 (ENVIRONMENTAL SERVICES – Robert Smith)**

Synopsis of report:

To present the 2019 Annual Report on matters relating to the Licensing Act 2003 and its operation within Runnymede.

Recommendation:

None. This report is for information only.

1. **Context of report**

1.1 The Council's Licensing Policy, section (24.2), requires an annual report from Officers. This report includes statistical data from the Council's licensing records. In order to have some commonality with other reports, unless otherwise stated, the data covers the period 1 April 2018 to 31 March 2019.

1.2 The annual report normally includes statistical data required by the Home Office who have the role of collating relevant information from Licensing Authorities. The Home

Office have informed us they are not collecting the data for this year, nevertheless the information has been collated for the purpose of this report.

2. Report

2.1 Detail is included in relation to the following items:

- Licensing Policy
- Statistics of Licensing Activity
- Inspections and Enforcement Activity
- Licensing Fees
- New and proposed legislation
- Staffing of the Licensing Section

Licensing Policy

2.2 A review of the Council's Licensing Policy was carried out in 2015; the revised policy was adopted by the full Council at its meeting on 17 December 2015 and took effect on 7 January 2016, it is valid for 5 years.

2.3 The policy will be updated as required when new or amended legislation or guidance is produced.

Service statistics

2.4 The following table details statistical information for the last 5 financial years.

Licensing totals	2014/15	2015/16	2016/17	2017/18	2018/19
Premises Licences	232	231	232	237	238
Club Premises Certificates	34	34	34	35	35
Temporary Event Notices	159	172	180	224	205
Licences determined by Sub-Committee	1	3	1	1	0
Number of Appeals	0	0	0	0	0
Number of Prosecutions/Cautions	0	0	0	0	0
New Premises Licences granted	10	8	7	8	8
New Personal Licences granted	60	65	54	72	53
New applications for Club Premises Certificates (CPCs)	0	0	0	1	0
Premises Licences or CPCs Surrendered or lapsed.	3	8	5	3	7
Full variations to a premises licence	4	2	0	4	4
Minor variations to a premises licence	8	3	6	7	5

- 2.5 The number of premises licences as of 1 April 2019 was 238, over the year eight new premises licences were granted and seven were surrendered. Details of these premises follow:-

New premises licences granted.

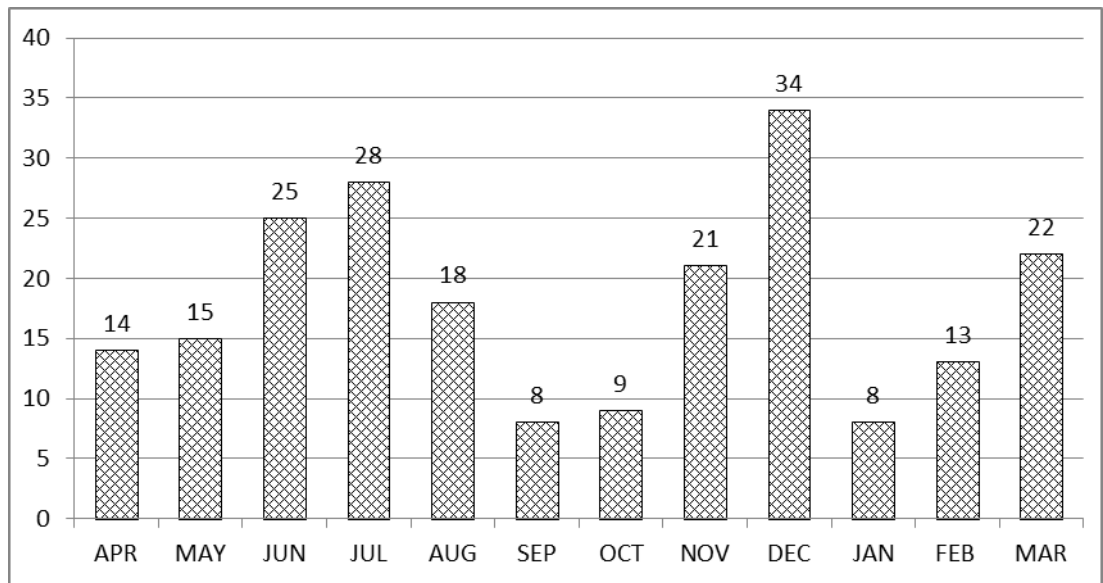
Premises	Location	Ward	Type
The Little Things Coffee House	1a The White House, 53-55 High Street, Egham, TW20 9EX	Egham Town	Cafe
The Light Cinemas Ltd	Unit 1, The Lane, Addlestone, KT15 2GN	Addlestone South	Cinema
Runnymede Catering Ltd	Walnut Tree Farm, Almnors Road, Lyne, Surrey, KT16 0BH	Longcross, Lyne and Chertsey South	Cafe
Crockford Bridge Farm	New Haw Road, Addlestone, KT15 2BU	New Haw	Garden Centre
Smith and Western	Unit 7, The Lane, Addlestone, KT15 2GN	Addlestone South	Restaurant
Shell Budgens	Shell Addlestone, Chertsey Road, Addlestone, Surrey, KT15 1ED	Addlestone North	Garage convenience store
Liqroo Limited	Unit 5 & 6 TSM Business Park, 4 Fairlands Free Prae Road, Chertsey	Chertsey St Ann's	Online retail
Egham Orbit	Vicarage Road, Egham, Surrey, TW20 8NL	Egham Town	Leisure Centre

Premises licences surrendered.

Premises	Location	Ward	Type	Reason surrendered
Addlestone Leisure Centre	School Lane, Addlestone, Surrey, KT15 1TD	Addlestone North	Leisure centre	No longer required
Green Water	48 Guildford Street, Chertsey, Surrey, KT16 9BE	Chertsey Riverside	Restaurant	No longer required
Majestic Wine	Unit 2 Gregory Place, 210 New Haw Road, Addlestone, KT15 2DS	New Haw	Retail warehouse	No longer required
Rudy Newsagents	4 Clay Corner, Eastworth Road, Chertsey, Surrey, KT16 8EZ	Chertsey Riverside	Cafe	No longer required
Shell Addlestone	Shell Addlestone, Chertsey Road, Addlestone, Surrey, KT15 1ED	Addlestone North	Garage convenience store	Premises renovated and new licence granted
The Sun Public House	Wick Lane, Englefield Green, Egham, Surrey, TW20 0UF	Englefield Green West	Public House	No longer required
Yeon	11 The Precinct, High Street, Egham, Surrey, TW20 9HN	Egham Town	Restaurant	No longer required

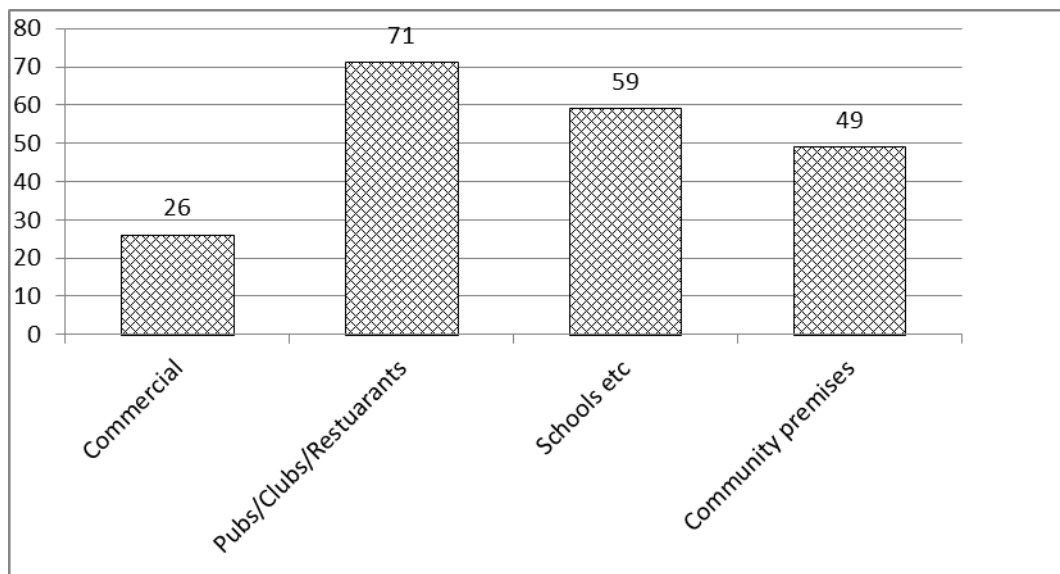
- 2.6 The total number of Personal Licences issued by the authority is 1,071. The Deregulation Act 2015 introduced new provisions in relation to personal licences and allows personal licences to be valid for an unlimited period of time. All personal licence holders must still inform the authority whenever they change their address. There is however no national database of personal licence holders.
- 2.7 The number of Temporary Event Notices (TENs) received in the last financial year was 205 compared with 208 in the previous year; of these 47 were late TENs. The chart below shows the number of TENs received in each month.

Number of Tens given per month

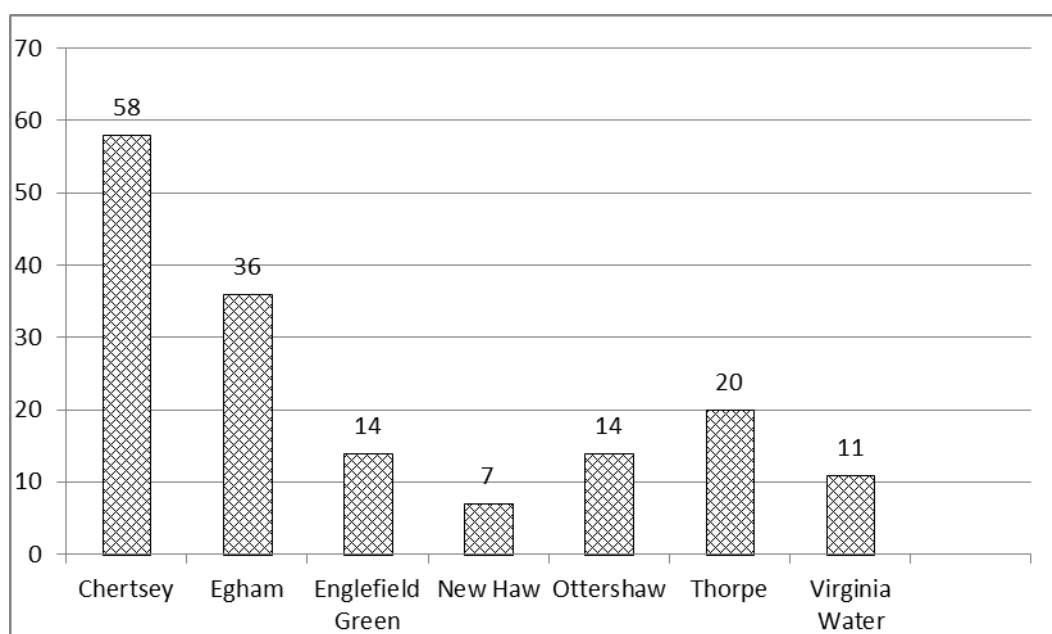


- 2.8 The users of TENs vary of course but they have been split into four broad groupings as shown below to give Members an indication of the premises types' activity and by the area in the Borough as shown in the two following charts.

Type of premises



Number of Tens per area



- 2.9 The majority of TENS in respect of school events/fairs etc. tend to be held during the daytime or early evening. Consequently noise nuisance generated from this type of TEN is rare. Overall, applicants and operators are very aware of their responsibilities and Temporary events pass with little or no impact on the local communities. The deregulation of certain plays, dance and live/recorded music brought about by the Deregulation Act 2015 has not led to any increase in complaints.
- 2.10 Should any TEN give rise to concerns, Environmental Health now has the same power as the Police, and both Responsible Authorities may object to a TEN within 3 working days on the grounds of any of the four licensing objectives.
- 2.11 Members are reminded that there is no right of appeal should there be an objection to a late TEN; if there is an objection the event cannot go ahead. To date there have been no objections to any TEN from Environmental Health or the Police.
- 2.12 The fact that Environmental Health can object to TENS whether they be a late TEN or normal TEN, does mean there is a greater likelihood of objections being raised to TENS in relation to the public nuisance objective. To date, this has not led to an increase in demands on Members and Officers in the form of Hearings. In reality the vast majority of TENS in this Borough are not contentious.
- 2.13 The number of premises with 24hr licences remains at 21, these are generally service stations or leisure related premises. There has been no discernible impact on the licensing objectives as a result of these 24hr premises.
- 2.14 In general, shops and off licences have tended to keep to their terminal hour of 23:00hrs, as permitted under previous legislation. However, new shops and 'off licence' outlets tend to apply for licensing hours which reflect their hours of opening. Officers have noted a tendency especially amongst larger operators to apply for 24hr Licences at convenience stores situated on a garage forecourt.
- 2.15 The majority of pubs and members clubs typically have hours to midnight from Sunday to Thursday and 01:00hrs at the weekend, even if the facility is not utilised.

2.16 The latest terminal hour for a Club Premises Certificate is 03:00hrs.

3. Inspections and Enforcement Activity

3.1 To ensure an effective enforcement regime, licensing inspections continue to be carried out whenever a new or significant variation application is made in accordance with paragraph 19 of the Council's Licensing Policy. In addition, we also have a structured intelligence led approach to inspections with other Responsible Authorities. Our inspection and enforcement activity operates in a proactive manner and follows the Government's guidance on local regulation by focussing on high risk premises whilst maintaining reactivity in response to those that break the law or are subject to complaints.

3.2 Members will recall the following criteria under which a premise is risk assessed for the appropriate level and frequency of inspection:-

1. Prevention of Crime and Disorder
2. Public Safety
3. Prevention of Public Nuisance
4. Protection of Children from Harm
5. Compliance with Conditions
6. Capacity
7. Confidence in Management

3.3 Over the period covered by this report there were 17 inspections at new premises and those applying for variations, all of which demonstrated that applicants were fulfilling the requirements of the 'Act'.

3.4 Officers have found that engaging with applicants prior to any applications, or at a very early stage, ensures they are fully aware of what is required of them during the application process and the representation period. This is particularly important with regard to advertising applications, the provision of a plan of the premises and ensuring that any conditions on the operating schedule are appropriate, enforceable and unambiguous. It is a source of frustration that many premises licence holders fail to engage with the licensing authority and submit applications which are poorly worded or incorrect, this inevitably leads to rejection or objection to the application.

3.5 Other inspection activity was self-initiated or intelligence led. Two meetings were held with Immigration enforcement officers to develop partnership working arrangements. Immigration officers have carried out one enforcement operation at premises in Runnymede. They were accompanied by the Senior Licensing Officer who was able to act as an intermediary between the premises licence holder and immigration officers. On this occasion there was no evidence to warrant any further investigation.

3.6 Any issues found on other visits have been of a minor nature which did not require any further action other than advice. Officers are pleased to say that to date, the premises in this Borough tend to work with us and comply with the 'Act'.

3.7 Our aim for 2019 is to carry out intelligence led inspections with the other Responsible Authorities subject to their availability. The purpose of these inspections is to alert licence holders to any breaches of their licence or offences contrary to the Licensing Act 2003 and to make them aware of any best practices. This approach does improve self-regulation and compliance, but prosecution of those who fail to comply with the Act or their licence conditions remains an option.

- 3.8 The risk of a Review of the premises licence continues to be an effective deterrent to club and premises licence holders.

Pubwatch

- 3.9 Pubwatches are organised and administered by licensees with other bodies such as the licensing authority and Police being invited to pubwatch meetings. Pubwatch is seen as good practice by the Police and Home Office and is a valuable way of demonstrating a commitment to promoting the four licensing objectives under the Licensing Act 2003 and the responsibility of the licensing trade in general.
- 3.10 The basic principle of Pubwatch is that its licensee members will agree to work together to improve the safety of their premises; for the benefit of their staff and customers. They will introduce initiatives to try and combat the criminal activity and anti-social behaviour that can often be associated, but not exclusively, with the misuse of alcohol or drugs. This will often result in Pubwatch members agreeing to jointly ban problem individuals who are violent, damage property, use or deal drugs or act in an anti-social manner.
- 3.11 Locally, the Pub Watch scheme continues to be supported by the Licensing Authority by attending meetings and updating members on licensing legislation. There are two Pub Watch groups in the Borough, roughly split north and south. Of the 50 public houses and 34 registered clubs in the borough, 33 are members of Pub watch and meetings are held every 6 weeks. Persons who have caused problems in licenced premises can be banned from all Pub Watch members' premises for a set period depending on their action. As of April 2019, there were no persons on a Pub Watch ban in Runnymede and it is noteworthy that no individuals have been put on a pub watch ban all year.
- 3.12 Although Pub Watch attendance is voluntary it is recognised as an important method of promoting the licensing objectives so those who do not attend are at a distinct disadvantage.
- 3.13 Runnymede's Licensing Policy, section 8.14 states, 'The Council also recognises that engagement with Pub Watch is a key factor in combatting crime and disorder. As such, those with responsibility for premises, be they Designated Premises Supervisors, managers or premises licence holders are strongly encouraged to participate in their local Pub Watch scheme.
- 3.14 The Council has written to and reminded all premises licence holders and DPS that they are expected to attend Pub Watch as but one way of demonstrating promotion of the Licensing objectives. This has now been reinforced by the Police sending the same message.

4. Licensing Fees and Accounts

- 4.1 As of 25 April 2012 powers to suspend a licence for non-payment of fees have been available to the licensing authority. Working closely with the Council's Sundry Debtors team, a new procedure in relation to non-payment of fees was implemented in November 2012, whereby premises licence holders are made aware that the fee is due approximately 5 to 6 weeks before the due date. If payment is not received a notice of suspension is sent. This effectively informs them they have 10 days to pay the fee. If no payment is received after this a suspension notice is issued which effectively suspends the licence after 48 hours from the date the notice is issued.
- 4.2 The majority of licence fees due to the authority fall on the 24 November each year (due to the original implementation date of the Act in 2005). In total, 252 invoices

were sent to premises licence holders in the last financial year, 3 notices of suspension were sent out to premises.

- 4.3 Some Members will recall a report to this Committee in April 2014 which explained proposals to introduce locally set licensing fees. The 2017 House Of Lords Select Committee report on the Licensing Act 2003 recommended their introduction. The Government have made no firm decision as yet but the latest information released indicates that there are no immediate plans to do so.
- 4.4 The licensing fees are still in line with those originally set on implementation of the Act, so although the Council's costs have increased since 2005, the income from fees has remained fairly constant. Over the financial year 2018 the alcohol licensing account was in draft deficit by £20,601. The chart below demonstrates yearly budget comparisons:-

Year	2014 Actual	2015 Actual	2016 Actual	2017 Actual	2018 DRAFT Actual	2019 Estimate
Gross expenditure	£111,956	£111,278	£112,431	£106,152	£87,094	£89,370
Gross income	£65,599	£73,748	£62,516	£66,199	£66,493	£63,500
Net expenditure	£46,357	£37,530	£49,915	£39,953	£20,601	£25,870

- 4.5 The Immigration Act 2016 places additional duties on the Licensing Authority around conducting right to work checks and informing the Home Office as a responsible authority about licensing applications. It is the responsibility of the licensing authority to be satisfied that an individual's immigration status does not preclude them from holding a premises or personal licence to sell alcohol or carry out late night refreshment.
- 4.6 To date the checks have not added any significant burden on the licensing section. In practice this involves the applicant producing copies of documents which demonstrate their immigration status, these range from passports to birth certificates, a complete list is provided in the Home Office guidance. The information contained on these documents is generally sufficient to tell if they have right to work, although on the occasion where it has not been clear enquiries have been made with the Home Office. The licensing authority is not required to check the validity of documents but must make checks based on the documentation produced.

5. New and proposed Legislation

- 5.1 There has been little in the way of new legislation this year. Home Office Guidance under section 182 of the Licensing Act 2003 is periodically revised, the latest revision was in April 2018. This remains a most essential piece of guidance for Officers and Members.

6. Staffing of the Licensing Section

- 6.1 The Section's current staffing consists of one full time Senior Licensing Officer who also has responsibility for applications in respect of Taxi and Private Hire licensing, the Gambling Act 2005 and Scrap Metal Dealers Act 2013.
- 6.2 The staffing component for licensing consists of one full time administration post; this member of staff also administers Taxi licensing, the Gambling Act 2005 and Scrap Metal Dealers Act 2013. In comparison, 7 years ago, we had 2 full time and one part time administrative post. The administrative post for licensing is a key position and one that requires considerable knowledge, skills and ability.
- 6.3 The Licensing section of the website is a valuable resource which is frequently updated to keep pace with changes to legislation and to ensure that the content is both up to date and user friendly. We aim to give as much advice and assistance as possible through the website and directing customers to the relevant web page prevents repetitive unnecessary work.
- 6.4 The Licensing pages are designed to encourage users to make online applications via the Gov.uk application system, which also allows for payment to be made at the same time. This reduces the number of paper applications we receive and saves time and money in the cost of processing applications and payments. The Government held a consultation regarding the value of Gov.uk system to licensing authorities early in 2019 so it may be that its future is not assured.
- 6.5 The Licensing Section works with minimum delay in the processing of any applications or production of licences and offers a helpful and informative service to our customers

7. **Conclusions**

- 7.1 Although Licensing is a small Section, it manages the administration and enforcement of the Licensing Act 2003 in a smooth and efficient manner. This is in no small part due to the professionalism and dedication of all those involved.

(For information)

Background papers

Runnymede's Licensing Policy <https://www.runnymede.gov.uk/article/14551/Our-licensing-policy>

Licensing Act 2003 <http://www.legislation.gov.uk/ukpga/2003/17/contents>

Licensing Act 2003 section 182 guidance <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Policing and Crime Act 2017 <http://www.legislation.gov.uk/ukpga/2017/3/contents/enacted>

Immigration Act 2016 <http://www.legislation.gov.uk/ukpga/2016/19/contents/enacted>

Home Office guidance on preventing illegal working in the taxi and private hire sector (Jan 2018) <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

Deregulation Act 2015 <http://www.legislation.gov.uk/ukpga/2015/20/contents/enacted>

House of Lords Select Committee on the Licensing Act 2003

6. **EXCLUSION OF PRESS AND PUBLIC**

If Members are minded to consider any of the foregoing items in private, it is the

OFFICERS' RECOMMENDATION that -

where appropriate the press and public be excluded from the meeting during discussion of the report(s) under Section 100A(4) of the Local Government Act 1972 on the grounds that the report(s) in question would be likely to involve disclosure of exempt information of the description specified in the relevant paragraphs of Part 1 of Schedule 12A of the Act.

(To resolve)

PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.

a) Exempt Information

(No reports to be considered under this heading)

b) Confidential Information

(No reports to be considered under this heading)