

# Licensing Committee

**Tuesday 10 November 2020 at 7.30pm**

**This meeting will be held remotely via MS Teams with audio access to the public for the Part I items via registered dial-in only**

## Members of the Committee

Councillors D Cotty (Chairman), J Broadhead, T Burton, D Clarke, J Furey, M Harnden, N King, R King, J Olorenshaw, P Snow and P Sohi.

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](mailto: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](http://www.runnymede.gov.uk).
- 4) **Filming, Audio-Recording, Photography, Tweeting and Blogging of Meetings**

Members of the public are only permitted to hear the debate on the items listed in Part I of this Agenda, which contains matters in respect of which reports have been made available for public inspection. You will not be able to hear the debate for the items in Part II of this Agenda, which contains matters involving Exempt or Confidential information in respect of which reports have

not been made available for public inspection. If you wish to hear the debate for the Part I items on this Agenda by audio via MS Teams you must register by 10.00 am on the day of the meeting with the Democratic Services Team by emailing your name and contact number to be used to dial-in to [democratic.services@runnymede.gov.uk](mailto:democratic.services@runnymede.gov.uk)

#### **5) Audio-Recording of Meeting**

As this meeting will be held remotely via MS Teams, you may only record the audio of this meeting. The Council will not be recording any remote meetings.

## **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. **ELECTION OF VICE-CHAIRMAN AND CHANGES TO MEMBERSHIP**

To elect a Vice-Chairman for the remainder of this Municipal Year, to replace Councillor Elaine Gill who is now Mayor, and to note that Councillors M Harnden and P Sohi have been appointed to this Committee, replacing Councillors E Gill and J Gracey respectively.

2. **MINUTES**

To confirm and sign the Minutes of the Committee meeting held on 29 September 2020, which were circulated by email to all Members in October 2020.

It is a requirement of the Council's Constitution that the minutes of the Sub-Committee are signed at the next available meeting. However, as the meeting is being held remotely, the Chairman will ask the Members of the Sub-Committee if they approve the Minutes which will then be signed when this is physically possible.

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 email it to the Democratic Services Officer by 5pm on the day of the meeting.

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. Membership of an outside body in their private capacity as a director, trustee, committee member or in another position of influence thereon should be regarded as a disclosable pecuniary interest, as should an appointment to an outside body by the Council as a trustee.

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 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 to prejudice the Member's judgement of the public interest.

5. **LICENSING FEES AND CHARGES 2021/2022 (FINANCIAL SERVICES, Eduan Pardo)**

**Synopsis of report:**

**To recommend the proposed fees and charges under this Committee's remit for the next financial year (2021/2022)**

**Recommendation that:**

**the proposed fees and charges as set out in Appendix 'A' be approved, to be effective from the dates within the appendix or as soon as practical thereafter.**

1. **Context of report**

- 1.1 The Council's Constitution gives delegated authority to Officers to alter fees, charges and prices without reference to Committee in order to respond to market conditions, new needs, changes in tax rates, and so on. Nonetheless, the annual review of charges still remains an important part of the overall budget setting process and the policy framework for service provision in general.
- 1.2 As part of the budget setting process, Service Managers are requested to review their charges each year. Members have previously agreed that Officers put forward recommended increases based on:
- Current market conditions
  - Local competition
  - The likely yield of any fee increase
  - On-going savings targets and revenue reduction programmes
- 1.3 Members have accepted that in some service areas it may not be possible to significantly increase fees, and in others it may be necessary to decrease them to stimulate demand. However, an average of 2% for discretionary locally set charges should be aimed for as the financial plans of the council assume at least an inflationary increase.
- 1.4 This report reviews current levels of fees and charges, with a view to helping to balance next year's budget and is a key strand of the Council's Medium Term Financial Strategy of net revenue reductions.

## **2. Report**

- 2.1 The current fees and charges were agreed by this Committee at its meeting in November 2019.
- 2.2 The fees and charges proposed by Service Managers for next year are set out at Appendix 'A' along with the dates that they will take effect. The appendix includes a Yield column showing the current year's budget for each charges/group of charges, so that Members can estimate the financial implications of any price rises.
- 2.3 Premises and personal licence fees are set by statute. The Licensing Act 2003 listed the fees and charges which we could make as a local authority. These fees and charges are set by statute and have not changed since their introduction. This means that as inflation increases the cost base, the net cost of running the service increases. The estimated deficit for 2021/2022 is £58,000.

## **3. Legal implications**

- 3.1 Where the status of a charge is marked as 'statutory' the Council is required under the law to levy a fee. Where the status is given as 'discretionary' the Council may amend the fee charged or choose to make no charge for the service.
- 3.2 All of the regimes (excluding Gambling) are covered by the European Union Services Directive (Directive 2006/123/EC). Members are invited to note that section 2 of the yet to be implemented European Union (Withdrawal) Act 2018 has the effect of saving a selected list of EU-derived domestic legislation, of which the Provision of Services Regulations 2009 (which give effect to the said Directive) are included. This ensures that as it has effect in domestic law immediately before exit day, it continues to have effect in domestic law on and after exit day.
- 3.3 Regulation 18 of the Provision of Services Regulations 2009 which implements the EU Services Directive into UK law requires that fees charged in relating to authorisations must be proportionate to the effective cost of the process.

- 3.4 The proposed fees must recover the Council's costs in relation to the licensing process and cannot be used as an economic deterrent or to raise funds. The fees as proposed should enable the Council to recover its reasonable costs.
- 3.5 As there is no facility to set fees under the Licensing Act 2003 locally, they cannot be increased to cover the deficit.

#### **4. Equality implications**

- 4.1 Where any major changes to the structure of any charging regime are proposed, an Equality Impact Assessment will have been completed by the relevant Budget Manager.
- 4.2 It is considered that there are no Equalities issues arising from the proposals contained in this report.

#### **(To resolve)**

#### **Background papers**

None Stated.

<b>Fees and charges</b>
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<b>Premises and alcohol related licences</b>
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		Charge Status	From April 2020 £	From April 2021 £	% Increase		Yield £	VAT treatment
<b><u>Licensing Act 2003</u></b>								
<b><u>Main application fee</u></b>								
The application fee for a new premises licence, or conversion of an existing licence is based on rateable values as follows:-								
<b><u>Non City / Town Centre</u></b>								
Band A	Rateable value £0 to £4,300	Statutory	100.00	100.00	0.00%	}	1,000	Outside Scope
Band B	£4,301 to £33,000	Statutory	190.00	190.00	0.00%			Outside Scope
Band C	£33,001 to £87,000	Statutory	315.00	315.00	0.00%			Outside Scope
Band D	£87,001 to £125,000	Statutory	450.00	450.00	0.00%			Outside Scope
Band E	£125,001 and above	Statutory	635.00	635.00	0.00%			Outside Scope
<b><u>City / Town Centre where they are exclusively/ primarily used to sell alcohol</u></b>								
Band D	£87,001 to £125,000	Statutory	900.00	900.00	0.00%	}		Outside Scope
Band E	£125,001 and above	Statutory	1,905.00	1,905.00	0.00%			Outside Scope
<b><u>Annual charge</u></b>								
The annual charge is due one year after the application fee was paid and is based on rateable values as follows:-								
<b><u>Non City / Town Centre</u></b>								
Band A	Rateable value £0 to £4,300	Statutory	70.00	70.00	0.00%	}	25,000	Outside Scope
Band B	£4,301 to £33,000	Statutory	180.00	180.00	0.00%			Outside Scope
Band C	£33,001 to £87,000	Statutory	295.00	295.00	0.00%			Outside Scope
Band D	£87,001 to £125,000	Statutory	320.00	320.00	0.00%			Outside Scope
Band E	£125,001 and above	Statutory	350.00	350.00	0.00%			Outside Scope
<b><u>City / Town Centre where they are exclusively/ primarily used to sell alcohol</u></b>								
Band D	£87,001 to £125,000	Statutory	640.00	640.00	0.00%	}		Outside Scope
Band E	£125,001 and above	Statutory	1,050.00	1,050.00	0.00%			Outside Scope
Minor variations to premises licences and club premises certificates as per the Legislative reform order 2009		Statutory	89.00	89.00	0.00%		0	Outside Scope

## Fees and charges

### Premises and alcohol related licences

	Charge Status	From April 2020 £	From April 2021 £	% Increase	Yield £	VAT treatment
<b><u>Exceptionally large capacity sites</u></b>						
This is an additional charge for large events based on the number of attendees as follows:						
<b><u>New licence</u></b>						
5,000 to 9,999	Statutory	1,000.00	1,000.00	0.00%	0	Outside Scope
10,000 to 14,999	Statutory	2,000.00	2,000.00	0.00%		Outside Scope
15,000 to 19,999	Statutory	4,000.00	4,000.00	0.00%		Outside Scope
20,000 to 29,999	Statutory	8,000.00	8,000.00	0.00%		Outside Scope
30,000 to 39,999	Statutory	16,000.00	16,000.00	0.00%		Outside Scope
40,000 to 49,000	Statutory	24,000.00	24,000.00	0.00%		Outside Scope
50,000 to 59,999	Statutory	32,000.00	32,000.00	0.00%		Outside Scope
60,000 to 69,999	Statutory	40,000.00	40,000.00	0.00%		Outside Scope
70,000 to 79,999	Statutory	48,000.00	48,000.00	0.00%		Outside Scope
80,000 to 89,999	Statutory	56,000.00	56,000.00	0.00%		Outside Scope
90,000 and over	Statutory	64,000.00	64,000.00	0.00%		Outside Scope
<b><u>Annual fee</u></b>						
The Annual fee is half the above thereafter						
5,000 to 9,999	Statutory	500.00	500.00	0.00%	0	Outside Scope
10,000 to 14,999	Statutory	1,000.00	1,000.00	0.00%		Outside Scope
15,000 to 19,999	Statutory	2,000.00	2,000.00	0.00%		Outside Scope
20,000 to 29,999	Statutory	4,000.00	4,000.00	0.00%		Outside Scope
30,000 to 39,999	Statutory	8,000.00	8,000.00	0.00%		Outside Scope
40,000 to 49,000	Statutory	12,000.00	12,000.00	0.00%		Outside Scope
50,000 to 59,999	Statutory	16,000.00	16,000.00	0.00%		Outside Scope
60,000 to 69,999	Statutory	20,000.00	20,000.00	0.00%		Outside Scope
70,000 to 79,999	Statutory	24,000.00	24,000.00	0.00%		Outside Scope
80,000 to 89,999	Statutory	28,000.00	28,000.00	0.00%		Outside Scope
90,000 and over	Statutory	32,000.00	32,000.00	0.00%		Outside Scope
<b><u>Personal Licences</u></b>						
Application for a grant of personal licence	Statutory	37.00	37.00	0.00%	1,000	Outside Scope
<b><u>Temporary events</u></b>						
Temporary event notice	Statutory	21.00	21.00	0.00%	2,000	Outside Scope



## Fees and charges

### Premises and alcohol related licences

	Charge Status	From April 2020 £	From April 2021 £	% Increase	Yield £	VAT treatment
<b>Other licences</b>						
Theft, loss, etc. of premises licences or summary	Statutory	10.50	10.50	0.00%	1,500	Outside Scope
Application for a provisional statement where premises being built etc.	Statutory	315.00	315.00	0.00%		Outside Scope
Notification of change of name or address	Statutory	10.50	10.50	0.00%		Outside Scope
Application to vary licence to specify individual as premises supervisor	Statutory	23.00	23.00	0.00%		Outside Scope
Application for transfer of premises licence	Statutory	23.00	23.00	0.00%		Outside Scope
Interim authority notice following death etc. of licence holder	Statutory	23.00	23.00	0.00%		Outside Scope
Theft, loss etc. of certificate or summary	Statutory	10.50	10.50	0.00%		Outside Scope
Notification of change of name or alteration of rules of club	Statutory	10.50	10.50	0.00%		Outside Scope
Change of relevant registered address of club	Statutory	10.50	10.50	0.00%		Outside Scope
Theft, loss etc. of temporary event notice	Statutory	10.50	10.50	0.00%		Outside Scope
Theft, loss etc. of personal licence	Statutory	10.50	10.50	0.00%		Outside Scope
Duty to notify change of name or address	Statutory	10.50	10.50	0.00%		Outside Scope
Right of freeholder etc. to be notified of licensing matters	Statutory	21.00	21.00	0.00%		Outside Scope

No fee shall be payable in respect of the above licences for an entertainment at a church hall, chapel hall or other similar building occupied in connection with a place of public religious worship, or at village hall, parish or community hall or other similar building. At the discretion of the Council no fee may be payable if the entertainment is of an educational or other like character or is given for charitable or other like purposes.

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)