

Licensing Committee

Tuesday 9 November 2021 at 7.30pm

**Council Chamber
Runnymede Civic Centre, Addlestone**

Members of the Committee

Councillors J Wilson (Chairman), D Cotty (Vice-Chairman), M Adams, R Bromley, T Burton, T Gracey, M Harnden, M Kusneraitis, M Maddox, 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) **The following Measures to comply with current Covid guidelines are in place:**
 - **restricting the number of people that can be in the Council Chamber to 60 including Councillors, Officers, and members of the public**
 - **temperature check via the undercroft for Members/Officers and Main Reception for the public**
 - **NHS track and trace register, app scan is next to the temperature check**
 - **masks to be worn when moving around the offices**
 - **masks can be kept on whilst sitting in the Council Chamber if individuals wish**
 - **use of hand sanitisers positioned outside and inside the Council Chamber**
 - **increased ventilation inside the Council Chamber**
- 2) 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.
- 3) 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 Clare Pinnock, Democratic Services Section, Law and Governance Business Centre, Runnymede Civic Centre, Station Road, Addlestone (Tel: Direct Line: 01932 425627). (Email: clare.pinnock@runnymede.gov.uk).**

- 4) 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.
- 5) 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.
- 6) **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**

2. **Minutes**

To confirm and sign the Minutes of the Committee meeting held on 29 June 2021, which were circulated to all Members in October 2021.

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 registrable interest includes their appointment by the Council as the Council's representative to an outside body. Membership of an outside body in their private capacity as a trustee, committee member or in another position of influence thereon should also be declared. Any directorship whether paid or unpaid should be regarded as a disclosable pecuniary interest, and declared.

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 other registrable interest and/or the interest could reasonably be regarded as so significant as to prejudice the Member's judgement of the public interest.

5. **Fees and Charges 2022/2023 (Financial Services, Eduan Pardo)**

Synopsis of report:

To recommend the proposed fees and charges under this Committee's remit for next financial year.

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 provides 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 at the meeting of this Committee in November 2020.

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 The Licensing Act 2003 listed the fees and charges which we could make as a local authority. They 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 2022/2023 is £25 000.

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.

Fees and charges

Premises and alcohol related licences

Charge Status	From April 2020 £	From April 2021 £	From April 2022 £	% Increase	Yield £	VAT treatment	
Licensing Act 2003							
<u>Main application fee</u>							
The application fee for a new premises licence, or conversion of an existing licence is based on rateable values as follows:-							
<u>Non City / Town Centre</u>							
Band A	Rateable value £0 to £4,300	Statutory	100.00	100.00	100.00	0.00%	} 3,500 Outside Scope
Band B	£4,301 to £33,000	Statutory	190.00	190.00	190.00	0.00%	
Band C	£33,001 to £87,000	Statutory	315.00	315.00	315.00	0.00%	
Band D	£87,001 to £125,000	Statutory	450.00	450.00	450.00	0.00%	
Band E	£125,001 and above	Statutory	635.00	635.00	635.00	0.00%	
<u>City / Town Centre where they are exclusively/ primarily used to sell alcohol</u>							
Band D	£87,001 to £125,000	Statutory	900.00	900.00	900.00	0.00%	} Outside Scope
Band E	£125,001 and above	Statutory	1,905.00	1,905.00	1,905.00	0.00%	
<u>Annual charge</u>							
The annual charge is due one year after the application fee was paid and is based on rateable values as follows:-							
<u>Non City / Town Centre</u>							
Band A	Rateable value £0 to £4,300	Statutory	70.00	70.00	70.00	0.00%	} 53,500 Outside Scope
Band B	£4,301 to £33,000	Statutory	180.00	180.00	180.00	0.00%	
Band C	£33,001 to £87,000	Statutory	295.00	295.00	295.00	0.00%	
Band D	£87,001 to £125,000	Statutory	320.00	320.00	320.00	0.00%	
Band E	£125,001 and above	Statutory	350.00	350.00	350.00	0.00%	
<u>City / Town Centre where they are exclusively/ primarily used to sell alcohol</u>							
Band D	£87,001 to £125,000	Statutory	640.00	640.00	640.00	0.00%	} Outside Scope
Band E	£125,001 and above	Statutory	1,050.00	1,050.00	1,050.00	0.00%	
Minor variations to premises licences and club premises certificates as per the Legislative reform order 2009		Statutory	89.00	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 £	From April 2022 £	% Increase	Yield £	VAT treatment
Exceptionally large capacity sites						
This is an additional charge for large events based on the number of attendees as follows:						
New licence						
5,000 to 9,999	Statutory	1,000.00	1,000.00	1,000.00	0.00%	} 0 Outside Scope
10,000 to 14,999	Statutory	2,000.00	2,000.00	2,000.00	0.00%	
15,000 to 19,999	Statutory	4,000.00	4,000.00	4,000.00	0.00%	
20,000 to 29,999	Statutory	8,000.00	8,000.00	8,000.00	0.00%	
30,000 to 39,999	Statutory	16,000.00	16,000.00	16,000.00	0.00%	
40,000 to 49,000	Statutory	24,000.00	24,000.00	24,000.00	0.00%	
50,000 to 59,999	Statutory	32,000.00	32,000.00	32,000.00	0.00%	
60,000 to 69,999	Statutory	40,000.00	40,000.00	40,000.00	0.00%	
70,000 to 79,999	Statutory	48,000.00	48,000.00	48,000.00	0.00%	
80,000 to 89,999	Statutory	56,000.00	56,000.00	56,000.00	0.00%	
90,000 and over	Statutory	64,000.00	64,000.00	64,000.00	0.00%	
Annual fee						
The Annual fee is half the above thereafter						
5,000 to 9,999	Statutory	500.00	500.00	500.00	0.00%	} 0 Outside Scope
10,000 to 14,999	Statutory	1,000.00	1,000.00	1,000.00	0.00%	
15,000 to 19,999	Statutory	2,000.00	2,000.00	2,000.00	0.00%	
20,000 to 29,999	Statutory	4,000.00	4,000.00	4,000.00	0.00%	
30,000 to 39,999	Statutory	8,000.00	8,000.00	8,000.00	0.00%	
40,000 to 49,000	Statutory	12,000.00	12,000.00	12,000.00	0.00%	
50,000 to 59,999	Statutory	16,000.00	16,000.00	16,000.00	0.00%	
60,000 to 69,999	Statutory	20,000.00	20,000.00	20,000.00	0.00%	
70,000 to 79,999	Statutory	24,000.00	24,000.00	24,000.00	0.00%	
80,000 to 89,999	Statutory	28,000.00	28,000.00	28,000.00	0.00%	
90,000 and over	Statutory	32,000.00	32,000.00	32,000.00	0.00%	
Personal Licences						
Application for a grant of personal licence	Statutory	37.00	37.00	37.00	0.00%	2,000 Outside Scope
Temporary events						
Temporary event notice	Statutory	21.00	21.00	21.00	0.00%	6,000 Outside Scope

Fees and charges

Premises and alcohol related licences

	Charge Status	From April 2020 £	From April 2021 £	From April 2022 £	% Increase	Yield £	VAT treatment
Other licences							
Theft, loss, etc. of premises licences or summary	Statutory	10.50	10.50	10.50	0.00%	3,000	Outside Scope
Application for a provisional statement where premises being built etc.	Statutory	315.00	315.00	315.00	0.00%		Outside Scope
Notification of change of name or address	Statutory	10.50	10.50	10.50	0.00%		Outside Scope
Application to vary licence to specify individual as premises supervisor	Statutory	23.00	23.00	23.00	0.00%		Outside Scope
Application for transfer of premises licence	Statutory	23.00	23.00	23.00	0.00%		Outside Scope
Interim authority notice following death etc. of licence holder	Statutory	23.00	23.00	23.00	0.00%		Outside Scope
Theft, loss etc. of certificate or summary	Statutory	10.50	10.50	10.50	0.00%		Outside Scope
Notification of change of name or alteration of rules of club	Statutory	10.50	10.50	10.50	0.00%		Outside Scope
Change of relevant registered address of club	Statutory	10.50	10.50	10.50	0.00%		Outside Scope
Theft, loss etc. of temporary event notice	Statutory	10.50	10.50	10.50	0.00%		Outside Scope
Theft, loss etc. of personal licence	Statutory	10.50	10.50	10.50	0.00%		Outside Scope
Duty to notify change of name or address	Statutory	10.50	10.50	10.50	0.00%		Outside Scope
Right of freeholder etc. to be notified of licensing matters	Statutory	21.00	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)