



Licensing Committee

Monday, 6 June 2022 at 7.30 pm

**Council Chamber, Runnymede Civic Centre,
Addlestone**

Members of the Committee

Councillors: J Wilson (Chairman), E Gill (Vice-Chairman), J Broadhead, T Burton, D Clarke, D Cotty, V Cunningham, J Furey, A King, J Olorenshaw and S Saise-Marshall

In accordance with Standing Order 29.1, any Member of the Council may attend the meeting of this Committee, but may speak only with the permission of the Chairman of the Committee, if they are not a member of this Committee.

AGENDA

- 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 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).**
- 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

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Part I

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

1. **Minutes** 4

To confirm and sign as a correct record, the Minutes of the meeting held on 9 November 2021 (Appendix 'A').
2. **Apologies for Absence**
3. **Declarations of Interest**

Members are invited to declare any disclosable pecuniary interests or other registrable and non-registrable interests in items on the agenda.
4. **2022 Annual Report on the Licensing Act 2003** 5 - 11
5. **Exclusion of Press and Public**

Part II

There are no Part II items on this agenda

Runnymede Borough CouncilLicensing Committee9 November 2021 at 7.30pm

Members of the Committee present: Councillors J Wilson (Chairman), D Cotty (Vice-Chairman) M Adams, R Bromley, T Burton, T Gracey, M Harnden and J Olorenshaw

Members of the Committee absent: Councillors M Kusneraitis, M Maddox and P Snow

255 Fire Precautions

The Chairman read the fire precautions which were duly noted.

256 Minutes

The Minutes of the meeting of the Committee held on 29 June 2021 was confirmed as a correct record.

257 Apologies for Absence

Apologies for Absence were recorded from Councillors M Kusneraitis, M Maddox and P Snow.

258 Fees and Charges 2022/2023

The Committee's approval was sought for the Fees and Charges pertaining to matters under the Licensing Act 2003 for 2022/2023.

As with previous years, Members shared the Officers' concerns that the Government had not yet legislated for the provision for local authorities to set fees locally and that the fees, set by statute, had not increased since their introduction in 2003. This meant that the year on year deficit now stood at an estimated £25,000 for the next financial year.

Members noted that the Fees and Charges had to recover the Council's costs but could not be used as an economic deterrent or to raise funds.

Despite this, Officers confirmed that since 2006, net expenditure had fallen due to increased efficiencies, more digitisation and streamlined procedures as well as a reduction in staffing costs. This was illustrated by a series of spreadsheets which would be circulated with the Minutes.

RESOLVED that –

The proposed fees and charges for 2022/2023, be approved, to be effective from the dates in the appendix or as soon as practical thereafter.

(The meeting ended at 7.38pm)

Chairman

2022 Annual Report on the Licensing Act 2003 (Environmental Services, Robert Smith)

Synopsis of report:

To present the 2022 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 and background 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 2021 to 31 March 2022.
- 1.2 The annual report includes statistical data required by the Home Office who have the role of collating relevant information from Licensing Authorities.

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 2020; the revised policy was adopted by the full Council at its meeting in December 2020 and took effect on 7 January 2021, it is valid for 5 years.
- 2.3 The policy will be updated as required during the period of its validity as and 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 | 2017/18 | 2018/19 | 2019/2020 | 2020/2021 | 2021/2022 |
|----------------------------|----------------|----------------|------------------|------------------|------------------|
| Premises Licences | 237 | 238 | 243 | 244 | 249 |
| Club Premises Certificates | 35 | 35 | 35 | 35 | 34 |
| Temporary Event Notices | 224 | 205 | 273 | 19 (2 late) | 167 (40 late) |

| | | | | | |
|--|----|----|----|----|----|
| Licences determined by Sub-Committee | 1 | 0 | 1 | 1 | 0 |
| Number of Appeals | 0 | 0 | 0 | 0 | 0 |
| Number of Prosecutions/Cautions | 0 | 0 | 0 | 0 | 0 |
| New Premises Licences granted | 8 | 8 | 10 | 6 | 11 |
| New Personal Licences granted | 72 | 53 | 45 | 27 | 21 |
| New applications for Club Premises Certificates (CPCs) | 1 | 0 | 0 | 0 | 0 |
| Premises Licences surrendered or lapsed. | 3 | 7 | 5 | 5 | 6 |
| Full variations to a premises licence | 4 | 4 | 11 | 6 | 3 |
| Minor variations to a premises licence | 7 | 5 | 3 | 5 | 2 |
| Reviews | 0 | 0 | 1 | 0 | 0 |

2.5 The number of premises licences as of 1 April 2022 was 249, over the year 2022 11 new premises licence were granted and 6 were surrendered or lapsed. Details of these premises are set out below:

New premises licences granted

| Premises | Location | | Ward | Type |
|---------------------------------------|--|------------------|------------------------------------|---------------------------|
| STS Italian Deli | 176 High Street | Egham | Egham Town | Cafe |
| Bishopsgate School | Bishopsgate Road | Englefield Green | Englefield Green West | School |
| 30 Chapel Avenue | 30 Chapel Avenue | Addlestone | Addlestone North | Residential micro brewery |
| Windsor Great Park Illuminated Lounge | Windsor Great Park, Unit C1 Magna Square | Englefield Green | Englefield Green West | Outdoor venue |
| FN Family Ltd | Unit 4, The Lane | Egham | Egham Town | Café/bar |
| Food Envy London Ltd | Unit 4, The Lane | Addlestone | Addlestone South | Restuarant |
| Food Envy London Ltd | The Farm Shop, Unit B1/B2 Hardwick Lane | Lyne | Longcross, Lyne and Chertsey South | Farm shop |
| Woodham Food & Wine | 313 Woodham Lane | Addlestone | Woodham and Row Town | Convenience store |
| SYA Services Egham Limited | Unit 2 Corn Merchant House, Station Road North | Egham | Egham Town | Convenience store |
| Polow Restaurant | 72 High Street | Egham | Egham Town | Restuarant |
| Fairmont Windsor Park Hotel | Fairmont Windsor Park Hotel, Bishopsgate Road | Englefield Green | Englefield Green West | Hotel and events venue |

Premises licences surrendered

| Premises | Location | | Ward | Type | Reason surrendered |
|--------------------------------|--------------------------------|------------------|------------------------------------|-------------------|---|
| Food Envy London Ltd | The Farm Shop Hardwick Lane | Lyne | Longcross, Lyne and Chertsey South | Farm shop | Redeveloped and new licence granted |
| The little things Coffee House | 53-55 High St | Egham | Egham Town | Cafe | No longer required |
| Café Lisboa Ltd | 9 Windsor Street | Chertsey | Chertsey St Ann's | Cafe | No longer required |
| Mango Chutney | 28 St Judes Road | Englefield Green | Englefield Green East | Restuarant | No longer required |
| Chertsey convenience store | 17b Fordwater Road | Chertsey | Chertsey Riverside | Convenience store | No longer required |
| Loch Fyne Restaurant | 5 High Street | Egham | Egham Town | Restuarant | Refurbished and now under a new licence |

- 2.6 The total number of Personal Licences issued by the authority is 1,160. 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 167 (compared with 19 in the previous year); of these 40 were late TENs. Members will appreciate that due to the pandemic, gatherings have been severely limited.
- 2.8 The number of premises with 24hr licences is 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.
- 2.9 In general, shops and off licences have tended to keep to their terminal hour of 23:00hrs, as permitted under previous legislation. 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 garages with convenience stores on site.
- 2.10 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.
- 2.11 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 premises 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 their inspection activity has been limited by the pandemic however at new premises and those applying for variations the applicants fulfilled 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 objections to the application.
- 3.5 Our aim for 2022/23 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.
- 3.6 The risk of a Review of the premises licence continues to be an effective deterrent to club and premises licence holders.

Pubwatch

- 3.7 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.
- 3.8 The basic principle of Pubwatch is that its members 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.
- 3.9 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. Out of the 50 public houses and 34 registered clubs in the borough 33 are members of Pub watch, meetings are held every 6 weeks in normal times. During the peaks of the pandemic there were no pubwatch meetings but they recommenced in Spring 2021.

3.10 Persons who have caused problems in licensed premises can be banned from all Pub Watch members' premises for a set period depending on their action. As of 1 April 2022, there were 11 persons on a Pub Watch ban in Runnymede (1 North and 10 South)

3.11 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.

3.12 Runnymede's Licensing Policy, section 8.12 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."

3.13 Attendance at pubwatch has improved over the last few years and a healthy number now attend regularly. The appearance of members of this Committee or ward Councillors is commonplace and is very welcome.

3.14 Attendance is shown in the chart below:

| Runnymede North area | | | | | | | | | | |
|----------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr |
| 7 | 9 | 9 | - | - | 12 | - | 12 | 12 | - | 6 |

| Runnymede South area | | | | | | | | | | |
|----------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr |
| 15 | 10 | - | 10 | 7 | - | - | 10 | - | 12 | 12 |

3.15 Members may be interested to know just how many incidents the Police have recorded in licence premises of all types. The Police have supplied some statistics and a brief summary as set out below.

3.16 Altogether there were 337 incidents in licenced premises, these cover a wide rang and not all are connected with crime and disorder. The number of incidents which occurred in public houses was 90 –

| | |
|---|----|
| Covid regulation breach | 4 |
| Drugs | 10 |
| Public order/ attempted assault / assault | 28 |
| Drink/drive | 3 |
| ASB | 21 |
| Make off without payment | 4 |
| Noise nuisance | 3 |
| Hate Crime | 1 |
| Offensive weapon | 1 |
| Assault – GBH | 1 |
| Criminal damage | 8 |
| Theft | 2 |
| Sexual Assault | 1 |
| Harassment | 1 |

| | |
|--------------------------|-----------|
| Drunk – refusing to quit | 2 |
| Total Incidents | 90 |

4. Licensing Fees and Accounts

- 4.1 As of 25 April 2012 powers to suspend a licence for non-payment of fees has 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, 266 invoices were sent to premises licence holders in the last financial year, 6 notices of suspension were sent out to premises.
- 4.3 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.
- 4.4 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.
- 5.2 The regulations about the number of Temporary Event Notices (TENS) have been altered for the calendar years 2022 and 2023 so that the maximum number of TENS which can be held at the same premises in a calendar year is increased from 15 to 20 over these years only. This was to help business recover from the pandemic.

6. Staffing of the Licensing Section

- 6.1 The Section’s current staffing consists of one full time Senior Licensing Officer and one full time administration post, approximately 40% of their time is dedicated to the Licensing Act 2003. They also have responsibility for applications and administration in respect of Taxi and Private Hire licensing, the Gambling Act 2005 and Scrap Metal Dealers Act 2013, which takes up the remainder of their time.

- 6.2 The administrative post for licensing is a key position and one that requires considerable knowledge, skills, experience 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 Licensing applications can no longer be made online via the Gov.uk as in previous years due to Runnymede's Civica e-pay system being incompatible with the upgraded payment system now used by Gov.uk. We are hopeful this can be resolved soon.
The inability to use the Gov.uk payment system for licensing increases the number of paper and email applications we receive which of course involve more officer time and money in processing applications and payments. It also makes it a less straightforward application process for applicants.
- 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. The turnround times for licences are typically only one or two days following any statutory consultation period.

7. The effect of the Covid pandemic

- 7.1. Members will be aware that the hospitality industry was particularly badly hit by the pandemic. A House of Commons briefing paper (see link below at background papers) was published on 23 March 2021 and this gives a very good overview of the impact of Covid countrywide.
- 7.2 In Runnymede we are not aware of any specific cases where a licence has been surrendered due to the pandemic.
- 7.3 Our licensing processes have been unaffected by Covid restrictions and there have been no delays or disruption as a result of staff having to work from home.

8. **Conclusions**

- 8.1 After another very difficult year for the trade it remains to be seen what the long-term effects of the pandemic and the reduced trade are going to be. Members will be aware that one of the biggest problems faced by the licensing trade is staff and their retention.

(For information)

Background papers

Runnymede's Licensing Policy

<https://www.runnymede.gov.uk/article/14546/Licensing-forms-fees-and-policy>

Licensing Act 2003 and section 182 guidance

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

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

Immigration Act 2016

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

Deregulation Act 2015

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

House of Commons briefing paper

<https://commonslibrary.parliament.uk/research-briefings/cbp-9111/>