



# Licensing Committee

**Tuesday, 8 November 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](mailto:clare.pinnock@runnymede.gov.uk)).**
- 3) Agendas and Minutes are available on a subscription basis. For details, please ring Democratic Services 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) 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. **Notification of Changes to Committee Membership**

2. **Minutes**

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To confirm and sign as a correct record, the Minutes of the meeting held on 6 June 2022 (Appendix 'A') and those of the Licensing Sub-Committee held on 11 October 2022 (Appendix 'B').

3. **Apologies for Absence**

4. **Declarations of Interest**

Members are invited to declare any disclosable pecuniary interests or other registrable and non-registrable interests in items on the agenda.

5. **Licensing Fees and Charges 2023-2024**

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6. **Exclusion of Press and Public**

### Part II

There are no Part II items on this agenda

## Runnymede Borough Council

### Licensing Committee

**Monday, 6 June 2022 at 7.30 pm**

Members of the Committee present: Councillors J Wilson (Chairman), E Gill (Vice-Chairman), T Burton, D Clarke, D Cotty, V Cunningham, A King, J Olorenshaw and S Saise-Marshall.

Members of the Committee absent: Councillors J Broadhead and J Furey.

#### 54 Minutes

The Minutes of the meeting held on 9 November 2021 were confirmed as a correct record.

#### 55 Declarations of Interest

There were no Declarations of Interest to record.

#### 56 2022 Annual Report on the Licensing Act 2003

The Committee received for information the annual report on matters under the Licensing Act 2003.

Members noted that the Licensing Policy was valid until 2026 and reviewed statistical data. This showed a slight increase in the number of premises licences (a total of 249), one less club premises certificate, and a significant increase in the number of Temporary Event Notices following the lifting of restrictions regarding Covid. The number of new Personal Licences had fallen to 21 (with a total of 1,160 across the borough) and 6 premises licences had been surrendered or lapsed. There were very few variations to premises licences in 2021/2022.

The Committee was also provided with ward based information showing that Egham had slightly more new premises licences in 2021/2022 (4), but that others had also been granted mainly in Englefield Green and Addlestone. Of those licences surrendered these were split equally between Egham and Chertsey and one each in Lyne and Englefield Green.

Officers advised Members of their pro-active approach to ensuring applicants submitted accurate applications, often offering pre-application advice and engagement, and intelligence led enforcement with other Responsible Authorities.

The benefits of Pubwatch were discussed. These included sharing information and its members in the trade working together to improve the safety of their premises for the public and their staff. Unfortunately attendance had been fairly low lately as Pubwatch members reported being very short-staffed. There were currently 11 people on the Pubwatch banned list, mostly in the south section of the borough. Officers agreed to advise the Committee of future Pubwatch dates when known for both the north and south of the borough. Officers also agreed to provide the Committee with a breakdown of the 33 Pubwatch members in terms of public houses and registered clubs

Officers had added a new section to the annual report on incident and crime statistics as recorded by the Police. These showed a range of issues including different types of assault, public order offences and drug related activity. Members were concerned to learn that there had been 337 incidents in licensed premises including 90 in public houses.

Officers explained that an 'incident' could be any type of event and was not necessarily crime related. For example a police visit to a premises was recorded as an 'incident.'

At a previous meeting Members had asked for an analysis of the effects of Covid on licensed premises and similar. With regard to Temporary Event Notices the Committee noted that in order to aid recovery after the pandemic people were allowed to make a total of 20 in 2022/2023. However, Officers were not aware of any specific cases where a licence had been surrendered owing to the pandemic and the section had continued to work without disruption with staff working from home.

The Committee noted the recent inability for applicants to pay on-line via the Gov.uk website due to the Council's software being incompatible with the Government's upgraded payment system. Officers anticipated this would shortly be resolved.

With regard to the future licensing arrangements for Pavement Licensing Officers would submit a report to the next scheduled meeting of Regulatory Committee

## **57 Exclusion of Press and Public**

There were no exempt or confidential items discussed at the meeting.

(The meeting ended at 7.50 pm.)

Chairman

**Runnymede Borough Council****Licensing Sub Committee****Tuesday, 11 October 2022 at 2.00 pm**

Members of the Committee present: Councillors E Gill (Chairman), T Burton and A King.

Also Present The Premises Licence Holder and his son, Ms C Laird and Mr D Goldhill (Immigration Office), Mr R Smith, Senior Licensing Officer, Mr P Ionta, Legal Advisor and Miss C Pinnock, taking notes of the meeting.

In attendance: Councillors D Clarke and D Cotty (Observers).

**1 Election of Chairman**

Councillor E Gill was elected as Chairman for the meeting.

**2 Notification of Changes to Committee Membership**

There were no changes to the Sub-Committee membership.

**3 Apologies for Absence**

There were no apologies for absence. All Members present.

**4 Declarations of Interest**

There were no declarations of interest.

**5 Procedure**

The Procedure for the meeting was noted, all parties attending would be given an equal opportunity to state their case, ask questions and seek clarification of any points. It was confirmed that the Premises Licence Holder (PLH) would be assisted by his son.

**6 Exclusion of Press and Public**

By resolution of the Committee, the press and public were excluded from the remainder of the meeting during the consideration of the remaining matters under Section 100A (4) of the Local Government Act 1972 on the grounds that the discussion would be likely to involve the disclosure of exempt information of the description specified in paragraphs 1, 3 and 7 of Schedule 12A to Part 1 of the Act

**7 Licensing Act 2003 - Review of a Premises Licence**

Mr Smith set out the details of the application made by the Home Office Immigration Enforcement Service to review the Premises Licence of a restaurant in Egham, licensed to supply late night refreshment and alcohol with a meal.

The application to review the premises licence was made in respect of the Licensing objective of the Prevention of Crime and Disorder.

A warrant to search the premises had been issued on 17 June 2022, and executed on 2 July 2022. As a result, it was found that an offence under section 24 (1)(b)(i) of the Immigration Act 1971 had occurred, to which the Immigration Officers present confirmed

that the PLH had 'openly and honestly admitted'.

It was confirmed that the notices advertising the review of the premises licence had been placed at the premises and on the Council's website. The PLH had been served the required notices and copies of the review application.

Mr Smith advised that no representations had been received from any other responsible authorities or any other person.

The Sub-Committee's attention was drawn to the relevant guidance under section 182; in particular Part 11.24 to 11.28 which referred to reviews arising in connection with crime.

The Sub-Committee noted the legal implications in the report, including the steps it could take when determining the review application. These ranged from modifying the conditions of the licence to revoking it altogether.

The Officers from the Immigration Office were invited to provide any additional information to that presented in their review application and statement which was duly noted.

The PLH and his son were invited to address the Sub-Committee. Their submission included the difficulties of recruitment, the after effects of the pandemic and how it had adversely affected the business and them personally as a family.

The PLH informed the Sub-Committee that he planned to retire from the business and his son stated that he wanted to take it over on a part time basis and make improvements to ensure all relevant rules and regulations were adhered to in future. The PLH also expressed the intention to surrender his Personal Licence to the local authority which had issued it.

Both the PLH and his son appreciated the importance of running the business legally, particularly as the son had recently completed a course in preparation for applying for a Personal Licence and transferring the Premises Licence to himself. He was already in possession of an enhanced DBS certificate because of his current occupation. This also highlighted his awareness of safeguarding issues and another Licensing Objective, that being the protection of children from harm.

The Sub-Committee expressed sympathy for the PLH who had explained that as English was not his first language, he often missed things and had not hitherto fully realised his legal and moral obligations. He also implied that he sometimes felt overwhelmed by these and the business and had also experienced difficulties with his staff; they were currently very short staffed. A frank discussion had taken place instigated by his son about the future which had led to his decision to step back and look after his health and family without the burden of the business to run, and to allow his son to assume an overview of the business and take responsibility for paperwork.

The Sub-Committee asked some questions of the PLH who confirmed that some staff had been living on the premises in accommodation upstairs which the Council had instructed him to refurbish as it was not of a reasonable standard.

Mr Smith asked whether the PLH was aware of his obligations in respect of making right to work checks and he also asked where he recruited his staff from. The PLH considered he was not really aware, he tended to rely on trust that they were legal especially if they had been in the UK for some years. The PLH's son stated that potential staff responded to appeals on a chat forum for their community.

The Immigration Officers confirmed some more detail around their visit to the premises and what had occurred, including the provision of some payslips.

Mr Smith confirmed that if the personal licence held by the PLH was surrendered there would be no need for a hearing, should he be convicted of a relevant offence, and that if subsequently the PLH's son applied for a personal licence this would be a separate matter to that being discussed at the meeting.

When invited by the Chairman, the applicants and PLH confirmed they did not have anything to add by way of a closing statement.

Mr Ionta stated that it was the panel's intention to reach a decision today, all parties were welcome to remain while the Sub-Committee retired to determine the application. A full decision letter would be issued, hopefully within 5 working days of the decision being conveyed verbally to those present.

The meeting adjourned at 14:47 and reconvened at 15:15.

The Chairman confirmed that they had considered all that was before them and that had been said at the meeting and had concluded that the Premises Licence held by the restaurant should be revoked with immediate effect.

This mean that the offer of late night refreshment and alcohol was no longer allowed until such time as a fresh application was made. Mr Ionta explained that the premises was not being closed and they could still operate up to 23:00 hours. When asked, Mr Smith confirmed that whilst alcohol could not be supplied, diners were allowed to 'bring their own', it was only licensable activity that had been revoked.

When asked to clarify, Mr Smith also confirmed that should the PLH's son apply for a premises licence it would be considered on its merits, but that the previous history of the premises could be taken into account. If objections were received in respect of the premises licence application it was likely that a Hearing would take place. If the PLH was subsequently convicted of a relevant offence, his personal licence, if not surrendered at that time, would also be the subject of a Hearing by the issuing authority.

The Chairman thanked all those attending the meeting.

#### **RESOLVED that –**

**The premises licence held by the restaurant which was the subject of the Hearing under the Licensing Act 2003, be revoked with immediate effect.**

(The meeting ended at 3.30 pm.)

Chairman



## Licensing Fees and Charges 2023/2024 (Financial Services, Jill Stockdale)

### Synopsis of report:

**To recommend the proposed fees and charges under this Committee's remit for the next financial year 2023/2024.**

### Recommendation(s) 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, in order to counteract the high levels of inflation, Officers were asked to aim for an average of 8% for discretionary locally set charges, where to do so would not be detrimental to the service.

#### 2. Report

- 2.1 The current fees and charges were agreed at the meeting of this Committee in November 2021.
- 2.2 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.
- 2.3 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 budget for each charges/group of charges, so that Members can estimate the financial implications of any price rises.

#### 3. Resource Implications

- 3.1 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 2023/2024 is £25,500.

#### **4. Legal implications**

- 4.1 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.
- 4.2 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 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 as from 31 December 2020 and it continues to have effect in domestic law.
- 4.3 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.
- 4.4 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.
- 4.5 As there is no facility to set fees under the Licensing Act 2003 locally, they cannot be increased to cover the deficit.

#### **5. Equality implications**

- 5.1 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.

#### **6. Environmental/Sustainability/Biodiversity implications**

- 6.1 There are no direct implications from the setting of fees and charges. Environmental, Sustainability and Biodiversity implications are reviewed as part of overall service area planning and decision making.

#### **7. Timetable for Implementation**

- 7.1 The proposed fees and charges as set out in this report are to be effective from the dates within the appendix or as soon as practical thereafter.

#### **8. Conclusions**

- 8.1 High inflation is a cost to the Council as well as to our customers. Setting fees and charges is a fine balance between generating income for the Council to help support and maintain services and ensuring that the service will not be adversely affected by a drop in usage through over-pricing.

**(To resolve)**

#### **Background papers**

None Stated.

## Fees and charges

### Premises and alcohol related licences

		Charge Status	From April 2022 £	From April 2023 £	% 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%	}	3,500	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%	}	51,400	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%		2,500	Outside Scope

## Fees and charges

### Premises and alcohol related licences

	Charge Status	From April 2022 £	From April 2023 £	% 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%	1,200	Outside Scope
<b><u>Temporary events</u></b>						
Temporary event notice	Statutory	21.00	21.00	0.00%	3,700	Outside Scope

## Fees and charges

### Premises and alcohol related licences

	Charge Status	From April 2022 £	From April 2023 £	% Increase	Yield £	VAT treatment
<b>Other licences</b>						
Theft, loss, etc. of premises licences or summary	Statutory	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	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.