



# Licensing Committee

**Tuesday, 26 September 2023 at 7.30 pm**

**Council Chamber - Civic Centre**

## Members of the Committee

Councillors: J Wilson (Chairman), E Gill (Vice-Chairman), R Bromley, T Burton, D Clarke, R Davies, J Furey, M Harnden, C Mann, J Mavi and M Singh

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

### 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 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 contact [democratic.services@runnymede.gov.uk](mailto:democratic.services@runnymede.gov.uk) or Tel: 01932 425622. 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**

Page

**Part I**

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

1. **Minutes**

4 - 5

To confirm and sign as a correct record, the Minutes of the meeting held on 20 June 2023 (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. **Proposal for Pre-Application fees**

6 - 11

5. **Exclusion of Press and Public**

**Part II**

There are no exempt or confidential items on this agenda

## Runnymede Borough Council

### Licensing Committee

Tuesday, 20 June 2023 at 7.30 pm

Members of the Committee present: Councillors J Wilson (Chairman), E Gill (Vice-Chairman), R Bromley, T Burton, D Clarke, R Davies, M Harnden and J Mavi.

Members of the Committee absent: Councillors J Furey, C Mann and M Singh.

#### 1 **Minutes**

The Minutes of the meeting held on 15 March 2023 were confirmed and signed as a correct record.

#### 2 **Apologies for Absence**

Apologies for absence were received from Councillors J Furey and M Singh.

#### 3 **Declarations of Interest**

There were no declarations of interest, save for any already declared on the public register.

#### 4 **2023 Annual Report on the Licensing Act 2003**

The Committee received the annual report on matters relating to the Licensing Act 2003.

Members reviewed the statistics relating to Licensing as required by the Home Office. These showed that the number of Premises and Club Premises Licences had remained stable. The number of Temporary Event Notices (TENs) had increased significantly since the pandemic (199) but were not quite up to their previous levels. Fewer new premises licences had been issued (8) whereas there were slightly more new personal licences (44) granted in 2022/2023. Six premises licenses had been surrendered and one revoked.

Officers reported that they wished to discourage late TENs because if there was an objection or some detail in the notice was incorrect it meant that an event could not go ahead.

A new issue which Members generally supported was the possible introduction of a pre-application charge in response to the significant time Officers were taking with new applicants to submit a correct application in all aspects. A report would be submitted to the next scheduled meeting in September 2023.

Members were advised that the way Pubwatch was organised might be changing to join the North/South configuration; the frequency of meetings was also being considered. It was hoped this would result in better attendance, and Officers agreed to supply the Committee with a list of non-participating premises so that Members could actively encourage more people to take part and benefit from information sharing. For example details of people who had been barred from various premises.

The Committee was still disappointed that the Government had not yet introduced a national database of personal licence holders. This would assist if someone's licence was revoked or surrendered.

Officers were thanked for their report which was duly noted.

5 **Exclusion of Press and Public**

There were no confidential or exempt items on the agenda.

(The meeting ended at 7.58 pm.)

Chairman

<b>Report title</b>	<b>Proposal for Pre-Application Fees</b>
<b>Report author</b>	Robert Smith, Senior Licensing Officer
<b>Department</b>	Environmental Services
<b>Exempt</b>	No

**Purpose of report:**

**To Resolve**

**Synopsis of report:**

**This report seeks the approval of this Committee to begin charging for pre-application advice for applications under the Licensing Act 2003**

**Recommendation that:**

**the introduction of charging for pre-application advice for applications under the Licensing Act 2003, be approved, as set out below:**

- 1. Application Checking Service  
Cost: £28**
- 2. Application Advice Service  
Cost: £72**
- 3. Full Pre-Application Service  
Cost: £275**

**1. Context and background of report**

- 1.1 The purpose of this report is to seek approval from the Committee to begin charging for the non-statutory function of providing licensing advice to prospective applicants.
- 1.2 The Licensing Act 2003 introduced a new mechanism for licensing of alcohol, entertainment and late-night refreshment, transferring some powers to Local Authorities. Fees for Licensing Act applications were originally set in 2005 by legislation and have not been reviewed since. This means that many authorities are not able to set fees to recover costs and many are operating their licensing functions at a loss.
- 1.3 Local Authorities have defined duties around receipt and processing of applications, however there is no statutory requirement to assist applicants through the licensing process. However, many do, as this is seen to assist business and encourage compliance. Many Local Authorities already charge applicants for this pre-application advice to recover costs. Such an approach has been common in other regimes such as Planning for some time.

## **2. Report and, where applicable, options considered and recommended**

- 2.1 This proposal aims to introduce a chargeable pre-application advice service to recover the costs incurred by the licensing service assisting applicants through the licensing process.
- 2.2 The pre-application advice service is aimed at applicants for Premises Licences and Club Premises Certificates under the Licensing Act 2003.
- 2.3 By charging a fee for advice on licensing applications, it is envisaged that the current time spent on advising applicants following incorrect or incomplete applications without charge will end. All applicants will have the option to pay for pre-application advice.
- 2.4 The proposed service would be available to assist applicants in preparing applications with a view to ensuring applications are completed fully and correctly, thereby saving Officer time and very importantly, reducing the inconvenience and delays for applicants and their business.
- 2.5 Applicants would have a choice of three packages to choose from to suit their needs or budget. Additional Officer time can be purchased at an hourly rate.
- 2.6 Applicants would be under no duty to use the Council's service, as there are several consultants and legal firms who specialise in licensing and provide a similar offering.
- 2.7 Should applicants wish to rely on their own expertise, guidance is available on the Council's website where applicants can access information for themselves.
- 2.8 This proposed Licensing Service would not predetermine the outcome of any applications submitted but would provide expert advice and highlight any potential issues and advise on how applications may be approached to comply with legal requirements and local policy.
- 2.9 Charges are calculated using the hourly rates for Officers which include recharges. The fee calculations are shown at Appendix 'A'.
- 2.10 The three types of Service, with indicative initial costs, proposed are:

1. Application Checking Service  
Cost: £28

Scope: A pre-submission validation check to ensure there are no errors or omissions that may result in an application being rejected as invalid. Does not include advice on the licensing process, application guidance or a meeting/visit with officers. Applicants would be provided with a list of deficiencies in their application but no advice as to how these deficiencies could be resolved. The anticipated turn-around time for this service would be 3 working days.

2. Application Advice Service  
Cost: £72

Scope: This includes the Application Checking Service and up to an hour of officer time either by telephone or at the Council offices for advice on the licensing process, guidance on forms, plans, conditions, etc. Does not include site visits or input from

Environmental Health. Applicants would receive short written guidance on their application and how it could be submitted to comply with requirements and policy. The anticipated turn-around time for this service would be 10 working days.

3. Full Pre-Application Service  
Cost: £275

Scope: This includes the Application Checking Service and up to 4 hours of officer time, including a site visit / meeting by a licensing officer. For advice where a site visit is essential and for applicants wishing to gain an understanding of potential issues that may arise from their application and consider any appropriate conditions. Applicants would receive written guidance on their application and how it could be submitted to comply with requirements and policy. The anticipated turn-around time for this service would be 10 working days.

- 2.11 Additional Licensing Officer time is charged at £55 per hour, payable in advance.
- 2.12 The Licensing Section handles approximately 300 applications of all types per year. Most of these are relatively 'straightforward' applications, where only very limited time is required by way of pre-application advice.
- 2.13 The service does however deal with approximately 20 new or variation applications under the Licensing Act 2003 per year, where often considerable Officer time is spent advising and assisting applicants.
- 2.14 Applicants currently only pay the statutory fee and as such the cost of Officer time spent on advising applicants is not recovered.

**3. Policy framework implications**

- 3.1 The Licensing Regime is governed by primary legislation and the Council's Licensing Policy.

**4. Resource implications/Value for Money (where applicable)**

- 4.1 It is considered that there is capacity within the service as the Licensing Service already offers this advice but free of charge.
- 4.2 Introduction of charges for pre application licensing advice presents an opportunity to recoup some of the costs associated with undertaking pre-application discussions with potential applicants, and to offset some of the costs of the licensing process.
- 4.3 It will be necessary to ensure that a profit is not made from the charges made (in the same way as a profit must not be made from licence fees). A similar accounting procedure as applies to fees for licences must therefore be put in place so that any surplus or deficit can be carried forward in subsequent years.
- 4.4 It is difficult to forecast how many applicants will take advantage of pre application advice but regardless it is considered fair that cost are recovered. An update on amount of use this service gets would be made in the annual report to this Committee.
- 4.5 Most applicants require some assistance and while some use established legal firms, others rely on our expertise.



## **5 Legal implications**

- 5.1 The Council has a legal duty to consider applications submitted to it in line with the appropriate legislation. However, the Council is not required to provide advice to applicants in order to assist them through the application process, but it is good practice to do so as it avoids poor application forms being submitted, and then potentially rejected and the applicant having to re-submit a fresh application which takes up more time for all involved.
- 5.2 The introduction of charges for pre-application advice is permitted under Section 93 of Local Government Act 2003. This power was introduced to allow local authorities to charge for discretionary activities – those services that a local authority has the power to provide but is not obliged to and cannot otherwise charge for. The customer must expressly agree to the service and the charge.

## **6. Equality implications**

- 6.1 The pre-application advice service would be offered on a without prejudice basis and any charging applying to all prospective applicants. There is no obligation for applicants to utilise the Council's service as all Licensing applications are determined in line with the relevant legislation and the Council's Licensing Policy.

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

- 7.1 None Identified

## **8. Other implications (where applicable)**

- 8.1 None Identified

## **9. Timetable for Implementation**

- 9.1 Should Members agree to the introduction of the proposed charges, Officers would recommend an implementation date of 1 April 2024, the beginning of the new financial year.
- 9.2 It is considered essential that the new charging regime is well advertised, with a reasonable lead in period. There are several methods that we consider necessary to achieve this. To advertise the changes at least 6-8 weeks before they are introduced. This would be by social media, notices in reception, information on our website, and at Pub watch meetings.
- 9.3 All relevant staff would be given instructions on the new charging regime so that they are aware.
- 9.4 A note about the pre-application fees would also be appended to the statutory application forms to make applicant aware of the new charge.

## **10. Conclusions**

- 10.1 The reasonable fees and provision of this service will provide much needed clarity for applicants around what they are getting for their money and the level of assistance the service can provide.

## **11. Background papers**

Licensing Act 2003  
[Licensing Act 2003 \(legislation.gov.uk\)](#)  
Local Government Act 2003  
[Local Government Act 2003 \(legislation.gov.uk\)](#)

## **12. Appendices**

Appendix A – Fee Calculations

Pre application fees (LA2003) calculations for 2024 to 2025 based on the following hourly rates which include oncosts and recharges. Licensing administration officer £40.24 , Senior Licensing Officer £55.02

All times are shown in minutes

Pre application checking service	Licensing administration officer	Senior Licensing Officer	Total fee
Reciept and allocation of request	5		
Review of application.		15	
feedback		15	
total time	5	30	
cost per officer	£3.35	£27.51	
<b>Total Fee</b>			<b>£27.51</b>

Pre application advice service	Licensing administration officer	Senior Licensing Officer	Total fee
Reciept and allocation of request	5		
Contact applicant to arrange meeting		5	
Review of application.		45	
feedback		30	
total time	5	80	
cost per officer	£3.35	£71.53	
<b>Total Fee</b>			<b>£71.53</b>

Full Pre application service	Licensing administration officer	Senior Licensing Officer	Total fee
Reciept and allocation of request	5		
Contact applicant to arrange meeting		5	
Site visit		175	
Review of application.		60	
feedback		60	
total time	5	300	
cost per officer	£3.35	£275.10	
<b>Total Fee</b>			<b>£275.10</b>