

Licensing Committee

Thursday 12 June 2008 7.30 p.m.

**Council Chamber
Runnymede Civic Centre, Addlestone**

Members of the Committee

Councillors Mrs P I Broadhead (Chairman), Mrs F J Barden (Vice-Chairman), R J Edis, P A Francis, Mrs E Gill, Mrs M T Harnden, R N Jones, C Knight, D W Parr and Mrs M Roberts.

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:

- i) 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.
- ii) 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, Administration and Leisure Department, Committee Section, Runnymede Civic Centre, Station Road, Addlestone (Tel. Direct Line: 01932 425627). (Email: clare.pinnock@runnymede.gov.uk).**
- iii) 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.
- iv) 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.

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

The Chairman will read the Fire Precautions which set out the procedures to be followed in the event of fire or other emergency.

2. MINUTES

To confirm and sign, as a correct record, the Minutes of the meeting of the Committee held on 9 April 2008, as attached at Appendix 'A'.

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 Committee Administrator at the start of the meeting. A supply of the form will also be available from the Committee Administrator at meetings.

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 personal and prejudicial.

5. SERVICE PLAN 2007/08

(Ref: Minutes of the Licensing Committee, November 2007, page 577, para. 391)

1. Purpose of Report

1.1 **The purpose of this report is to advise the Committee on the outturn performance of the 2007/08 Service Plan for those areas of the Council's work which fall under the remit of the Licensing Committee; essentially duties under the Licensing Act 2003 and Gambling Act 2005.**

2. Background Information

2.1 Service Plans are reviewed and approved in June of each year when the outcomes of the previous year are reported. Half year progress is reported to the November meeting of the relevant Service Committee.

2.2 Members will recall that at the last meeting of this Committee in November, several completed targets were approved for deletion. New items are in bold text and those which have been completed since the last meeting are italicised can be removed.

3. Report

3.1 The Service Plan is attached at Appendix 'B' and Members are invited to note the outturn position.

3.2 Members are advised that the Government has introduced a new range of National Indicators and each Committee Service Plan will, where appropriate, have to be redrawn to reflect this. A report will therefore be brought to a future meeting recommending the adoption of a revised Service Plan for the remainder of this year.

OFFICERS' RECOMMENDATION that -

the Service Plan Outturn for Licensing 2007/08, as attached at Appendix 'B' be noted.

(TO RESOLVE)

Background Papers

None stated.

6. ANNUAL REPORT TO LICENSING COMMITTEE 2008 (DTS)
(Ref: Minutes of the Licensing Committee, November 2007, page 578, para. 393)

1. Purpose of Report

1.1 **The purpose of this report is to present Members with the 2008 Annual Report for Licensing.**

2. Background Information

2.1 Section 17.2 of this Council's Licensing Policy (2nd Edition) 2008 – 2011) provides that the Senior Licensing Officer will report annually to the Licensing Committee on matters such as a statistical analysis of licences granted by this Committee or the Licensing Section. The current Policy was reviewed in 2007 and adopted by the Council in November 2007. The next review is due in 2010.

2.2 The Licensing Act 2003 came fully into force in November 2005 and the Annual Report for Licensing has previously been presented to this Committee in the Autumn. However, at the meeting of this Committee in September 2007 it was agreed that in future Officers would be asked to report annually in June to fit in with the financial year and statistics collated by the Council's Licensing Section for LACORS (Local Authorities Co-ordinators of Regulatory Services) and the DCMS (Department for Culture, Media and Sport). This is the first such report for the June meeting of this Committee.

3. Report

3.1 Officers were asked to provide Members with more detail in respect of ten areas as set out below:-

Premises Licence, Club Premises Licence and TENS statistics

3.2 There are 273 Premises Licences and Club Premises Certificates within Runnymede. 232 of these are Premises Licences and 40 are Club Premises Certificates. Since November 2007, 3 new Premises Licences have been granted, 1 withdrawn and 1 additional Club Premises Licence has been granted.

3.3 11 additional Personal Licences have been processed since the last meeting of this Committee in November, bringing the total number granted to 456. Members will recall that Personal licences are valid for ten years and, as anticipated, the number of new applications has dropped significantly over the second year.

3.4 There has been a significant decrease in applications received for Temporary Event Notices (TENS). 119 TENS were granted between April 2007 and March 2008 compared with 132 issued from November 2005 – November 2006 and 147 issued between November 2006 and November 2007.

Licences determined by Committee

3.5 The Licensing Sub-Committee has held five Hearings over the last year, two of which were Reviews and the other three were for new or variations to Premises Licences. Details of each have been reported to Committee and received at previous meetings of this Committee.

Outcome of Appeals

3.6 Appeals were lodged against two of the Sub-Committee's decisions. These were in respect of The Barley Mow Public House in Englefield Green and The Best One (Formerly Carlton News), New Haw. Again, both have been reported to this Committee.

Licences by reference to their terminal hour

3.7 Reporting on specific trends relating to terminal hours presents some difficulty, as each of the 273 premises licences could potentially have a different terminal hour for each of the 14 licensable activities on each day of the week giving rise to many variables. However, it is possible to report on the general trend.

- 3.8 In general, shops and off licences have tended not to vary their terminal hour from 2300hrs, as was their entitlement, under previous legislation. There are, however, two shops in the borough which are permitted to sell alcohol 24hrs a day, and with a third (supermarket) permitted 24 hour sales for one month during the festive season.
- 3.9 Conversely, the majority of pubs and members clubs have varied their hours, typically allowing them to serve alcohol until midnight from Sunday to Thursday and until 0100hrs at the weekend.

Enforcement Activity

- 3.10 Between April 2007 and March 2008, Licensing Officers have undertaken 105 compliance checks at licensed premises, often in conjunction with the Police Licensing Officer. This brings the total number of visits since the Act became 'live' to 214, with 59 premises awaiting their first visit.
- 3.11 Minor infringements of the Licensing Act such as not displaying each page of the Premises Licence Summary have been dealt with by issuing advice and guidance. Issues such as noise nuisance have been enforced by means of a written warning.
- 3.12 The risk of a Review of the Premises Licence appears to be an extremely effective deterrent to Club and Premises Licence holders. Over the last year, one review has been instigated by Environmental Health Officers and another by the Police with supportive representations from Surrey Trading Standards and the local community.

Outcome of Prosecutions

- 3.13 There have been no prosecutions to date.

Premises closed temporarily

- 3.14 There have been no Orders made to close any premises temporarily, although one premises licence was revoked following a Review hearing. However, this decision was Appealed and on appeal the Closure Order was converted to a period of suspension, with new conditions added.

Proposals to amend the Licensing Policy or Practice

- 3.15 Officers are pleased to report that the Licensing Section has received no complaints in relation to the original Licensing Policy or the 2nd edition adopted by Council last November.

4. Summary

- 4.1 Applicants have tended to take account of advice from Licensing Officers and external representations. Therefore, in general terms, concerns have been dealt with by mediation at an early stage obviating the need for hearings.
- 4.2 The number of TENS received has been quite significant, but constant at just under 150 for each of the previous two years. The majority of applications have related to fund raising events for schools and local charities. The remainder have been for the sale of alcohol at community halls, which have a non fee paying premises licence for other activities. The slight drop to 119 TENS over the last 12 months may be due to premises licence holders varying their licences to suit their operational needs more accurately.
- 4.3 Two Pubwatch schemes, one for the North and the other for the Southern half of the borough remain active, with meetings held every six weeks.
- 4.4 The interactive map on the licensing section of the Council's website has now been updated to show Gambling Act premises. Other icons depict the eight categories as defined by the Department of Culture, Media and Sport (DCMS). These are: Pubs, Clubs and Bars, Registered Members Clubs, Hotels B&Bs and Restaurants, Sports Clubs, Village and Community Halls, Cinemas and Theatres, Supermarkets, Shops and Off-Licences, Takeaways and Others. Further updates in the near future will include aerial photography, dated February 2008.

- 4.5 Officers are optimistic they will be able to visit the remaining third of licensed premises well ahead of schedule in the coming year, in order to produce a new schedule of future visits scored on a variety of risk factors.

OFFICERS' RECOMMENDATION that –

the Licensing Annual Report 2008 as set out above be adopted

(TO RESOLVE)

Background papers

None stated.

7. 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 appropriate 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)