

# Licensing Committee

**Wednesday 10 June 2009 7.30 pm**

**Council Chamber  
Runnymede Civic Centre, Addlestone**

## Members of the Committee

Councillors Mrs P I Broadhead (Chairman), R N Jones (Vice-Chairman), Mrs F J Barden, R J Edis, P A Francis, Mrs E Gill, Mrs M T Harnden, 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](http://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**

	<b><u>PAGE</u></b>
1. FIRE PRECAUTIONS	3
2. MINUTES	3
3. APOLOGIES FOR ABSENCE	3
4. DECLARATIONS OF INTEREST	3
5. FINANCIAL MONITORING STATEMENT	3
6. SERVICE PLAN OUTTURN 2008/09	4
7. ANNUAL REPORT TO THE LICENSING COMMITTEE 2009	5
8. LICENSING SUB-COMMITTEE – MINUTES	7
9. EXCLUSION OF PRESS AND PUBLIC	7

### **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 15 April 2009 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. FINANCIAL MONITORING STATEMENT (DF)

(Ref: Minutes of the Licensing Committee, April 2009, page 885, para 605)

1. Purpose of Report

1.1 **The purpose of this report is to inform the Committee of the latest financial projections for the 2009/10 financial year for licensing services.**

2. Background Information

2.1 The Financial Monitoring Statement was introduced to all Committees in September 2006 to inform Members of the current financial position of the services under the remit of each Committee.

2.2 Each statement reflects an updated position based upon the 2009/10 original estimates approved by this Committee in January. The Financial Forecast previously approved by Council in December 2008 has now been updated to reflect changes made during the updating of the Council's Revenue estimates.

3. Report

3.1 The statement set out in Appendix 'B' is split into three distinct parts:

- Projected budget and forecast
- Savings still to be delivered
- Current year key budget indicators

3.2 The Projected budget and forecast sections show any anticipated variations in the current year's budget. These variations are categorised as approved changes and other potential changes. Implications for the following three years are included for completeness so that the full-year effect of any changes can be seen.

3.3 The achievement of the revenue reductions programme approved by the Council is one of the Council's key performance indicators. Savings targets not yet achieved are reported in the second section of each statement. These savings are all incorporated into the projected budget and forecast figures in section one.

3.4 The final section sets out the key budget indicators for the significant areas of this Committee's budget. This indicates the actual income received set against the amount expected (the budget) for the period covered by each statement.

**(FOR INFORMATION)**

Background Papers

None stated.

6. SERVICE PLAN OUTTURN 2008/09 (DAL)  
(Ref: Minutes of Licensing Committee, November 2008, page 490, para 325)

1. **Purpose of Report**

- 1.1 **The purpose of this report is to advise the Committee on the outturn performance of the 2008/09 Service Plan for services falling under the remit of the Licensing Committee.**

2. **Background Information**

- 2.1 As Members are aware, the Best Value/Best Value Performance Indicator regime has been replaced by a new National Performance Framework and new set of National Indicators. Obligations under the new Local Government Public Engagement in Health Act 2007 have required the Council to cooperate with statutory partners and others in Surrey to create a Surrey wide Local Area Agreement (LAA) with effect from June 2008. In addition, there is a requirement for all Councils to produce a Sustainable Community Strategy (previously the Community Strategy) and this will be used to inform the work associated with the Local Development Framework.
- 2.2 Against this changing background, a new strategy, planning and performance management framework of Sustainable Community Strategy (and Corporate Plan) and Committee-based Service Plans has been produced. This approach was endorsed at Corporate Management Committee on 30 October 2008, and approved by Council on 18 December 2008.
- 2.3 The new Strategy will be published shortly.

3. **Report**

- 3.1 Members are invited to note the outturn position on its Service Plan, attached at Appendix 'C'. The newly formatted Service Plan provides a control document for senior managers and the responsible Committees to monitor and review, as well as highlighting where slippage or other difficulties are occurring, and appropriate recovery strategies need to be put in place.
- 3.2 Attached to the Service Plan is the Departmental Equality Action Plan for Technical Services covering the period January 2009 – March 2010.
- 3.3 This document may be subject to change following recommendations made by the Equalities Workshop.

**OFFICERS' RECOMMENDATION that –**

**the Service Plan outturn for Licensing Services for 2008/09 as attached at Appendix 'C' be noted.**

**(TO RESOLVE)**

Background Papers

None stated.

7. ANNUAL REPORT TO LICENSING COMMITTEE 2009 (DTS)  
(Ref: Minutes of Licensing Committee, June 2008, page 70, para 76)

1. Purpose of Report

1.1 **The purpose of this report is to present Members with the 2009 Annual Report for Licensing.**

2. Background Information

2.1 Section 17.2 of this Council's Licensing Policy (2<sup>nd</sup> 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, this Committee in September 2007 agreed that in future Officers would be asked to report annually in June to fit in with the financial year and to report statistics collated by the Council's Licensing Section for LACORS (Local Authorities Co-ordinators of Regulatory Services) and the Department for Culture, Media and Sport (DCMS).

3. Report

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

Statistics of the several forms of licence

3.2 There are 281 Premises Licences and Club Premises Certificates within the Borough of Runnymede; 242 are Premises Licences and 39 are Club Premises Certificates.

3.3 A further 47 Personal Licences were processed since the last annual report, bringing the total to 512. As Personal Licences are issued for ten years the number of new applications has dropped significantly since the first year.

3.4 142 Temporary Event Notices (TENs) were granted during the *calendar year* 2008, compared to 119 the previous year. This increase is partially due to 2 neighbouring restaurants using the maximum of 12 permitted TENs per year. One has since varied their premises licence to allow Regulated Entertainment, therefore negating the need for further TENs.

Licences determined by Committee

3.5 There have been five meetings of Licensing Sub Committees over the last year, three of which were Reviews, one was in respect of a new application for a Premises Licence, and another was following a Police objection to a Temporary Event Notice. Details of each have been reported to Committee and received at previous meetings of the full Licensing Committee.

Outcome of Appeals

3.6 There have been no appeals made against decisions of the Licensing Sub Committees over the last year.

Licences by reference to their terminal hour

3.7 This remains a somewhat complex matter both to measure and quantify. Each of the 281 Premises Licences and Club Premises Certificates could potentially have a different terminal hour for each of the 14 licensable activities on each day of the week.

- 3.8 In general, shops and off licences have tended not to vary their terminal hour from 2300hrs granted under previous legislation. However, two shops have sales permitted 24hrs a day, with a third, which is a supermarket, permitted such hours for one month during the Christmas season.
- 3.9 Conversely, the majority of pubs and members clubs have varied their hours, typically to midnight from Sunday to Thursday and 0100hrs at the weekend.

#### Enforcement Activity

- 3.10 Between April 2008 and March 2009, 92 compliance checks and visits have been carried out at premises by Licensing Officers, often in conjunction with the Police Licensing Officer.
- 3.11 One day was set aside for a multi-agency operation with the Police, Fire Service and Surrey Trading Standards. Eleven licensed premises were visited which included mainly off licences and public houses.
- 3.12 Minor infringements of the Licensing Act 2003 such as not displaying each page of the Premises Licence Summary have been dealt with by advice and guidance. Issues such as noise nuisance, or failing to comply with every condition have generally been dealt with by means of a written warning.
- 3.13 The risk of a Review of the Premises Licence appears to be an effective deterrent to Club and Premises Licence holders. Over the last year there were three such Reviews. One was instigated by Trading Standards, one by Environmental Protection, and one by the Police. Each was supported by other Responsible Authorities and 'Interested Parties' from the local community. A further Hearing was held following an objection to a TEN, as outlined above.
- 3.14 Future Licensing Inspections will be carried out on a risk based matrix under the Enforcement heading of the Licensing Policy. In addition to the four licensing objectives; Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protection of Children from Harm, three further parameters have been included. These are *Compliance with the Licensing Act, Public Capacity and Confidence in Management*. Every licensed premises has now been rated on each of these seven parameters, with the frequency of visits varying on a risk based strategy from six months to five years. The total number of visits per year will remain approximately the same at 90, but will vary depending on risk assessment and other demands.

#### Outcome of Prosecutions

- 3.15 There have been no prosecutions to date.

#### Premises closed temporarily

- 3.16 There have been no Orders made to close any premises temporarily.

#### Proposals to amend the Licensing Policy or Practice

- 3.17 The Licensing section has received no complaints in relation to the original Licensing Policy or the 2<sup>nd</sup> edition.

#### 4. Summary

- 4.1 Advice regarding applications tends to have been heeded by applicants and representations are often dealt with by mediation at an early stage, eliminating the need for a Hearing. Only one of the five meetings of a Licensing Sub-Committee was due to an application for a new or variation to a Premises Licence. Therefore the remaining were held as a legal requirement.
- 4.2 The number of Temporary Event Notices (TENs) received has been quite significant, averaging at nearly three per week. The majority have been for fund raising events at schools and by local charities, typically during the summer months. Some have been for the sale of alcohol at community halls, which have a non fee paying Premises Licence for other activities, and the remainder for commercial purposes.

- 4.3 Noise nuisance generated from TENs issued in respect of regulated entertainment at some commercial premises has been an issue. Only the Police have the right to object, and then only on the grounds of risk of crime and disorder.
- 4.4 Some disturbance to local residents was created by an unwillingness of premises users to have reasonable consideration for neighbours. The inability for Authorities to impose necessary control measures to prevent or reduce musical noise nuisance has caused difficulties.
- 4.5 Two Pubwatch schemes, one for the North and the other for the Southern half of the borough remain active and meetings are held every six weeks. There is now a Surrey Pubwatch website, allowing members of the scheme to view banned persons in their area. The general public have access to some pages at [www.pubwatchesurrey.com](http://www.pubwatchesurrey.com)
- 4.6 The Licensing pages on the Council's website have now been updated. They include more links to other sites, all necessary forms and more Gambling Act details. A link to the Licensing Interactive Map depicts the eight categories of licensed premises as defined by the DCMS in addition to sites used for TENs.
- 4.7 The DCMS has requested similar annual statistical information this year as in previous years. A copy of the return is attached at Appendix 'D' and details of significant features have been commented on in the main body of this report.
- 4.8 The Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates Minor Variations) Order 2009 is likely to become law later this year. Further details regarding new provisions will follow once published.

**(FOR INFORMATION)**

Background Papers

None Stated.

8. LICENSING SUB-COMMITTEE – MINUTES (DAL)

Attached at Appendices 'E', and 'F' are the Minutes in respect of two matters determined by the Licensing Sub-Committee in accordance with the Licensing Act 2003.

	Date	Premises	Ward	Application type	Decision
1	30/03/09	Moore's Bar	Chertsey Meads	Review of Premises Licence	Suspend licence plus conditions
2	06/05/09	Simpson Chicken	Chertsey St Ann's	Premises Licence	Approved with conditions

**(FOR INFORMATION)**

Background Papers

None.

9. 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)