

# Licensing Committee

Thursday 3 June 2010 7.30pm

**Council Chamber  
Runnymede Civic Centre, Addlestone**

## Members of the Committee

Councillors 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 P S Sohi.

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 Offices, Station Road, Addlestone (Tel: Direct Line: 01932 425627). (Email: [clare.pinnock@runnymede.gov.uk](mailto: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.

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## বাঙলা

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## اردو

اگر آپ انگریزی زبان پڑھ اور بول نہیں سکتے ہیں اور آپ کو اس دستاویز کو سمجھنے میں دقت پیش آتی ہے، تو برائے مہربانی سے وٹس لنک لائن کو اس نمبر 01483 750548 پر رابطہ کریں اور اپنی زبان میں اپنا پیغام چھوڑیں۔

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**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 14 April 2010, 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. ANNUAL REPORT TO LICENSING COMMITTEE (DTS)

(Ref: Minutes of the Licensing Committee, June 2009, page 47, para 63)

1. Purpose of Report

1.1 **The purpose of this report is to present the Annual Report on matters relating to the Licensing Act 2003 and its operation within Runnymede and to seek approval for the Annual Report to replace the Service Plan for Licensing.**

2. Background Information

2.1 The Council's Licensing Policy (2<sup>nd</sup> Edition) 2008-2010 requires (Section 17.2) that an annual report be submitted to this Committee. This edition of the policy was adopted by the Council in November 2007. The Licensing Policy was amended in September 2009 by the introduction of a new provision relating to Minor Variations being permitted. The next triennial review is due by November 2010 and it is intended that revisions to the policy be presented for consideration at the September meeting of this Committee.

3. Report

3.1 The Licensing Act 2003 became live in November 2005. Officers' reports are scheduled on an annual basis. In 2007 Officers were asked to report annually in June on the previous financial year, rather than on the anniversary of the enactment date. Therefore this is the third such report, and covers the period April 2009 to March 2010.

Service Plan

3.2 The Service Plan was last reported to this Committee in November 2009. Members will recall that of the 11 items presented, 7 were complete (targets met) and it was agreed they should be removed from the plan.

3.3 The remaining items are a statutory requirement under the Licensing Act so setting targets does not apply. These items are also covered in the Annual Report, therefore Officers consider that the need for a Service Plan has been removed.

3.4 The Service Plan also included an Equalities Action Plan. This is being updated later in the year when the Licensing Policy is reviewed, and subject to Members' approval, will be attached to that document instead, incorporating an Equalities Impact Assessment for Licensing as a whole.

- 3.5 Members will be aware of the Service Review programme that commenced at the start of this year and which is due to be completed by the autumn. It is anticipated that the collective outcome of these will lead to the creation of a new sustainable Community Strategy and Corporate Plan in 2011.
- 3.6 The means by which targets in this new Corporate Plan will cascade to individual Committees will also be reviewed as part of this process, and any implications for the way in which Licensing matters are dealt with or reported will be considered accordingly.

#### Statistics of the several forms of licence

- 3.7 There are 278 Premises Licences and Club Premises Certificates within the Borough of Runnymede; 241 of these are Premises Licences and 37 are Club Premises Certificates. This represents a net reduction of 3 over the previous year.
- 3.8 Analysis shows that 10 premises and 2 clubs surrendered their licences. However, there were 9 successful new applications.
- 3.9 A further 57 Personal Licences were processed since the last report, an increase of 10 over those processed the previous year, making a total of 569. Personal licences are issued for ten years so the number of new applications has dropped significantly since the first year.
- 3.10 160 Temporary Event Notices (TENs) were granted during the calendar year 2009, compared with 142 the previous year.

#### Licences determined by Committee

- 3.11 There have been 4 meetings of the Licensing Sub-Committee over the last year. These considered:
- one licence review
  - two new applications for a Premises Licence; and
  - a variation application for an existing Premises Licence.

The decision notices have been reported separately to this Committee.

#### Outcome of Appeals

- 3.12 There have been no appeals made against decisions of the Licensing Sub Committee over the last year.

#### Licences by reference to their terminal hour

- 3.13 This remains a somewhat complex matter to both measure and quantify. Each of the 278 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.
- 3.14 In general, shops and off licences have tended not to vary their terminal hour from 2300hrs granted under previous legislation. However, new shops and 'off licence' outlets tend to apply for hours which reflect their hours of opening. Some have sales permitted 24hrs a day, whilst one recent application was to open at 0530hrs, but to apply for a terminal hour of 2000hrs.
- 3.15 The majority of public houses and members clubs have varied their hours; typically to midnight from Sunday to Thursday and 0100hrs at the weekend.
- 3.16 The latest terminal hour for a Club Premises Certificate is 0300hrs; and one Premises Licence permits consumption of alcohol all day, every day.

#### Enforcement Activity

- 3.17 Between April 2008 and March 2009, 81 compliance checks and visits were carried out at premises by Licensing Officers, often in conjunction with the Police Licensing Officer or Trading Standards Officers.

- 3.18 Minor infringements of the Act, 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 letter of advice.
- 3.19 The risk of a Review of the Premises Licence continues to be an effective deterrent to Club and Premises Licence holders. Over the last year there was one such Review. This was instigated by Environmental Protection, but supported by the Police and local residents in their capacity as 'Interested Parties'.
- 3.20 From April 2010 Licensing Inspections have been carried out on a risk based matrix in accordance with the Licensing Policy. This followed a three month trial from January to March 2010.
- 3.21 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.
- 3.22 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 6 months to 5 years. The total number of visits per year varies, depending on the outcome of risk assessments and other demands.

#### Outcome of Prosecutions

- 3.23 There have been no prosecutions to date.

#### Premises closed temporarily

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

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

- 3.25 The Licensing section has received no complaints in relation to the 2<sup>nd</sup> edition of the Licensing Policy adopted by Council in November 2007.

- 3.26 The Licensing Policy will be reviewed later in the year and submitted to this Committee for approval.

#### Information and Training

- 3.27 In accordance with the objectives of the former Service Plan new Members of this Committee will be provided with appropriate training. Refresher training is available for other Members and the Committee is kept informed of any changes in legislation and practice that have implications for the way licensing matters are dealt with in the borough.

#### 4. Summary

- 4.1 The number of Temporary Event Notices (TENs) received has been quite significant, averaging nearly 3 per week. As in previous years, the majority have been for fund raising events at schools and by local charities, typically during the summer months and Bank Holidays. 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.

- 4.2 Noise nuisance generated from TENs issued in respect of regulated entertainment at some commercial premises has become less of an issue. One of the main offending premises has ceased trading, and another now has regulated entertainment included within their licence, following an application to vary with suitable and effective conditions. Only the Police have the right to object to a TEN, and then only on the grounds of risk of crime and disorder. Previously, if a TEN had been issued, the local authority was unable to impose control measures regarding noise which led to some disturbance to local residents. This was created by an unwillingness of premises users to have reasonable consideration for neighbours. However, if someone applies for a Premises Licence instead the local authority has power to regulate the activities once covered by a TEN in a better way to avoid noise nuisance.
- 4.3 Two Pubwatch schemes, one for the North and the other for the Southern half of the Borough continue to remain active, with meetings held every six weeks. There is now a Surrey Pubwatch website available, providing members of the scheme to view banned persons in their area. The general public has access to some pages at [www.pubwatchesurrey.com](http://www.pubwatchesurrey.com)
- 4.4 The Licensing pages on the Council's website have now been updated. They include more links to other sites, all necessary forms and more details in respect of the Gambling Act.
- 4.5 A link to the Licensing Interactive Map depicts the eight categories of licensed premises as defined by the Department for Culture, Media and Sport (DCMS), in addition to sites used for TENs.
- 4.6 The DCMS has requested similar annual statistical information this year as in previous years. A copy of the return is attached at Appendix 'B'. Details of significant features have been commented on in the main body of this annual report.
- 4.7 The Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates Minor Variations) Order 2009 became live in July 2009, and was reported to this Committee in September that year. There have been three applications; two related to a change of plans and one concerned an amendment to licence conditions to take account of an anomaly created since the smoking ban was introduced.
- 4.8 The same legislation also added the right of Local Authority Councillors to make representations as Interested Parties from January 2010, although, none have been received to date.

**OFFICERS' RECOMMENDATION that –**

- i) the amalgamation of the former Service Plan with the Annual report be approved; and**
- ii) the Annual Report for Licensing be approved accordingly**

**(TO RESOLVE)**

Background Papers

None stated.

6. LICENSING SUB-COMMITTEE – MINUTES

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

	Date	Premises	Ward	Application type	Decision
1	8 April 2010	TASIS	Thorpe	Premises Licence	granted subject to conditions
2	22 April 2010	Smiths Newsagents	Englefield Green West	Premises Licence	granted subject to conditions
3	11 May 2010	Fangrove Residents' Club	Foxhills	Variation of an existing Club Premises Licence	application accepted with conditions

**(FOR INFORMATION)**

Background Papers

None.

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.**

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(No reports to be considered under this heading)

b) Confidential Information

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