

**Minutes of a Meeting of the Licensing  
Committee held at Council Chamber,  
Surrey Heath House on 3 September  
2014**

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+ Cllr Bill Chapman (Chairman)  
+ Cllr Ian Sams (Vice Chairman)

+ Cllr Rodney Bates	- Cllr Lexie Kemp
Glyn Carpenter	+ Bruce Mansell
+ Mrs Vivienne Chapman	+ Ken Pedder
+ Surinder Gandhum	+ Chris Pitt
+ Liane Gibson	- Pat Tedder
+ Beverley Harding	+ Valerie White
+ Paul Ilnicki	

+ Present

- Apologies for absence presented

Substitutes: Cllr David Hamilton (substitute for Cllr Lexie Kemp) and Cllr Judi Trow (substitute for Pat Tedder)

**1/L Minutes**

The minutes of the meeting held on 4 September 2013 were signed by the Chairman.

**2/L Street Collection Permits Policy**

The Committee was reminded that, at its meeting on 7 March 2012, it had adopted a revised Street Collection Policy. The Policy stated that a maximum of 4 collection days would be issued to each organisation per calendar year. The Policy also provided that on the Thursday, Friday and Saturday preceding Remembrance Sunday the whole of the Borough would be reserved for the Royal British Legion (RBL).

Members were advised that it was illegal to hold a Street Collection without obtaining a Street Collection Licence if that collection was to be held in a street or public place.

Officers had received a request from the RBL to increase the number of days allocated to the charity from 4 days to 10 days. In addition, it had requested that specific days be reserved for the RBL Poppy Appeal, namely the last Saturday in October and from 1 to 11 November annually. It was noted that this would be a permanent change to the Policy.

**RESOLVED that the Street Collection Policy be amended to provide for the Royal British Legion to collect for up to 10 days per calendar year and for the last Saturday in October and 1 to 11 November to be reserved for the Royal British Legion Poppy Appeal.**

Note: In accordance with the Members' Code of Conduct Councillor Chris Pitt declared a non-pecuniary interest as he was a member of the Royal British Legion.

### **3/L Scheme of Delegation of Functions to Officers - Licensing Functions**

The Committee was informed that The Scheme of Delegation of Functions to Officers had been in existence for a number of years during which time it had been added to and amended in an ad hoc manner and, despite many revisions, had never been subject to a complete overhaul. In addition, as the scheme was very detailed and specific, it required constant revision in order for it to remain up to date and there were inevitably gaps in provision.

The Governance Working Group had been tasked by the Council to review the Scheme. The Licensing Committee was being consulted in relation to its area of responsibility and its functions under its Terms of Reference. The Committee considered the licensing functions in the revised scheme.

Members discussed an existing delegation, which had been retained, which provided for officers to approve increases to the hackney carriage fare scale and amendments to the scale of charges for hackney carriage and private hire licence fees, after consultation with the Chairman and Vice Chairman of the Licensing Committee. The Committee recalled having considered this matter in previous years and felt that it was more appropriate for authority for this function to revert to the Committee; it was therefore agreed to recommend that this delegation be removed.

**RESOLVED to advise the Governance Working Group that the amended Scheme of Delegation of Functions to Officers in respect of the Licensing Functions, as set out at Annex A to these minutes, be recommended to Council.**

### **4/L Licensing Sub Committee Minutes**

The Chairman signed the minutes of the Licensing Sub Committee meetings which had taken place since the previous meeting.

### **5/L Licensing Act 2003 - Summary of Decisions**

The Committee received details of the decisions taken under delegated powers in respect of licence applications where no representations had been received from the responsible authorities or any other persons.

Chairman

## Executive Head – Community (extract)

Licensing

	Authority	After Consultation with	Function
1.	<p>On behalf of the Council, to submit objections and pursue such objections at a public inquiry if needed to:</p> <p>(a) applications for operators licences (including variations) made under the Goods Vehicles (Licensing of Operators) Act 1995; and</p> <p>(b) reviews undertaken of existing licences.</p>	The appropriate ward councillors.	Non-executive
2.	<p>To approve</p> <p>(a) <del>increases in the hackney carriage fare scale, having regard to any objections received; and</del></p> <p>(b) <del>amendments to the scale of charges for hackney carriage and private hire licence fees, having regard to any objections received.</del></p>	<del>The Chairman and Vice-Chairman of the Licensing Committee.</del>	Non-executive
3.	The determination of applications for street collections to provide funding to meet a major local/national/international disaster.	The Chairman and Vice-Chairman of the Licensing Committee.	Non-executive

	Authority	Function
4.	<p>To make all decisions in accordance the Council's adopted policies under the following Acts</p> <p>(i) the Public Health Act 1936</p> <p>(ii) The Pet Animals Act 1951</p> <p>(iii) Caravan Sites and Control of Development Act 1960</p> <p>(iv) Animal Boarding Establishments Act 1963</p> <p>(v) Riding Establishments Acts 1964 and 1970</p> <p>(vi) Dangerous Wild Animals Act 1976</p> <p>(vii) the Local Government (Miscellaneous Provisions) Act 1982,</p> <p>(viii) Breeding and Sale of Dogs (Welfare) Act 1999, Breeding of Dogs Act 1991 and Breeding of Dogs Act 1973</p> <p>(ix) The Regulatory Reform Act 2001</p> <p>(x) Licensing Act 2003,</p>	Non-Executive

## Executive Head – Community (extract)

	<p>(xi) the Gambling Act 2005 (i) the Scrap Metal Dealers Act 2013</p> <p>and any subsequent legislation to take all actions relating to the Council's licensing functions, including but not limited to the following:</p> <ul style="list-style-type: none"> <li>A. <i>Personal, premises, club premises licences and Temporary Event Notices</i></li> <li>B. <i>Hackney carriage vehicles and private hire vehicles</i></li> <li>C. <i>House to house and street collections</i></li> <li>D. <i>Street trading</i></li> <li>E. <i>Club gaming/club machine permits and small society lotteries</i></li> <li>F. <i>Sexual Entertainment Venues</i></li> <li>G. <i>Scrap metal dealers</i></li> <li>H. <i>Animal boarding establishments, riding establishments, dog breeders, pet shops and dangerous wild animals</i></li> <li>I. <i>Caravan, camping sites and gypsy sites</i></li> <li>J. <i>Game dealers</i></li> <li>K. <i>Tattooing, acupuncture, ear piercing, body piercing and electrolysis</i></li> </ul> <p>except for</p> <ul style="list-style-type: none"> <li>(a) approval of and amendments to the Statement of Licensing Policy and the Gambling Policy which are reserved to Council;</li> <li>(b) approval and amendments to policies relating to functions under the Acts set out above which is reserved to the Licensing Committee;</li> <li><b>(c) approval of increases in the hackney carriage fare scale and amendments to the scale of charges for hackney carriage and private hire licence fees, which is reserved to the Licensing Committee;</b></li> <li>(d) the designation of and amendments to hackney carriage vehicle ranks which is reserved to the Licensing Committee;</li> <li>(e) the power to make an Order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption which is reserved to the Licensing Committee;</li> <li>(f) all applications and appeals reserved to the Licensing Sub Committee as set out in its Terms of Reference at Part 3, Section E of the Constitution.</li> </ul>	
5.	On behalf of the Council as the Responsible Authority for Environmental Health, the Responsible Authority for Health and Safety, or the Responsible Authority for Licensing, under the	Non Executive

## Executive Head – Community (extract)

	<p>Licensing Act 2003, subsequent amendments and all relevant legislation and regulations:</p> <p>(a) to make a relevant representation</p> <p>(b) to apply for a review of a premises licence</p> <p>(c) to apply for a review of a club premises certificate</p>	
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### Food

	<b>Authority</b>	<b>Function</b>
1.	<p>To make all decisions in accordance the Council's adopted policies under the following Acts</p> <p>(i) the European Communities Act 1972</p> <p>(ii) the Food and Environmental Protection Act 1985</p> <p>(iii) the Food Acts</p> <p>(iv) the Food Safety Act 1990,</p> <p>and any associated regulations and any subsequent legislation, to take all actions relating to the Council's functions in respect of food and food safety and pesticides, except the following which are reserved to the Executive after consultation with the Licensing Committee</p> <p style="padding-left: 40px;">(a) Food Safety Service Plan</p> <p style="padding-left: 40px;">(b) Food Hygiene Rating Scheme</p>	Non Executive/ Executive

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