

**Minutes of a Meeting of the Licensing
Committee held at Council Chamber,
Surrey Heath House on 15 February
2023**

+ Cllr Pat Tedder (Chairman)
+ Cllr Valerie White (Vice Chairman)

- Cllr Dan Adams	+ Cllr Mark Gordon
+ Cllr Rodney Bates	- Cllr David Lewis
- Cllr Peter Barnett	+ Cllr Robin Perry
+ Cllr Richard Brooks	+ Cllr John Skipper
Cllr Tim FitzGerald	+ Cllr Graham Tapper
+ Cllr Shaun Garrett	

+ Present

- Apologies for absence presented

Officers Present: Frances Soper, Paula Barnshaw, Rebecca Batten and Ben Hemming

15/L Minutes

The minutes of the meeting held on 19 October 2022 were confirmed and signed by the Chairman.

16/L Private Hire Operators Licence Fee Review (post-consultation)

The Committee were updated on the proposed Private Hire Operators (PHOs) Licence Fee revision, as provisioned by the Local Government Miscellaneous Provisions Act 1976.

In October 2022, the Committee considered proposed fees and charges for private hire operator licences for more than one vehicle. The Committee resolved that a public consultation could begin, and two queries were raised unrelated to the revised fees.

The revised fees shall be adopted from 1st April 2023. The proposed revised fees generated an income in line with budgetary estimates, assuming that the level of licensable activity remained at its current level.

Members queried the revised cost of the Private Hire Operating Licence for 5 years, totalling £865. The Committee were informed that a methodology was applied to all fees and charges, which was based on the amount of time required to carry out all licensing checks.

RESOLVED that the proposed private hire operator fees as shown in Annex A be recommended for approval by the Strategic Director for Environment and Community, the Strategic Director for Finance and the Finance Portfolio holder for adoption from 1 April 2023.

17/L Taxi Licensing Convictions Policy

Members were updated on the review of the Taxi Licensing Convictions Policy. The Hackney Carriage and Private Hire Licensing Policy was adopted from August 2021. This policy included the relevance of convictions and other related information. In July 2020, the Department for Transport (DfT) had published the Statutory Taxi and Private Hire Vehicle Standards under the Policing and Crime Act 2017, and the assessment of convictions formed part of this statutory guidance.

A comparison had been made between the DfT's Assessment of Previous Convictions and Surrey Heath's existing Relevance of Convictions Policy. This led to new guidance being drafted. If approved, the guidance would be named the Taxi and Private Hire Licensing Assessment of Previous Convictions. The national assessment of previous convictions aimed to ensure there was a consistent approach to assessing both new and renewal applicant drivers.

Following discussion, a number of points were raised by Members:

- The use of "obstruction" in section 8.2 of the report was clarified as obstruction of the Police/Justice.
- Gendered terms regarding private hire operators should be reviewed.
- Officers reviewed section 17 of the report regarding the use of non-conviction information, and the policy should be cross referenced with DfT guidance.
- Acquittals were only taken into account for serious offences.
- Complaints from the public, as set out by the DfT guidance should be clarified in the Council's own policy. The nature of complaints was taken into account.
- Information from the Police and DBS made up the majority of the information used to grant and revoke licences, but other sources were used. If revoked or rejected, a licensee/applicant was able to appeal the decision to the Magistrates Court.

RESOLVED that the Taxi and Private Hire Assessment of Previous Convictions, as set out at Annex A to the agenda report, be approved, subject to amendments to Sections 8.2 and 17 to be approved by the the Licensing Committee Chairman.

18/L Street Trading Report

Members received a report that sought approval for the post-consultation Street Trading Policy, to take effect from 1 April 2023, having previously approved a draft policy at the previous meeting of the Licensing Committee. The purpose of the Policy was to set out how the Council would consider applications for street trading consents, with the objective of encouraging street trading. The Policy was widely consulted on, through the Council website and Social Medias in addition to direct consultation with a number of stakeholders as listed in Annex 3 of the report.

Amendments to the draft policy had been made in response to representations received. These related to highway safety, including illuminated signage,

clarification of the arrangements for consulting on applications, considering alternative town centre sites in future and the coordinating of street trading on market days.

The Committee was also asked to approve a new street trading designation resolution, increasing the Council's control on street trading in the Borough by making all streets not listed as consent streets as prohibited streets. The revised list of prohibited streets removed The Square Bagshot, Dean Parade and Heather Ridge Arcade from the prohibited list.

Following discussion, a number of issues were raised by Members are were as follows:

- The Council cannot issue consents to applicants under the age of 17 due to legislative restrictions.
- Social Media and other public sources of information aside from local newspapers should be used to give public notice. Publication in a local paper is a legal requirement.

RESOLVED that

- (i) the revised draft Street Trading policy at Annex 1 is approved to take effect from 1st April 2023; and**
- (ii) the revised street designation resolution contained in the public notice shown at Annex 2 to the agenda report be approved to take effect from 1st April 2023 and the approval be publicised by means of a further public notice for 2 consecutive weeks in a local newspaper.**

19/L Verbal Annual Update on work of EH & Licensing Service

The Committee received the Annual Update on the work undertaken by the Environmental Health and Licensing teams over the last year. The work was related to a wide range of statutory functions primarily aimed at protecting public health and safety, environmental control, prevention of crime and disorder and protecting the vulnerable. Following the removal of the team's COVID Business Restriction Enforcement and Contact Tracing duties in 2022, work was refocused on core areas.

Licensing and Environmental Health officers were responsible for consenting and licensing a wide range of activities, and enquiries and complaints were responded to by officers. Multi-agency enforcement initiatives were completed with the Police, including the evening alcohol test purchase operation in October 2022. Two licensed businesses failed the test and follow up actions had been taken. Work had continued to update Licensing Policies.

The Food and Health & Safety work of the team was included in the service plan considered by the Committee in June 2022. The priorities of the plan for 2022/23 were focused on the areas of greatest risk. The largest part of food safety work relates to the Food Inspection Programme for the Borough's 700 businesses, which was in line the requirements of the Food Standard Agency. Hygiene

standards for food businesses remained high, and customer satisfaction levels of those receiving inspections was 100%.

Formal action was taken as a last resort, but there had been a voluntary closure due to a pest infestation at one premises and Hygiene Improvement Notices served on other premises where contraventions had been found. A Hygiene Emergency Prohibition Notice had been served on a premises found to be the source of a food poisoning outbreak. Investigations were ongoing, and possible further legal action was under consideration. The Environmental Health team also acted on national food hygiene issues, including the possible salmonella contamination of confectionary. The team had carried out 40 visits to retailers to ensure the affected batches were removed from sale.

The Team had also been successful in a bid to receive funding from the Food Standard Agency (FSA) to gather information on imported foods for sale in the Borough. A programme of imported food sampling was being carried with findings being fed back to the FSA to inform importation policy and Trading Standards for follow up regarding labelling and composition contraventions.

A Gas Safety project had been carried out, reviewing the safety of gas appliances in smaller independent catering establishments, resulting in 30 formal notices being served in relation to unsafe appliances.

All skin piercing activity was being reviewed to ensure the registration were held by businesses and letters were sent to relevant premises determine the services offered.

A project to begin in March 2023 was planned to assess the electrical safety of hospitality premises with outdoor seating. The team was also heavily involved in relation to safety at public events and granting associated road closures, including the Platinum Jubilee and Surrey Pride event.

The Pollution Team were able to resolve most complaints informally, but nuisance abatement and community protection notices could be served. The team was also responsible for assessing contaminated land sites, responding to planning consultations, land search enquiries and carrying out routine air quality monitoring.

The Environmental Health and Licensing Teams were thanked for their work and the Committee noted the update.

20/L Licensing Act 2003 - Summary of Decisions

The Committee received details of the decisions taken under delegated powers in respect of licence applications. The following was a summary of licensing decisions made between 1 September 2022 and 31 January 2023:

- 10 New Personal Licenses
- 9 Variations of Personal Licenses
- 67 Temporary Event Notices
- 1 New Premises Licence

- 29 Variations to Premises Licence
- 9 Premises Licence Transfers

Members noted the report.

21/L Draft 2023/24 Work Programme

Members discussed the inclusion of Licensing Training for new Members in the New Members Training Programme, and an online training session was planned for June 2023.

Chairman