

# **COUNCIL MEETING**

## **24 February 2016**

# **COUNCIL MINUTE BOOK**

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**MINUTES OF A MEETING OF SURREY  
HEATH BOROUGH COUNCIL held at  
Surrey Heath House, Camberley on  
16 December 2015**

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+ Cllr Joanne Potter (Mayor)  
+ Cllr John Winterton (Deputy Mayor)

+ Cllr Dan Adams	+ Cllr Oliver Lewis
+ Cllr David Allen	+ Cllr Jonathan Lytle
+ Cllr Rodney Bates	- Cllr Katia Malcaus Cooper
+ Cllr Richard Brooks	- Cllr Bruce Mansell
+ Cllr Nick Chambers	+ Cllr David Mansfield
+ Cllr Bill Chapman	+ Cllr Alan McClafferty
+ Cllr Mrs Vivienne Chapman	+ Cllr Charlotte Morley
+ Cllr Ian Cullen	+ Cllr Max Nelson
+ Cllr Paul Deach	+ Cllr Adrian Page
+ Cllr Colin Dougan	- Cllr Robin Perry
+ Cllr Craig Fennell	+ Cllr Chris Pitt
+ Cllr Surinder Gandhum	+ Cllr Nic Price
+ Cllr Moira Gibson	+ Cllr Wynne Price
- Cllr Edward Hawkins	+ Cllr Darryl Ratiram
- Cllr Josephine Hawkins	+ Cllr Ian Sams
- Cllr Ruth Hutchinson	- Cllr Conrad Sturt
+ Cllr Paul Ilnicki	+ Cllr Pat Tedder
+ Cllr Rebecca Jennings-Evans	+ Cllr Victoria Wheeler
+ Cllr David Lewis	+ Cllr Valerie White

+ Present

- Apologies for absence presented

**33/C Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors Edward Hawkins, Josephine Hawkins, Robin Perry, Katia Malcaus Cooper, Bruce Mansell, Ruth Hutchinson, Conrad Sturt and Honorary Alderman Derek Franklin.

**34/C Minutes**

It was moved by the Mayor, seconded by the Deputy Mayor, and

**RESOLVED that the minutes of the meeting of the Council held on 14 October 2015 be approved as a correct record subject to a correction at paragraph 27/C (c), to read “Councillor David Allen” instead of “Councillor David Mansfield”.**

**35/C Mayor's Announcements**

The Mayor announced that she had had a very busy run up to Christmas. She would be at the Frimley Park Ward Round Carol Service on Christmas Eve, would

be enjoying lunch on Christmas Day at Bisley Village Hall and attending the Windlesham Pram Race on Boxing Day.

The Mayor told Members that she had spent an evening with the Street Angels and planned to spend an evening shift with the Neighbourhood Police. She had also been to numerous Christmas events within the Borough that month.

The Mayor presented badges and certificates to Jon Quinn, her Young Mayor and Phoebe Evason, her Young Deputy Mayor.

### **36/C Leader's Announcements**

The Leader reminded Members that the local government finance settlement would be announced shortly and that it was unlikely to be generous.

The Surrey and Sussex devolution deal was progressing to very tight timescales and was due to be submitted by March 2016. The Leader referred to concerns relating to requirements to provide additional housing numbers over and above Core Strategy levels. The Leader emphasised that the challenge would be to ensure that investment in infrastructure was available in advance of the housing development, which otherwise wouldn't be sustainable. She indicated that the Council would need to give a clear message that this Borough was not prepared to accept housing to meet other authorities' allocations.

The Leader introduced a video which showed the Council's achievements over the last 6 months.

### **37/C Questions from Councillors**

Under Council Procedure Rule 11, the Regulatory Portfolio Holder responded to a question from Councillor Victoria Wheeler, relating to a planning appeal decision for gypsy and traveller plots at Stone Hill Piggeries, Chobham.

In response to a supplementary question about the allocation of gypsy and traveller sites across the Borough, Councillor Charlotte Morley referred to the answer she had already given and indicated that she would deal with any other matters outside the meeting.

### **38/C Executive, Committees and Other Bodies**

- (a) Executive – 10 November and 1 December 2015

It was moved by Councillor Moira Gibson, seconded by Councillor Richard Brooks, and

**Resolved that the minutes of the meetings of the Executive held on 10 November and 1 December 2015 be received.**

- (b) Planning Applications Committee – 13 October and 11 November 2015

It was moved by Councillor David Mansfield, seconded by Councillor David Allen, and

**Resolved that the minutes of the meetings of the Planning Applications Committee held on 13 October and 11 November 2015 be received.**

- (c) Licensing Committee – 4 November 2015

It was moved by Councillor Bill Chapman, seconded by Councillor Ian Sams and

**Resolved that the minutes of the meeting of the Licensing Committee held on 4 November 2015 be received.**

- (d) Appointments Committee – 18 and 20 November 2015

It was moved by Councillor Moira Gibson, seconded by Councillor Richard Brooks and

**Resolved that the minutes of the meetings of the Appointments Committee held on 18 and 20 November 2015 be received.**

- (e) External Partnerships Select Committee – 24 November 2015

It was moved by Councillor Paul Deach, seconded by Councillor Dan Adams and

**Resolved that the minutes of the meetings of the External Partnerships Select Committee held on 24 November 2015 be received.**

- (f) Performance and Finance Scrutiny Committee – 2 December 2015

It was moved by Councillor David Allen, seconded by Councillor Wynne Price, and

**Resolved that the minutes of the meetings of the Performance and Finance Scrutiny Committee held on 2 December 2015 be received.**

### **39/C Urgent Action**

Members noted urgent action taken under the Scheme of Delegation of Functions to Officers relating to the allocation of funds from the Allotments Sand and Gravel Charity to the Frimley Business Association.

**40/C Portfolio Holder's Question Time**

In answer to a question about the Council's response to poverty and deprivation in the Borough, Councillor Richard Brooks indicated that, whilst this was a matter for the Executive as a whole, he would address the issue further outside the meeting.

Mayor

**Minutes of a Meeting of the Executive  
held at Surrey Heath House on 12  
January 2016**

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+ Cllr Moira Gibson (Chairman)

+ Cllr Richard Brooks	+ Cllr Craig Fennell
+ Cllr Mrs Vivienne Chapman	+ Cllr Josephine Hawkins
+ Cllr Colin Dougan	+ Cllr Charlotte Morley

+ Present

In Attendance: Cllr Rodney Bates and Cllr Paul Deach

**51/E Minutes**

The minutes of the meeting held on 1 December 2015 were confirmed and signed by the Chairman.

**52/E Revenue Grants 2016/17**

The Council funded a number of voluntary organisations which either worked in partnership with the Council or perform functions on the Council's behalf. The allocation of these grants in 2015/16 had been £133,970 for community organisations and £24,900 for leisure organisations, totalling £158,870.

The Executive considered a table providing a breakdown of these organisations' funding requests, together with supporting information. The table compared the funding requested against the grant awarded for 2015/16, the percentage of funding requested against annual running costs and, where appropriate, the in-kind financial support given to the organisations.

Members were also provided with information relating to the achievement of targets contained in each of the Service Level Agreements (SLA).

With regard to Tringhams, West End it was proposed that the grant be reduced to £15,000 as a number of SLA targets had not been met. In addition it was noted that the future viability of the club would continue to be monitored.

An application had been received from the Camberley Central Job Club for the first time. The organisation provided training and support to local people who were unemployed. A grant of £5,000, which would be subject to a SLA, was recommended which would help to fund staff costs.

In relation to the Surrey Heath Sports Council, the Business Portfolio Holder proposed that the grant be reduced to £1,500, in 2016/17, in view of the current level of reserves.

The Executive also noted that the External Partnerships Select Committee would review these grants over the coming year and would report back to the Executive in due course.

**Resolved that**

- (i) **subject to the delivery of the service level agreements, revenue grants be allocated for the period 1 April 2015 to 31 March 2016 as follows:**

<b>Organisation</b>	<b>Grant for 2016/17</b>
<b>Surrey Heath Citizens Advice</b>	<b>£80,000 - subject to the Portfolio Holder being asked to monitor the local situation and any potential impact in relation to the Money Advice Service, and other changing trends within local demand and service provision.</b>
<b>Voluntary Support North Surrey</b>	<b>£30,000 - subject to specific terms of the service level agreement to be delegated to the Transformation Portfolio Holder.</b>
<b>Surrey Heath Age Concern</b>	<b>£10,000 - subject to the continued delivery and expansion of the visiting and befriending service provided to combat loneliness in the elderly, and for a clear strategy to be implemented around respite care within Surrey Heath.</b>
<b>Tringhams, West End</b>	<b>£15,000 - with the specific terms of the service level agreement to be delegated to the Transformation Portfolio Holder to focus upon increasing the existing client numbers.</b>
<b>Camberley Central Job Club</b>	<b>£5,000 - subject to monitoring with the specific terms of the service level agreement to be delegated to the Transformation Portfolio Holder.</b>
<b>Basingstoke Canal Authority</b>	<b>£10,000</b>
<b>Blackwater Valley Countryside Partnership</b>	<b>£10,000</b>
<b>Surrey Heath Sports Council</b>	<b>£1,500</b>
<b>Surrey Heath Arts Council</b>	<b>£1,400</b>

- (ii) **all of the above organisations be informed that there was no guarantee that the Council would be able to award any grants in 2017/18; and**
- (iii) **the Blackwater Valley Countryside Partnership be given 12 months formal notice of termination of the current arrangements in order to provide for the cessation or reduction in the grant should this become necessary in the future.**

(Note: In accordance with the Council's Members Code of Conduct, Councillors declared interests as set out below:

- (a) Councillor Rodney Bates, for the record, as a friend was a volunteer at the Camberley Central Job Club;
- (b) Councillor Colin Dougan, for the record, as his daughter was a volunteer at Surrey Heath Age Concern; and
- (c) Councillor Charlotte Morley, a non pecuniary interest as the Secretary and the Council's representative on the Surrey Heath Sports Council.)

#### **53/E Response to Cross Rail 2 Consultation**

It was reported that Transport for London had consulted in relation to the proposals for Cross Rail 2. It was considered that the Council should support the proposal of Cross Rail 2 in principle. Cross Rail 2 could deliver further South West Main Line capacity which could deliver released capacity for the Bagshot, Camberley and Frimley route and released capacity at Ash Vale. Both these options would help the Council's ambitions to seek an improved service to Waterloo.

In addition the proposals relating to improvements at Woking Railway station and the possibility to terminate Cross Rail 2 services at Woking were also supported.

**Resolved to endorse the response set out in the letter at Annex 1 of the agenda report as the Council's formal response to the Cross Rail 2 consultation.**

#### **54/E Local Plan Annual Monitoring Report**

The Executive considered the Surrey Heath Authorities Monitoring Report (AMR) which had been produced in line with the requirements set out in the Localism Act 2011, which stated a report must be produced and planning authorities must publish this information direct to the public at least yearly. The AMR monitored the period from 1st April 2014 to 31st March 2015.

The purpose of the AMR was to provide details of the actions which had been taken to implement a Local Development Plan and the Local Development Scheme, to indicate the extent to which policies in the current Surrey Heath Local Plan had been achieved, and to identify any solutions and changes where targets were not being met.

Concern was expressed that, over the plan period to date, around only 5% of completed dwellings had affordable housing, against a Core Strategy and Development Management Policy target of 35%. However it was noted the new policies had only been in place for 3 years and it would take some time for their effects to become fully apparent. In addition a significant quantity of applications had come through as prior notifications for the conversion of offices to residential accommodation which meant that there was no incentive or requirement for developers to provide affordable housing. Furthermore the requirement to provide

SANGs payments affected the financial viability of developers being able to deliver affordable housing in the Borough.

**Resolved that the Surrey Heath Local Plan Authorities Monitoring Report be approved for the purpose of making the document publically available at the Council offices and on the Council's website.**

## **55/E The Council Tax Base and the Local Council Tax Support Scheme**

The Executive received a report on the setting of the Council Tax Base for 2016/17 which reviewed the changes to Council Tax made in 2013/14 and the Local Council Tax Support Scheme introduced in April 2013.

Members noted that there had been an increase in the tax base of 289.70 which would generate an additional income of £61,500 based on the current Band D council tax charge. The Executive received detailed breakdowns of the calculations of the Tax Base for each part of the Borough and a breakdown of the calculation of the Tax Base for the whole area.

Technical changes to Council Tax had been introduced from April 2013 under the Local Government Finance Act 2012 which meant that the Council was empowered to set a number of changes to Council Tax discounts and exemptions as well as introduce a premium for long term empty properties.

On 1 April 2013 the Council had introduced a new Local Council Tax Support Scheme (LCTSS) to replace Council Tax Benefit, for working age claimants. The new scheme operated as a Council Tax discount and the Council was able to vary the value of discount on Council Tax granted to working age claimants. Pensioner claimants were protected and would continue to receive help towards their council tax based on regulations set by Central Government.

The funding given by Government to fund the new scheme was insufficient to pay the full cost of granting all claimants 100% discount. Members had taken the view when setting the scheme in January 2013 that the cost of the LCTSS should not fall on local tax payers and so had set the discount level at 70% for working age claimants, subject to a number of specific exemptions for defined vulnerable groups.

Members had also agreed to put £10,000 into a hardship fund for individual cases for 2015/16. An increasing number of hardship payments had being refused as the current procedural guidance required the applicant to have been in receipt of council tax benefit as at 31 March 2013. It was proposed that the guidance be amended to remove the reference to this requirement.

In 2013/14, a separate grant of £419,000 had been received from the Government to fund the scheme. This however had been included within the overall support grant from 2014/15 onwards and was not separately identifiable. It was anticipated that the loss of income to the Council would amount to £416,000 in 2016/17 as a result of the discount given for the LCTSS. Given that overall government funding was being reduced it was likely that the reduced grant paid

would not meet the cost of the LCTSS. If reductions in funding continued it was likely that the scheme might have to be reviewed in 2016/17 with a view to increasing the amounts claimants paid from the existing 30% to 40%. However this would need to be balanced against claimants' ability to pay any additional council tax.

In addition, the Department for Communities and Local Government had launched a review into how local Council Tax support schemes were working across the country. It was recognised that any revisions to the scheme would need to reflect government changes.

For ease of administration it was important that there was alignment in respect of treatment of income and calculation of applicable amounts between housing benefit and the local council tax support scheme. Each year the Government made minor changes to its scheme to reflect uprating of benefits etc. In order that the housing benefit and LCTSS remained aligned, it was proposed that the Executive Head of Finance be authorised to make such minor changes as may be necessary to the LCTSS for all types of claimant.

The introduction of the LCTSS in April 2013 had had the effect of reducing the Council Tax base since it operated as a discount rather than a benefit. In order to recognise the effect that this had on parishes the Government had provided a grant to in 2013/14 to give to parishes to ensure they were no worse off because of the introduction of the LCTSS. This amounted to £22,923. The grant had again been provided in 2014/15 but as it had not been separately identifiable the Council had agreed to reduce the parish element by 13% in line with the overall reduction in funding received by the Council. It was proposed that no reduction be made in the current financial year and that the situation be reviewed again in 2016/17 in the light of further anticipated Government funding reductions. This would also mean that Parishes would not have to increase their precepts in 2016/17 just to cover any grant reduction.

### **Resolved**

- (i) **to note the calculations of the tax base in Annexes A to F summarised below:**

	<b>Band D Equivalent Properties</b>
<b>Bisley</b>	<b>1,513.05</b>
<b>Chobham</b>	<b>1,928.94</b>
<b>Frimley and Camberley</b>	<b>23,382.72</b>
<b>West End</b>	<b>2,013.81</b>
<b>Windlesham</b>	<b>8,051.68</b>
<b>Surrey Heath Borough Council</b>	<b>36,890.20</b>

- (ii) **to note that the changes to Council Tax discounts made by Executive on 7 January 2014 under the freedoms given**

**in the Local Government Finance Act 2012 and relevant statutory instruments remain unchanged for 2016/17;**

- (iii) that £19,943 be given to Parishes in 2016/17 to offset the effect on the tax base of the Local Council Tax Support scheme; and**
- (iv) that the final setting of the Tax Base be delegated to the Executive Head of Finance.**

**Recommended to Full Council that**

- (i) the Local Council Tax Support Scheme for Surrey Heath, approved by Council on 22 January 2013, be amended to remove the award of a Family Premium for any new claims or new births after 31 March 2016;**
- (ii) the Executive Head of Finance make any further minor changes to the Local Council Tax Support scheme so as to ensure that where applicable to income and applicable amount calculation it remains in line with Housing Benefit changes introduced by legislation; and**
- (iii) incomes and applicable amounts and non-dependant deceptions be updated, in line with the percentages and amounts supplied by the Department of Work and Pensions and the Department of Communities and Local Government, and applied to Housing Benefit claims.**

## **56/E Quarterly Financial Monitoring**

The Executive received the second quarter monitoring report against the 2015/16 approved budget, which provided an update on the Revenue, Treasury and Capital budget position as at 30 September 2015 and an early view for the financial year.

Overall services expect to be £250,000 under budget at the end of the year due to £50,000 underspend on the Business portfolio; £280,000 underspend on Community portfolio; and £174,000 additional income in Corporate property. This would be offset by the £250,000 savings target included within the original budget,

Interest on investments was on track to exceed the expected income provided for in the 2015/16 budget.

It was estimated that there would be an underspend of £77k on wages and salaries at the end of the year based on expenditure to date.

The total capital programme for the year was £19.773m. Of this, £17.289m had been spent during the year so far, mainly on property acquisition with other sums being spent on air conditioning, computer software, car parks and disabled facilities grants.

Sundry debts as at 30 September totalled £606k; a small reduction against the £627k outstanding last quarter. Of the total debts due, £218k related to one invoice for Surrey County Council for recycling credits due in year. The second largest element, £80k, related to invoices for temporary housing costs.

At the end of the second quarter Housing Benefit debts was £643k which was an increase of £33k compared to the last quarter. Although £57k had been recovered, a further £139k had been raised in invoices for new overpayments generated by fraud investigation or claimant information.

**Resolved to note the Revenue, Treasury and Capital Position for the first half of 2015/16.**

**57/E Response to consultation on proposed changes to national planning policy**

The Executive considered a draft response to the Government's consultations on changes to National Planning Policy.

The proposed changes concerned housing delivery and related specifically to affordable housing, density around commuter hubs, new settlements, starter homes and development on brownfield land and small sites. The consultation also sought views on transitional arrangements for the introduction of changes to policy.

Whilst the principle of increasing the density of development around commuter hubs and supporting sustainable new settlements was generally welcomed, concerns were raised in respect to other elements of the consultation proposals.

**Resolved that the response set out at Annex 1 of to the agenda report be the Council's formal response to the Department of Communities and Local Government's consultation on changes to national planning policy.**

Chairman

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**Minutes of a Meeting of the Executive  
held at Surrey Heath House on 9  
February 2016**

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+ Cllr Moira Gibson (Chairman)

+ Cllr Richard Brooks	+ Cllr Craig Fennell
+ Cllr Mrs Vivienne Chapman	+ Cllr Josephine Hawkins
+ Cllr Colin Dougan	+ Cllr Charlotte Morley

+ Present

In Attendance: Cllr Dan Adams, Cllr Rodney Bates, Cllr Paul Deach and Cllr Chris Pitt

**58/E Minutes**

The minutes of the meeting held on 12 January 2016 were confirmed and signed by the Chairman.

**59/E General Fund Estimates 2016/17**

The Executive received a detailed report and recommendations on the revenue estimates for 2016/17, which had included a savings target and amounts chargeable to reserves. However Members were advised that since the preparation of the report the Secretary of State for Communities and Local Government had, on 8 February 2016, announced the final local government finance settlement for 2016 to 2017. It was noted that, as the details of the final settlement impacted on contents of the report and the consequent recommendations they would need to be reconfigured to reflect the final settlement. As there was insufficient time to bring the report back to the Executive, it was agreed that authority be delegated to the Executive Head of Finance, after consultation with the Finance Portfolio Holder, to report to Council with revised recommendations.

**Resolved that, in the light of the recent announcement by the Secretary of State for Communities and Local Government on the final local government finance settlement for 2016 to 2017, the Executive Head of Finance, after consultation with the Finance Portfolio Holder, be authorised to revise and update the report and to make recommendations to Full Council on 24 February 2016.**

**60/E Corporate Capital Programme**

Members were reminded that Financial Regulations stated that as part of the annual budget process the Council, following recommendation by the Executive, was required to approve formally the Capital Programme and its revenue implications. In addition, the Council had a statutory requirement under the Local Government Act 2003 to adopt the CIPFA Prudential Code and to approve Prudential Indicators on an annual basis.

The Executive received details of the Capital Programme for 2016/17 and noted its effect on the available capital receipts. This indicated that it would not be possible to fund the current Capital Programme from capital receipts and that existing revenue and/or borrowing would have to be used. Additional capital receipts could be realised from the sale of Council assets although there was a risk in the current climate that prices would be depressed or that such sales would not be realised.

The Revenue Capital Fund was estimated to be about £9.0m as at 31 March 2016 and would be used to support the Capital Programme if required. However this reduced the amount of reserve available to support revenue expenditure and hence the General Fund in the future. The Council had undertaken borrowing during 2015/16 to fund significant property acquisitions and would be prepared to do this again should the need arise.

Members noted the estimated loss of investment income as a result of the proposed capital programme.

**Recommended to the Council that**

- (i) **the new capital bids for £670k for 2016/17 at Annex A to the agenda report be approved, and be incorporated into the Capital Programme;**
- (ii) **the Prudential Indicators summarised below and explained in Annex D of the agenda report, including the MRP statement, for 2016/17 to 2018/19 in accordance with the requirements of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Prudential Code for Capital Finance in Local Authorities 2011 be approved;**

<b>Prudential Indicator</b>	<b>2016/17 Estimated £000</b>	<b>2017/18 Estimated £000</b>	<b>2018/19 Estimated £000</b>
Capital Expenditure	1,045	525	525
Capital Financing Requirement	20,357	20,057	19,752
Ratio of financing costs to net revenue stream	4.29%	7.20%	7.24%
Incremental impact of investment decisions on Band D council Tax	£11.46	£6.63	-£0.16
Operational Boundary	24,000	24,000	24,000
Authorised Limit	26,000	26,000	26,000

**Resolved to note**

- (i) **that the Capital Financing Requirement for this Council as at 31 March 2017 is estimated to be £19,982m and as such a Minimum Revenue Payment of £202k is required;**
- (ii) **the provisional Capital Programme for 2017/18 and 2018/19; and**
- (iii) **the available capital receipts forecast shown in Annex C to the agenda report.**

#### **61/E Treasury Management Strategy Report 2016/17**

It was reported that the budget for investment income in 2016/17 was £300,000 based on an average investment portfolio of £20 million at an interest rate of 1.5%. The budget for debt interest paid in 2016/17 was £505,000, based on an average debt portfolio of £18 million at an average interest rate of 2.9%. If actual levels of investments and borrowing, and actual interest rates differed from those forecast, performance against budget would be correspondingly different.

Funding for the proposed corporate capital programme for 2016/17 – 2018/19 would need to be met through borrowing or out of revenue due to the fact that the Council's pool of capital receipts was virtually exhausted.

#### **Recommended to Council the adoption of**

- (i) **the Treasury Management Strategy for 2016/17 as set out in the agenda report;**
- (ii) **the Treasury Management Indicators for 2016/17 at Annex C to the agenda report; and**
- (iii) **the Annual Minimum Revenue Provision Policy Statement at Annex D to the agenda report.**

#### **62/E Syrian Vulnerable Persons Relocation Scheme**

Members were reminded that in September 2015 the Government had committed to resettling up to 20,000 Syrian refugees in the UK during this Parliament. Success in meeting the offer of 20,000 refugee places depended on the commitment of local authorities throughout the UK to accept refugees and the Government had indicated that they would try and place Syrian refugees equitably across the country.

Selection of refugees coming to the UK would be undertaken by the United Nations High Commissioner for Refugees (UNHCR). UNHCR would refer cases to the Home Office to check eligibility and carry out medical and security checks. The Council would be asked to accept or reject cases and on accepting a case, to arrange housing, school places etc.

The Home Office was keen to see a significantly higher number of South East Authorities coming forward and Surrey County Council had requested local district

councils to pledge to make offers to accept Syrian refugees. A Surrey Group had been formed to coordinate the offer under the Relocation Scheme which included representatives from Surrey County Council, health and the participating Boroughs and Districts. A local partnership would be established to develop a resettlement offer to households which drew on the support and services available from local services in all sectors.

The funding available from central Government had been included in the spending review and in two-tier authorities would be shared between County and Borough.

Concern was expressed in relation to the plight of Christian and other persecuted sects in Syria which were not necessarily being addressed by current aid programmes. It was considered that the government should be urged to take urgent action to assist these groups.

#### **Resolved that**

- (i) a provisional undertaking be given to the Home Office to resettle 2 households in Surrey Heath in the coming year under the Syrian Vulnerable Persons Relocation Scheme for Syrian Nations, subject to the project being deliverable within the funding available;**
- (ii) a review of the first 2 resettlements be undertaken after the first year and, subject to the results of the review, a further 8 households be resettled over the following four years;**
- (iii) the details of the best fit, and the acceptance of the specific families be delegated to the Executive Head of Regulatory after consultation with the Leader and the Regulatory Portfolio Holder;**
- (iv) the Leader be asked to request the government to take action to address the plight of Christian and other persecuted sects in Syria.**

#### **63/E Establishment of a Development Company**

The Executive was reminded that there was a need to deliver more development in the form of housing in order to secure funding from the Government, such as the New Homes Bonus. The Council, in its Key Priorities, had indicated its intention to promote construction-led development. In order to take some of the housing orientated initiatives forward, the Council would need to deliver housing development and any subsequent management thereof through either a joint venture vehicle or a development company. Any agreed model would have as its stated objective the development of sites within or for the benefit of the borough.

To date the Council had approached its property acquisitions as opportunities had arisen in the market. However it was often very difficult for the Council to secure sites quickly due to the current pace of market conditions plus the ability to buy

land for housing development. As a result the Council would need to look at more flexible models of delivery, through streamlined procurement options or a company structure.

In order to ascertain whether there was interest from the construction/development industry in joint venture with the Council to bring forward development, it was proposed to undertake soft market testing.

The options available to the Council would need to be fully explored by the officers after taking appropriate technical and legal advice but could range from a limited liability company limited by shares or a limited liability partnership. There were then variations which could include a wholly owned company, joint ventures with private partners for site specific development, or local asset backed vehicles with one joint venture partner for all potential development sites.

Where the Council was awarding contracts for goods, works or services, the EU procurement regulations would apply. In addition, the Council would need to comply with EU state aid rules and with all local authority finance and decision making requirements.

The funding and tax arrangements for each of these structures would also need to be closely looked at so that the company was structured in the most tax efficient way. It would also be vital to ensure compliance with best value requirements and that Section 123 tests are satisfied in each transaction. The governance arrangements of any company were also important to ensure there was sufficient transparency about future decision-making.

The Council's advisers were working to ensure options were tailored to the strategic interests of the economic area and Surrey Heath's aims and objectives. Once it was clear about the appropriate structures, this would form the basis of a further detailed report to Executive.

### **Resolved**

- (i) to create a Land and Property Board to look at the current development opportunities within the borough and progress potential development sites within its ownership;**
- (ii) that the authorisations set out in the Property Acquisition Strategy be delegated to the Board; and**
- (iii) to authorise the Chief Executive to further explore, through appropriate soft market testing exercises, the appropriate procurement options and/or delivery vehicles referred to in this report to further the Council's commitment to delivering economic growth opportunities in Surrey Heath and other commercial ventures in support of Key Priority 2.**

The Executive received a report on the current situation with regard to the membership and performance of the Surrey Pension Fund, which was managed and administered by Surrey County Council on behalf of all Surrey district councils.

**Resolved to note the report.**

(Note: Cllr Rodney Bates left the meeting for the discussion on this item as he was a member of the Surrey Pension Fund.)

**65/E Pay Policy Statement 2016/17**

The Executive was advised that in accordance with Section 38(1) of the Localism Act 2011, the Council was required to update the Pay Policy Statement on an annual basis.

**Recommended to Council that the Surrey Heath Borough Council Pay Policy Statement 2016/17, as attached at Annex A to the agenda report, be adopted.**

(Note 1: Cllr Rodney Bates, as a member of staff of a neighbouring authority, was not present for the discussion on this item)

(Note 2: Cllr Richard Brooks, as his wife was employed by the Council, left the meeting for the discussion on this item.)

**66/E Exclusion of Press and Public**

In accordance with Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the ground that they involved the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Act as set out below:

Minute	Paragraph(s)
67/E	3
68/E	3

Note: Minute 67/E is a summary of matters considered in Part II of the agenda, the minutes of which it is considered should remain confidential at the present time.

**67/E Frimley Cricket Club**

The Executive made decisions relating to the lease of Frimley Cricket Club.

**68/E Review of Exempt Items**

The Executive reviewed the reports which had been considered at the meeting following the exclusion of members of the press and public, as it involved the likely disclosure of exempt information.

**RESOLVED** the minute 67/E remain exempt until completion of lease negotiations.

Chairman

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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**Minutes of a Meeting of the Planning Applications Committee held at Council Chamber, Surrey Heath House on 13 January 2016**

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- + Cllr Edward Hawkins (Chairman)
- + Cllr David Mansfield (Vice Chairman)

- |                               |                             |
|-------------------------------|-----------------------------|
| + Cllr David Allen            | + Cllr Katia Malcaus Cooper |
| + Cllr Richard Brooks         | + Cllr Robin Perry          |
| + Cllr Nick Chambers          | + Cllr Ian Sams             |
| + Cllr Mrs Vivienne Chapman   | + Cllr Conrad Sturt         |
| + Cllr Colin Dougan           | + Cllr Pat Tedder           |
| - Cllr Surinder Gandhum       | + Cllr Victoria Wheeler     |
| + Cllr Rebecca Jennings-Evans | + Cllr Valerie White        |

+ Present

- Apologies for absence presented

In Attendance: Emma Pearman, Neil Praine, Michelle Fielder, Jonathan Partington, Paul Watts, Cllr Paul Deach, Cllr Craig Fennell, Cllr David Lewis, Cllr Charlotte Morley and Gareth John

Cllr Nick Chambers (from min 39/P – 41/P)

Cllr Pat Tedder (from min 39/P- 40/P)

Cllr Paul Deach (from min 39/P – 40/P)

Cllr Craig Fennell (from min 39/P – 40/P)

Cllr David Lewis (from min 39/P – 43/P)

Cllr Charlotte Morley (from min 39/P – 43/P)

**39/P Minutes**

The minutes of the meeting held on 11 November 2015 were confirmed and signed by the Chairman.

It was noted that, with reference to minute 36/P, application 15/0676 had been approved by Committee subject to the receipt of a legal agreement. This agreement had not been received by the deadline of 1 December 2015, and the applicant had requested an extension to 5 February 2016. This had been granted.

In addition Members were advised that the Planning Policy team would be producing a briefing note for Members on the Code for Sustainable Housing.

**40/P Application Number: 15/0849 - Frimhurst Farm, Bridge Road, Deepcut Camberley GU16 6RF**

The application was for the continued use of the existing Industrial Centre (Use Classes B1, B2 and B8) and movement between these uses as well as a revised access onto Deepcut Bridge Road. (Part Retrospective). (Additional Information rec'd 06/11/2015).

There had been a Member site visit to the site.

Members were advised of the following updates:

*'Further response from Applicant to Committee Report*

*Following the Committee report, the applicant has submitted an 8 page response to that report. The matters raised are addressed in turn below:*

- *Policy CP1 - The applicant asserts that the development is in accordance with Policy CP1 because it utilises an existing developed site.*

*Officer comment: As stated in the report, the only areas that are under question are the D5-7 and E areas shown on the Enforcement notice which are those areas that extend beyond the original pig farm buildings and are considered as encroachment into the countryside.*

- *Policy CP2 - The applicant asserts that the development is also in accordance with this policy because it seeks to promote economic growth and there has been no land clearance to provide the area for the industrial centre.*

*Officer comment: The Council does not dispute that the site contributes towards the economy, however, some of the land was originally open and now is covered by containers and other structures, and the development has not just utilised existing buildings and structures. As such there has been encroachment into the countryside and the development therefore does not respect and enhance the quality of the natural environment contrary to CP2 (iv).*

- *Policy DM1 – The applicant asserts that this policy also supports the application because the site utilises the existing land and buildings for the new operations.*

*Officer comment: As stated in the report, and shown by aerial photos which will be in the presentation, the area of the site covered by buildings has significantly increased from when it was a pig farm. So while some buildings have been re-used, which is the only part of the site supported by the above policy, others have been added though many of these are now lawful through the passage of time. While the applicant asserts that only the pig farm area has been utilised, much of the pig farm was open land. The D5-7 and E areas represent further encroachment and the Council considers that a line has to be drawn.*

- *Policy DM9 - The applicant has felled a significant number of trees since the submission of the previous application so now asserts that it is in accordance with this policy as no trees need to be felled.*

*Officer comment: It is not considered that the planting would compensate for the loss of the mature trees as stated in paragraph 7.3.13 and despite the loss*

*of trees, the urbanising effect of the new road is not considered to be in accordance with Policy DM9.*

- *Policies CP8 and DM13 – The applicant argues that no consideration has been given to these policies which have most significance given the level of employment and income generation.*

*Officer comment: The economic contribution of the site is discussed in paragraph 7.3.6 and 7.3.7 and Policy DM1 is a relevant economic policy which considers the rural economy. While Policy CP8 states that the Council will make provision for new jobs, and that on other employment sites outside Core Employment Areas, redevelopment to provide small flexible B1 units will be promoted; with the exception of two units that have a Certificate of Lawful Use, the site is not a lawful employment site, hence these policies not being discussed in the report however the refusal reason does not say they are contrary to these policies either. As stated in paragraph 7.3.7 the retention of Class B uses in the historic core of the site is likely to be acceptable, however the D5-7 and E areas do not constitute redevelopment of existing employment areas and as such are not supported by this policy. Again Policy DM13 was not discussed as the site is not lawfully in “employment use” and while it may support the historic core of the site being utilised as employment space, the D5-7 and E areas particularly are not supported by this policy as they do not form part of the historic core and buildings of the site.*

- *NPPF - The applicant argues that very little regard has been had to the NPPF*

*Officer comment: While the NPPF supports economic growth, including growth in rural areas this is addressed by Policy DM1 as set out in paragraph 7.3.3 of the report. The NPPF also supports conserving and enhancing the natural environment and recognising the intrinsic character of the countryside, and using brownfield land as set out in paragraph 7.3.1 and in this case the harm to the countryside by the continuing encroachment into the open space is not considered to be outweighed by the economic arguments, especially given that the only areas in question are the D5-7 and E areas and as such these do not contribute a significant amount to the site overall.*

- *Landscaping Scheme - The applicant states that there was no recognition of the landscaping scheme*

*Officer comment: This is set out in paragraph 7.3.13 and the Tree Officer concluded that the proposals do not go far enough to compensate for the loss of trees and a more comprehensive landscaping scheme would be required. It is clear in paragraph 7.3.14 that this has been taken into account however it was still considered that the new road would be too urbanising.*

- *Enforcement notice – The applicant states that the enforcement notice should not have been served given that a planning application had been submitted the previous week.*

*Officer comment: the previous application was refused on 18<sup>th</sup> November 2014 and as such the applicant had a significant amount of time to resubmit the application. Therefore serving the enforcement notices in October 2015 is not considered to be unreasonable. In any case the applicant was given six months to comply with these so still would have plenty of time to comply with these if the application was refused.*

- *E1-E4 compounds - The applicant argues that the officer has failed to take into account the evidence submitted for the E1-E4 compounds which shows these areas as lawful*

*Officer comment: See paragraph 7.3.10 of the report. While the applicant has submitted further evidence during the course of the application which amounts to invoices from the management company to various tenants, it was previously found in 2012 when information was submitted as a response to an Planning Contravention Notice at that time that the use of the E areas had been sporadic, and from the aerial photos it shows that use of these areas has intensified in the last few years. As such these invoices alone is only one layer of evidence and are not considered to constitute enough evidence that the Council can be sure that they have been in continuous use for the last 10 years and, moreover, a Certificate of Existing Lawful Use would be the way to address this so the use can be fully investigated.*

*The purpose of this planning application is to consider the merits of the proposal; it is not a Certificate of Existing Lawful Use application which is different in that it looks at evidence only. The applicant was advised to submit a certificate to deal with the E areas separately but declined to do this.*

- *Boundaries – The applicant asserts that the industrial centre, including the expanded elements, have only ever utilised the areas previously used for the pig farm.*

*Officer comment: It is clear from aerial photos that although the site was a pig farm, part of that constituted hardstanding and buildings and part open fields. Much of these open fields are now covered with buildings/containers and other structures, as shown on the aerial photos as part of the presentation, and as such there has clearly been encroachment onto open land whether part of the original pig farm or not. There is still open land to the west of the site that is owned by the applicant and as such could be utilised in the future so a line has to be drawn.*

- *Access - The applicant argues that unlike the appeal decision the existing access would now be closed and is not as long as the original access road to the cottages*

*Officer comment: See paragraphs 7.3.11 – 7.3.16 of the report. While the new access does not extend as far as that refused under the Appeal, and the existing access is proposed to be closed and replanted, it is still considered that the access would have an intrusive and urbanising effect as discussed in the above paragraphs. The 2014 refusal also proposed closure of the existing access.*

- *Harm to the countryside - The applicant questions what actual harm there is to the countryside and states it has not been presented in the report.*

*Officer comment: The harm to the countryside is the incremental loss of open and undeveloped land as made clear at paragraph 7.3.7, in the reason for refusal and Paragraph 17 of the NPPF which states the countryside should be protected for its intrinsic beauty and character.*

#### Response from Economic Development Officer

*A response has been received since the report from Kevin Cantlon, who is the Council's Economic Development Officer. This reiterates the numbers of businesses on the site and states that businesses on the site that he spoke to said they were attracted by the low rents and would be unlikely to afford rents on other, more developed sites. It also states that the site under the Enforcement notice is occupied by 8 businesses (out of 42 total), comprising 33 employees (out of total 239).*

*Officer comment: Following this response, the applicant was asked whether all these employees are directly employed on the site, to which the following response was received:*

*"I can confirm that all the tenants you are referring to all use the site as their primary work base and all of the employees we listed on the spreadsheets were all full time employees of each business. Many of the compound tenants base themselves on site but due to the nature of their work, tree surgery, water way contractors, haulage companies etc their employees are often out on site elsewhere. However 95% of the time they will all start and finish work from the site. This of course means that during normal working hours the site is on average not too busy and normally fairly quiet. Please note that some of the compound tenants may have registered offices elsewhere, however the place of work will be Frimhurst Farm Industrial Centre."*

*When officers visited the site there was rarely anyone witnessed in the D or E compounds.*

#### Further information from Local Resident

*There has also been further information submitted from a local resident which has been distributed to Members. This comprises copies of the petition, e-petition and a document highlighting the availability of units in local industrial centres.*

#### Correction

*Members were advised that in the report where it says Policy CPA – this should say CP1'*

*Members were advised by the Arboricultural Officer that the trees on the site which had been removed had not been managed so any trees were of poor quality and therefore no Tree Preservation Orders had been issued. The Arboricultural Officer*

would welcome planting following the removal of the poor quality trees and shrubs on the site.

Ward councillors noted that whilst they were keen to support local businesses, they were unable to support the application.

**Resolved that application 15/0849 be refused for the reasons as set out in the report of the Executive Head – Regulatory.**

**Note 1**

It was noted for the record that Members had received correspondence from the applicant and residents.

**Note 2**

As the application triggered the Council's public speaking scheme, Mr Watkins and Mrs Morgan spoke in objection and Mr Andrews spoke in support.

**Note 3**

The recommendation to refuse the application was proposed by Councillor David Mansfield and seconded by Councillor Colin Dougan.

**Note 4**

In accordance with Part 4 Section D paragraph 18 of the Constitution, the voting in relation to this application was as follows:

Voting in favour of the recommendation to refuse the application:

Councillors David Allen, Richard Brooks, Nick Chambers, Vivienne Chapman, Colin Dougan, Edward Hawkins, Rebecca Jennings - Evans, Katia Malcaus Cooper, David Mansfield, Robin Perry, Ian Sams, Conrad Sturt, Pat Tedder, Victoria Wheeler and Valerie White.

**41/P Application Number: 15/0166 - Land between 4 and 5 School Lane, Windlesham GU20 6EY**

The application was for the erection of a detached 4 bedroom, two storey dwelling (with accommodation in the roof space) and integral garage. (Additional plan recv'd 11/6/15), (Amended plan rec'd 23/07/15).

The application would normally have been determined under the Council's Scheme of Delegation, however, at the request of a local ward councillor it had been called in for determination by the Planning Applications Committee.

Members were advised of the following updates:

*'A member site visit took place on the 7<sup>th</sup> January 2016 and the following Councillors attended and therefore were entitled to vote.*

*Cllr Sturt, Cllr Perry, Cllr Brooks, Cllr Chambers, Cllr Gandhum, Cllr Sams, Cllr Allen, Cllr Wheeler, Cllr Jennings-Evans, Cllr Hawkins, Cllr Dougan and Cllr Malcaus Cooper.*

*The site visit was also attended by a representative of the County Highways Authority. Some questions were put to the Highways Officer who provided a formal response which is attached to this update.’ (see Annex at end of minutes)*

The Chairman wished to convey his thanks on behalf of the Committee to Mr Stokes from the County Highways Authority for attending the site visit and for his extensive report.

Members discussed the character of the proposal and noted that there was only one detached property in the lane and no three storey properties.

It was also noted that there were existing parking issues and the proposed build out would result in fewer spaces to park. Some Members also felt that the visibility would not improve with the addition of the build out. Members also commented that with the addition of the build out there would be less space for cars and lorries to pass. Members were reminded that the advice from the County Highways Authority confirmed that the build out had been designed to improve visibility and provide traffic calming.

Some Members commented that previous applications on this site were refused but had proposed smaller dwellings. Officers advised that those applications had been refused on highways grounds.

The officers had recommended that the application be approved subject to conditions but some Members felt that the proposal:

- constituted overdevelopment and was out of character;
- there were concerns about the safety of pedestrians on the south side of Chertsey Road due to the narrowing of the road;
- there was a potential for loss of parking on public highway;
- the access to the application site from School Lane was sub-standard.

**Resolved that application 15/0166 be refused for the reasons as set out above, wording to be finalised in consultation with the Chairman, Vice Chairman and ward councillors.**

**Note 1**

It was noted that Councillor Pat Tedder declared she had a Disclosable Pecuniary Interest as her property was sited opposite the development and she left the Chamber during the consideration of the application.

**Note 2**

It was noted for the record that Cllr Sturt had received correspondence from residents and Cllrs Jennings-Evans and Malcaus Cooper were familiar with neighbours located near to the property.

**Note 3**

As the application triggered the Council's public speaking scheme, Ms Cobb and Mr Goulty spoke in objection and Mr Griffin spoke in support.

**Note 4**

The recommendation to approve the application was proposed by Councillor Colin Dougan and seconded by Councillor Robin Perry.

**Note 5**

In accordance with Part 4 Section D paragraph 18 of the Constitution, the voting in relation to this application was as follows:

Voting in favour of the recommendation to approve the application:

Councillors, Richard Brooks, Colin Dougan, Edward Hawkins, Robin Perry, Ian Sams.

Voting against the recommendation to approve the application:

Councillors David Allen, Nick Chambers, Rebecca Jennings - Evans, Katia Malcaus Cooper, Conrad Sturt and Victoria Wheeler.

**Note 6**

The recommendation to refuse the application was proposed by Councillor David Allen and seconded by Councillor Conrad Sturt.

**Note 7**

In accordance with Part 4 Section D paragraph 18 of the Constitution, the voting in relation to this application was as follows:

Voting in favour of the recommendation to refuse the application:

Councillors David Allen, Nick Chambers, Rebecca Jennings - Evans, Katia Malcaus Cooper, Conrad Sturt and Victoria Wheeler.

Voting against the recommendation to refuse the application:

Councillors, Richard Brooks, Colin Dougan, Edward Hawkins, Robin Perry, Ian Sams.

**42/P** County Highways Authority Document  
**Application Number: 15/0641 - The Mytchett Centre, 140 Mytchett Road, Mytchett GU16 6AA**

The application was for part change of use of land from car park to car wash facility to include the erection of a canopy and storage container. (Retrospective)

This application would normally have been determined under the Council's Scheme of Delegation, however, as the land was owned by Surrey Heath Borough Council the application was required to be determined by the Planning Applications Committee.

This application was withdrawn by the applicant.

**43/P Application Number: 14/1136 - 125 Frimley Road, Camberley GU15 2PS**

The application was for the erection of an outbuilding following demolition of an existing garage. (Part Retrospective).

The application would normally have been determined under the Council's Scheme of Delegation, however, at the request of a local ward councillor (Cllr Lewis) it had been called in for determination by the Planning Applications Committee.

There had been a Member site visit to the site.

Members were advised of the following updates:

*'Correction to the committee report – the application site abuts the 'lanes' character designation and not Edwardian / Victorian subdivisions – section 7 of the committee report refers.*

*The WUCA SPD advises that the development pressure on the lanes character area is that of unsympathetic development resulting in the loss of landscaping, period features and buildings of historic character. To mitigate this harm the SPD seeks to ensure that new development does not exceed 2 storey height, has a pitched roof form and that the elevations facing the lane is of high quality. Furthermore particular regard must be had to building scale, detailing and materials.*

*The development has not resulted in the loss of any buildings of historic merit, nor have any landscape features of merit been removed. The committee report acknowledges that the development as it stands is not appropriate; however officers remain of the opinion that the removal of the dormer window will sufficiently reduce the scale of the building. In addition it is accepted practice to impose planning conditions requiring agreement on the materials to be used in a development. It is therefore considered the application is, subject to the conditions set out in the report, acceptable and permission should be granted.*

*4 further objections have been received, in the main these reiterate previous concerns; however a further concern regarding a reduction in parking is made. While this is noted it remains that parking for the flats at 125 Frimley Road is retained and there has been no objection to the proposal from the Highways Team. '*

Local Ward Councillors felt that the proposal was of an inappropriate design and the materials used were of poor quality. It was felt that if the Committee were minded to approve the application, conditions requiring better quality materials and a restriction on the height be added.

Members were advised that there was no permitted development fall-back position.

The officer's recommendation had been to approve the application, however Members felt that the proposal was inappropriate development due to the scale

and mass of the building, the character was out of keeping with the surrounding area.

**Resolved that application 14/1136 be refused for the reasons as set out above, wording to be finalised in consultation with the Chairman, Vice Chairman and ward councillors.**

**Note 1**

As the application triggered the Council's public speaking scheme, Mr McGowan spoke in objection.

**Note 2**

There was no proposer and seconder with regard to the recommendation to approve the application.

**Note 3**

The recommendation to refuse the application was proposed by Councillor David Mansfield and seconded by Councillor Richard Brooks.

**Note 4**

In accordance with Part 4 Section D paragraph 18 of the Constitution, the voting in relation to this application was as follows:

Voting in favour of the recommendation to refuse the application:

Councillors David Allen, Richard Brooks, Vivienne Chapman, Colin Dougan, Edward Hawkins, Rebecca Jennings - Evans, Katia Malcaus Cooper, David Mansfield, Robin Perry, Ian Sams, Conrad Sturt, Victoria Wheeler and Valerie White.

Chairman

**Minutes of a Meeting of the Planning Applications Committee held at Council Chamber, Surrey Heath House on 10 February 2016**

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+ Cllr Edward Hawkins (Chairman)  
+ Cllr David Mansfield (Vice Chairman)

+ Cllr David Allen	+ Cllr Katia Malcaus Cooper
+ Cllr Richard Brooks	+ Cllr Robin Perry
+ Cllr Nick Chambers	+ Cllr Ian Sams
+ Cllr Mrs Vivienne Chapman	- Cllr Conrad Sturt
+ Cllr Colin Dougan	+ Cllr Pat Tedder
+ Cllr Surinder Gandhum	+ Cllr Victoria Wheeler
- Cllr Rebecca Jennings-Evans	+ Cllr Valerie White

+ Present  
- Apologies for absence presented

Substitutes: Cllr Dan Adams (In place of Cllr Rebecca Jennings-Evans)

In Attendance: Cllr Ruth Hutchinson, Cllr Adrian Page, Duncan Carty, Jane Ireland, Emma Pearman, Michelle Fielder, Jonathan Partington, Lee Brewin, Cllr Paul Deach, Laura James, Karen Limmer, Ian Macey, Richard Payne, Jenny Rickard and Cllr Bill Chapman

Cllr Pat Tedder arrived part way through min 45/P  
Cllr Ian Sams arrived part way through min 45/P

Cllr Bill Chapman from min 46/P – 47/P  
Cllr Paul Deach from min 44/P – 47/P  
Cllr Ruth Hutchinson from min 44/P – 47/P

**44/P Minutes**

The minutes of the meeting held on 13 January 2016 were confirmed and signed by the Chairman.

**45/P Application Number: 15/0884 - land north of Beldam Bridge Road, West End, GU24 9LP**

The application was for the outline planning application for the erection of up to 85 dwellings with new access and change of use of land to publicly accessible recreation space (SANG), car parking, landscaping and open space. (Details of access only to be agreed).

A site visit was carried out at the site.

Members were advised of the following updates:

*'Correction: The comments of the County Highway Authority have now been received. No objections are raised.'*

*Six further objections have been received via Mr Gove MP, which raise issues already considered in the officer report but raised concern about the lack of challenge to the appeal decision for SU/14/0532 (Land south of Kings Road et al).*

*An objection has been received from the Windlesham Heathpark Wood Group, which is appended along with further comments (in objection) from the West End Action Group. These letters were also separately forwarded by Mr Gove MP.*

*Additional representations have been received from an objection making the following further comments:*

- *The nursery land has not been used for over 20 years;*
- *Concern about the reporting of the County Highway Comments [Officer comment: see correction above];*
- *Disagree with the report's indication that the land is in a poor condition;*
- *There is a minimum of 6.28 years supply of housing;*
- *Rate of build is governed by developers (marketing/demand) and that developers (as in an appended Fareham BC report) will hold back delivery to suit the market/demand. The recent new builds in West End are struggling to be sold;*
- *Wider view of housing demand (to include SHMA partners and other neighbouring Boroughs) should be taken; and*
- *A request to defer this application.*

*The Planning Policy Manager has provided an updated position in relation to housing land supply for the Borough, and has been appended to this update.*

*The applicant has requested an extension to complete the required legal agreement for SANG delivery and retention to 10 March 2016, with any required further extensions agreed by the Executive Head of Regulatory.*

*The applicant has confirmed that they also wish to provide a unilateral undertaking to provide affordable housing and a SAMM payment in line with adopted policy/SPD. The Council considers that these matters can be considered at the reserved matters stage (when the number/size of units is known)*

***CHANGE TO RECOMMENDATION:***

***To extend the time period to complete the legal agreement for SANG delivery and retention to 10 March 2016, with any required extensions to be agreed by the Executive Head of Regulatory.'***

Members were further advised that the extension of the time period to complete the legal agreement should read 11 March 2016. In addition informative 3 would be amended to relate to condition 15 and not 14 as detailed in the report. In addition the Committee was advised of details regarding the council's housing land supply.

The Ward Member had concerns about various issues including road safety and flooding. It was requested that should the Committee be minded to approve the application, that any reserved matters would be brought back to Committee.

Members were advised that although there had not been any comments in the report from the Council's drainage officer, the Local Lead Flood Authority had made comments and recommended conditions 9, 10 and 11.

Some Members also had concerns regarding the safety as the proposed access would be on a bend in the road. Officers advised that condition 15 proposed a speed reduction scheme.

The Committee sought clarification on why policy H8 of the Core Strategy had been disregarded by the inspector at appeal, which stated that reserved sites should not be developed. Officers referred Members to page 61 of the report which stated that the inspector advised greater weight to the NPPF than local policies.

**Resolved that application 15/0884 be approved subject to conditions and the satisfactory legal agreement to secure the delivery and retention in perpetuity of a Suitable Accessible Natural Greenspace (SANG) by 11 March 2016.**

**In the event that a satisfactory legal agreement has not been received by the 11 March 2016 to secure SANG provision/retention, the Executive Head - Regulatory be authorised to refuse the application for the reasons as set out in the report of the Executive Head – Regulatory.**

**Note 1**

It was noted for the record that Committee Members had received correspondence from the West End Action Group.

**Note 2**

As the application triggered the Council's public speaking scheme, Mr Bain and Mr Consterdine spoke in objection and Mr Woolf spoke in support.

**Note 3**

The recommendation to approve the application was proposed by Councillor Edward Hawkins and seconded by Councillor Colin Dougan.

**Note 4**

In accordance with Part 4 Section D paragraph 18 of the Constitution, the voting in relation to this application was as follows:

Voting in favour of the recommendation to approve the application:

Councillors, Richard Brooks, Nick Chambers, Vivienne Chapman, Colin Dougan, Surinder Gandhum, Edward Hawkins, David Mansfield and Robin Perry.

Voting against the recommendation to approve the application:

Councillors Dan Adams, David Allen, Katia Malcaus Cooper, Victoria Wheeler and Valerie White.

**46/P Application Number: 15/1047 - The Castle Grove Inn, Scotts Grove Road, Chobham GU24 8EE**

The application was for the erection of a two storey rear extension following the part demolition and conversion into 2 three bedroom semi-detached houses and 1 one bedroom bungalow with parking and access. (Amended plans rec'd 08/01/16).

This application would normally have been determined under the Council's Scheme of Delegation for Officers, however, at the request of a Local Ward Councillor it had been called in to be determined by the Planning Applications Committee.

The Ward Member had concerns about the junction and requested that the fence be lowered or removed at the junction to improve the sight lines. It was also noted that the pavement was non-existent where the fence had been installed, which caused a safety issue for pedestrians.

Some Members requested that a condition be added to remove all fencing and install bollards. Officers advised that the Local Planning Authority could remove the rights to put up any fences after occupation, by amending condition 5.

**Resolved that application 15/1047 be approved as amended subject to conditions as set out in the report of the Executive Head – Regulatory.**

**Note 1**

The recommendation to approve the application as amended was proposed by Councillor David Mansfield and seconded by Councillor Robin Perry.

**Note 2**

In accordance with Part 4 Section D paragraph 18 of the Constitution, the voting in relation to this application was as follows:

Voting in favour of the recommendation to approve the application as amended:

Councillors Dan Adams, David Allen, Richard Brooks, Nick Chambers, Vivienne Chapman, Colin Dougan, Surinder Gandhum, Edward Hawkins, Katia Malcaus Cooper, David Mansfield, Robin Perry, Ian Sams, Pat Tedder, Victoria Wheeler and Valerie White

**47/P Application Number: 15/0868 - Hook Meadow, Philpot Lane, Chobham GU24 8HD**

The application was for the change of use of former field shelter and erection of extensions to it, to form single storey dwelling house and creation of residential curtilage (retrospective).

This application would normally be determined under the Scheme of Delegation for Officers, however, the application had been called in by Member's for consideration by the Planning Applications Committee.

A site visit took place at this site.

Members were advised of the following update:

1. *'The text at para 7.5.7 of the Committee Report is to be replaced by that below:*

*The representations that the applicant has made in relation to this matter have been carefully considered in compliance with the Human Rights Act 1998 and on balance it is considered that although Article 8 may be engaged this is necessary in a democratic society. Further, the same issues were considered by the HHJ Seymour when granting the Injunction in the High Court.*

2. *In response to the Committee Report the applicant has circulated a 9 page written response to Members. From this it is clear that the applicant wishes the application to include planning permission for the porch and lounge extension. The matter is therefore presented to planning committee as an application for the change of use of the former field shelter and the extensions erected. Accordingly para 4.2 of the Committee Report is deleted.*

*The material considerations against which the planning application is assessed does not however change and the principal considerations remain as detailed below:*

- a. Whether the development can reasonably be considered works of conversion?*
- b. Whether the new build development is appropriate development in the Green Belt?*
- c. Whether any form of SPA mitigation should be secured (in the event planning permission is to be granted)?*
- d. Whether there are very special circumstances present?*

*Officers conclude that the assessments undertaken in the Committee Report remain valid, the development cannot reasonably be considered works of conversion, the new build does not meet any of the tests in the NPPF to not be inappropriate development in the Green Belt. There was no lawful residential occupation of the site prior to the SPA designation and there are no very special circumstances present to clearly outweigh the harm to the Green Belt which would otherwise arise.*

*The inclusion of the extensions in the application does, however, mean that the first reason for refusal in the Committee Report must be amended and as such this is revised below:*

*The Local Planning Authority is not satisfied that the former field shelter was of permanent and substantial construction as required by paragraph 90 of the NPPF and as such, the authority cannot reasonably conclude that the building was suitable for conversion to a dwelling house. Moreover the application is not supported by any evidence or plans demonstrating how*

*substantive structural or other elements of the former field shelter were utilised or retained in the works undertaken in the creation of the dwelling house. It is not therefore considered the applicant has sufficiently and robustly demonstrated that works do not comprise the erection of a new dwelling house as alleged in the extant enforcement notices or addressed by the Appeal Inspector at paragraph 2 of the appeal decision letter (ref: APP/D3640/C/09/2117978 dated 24 May 2010). This element of the proposal is therefore inappropriate development in the Green Belt which is, by definition, harmful and by its very nature causes harm to the openness of the Green Belt. Moreover, the creation of the residential curtilage to serve as garden land to the unauthorised dwellinghouse and the extensions undertaken to form the porch and the lounge causes further harm to the open and undeveloped character of the area and results in an enclosed and domesticated area of land, while the extensions increase the scale and mass of the unauthorised dwellinghouse. The resulting countryside encroachment is contrary to the purposes of including land in the Green Belt and reduces Green Belt openness. As such the development is contrary to the aims and objectives of the Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.*

- 3. For the sake of completeness a copy of the enforcement appeal decision is provided - Members attention is drawn to paragraph 2 wherein the Inspector concludes that the works undertaken were not works of conversion but the erection of a freestanding structure.*
- 4. The LPA has been copied into correspondence between the applicant and Natural England (NE). This correspondence relates to the need to mitigate the application's impact on the Thames Basin Heaths SPA. The applicant considers that mitigation is not required as she was in residence on the site prior to the SPA designation in March 2005. NE has advised that if the applicant can prove her occupation of the land occurred prior to this date mitigation is not required. However, it is noted that the applicant's appeal against the enforcement notice on the grounds the works were lawful by the passage of time was dismissed and as such there has been no lawful residential occupation of the land. In similar cases the LPA has rejected claims that periods of unlawful residential occupation of sites justifies setting aside the requirement for SPA mitigation to be secured. This approach has been accepted by appeal inspectors and contributions towards SPA mitigation secured.*
- 5. A response of no objection has been received from the Environment Agency and as such no objection on flood risk grounds is raised.*
- 6. One further letter of support bringing the number to 24 has been revived. This raises the following matters:*
  - a. Precedence – others have been allowed*
  - b. This is a residential use in a residential area*
  - c. The delay in validation is unacceptable*
  - d. The application would not set a precedence*

- e. *The applicant has simply turned a field shelter into a habitable dwelling as she had nowhere to go*
7. *An objection has been received on behalf of the Chobham Society. This raises the following matters:*
- a. *Inappropriate development in the Green Belt*
  - b. *The site is in the flood plain*
  - c. *Precedent*
  - d. *The applicant has flouted the enforcement notices*
8. *The applicant has responded to the letter of objection and comments:*
- a. *It is too late for the comments to be considered as relevant*
  - b. *There are cases of precedence having being set*
  - c. *Every application is decided on its own merits; i.e. the fear of setting a precedent is not a reason for refusal nor is the existence of any enforcement notices*
  - d. *Questions whether the author 'is part of and represents The Chobham Society'*

Members were also advised that the Environment Agency had raised no objection to the proposal.

A Member spoke on behalf of a resident who was in support of the application.

Whilst Members had sympathy for the applicant, it was however noted that there had been a public enquiry and planning permission had not been sought prior to the development.

Some members asked whether a permission could be granted that was limited to the lifetime of the applicant. Officers advised this was not the application before them and further, the enforcement action had gone through a public inquiry process and a High Court Judge in recent injunctive proceedings. These acknowledged the harm to the Green Belt.

Members asked what were 'very special circumstances'. Officers explained these were part of the planning test which might justify development by the applicant taking place in the Green Belt. However, officers stated that the applicant's circumstances had not changed to alter their view set out in the report and this was acknowledged in the High Court injunction, which also applied to the extension works carried out.

**Resolved that application 15/0868 be refused for the reasons as set out in the report of the Executive Head – Regulatory.**

**Note 1**

As the application triggered the Council's Public Speaking Scheme, Miss Hook, the applicant spoke in support.

**Note 2**

The recommendation to refuse the application was proposed by Councillor David Mansfield and seconded by Councillor Ian Sams.

**Note 3**

In accordance with Part 4 Section D paragraph 18 of the Constitution, the voting in relation to this application was as follows:

Voting in favour of the recommendation to refuse the application:

Councillors Dan Adams, Richard Brooks, Nick Chambers, Vivienne Chapman, Colin Dougan, Surinder Gandhum, Edward Hawkins, David Mansfield, Robin Perry, Ian Sams, Pat Tedder, Victoria Wheeler and Valerie White

Voting against the recommendation to refuse the application:

Councillors David Allen Katia Malcaus Cooper

Chairman

**Minutes of a Meeting of the Audit and Standards Committee held at Council Chamber, Surrey Heath House on 17 December 2015**

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+ Cllr Valerie White (Chairman)  
+ Cllr Paul Innicki (Vice Chairman)

+ Cllr Rodney Bates  
- Cllr Edward Hawkins  
Cllr David Lewis

+ Cllr Jonathan Lytle  
+ Cllr Bruce Mansell

+ Present  
- Apologies for absence presented

Substitutes: Cllr Ian Sams (In place of Cllr Edward Hawkins)

In Attendance: Charlotte Goodrich and Neil Hewitson

**7AS Minutes**

The minutes of the meeting held on 15 July 2015 were agreed and signed by the Chairman.

**8AS Treasury Report**

Members received a report on the Treasury Management Service Performance for 2014/15 as at the 30 September 2015 and compliance with the Prudential Indicators for 2015/16.

It was noted that there had been more borrowing this year to purchase property in order to increase income. The increased income would pay for the interest on the borrowing. Members requested information on the value of the properties which the Council owned. This would be emailed to Members. It was noted that the draft accounts were published on the Council website.

There was some concern regarding the funds with the Icelandic Banks and the following was discussed:

- All investments with the Icelandic Banks had been repaid but some was trapped by currency controls. The Council would have to wait for these to be lifted before access could be made to the funds;
- The funds however, were earning interest whilst held until the currency controls were lifted;
- There were 50 other Local Authorities in the same situation;
- The Local Government Association was investigating how to convert the interest; currently the interest was being added to the balance.

**Resolved that:**

- i) the report be noted; and**

**ii) details of the value of property owned by the Council be emailed to Members.**

**9AS Internal Audit Recommendation as at December 2015**

Members received a report on the status of the internal audit recommendations as at December 2015. Members were advised that the Council operated a classification system of 'essential', 'desirable' and 'best practice' for the audit recommendations. There were no essential recommendations outstanding.

Some Members asked how audit recommendations classified as 'desirable' and remain outstanding, were chased and implemented if they were not escalated to Members or management. Members also discussed the possibility of bringing to committee 'desirable' recommendations that hadn't been implemented after a certain period of time, and where they hadn't been subject to a separate audit, or been superseded by another recommendation.

**Resolved that the report be noted.**

**10AS Update on Financial Statements - verbal update**

Charlotte Goodrich and Neil Hewitson from KPMG addressed the Committee with regard to the financial statements. Work was still ongoing regarding the auditors opinions on the financial statements but the certification for housing benefit had been completed.

Members sought clarification as to when the draft accounts would be finalised. They were advised that the accounts required adjustments and these were currently being examined by the auditors.

Some Members noted that this had been the first time that there had been an issue on this scale and requested clarification on the details of the delay in finalising the accounts. Members were advised that it had been due to a combination of technical issues, previous errors under the old financial system and staffing issues. KPMG added that the reasons for the delay also included the capacity and capability within the finance structure, a significant change in the ledger and the fact that some basic core financial controls had not operated throughout the year e.g. monthly bank reconciliations where the interfacing had with the new system had not worked. This has now been rectified.

Some Members were concerned about this and requested that a report be provided to Committee outlining how this could be prevented from happening again.

Members were informed that measures had been put in place to prevent the issue arising again. Some Members asked who had recommended the software and were advised that it had been chosen through a tendering process. However, due to the issues encountered with the system, the final invoice was in dispute.

The final accounts would be signed off in time for the next Audit and Standards Committee meeting in March. It was requested that a report be provided for this

meeting outlining what the specific issues had been and assurances that it would not happen again.

Members were advised that the delay in finalising the accounts would not incur any financial penalty however, the breach would be flagged to the National Audit Office and published on the website.

**Resolved that:**

- i) the report be noted; and**
- ii) a report be brought to committee in March outlining the issues which had delayed the finalising of the accounts and ensuring a mechanism had been put in place to prevent this delay happening again.**

**11AS Spending Review 2015 - verbal update**

Members received a presentation on the spending review 2015.

The Committee was advised of the following:

- National targets for the spending review and the funding reductions
- Allocations to main departments (Defence, Work and Pensions, Home Office, Education, DCLG, Health and Business Innovation and Skills)
- Projection for Local Government Funding up to 2019/20
- Although business rate income would be increasing through retention, the revenue support grant would be decreasing. It was noted that 50% of the business rates income would go to Central Government, 10% to Surrey County Council, 40% to Surrey Heath plus the fixed tariff to Surrey County Council. Depending on the amount of income generated, because of the fixed tariff this could mean that the Council would actually receive less once the dividends had been allocated.
- New Homes Bonus – the incentive would remain but it was likely to be reduced and the borough county/split altered.

It was concluded that:

Nationally

- Settlement was not as bad as initially expected but details required
- Local Government would still be taking largest slice of cuts
- Consultation on finance reforms would herald huge changes

Locally

- No Government Funding for services
- Government assumed that Council Tax would rise
- Unable to know whether Surrey Heath would benefit at this stage
- Finance reforms would lead to greater risk and volatility in funding
- Important to ensure building homes continued

Members were also advised that the Government settlement had been announced:

- Grant to fall from £965k in 2015/16 to £360k in 2016/17 and Nil thereafter
- Referendum threshold with regard to Council Tax set at 2%
- 13.5 % reduction in funding up to 2019/20 assuming increase in Council Tax (£1m cash)
- New Homes Bonus to be reduced to 4 years from 6

It was noted that it would be challenging times ahead and would be important to generate income and work collaboratively with other Local Authorities.

The presentation would be emailed to Members.

**Resolved that:**

- i) the report be noted; and**
- ii) the presentation be emailed to Members.**

Chairman

**Minutes of a Meeting of the Licensing  
Committee held at Council Chamber,  
Surrey Heath House on 14 January  
2016**

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

+ Cllr Nick Chambers	+ Cllr Jonathan Lytle
+ Cllr Mrs Vivienne Chapman	+ Cllr Bruce Mansell
- Cllr Surinder Gandhum	+ Cllr Nic Price
+ Cllr Ruth Hutchinson	- Cllr Conrad Sturt
+ Cllr Paul Ilnicki	+ Cllr Pat Tedder
- Cllr Rebecca Jennings-Evans	+ Cllr Valerie White
- Cllr Oliver Lewis	

+ Present

- Apologies for absence presented

Substitutes: Cllr David Lewis (In place of Cllr Oliver Lewis)

In Attendance: Tim Pashen, Derek Seekings, Lee Brewin and Paula Barnshaw

**14/L Minutes**

The minutes of the meeting held on 4 November 2015 were confirmed and signed by the Chairman.

**15/L Statement of Licensing Policy**

The Committee received a report on the review of the Statement of Licensing Policy for 2016 -2021.

It was noted that the time between the close of the consultation to the Licensing Committee meeting had not been long enough to complete the review of the policy. It was proposed that an additional meeting be arranged for the 8 February to finalise this. The policy would then be submitted to Council for adoption.

Members were advised that the statement used to be reviewed every three years but legislation had changed this to five years. However, it was proposed that there could be an interim review of the statement.

The Committee was advised that 2200 consultation letters had been sent out and there had been 18 responses which were noted. Members discussed the response from Surrey Police and the Executive Head – Community agreed to ask Surrey Police for more data, particularly the times of any alcohol related offences.

Members were advised that in accordance with the change in legislation in 2011, cigarette vending machines had been banned from licensed premises. It was proposed that any paragraphs relating to tobacco vending machines be removed. (Paragraphs 36 and 46 refer). It was agreed to remove paragraph 37 also as it

included reference to cigarettes and it appeared confusing after Members agreed to remove paragraph 36.

Paragraph 70 seemed to be incomplete. Officers would check this and report back to Committee. The Committee discussed paragraph 72 and felt that each licensing application would be dealt with on its own merits and licensing hours sought were broadly comparable, therefore this paragraph was not appropriate. It was proposed that this paragraph also be removed.

It was noted that public health did not form part of the remit for the Licensing Authority; therefore paragraphs 7 and 8 would be rewritten following consultation with the Chairman and the legal officer. In addition paragraph 111 would be amended.

Paragraph 157 would be amended to include information regarding Public Space Protection Orders. The Committee was advised that members as well as residents could make concerns known to the Licensing Authority regarding any anti-social behaviour in public spaces.

A statement on how the Equality Act provisions would be addressed and would be included (no longer the Disability Discrimination Act in paragraph 28) in the statement. Officers had thought about provisions and would finalise accordingly.

**Resolved that**

- i) the amendments set out above be made to the Statement of Licensing Policy, and**
- ii) the Statement of Licensing Policy be brought back to the Licensing Committee on 8 February 2016 to agree the amendments and recommend to Council for adoption.**

Chairman

**Minutes of a Meeting of the Licensing  
Committee held at Council Chamber,  
Surrey Heath House on 8 February  
2016**

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

+ Cllr Nick Chambers	+ Cllr Jonathan Lytle
+ Cllr Mrs Vivienne Chapman	+ Cllr Bruce Mansell
+ Cllr Surinder Gandhum	+ Cllr Nic Price
+ Cllr Ruth Hutchinson	- Cllr Conrad Sturt
+ Cllr Paul Ilnicki	+ Cllr Pat Tedder
- Cllr Rebecca Jennings-Evans	+ Cllr Valerie White
Cllr Oliver Lewis	

+ Present

- Apologies for absence presented

In Attendance: Cllr Ian Cullen

**16/L Minutes**

The minutes of the meeting held on 14 January 2016 were confirmed and signed by the Chairman.

**17/L Statement of Licensing Policy 2016 - 2021**

The Committee was reminded that at its meeting on 14 January 2016 it had reviewed a revised Statement of Licensing Policy. At that meeting the Committee had considered and agreed a number of aspects of the revised Statement. In addition, it had also requested that further changes be made in consultation with the Chairman and Legal Advisor, which would be brought back to the Committee to review prior to it recommending its adoption to the Council.

Members reviewed the revised Statement and noted the changes which had been made since the previous meeting. It was agreed to further clarify any requirements in relation to the ratio of adults where there was the provision of entertainment specifically for children and incorporate this in the Statement if relevant.

**RECOMMENDED that the Statement of Licensing Policy 2016 - 2021, as attached at Annex A to these minutes be approved.**

**18/L Licensing Sub Committee Minutes**

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

Chairman

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# **SURREY HEATH BOROUGH COUNCIL**

## **LICENSING ACT 2003**

### **SECTION 5**

## **STATEMENT OF LICENSING POLICY**

**2016 - 2021**

This licensing policy has been determined by the Council for the five year period commencing 24/02/2016 with a view to promoting the four licensing objectives set out in section 4(2) of the Licensing Act, 2003. These objectives are:

1. the prevention of crime and disorder;
2. public safety;
3. the prevention of public nuisance; and
4. the protection of children from harm.

The Council as licensing authority when determining applications that have been the subject of representations will only refuse the grant of a licence or impose conditions if this is necessary to achieve or promote the licensing objectives.

During the five year period the policy will be kept under review and the Council will if necessary, after appropriate consultations, make such revisions to it as may be considered appropriate. Any amendments will be incorporated in the licensing statement after each review. The statement of licensing policy will be reviewed and published with amendments, if any, at least once every five years.

### **GENERAL**

1. Surrey Heath is located in the northwest corner of Surrey and is home to over 86,000 people. Camberley Town Centre is the largest shopping and business area within the district and the largest cluster of entertainment venues is situated in this town area. The town area has been further developed to include increased shopping facilities, restaurants, a multiscreen cinema and a ten pin bowling complex. Much of the Borough remains undeveloped and parts are covered by the 'Green Belt'. Most areas are primarily residential in nature but there are large tracts of heathland and open green spaces. The agriculture and farming business element of the area is now virtually non-existent and areas formerly used for these purposes are now very often used in connection with open air recreational activities. Licensable activities as defined within the Licensing Act are very often complementary to these recreational activities. The Camberley Town Centre Area Action Plan sets out guidelines for development over the next 20 years. The vision for the town centre is to offer a wide range of shops, excellent leisure facilities, high quality office premises, residential opportunities and a full range of community services for the local and wider community. The Town Centre's growing role as a leisure and cultural destination will be supported. Its main characteristics include a key civic and cultural role, a growing night time economy and as a major employment centre.

2. There are numerous public houses, restaurants, clubs, community centres and halls in the Borough where alcohol is sold or entertainment is provided on a regular or occasional basis and there are retail outlets for the sale of alcohol. Under the terms of the Licensing Act, the retail sale of alcohol and the provision of regulated entertainment can only take place in suitable premises that have been licensed by the Council and the people operating and managing these premises must hold appropriate licences.
3. Surrey Heath Borough Council is the Licensing Authority pursuant to the Licensing Act, 2003 being responsible for considering all applications for licensable activities, as defined in section 1 of the Act, within the Borough and determining licence applications in accordance with the provisions of the Act. The purpose of licensing is to regulate licensable activities in licensed premises, by qualifying clubs and at temporary events.
4. The Council has had regard to guidance given by the Home Office under section 182 of the Act when formulating the policies set out in this document. Decisions taken on applications for licences will have regard both to the guidelines issued by the Secretary of State and the licensing policy as set out below.
5. In the interests of speed, efficiency and cost-effectiveness the Council has, where possible, delegated licensing decisions and functions to officers of the Council. No matters will be determined under delegated powers if the matter to be decided is controversial, nor if the interests of any person, body or organisation would be jeopardised in the absence of a hearing or the determination of the matter under delegated powers is precluded by law.
6. All references to “the Act” in this document shall be deemed to mean “The Licensing Act 2003”. The Licensing Committee and the Adjudication Sub-Committee may both consider licence applications on behalf of the Council and where reference is made to the Adjudication Sub-Committee undertaking a function that function may be undertaken by the Licensing Committee. All references to guidance are reference to the guidance issued under Section 182 of the Act and references to premises also apply to club premises.

### **Licensing Objectives**

7. To achieve these objectives the Licensing Authority will use its full range of powers and engage all relevant responsibilities including its planning controls, transport controls, public safety and crime and disorder policies and powers. The authority will enter appropriate partnership arrangements, working closely with the police, the fire authority, trading standards, local businesses, community representatives and local people in meeting these objectives. Neighbouring authorities and parish councils will be consulted where appropriate.
8. Applicants for new licences are strongly advised to liaise with the Surrey Police Licensing Officer in relation to adopting measures to avoid crime and disorder problems in the premises to be licensed. The Council will also have regard to its strategies in relation to crime and disorder, and public safety, which are relevant to achieving the licensing objectives. The Council will consider health related evidence that directly links to a premises when their discretion is engaged after representation where it is considered to impact on one or more of the licensing objectives.

## **PARTNERSHIP WORKING AND INTEGRATING STRATEGIES**

9. The Home Office Guidance, [paragraph 13.56], recommends that Statements of Licensing Policies (SOLPs) should provide clear indications of how the licensing authority will secure the proper integration of its licensing policy with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and any other plans introduced for the management of town centres and the night-time economy. While many local strategies are not directly related to the promotion of the licensing objectives, they indirectly impact upon them. Co-ordination and integration of such policies, strategies and initiatives is therefore imperative.

In conjunction with Surrey's Licensing Forum, the Council will endeavour to:

- a. Work with partner agencies that are involved either directly or indirectly in delivery of the SOLP, including responsible authorities, local businesses and the local community.
- b. Ensure interrelated strategies and agendas which support delivery of the SOLP are identified and integrated, such as the countywide Substance Misuse Strategy, Surrey's Anti-Social Behaviour Strategy and borough and district Sustainable Communities Strategies.
- c. Identify and galvanise new and existing opportunities to develop, strengthen and foster partnership working in order to improve delivery of the SOLP.
- d. Undertake consultation and communication on licensing issues with all licensees, communities and their representatives.
- e. Ensure pro-active enforcement in line with the council's enforcement policy in order to achieve the licensing objectives.
- f. Work to reduce crime and disorder which exists in the close proximity to licensed premises.

## **PERSONAL LICENCES**

### **General**

10. In general a personal licence must be granted to any applicant aged 18 or over who possesses a licensing qualification or is a person of a prescribed description as determined by the Secretary of State for the Home Office. A licence shall not be granted if the applicant has forfeited a personal licence in the period of five years ending with the day the application was made. The police can oppose an application if the applicant has an unspent conviction for a relevant offence or a comparable foreign offence.

### **Policy**

11. Applicants who meet the criteria set out in paragraphs (a), (b) and (c) of sub-section 120(2) of the Act will be granted a personal licence in accordance with statutory requirements. Applications from people who do not meet the criteria will be rejected.
12. If the applicant has been convicted of a relevant offence or a foreign offence and the offence is not spent under the terms of the Rehabilitation of Offenders Act 1974 (as amended) the Police will be given notification to that effect. If the Chief Officer of Police is satisfied that issuing or renewing the licence would undermine the crime prevention objective the Chief Officer of Police must within 14 days serve an objection notice on the Council. If such an objection is lodged the application will be considered at a hearing before a Licensing Sub-Committee in accordance with the Council's approved hearing procedure.

13. In order to substantiate whether an applicant has unspent convictions for a relevant offence, applicants will be required to submit with their application a criminal conviction certificate or a criminal record certificate or the results of a subject access search of the police national computer by the National Identification Service. Applicants from foreign jurisdictions will be required to provide a certificate of good conduct from the country in which they have been residing for that period of time not covered by any criminal record disclosure. If necessary the certificate shall be accompanied by an English translation. If the country in which the applicant has been residing is not one that supplies such certificates, the applicant shall swear a statutory declaration as to whether or not they have been convicted outside of England and Wales of a relevant offence or an equivalent offence. Applicants shall be warned that the making of any false statement for the purpose of obtaining a licence is a criminal offence for which they may be prosecuted.
14. A hearing to decide whether or not an application should be approved will only take place if the Chief Officer of Police serves an objection notice on the Council. All representations made at the Licensing Sub-Committee hearing which are relevant to the grant or refusal of a licence will be taken into consideration. This may include details of any mitigating circumstances, the nature of any offences committed and the period of time that has elapsed since the date of conviction for those offences.
15. It will be for the Sub-Committee to decide on the basis of representations made whether or not the rejection of the application is appropriate for the promotion of the crime prevention objective. If the Sub-Committee decides that the rejection of the application is necessary for this reason it has no alternative but to reject the application. In all other cases the licence will be granted.

#### **Reason**

16. The Council has a statutory duty to process applications as set out above. For the purpose of exercising this duty it is necessary to ascertain whether applicants have relevant unspent convictions. The Council therefore feels that it is obliged to seek accurate and independent confirmation that applicants do not have such convictions. The Sub-Committee has the discretion to decide whether an objection notice makes it appropriate to reject an application in order to promote the crime prevention objective and in order to do this will give consideration to all relevant representations presented to it at a hearing.

### **PREMISES LICENCES**

#### **General**

17. A premises licence is required for any premises that are used for one or more licensable activity as defined in section 1 of the Act. Persons who may apply for these licences are defined in section 16 of the Act. Applications for licences have to be accompanied by the appropriate fee, a plan of the premises and an operating schedule in a form prescribed by the Home Office or in statutory instruments. Fee details and prescribed forms for applications and plans may be viewed on the Home Office and the Council's websites or can be obtained from the Licensing Section of the Council.
18. Applicants will be required to advertise their applications in a prescribed form and in a manner that is likely to bring applications to the attention of the interested parties who are likely to be affected.

## **Risk Assessment - Policy**

19. Some aspects of the operating schedule will therefore cover matters that would need to be addressed in a Risk Management Plan. Applicants for premises licences or for major variations of such licences are expected to conduct a thorough risk assessment with regard to the licensing objectives when preparing their applications. This risk assessment will indicate any necessary steps to be set out in an operating schedule to promote the four licensing objectives.
20. Risk assessments need to be comprehensive and address all relevant issues relating to the four licensing objectives. The risk assessment does not have to be submitted to the licensing authority or responsible authorities as part of the application but it may be of assistance in the application process if a copy of the assessment is provided to relevant bodies.

## **Reasons**

21. Risk assessment is an essential part of the application process that will assist applicants to develop the operating schedule that will form part of their application for a premises licence or club premises certificate. Although the risk assessment should not be submitted as part of the application it may assist the applicant to have copies available at any hearing which may be necessary to explain how the operating schedule will satisfy the licensing objectives. The need for a risk assessment to be undertaken by applicants is made clear in the official guidance from the Secretary of State.

## **Operating Schedules**

### **Policy in Relation to all Premises Where Alcohol is Supplied**

22. The following paragraphs are intended to give guidance to applicants on compiling operating schedules. It is not a requirement that all the matters that have been addressed should be included in an operating schedule. The Council as licensing authority will when considering any representations made in relation to operating schedules only have regard to whether all matters that are necessary to achieve or promote one or more of the licensing objectives have been included. If no representations are received the operating schedule will be accepted as written but representations may be avoided if relevant points as set out below are included.
23. Applicants will be expected to demonstrate in their operating schedule how they intend to be good neighbours to residents and to other business interests in the area. In addition applicants will be expected to propose practical measures to prevent disturbance to local residents and to indicate what action will be taken to prevent or reduce noise emanating from the premises.
24. The complexity and detail required in the operating schedule will depend upon the nature and use of the premises. For premises such as a public house where public entertainment is not provided only a relatively simple document will be required. For a major public entertainment venue it will be expected that issues such as public safety and crime and disorder will be addressed in detail. The Council will provide advice on the drafting of operating schedules.
25. The Licensing Act 2003 and the official guidance issued by the Home Office places a great onus on licence holders to identify and deal with the environmental and safety implications arising from the licensing of premises.

This approach avoids the prescriptive application of rules and regulations and it is the intention that the promotion of the licensing objectives will be closely tailored to the requirements of particular premises and operations.

26. The operating schedule should not duplicate statutory requirements including those set out in the Licensing Act, 2003 (e.g. not serving alcohol to persons under eighteen years old, not serving alcohol to anyone who is already intoxicated, etc.). The safety of the public should be addressed in the operating schedule but statutory requirements set out in the following legislation should not be repeated:

The Health and Safety at Work Act 1974  
The Workplace (Health, Safety and Welfare) Regulations 1992  
The Management of Health and Safety at Work Regulations 1999  
The Lifting Operations and Lifting Equipment Regulations 1998 (applies to lifts)  
The Provision and Use of Work Equipment Regulations 1998  
The Electricity at Work Regulations 1989  
The Fire Precautions (Workplace) Regulations 1997 (Enforced by the Fire Authority)  
The Regulatory Reform (Fire Safety) Order 2005  
Current Building Regulations (Where new building, or structural alterations are involved)  
The Health Act 2006 and regulations made there under (Prohibition of smoking in workplaces)

27. The Council is the enforcing authority for these Acts and Regulations except where indicated and is able to provide advice on compliance, through the Environmental Health Service.

28. **Equality and Diversity**

The Council encourages the promotion of a culturally diverse range of entertainment, which is available to all the community.

The Equality Act 2010 applies to all licensed premises and those who operate them. It also places a legal duty on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It is discriminatory to treat a person less favourably than another person, because that person has one or more of those protected characteristics.

Operators and applicants are obliged by the Act to make reasonable adjustments to help disabled persons access their goods, services and facilities where those persons would be at a substantial disadvantage compared to non- disabled persons and this extends to persons who are workers.

The Council has an Equality Strategy which sets out its approach to equality and diversity and how it implements the public sector equality duty.

29. The provision and maintenance of safe premises is considered fundamental to meeting the public safety objective. Applicants and licensees will therefore need to carefully consider how this will be achieved, taking into account the nature of the premises and the intended use.

Applicants should refer to the guidance issued by the Home Office, which provides a good overview of the measures that should be considered when preparing the operating schedule in relation to public safety.

30. The operation and management of the premises will also be critical to achieving the public safety objective and the Council will therefore expect this to be adequately addressed in the operating schedule. In particular the Council will expect the following matters to be addressed and, where necessary, implemented in premises licensed for any entertainment activities:
  - The maintenance of the premises and its systems and equipment with respect to safety
  - The development and implementation of safety procedures and safe working practices
  - Supervision, stewarding and security of the public, including the use of registered door supervisors, where appropriate.
  - The maximum numbers of patrons permitted on the premises (including where necessary limits in parts of premises, such as dance floors and bars) and how this will be controlled.
  - The prevention or control of illegal substances
31. Whether or not premises are likely to give rise to noise disturbance will depend on a number of factors including the size and nature of the venue, its location, the nature of the activities conducted, the nature of the clientele and the hours of operation.
32. For premises where noise disturbance is likely to occur, the Council will expect the operating schedule to address how it will be controlled. Applicants will need to take potential noise disturbance into account when considering their proposed hours for licensable activities.
33. Advice on how to minimise noise disturbance from licensed premises can be obtained from Environmental Services. Any guidance will be in keeping with the principles laid down in this policy and the official guidance from The Home Office.
34. The use of illegal and contraband substances in licensed premises is a matter of concern to the Council and the police. Where the use of these substances is likely to occur the Council will expect the operating schedule to detail what arrangements will be made to control the use of these substances. This will probably include the use of equipment that can be used to locate drugs, closed circuit television and drug boxes that customers can use to dispose of drugs that they may be carrying. These problems are most likely to occur in such premises as night clubs or public houses where a large element of entertainment is provided.
35. Under the provisions of the Health Act, 2006 smoking is not permitted in workplaces. This includes all indoor areas in premises to which the public or club members have access as these will also be working areas for staff. Smoking is permitted within a sheltered area that has a roof covering and is open on at least 50% of the sides. If this area is to be used for the consumption of alcohol or any other licensable activity it must be shown on the plans attached to the licence. An open structure which may be provided for smoking will not provide any noise attenuation and this has the potential for causing noise problems for residents in the vicinity.

36. In submitting an application for a premises licence or club certificate the applicant should indicate in their operating schedule whether facilities will be provided for patrons or club members to smoke and what arrangements will be made to avoid disturbance to adjoining residents.
37. Surrey County Council Trading Standards Service and the Police enforce the legislation that imposes a lower age limit on customers purchasing alcohol.
38. The Trading Standards Service and the Police work with licence holders, particularly in the off-licence trade, on how to set up systems to avoid sales taking place to under-age customers. The Trading Standard Service will, in response to complaints and local intelligence, continue to conduct regular covert test purchasing exercises. Both the Trading Standard Service and the Police believe there is a link between alcohol and a range of crime and disorder issues, and the Council will address these concerns.
39. In relation to the age limit on customers purchasing alcohol and some other goods, the Council will expect the operating schedule to show:-
- The arrangements that will be made to ensure that staff serving alcohol and goods subject to these restrictions, have received adequate training on the law relating to this subject.
  - Details of training material that will be issued to staff and the means that will be used through appraisals and tests, to ensure that staff have an understanding of the material.
  - How records will be kept to show details of the training that has been given, the training material that has been issued and the appraisal meetings and tests that have taken place to ensure that staff are aware of the requirements. Licence holders will be expected to keep these records on the premises, possibly in an employee's personal file, and to make them available for inspection by Trading Standards Officers and the Police if required.
40. The training that is given, that will need to be refreshed periodically, will be expected to ensure that staff have a basic knowledge of:-
- The licensing legislation.
  - Methods of checking identification for proof of age such as, driving licences or passports.
  - How to confront customers whom staff believe to be under 18 years of age and to demonstrate that this is within their capabilities.
41. The operating schedule will be expected to show the arrangements that will be made at the point of sale to ensure that the sale is directly authorised by a person aged 18 of years.
42. Licence holders will be encouraged to keep registers of transactions that have not been completed, because the customer has not satisfied age restriction requirements.
43. The Council will expect details of how these records will be kept to be included in the operating schedule to demonstrate that the responsibility for checking the age of

customers is taken seriously.

44. Refusal books should be kept on the licensed premises and be made available for inspection by the Council's Enforcement Officers, the Trading Standards Service or the Police. The refusals book should preferably give details of the name and age of the customer if possible and a description of the appearance of that person.
45. The Council will also expect provision to be made for closed circuit colour television systems to be installed in premises to help prevent and combat the illegal sale of alcohol and some other goods to customer aged less than a legal limit. Provision should also be made for periodic monitoring of the system or recording of images.
46. Details of the means used to record sales, particularly in premises where alcohol is not the main product sold, should be included in the operating schedule. The Council prefers the use of electronic systems such as a till prompt if the age of the purchaser needs to be checked. It is felt that this would assist employees to be aware of when such checks should be undertaken.

### **Reasons**

47. The operating schedule is intended to show how the licence holder will operate the premises to satisfy the licensing objectives. In this respect it is important that the applicant indicates how they intend to be good neighbours to residents and to other business interests in the area and the practical measures that will be taken to prevent disturbance to local residents and to reduce noise emanating from the premises. The restriction on selling alcohol to persons under the age of 18 needs to be enforced to protect children from harm and such restrictions are best enforced at the point of sale.

### **Operating Schedules in Relation to Premises Where Alcohol is Supplied for Consumption off the Premises**

#### **Policy**

48. The Council will expect the operating schedule to indicate the arrangements which will be made for selling alcohol in such a manner as to preclude purchases being made by customers who appear likely to consume the alcohol in the vicinity of the premises contrary to any legal restrictions.
49. Where alcohol is sold in conjunction with other items such as groceries, newspapers, confectionery etc. at a general check out point the operating schedule should indicate the arrangements which will be made for training staff employed at the checkout to ensure that they are conversant with licensing requirements.
50. Retail outlets selling other items in addition to alcohol will normally be permitted to sell alcohol at all times when the premises remain open for the sale of those other items. If, however, the premises are to remain open at times when the sale of alcohol is not permitted at the premises the operating schedule should indicate the arrangements which will be made to preclude any alcohol from being sold.
51. The operating schedule should also indicate what action would be taken to prevent the sale of alcohol to any person who appears to be intoxicated or acting in a disorderly manner.

## **Reasons**

52. Restricting the sale of alcohol to any person who appears to be intoxicated or who is acting in a disorderly manner is aimed at preventing crime and disorder. This also applies to those persons who purchase alcohol with the intention of consuming it in an area where the drinking of alcohol is not permitted as prescribed by the Council under the Criminal Justice and Police Act 2001.

## **Policy for Premises Where Alcohol will be Consumed and/or Where Entertainment will be Provided**

53. The Council will expect the operating schedule to indicate how the premises will be managed and operated so as to promote the safety of the public, prevent public nuisance to people in the vicinity, protect children attending the premises from harm and minimise the risk of crime and disorder in and around the premises.
54. Proposals for reducing noise emanating from these premises may include keeping doors and windows closed, providing adequate mechanical ventilation, reducing sound levels in conjunction with a sound limiting device and installing sound proofing to contain sound and vibration.
55. If it is envisaged that people will queue to enter the premises, the operating schedule should show how these queues will be supervised. Persons responsible for controlling these queues must be registered with the Security Industry Agency as door supervisors and the operating schedule should indicate how clear instructions will be given to these supervisors as to their duties and responsibilities.
56. The operating schedule will need to give details of the supervisory arrangements within the premises for controlling, where necessary, both staff and patrons.
57. The operating schedule will also be expected to specify the supervisory arrangements which will be made for patrons leaving the premises particularly late at night or early in the morning or when a large number of patrons leave the premises at or about the same time. When appropriate, this should include:
- assessing whether there is a problem and how best to deal with it;
  - erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors;
  - making loudspeaker announcements at the premises at appropriate times to the same effect;
  - instructing door staff to ask customers leaving the premises to leave the area quietly;
  - reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down;
  - ensuring the availability of licensed taxis, mini-cabs or appropriate public transport to take patrons away from the premises;
  - arranging for door supervisors, designated premises supervisors or a manager to patrol nearby streets in appropriate cases;

- banning from the premises people who regularly leave in a noisy fashion;
  - increasing outside lighting levels;
  - preventing patrons from using private forecourts for eating and drinking etc. after 23:00 hours;
  - providing from time to time, as necessary, a layout plan showing the use that will be made of all areas within the premises; and
  - specifying access and egress routes and ensuring that such routes are used by patrons.
58. The Council will expect the premises to be constructed to the highest possible standards of safety and that the requirements of health and safety at work and fire safety legislation has been satisfied. The technical standards published by the District Surveyors' Association shall be addressed where appropriate.
59. The Council may expect the operating schedule to specify the numbers of toilet facilities to be provided for patrons and their availability after closing time for patrons leaving the premises.
60. Operating schedules should include proposals to promote the prevention of crime and disorder. This is considered to be particularly important for premises remaining open late at night, or larger premises used for public entertainment such as a night club. Proposals could include providing close circuit television inside and outside the premises, and metal detection search facilities; instituting procedures for assessing and minimising risks associated with drinks promotions and measures to prevent the use and supply of illegal drugs. Other proposals might include employment of licensed door supervisors, appropriately trained staff and joining a pub watch scheme or similar organisation aimed at ensuring effective liaison with the local community.

### **Reason**

61. The Council takes the view that the matters set out above will need to be addressed to satisfy the statutory requirements as set out in sub-section 17(4) of the Licensing Act 2003 as all these matters are relevant to the promotion of the licensing objectives. The operating schedule will form the basis for conditions that will be attached to the premises licence or club premises certificate. It will then be unlawful not to comply with these conditions. It is accepted that section 19A of the Act has expanded mandatory conditions to address irresponsible promotions, in addition to other requirements and restrictions including an age verification policy, the availability of potable water, specific measures for the supply of alcohol and a ban on the sale of alcohol below cost price.

### **Conditions - Policy**

62. The Council can only impose conditions on premises licences based on the operating schedule and if relevant representations are received and the application has to be heard by the Council as licensing authority. Conditions will then only be imposed if after hearing the views of the applicant they are considered necessary for the purpose of promoting or achieving one or more of the licensing objectives.
63. Conditions attached to premises licences will focus on matters which are within the control of individual licensees. Attention will therefore centre on the premises and

places being used for licensable activities and the vicinity of those premises and places. In addressing these issues a primary consideration will be the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The licensing legislation will not be used as a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and therefore beyond the direct control of the individual, club or business holding the licence.

64. Conditions over and above statutory conditions and measures set down in the applicant's operating schedule will only be made if representations are made by a responsible authority or interested party.
65. Conditions attached to licences and certificates will be tailored to the individual style and characteristics of the premises and events concerned.
66. In drafting conditions, the Council will have regard to the guidance issued by the Home Office. Conditions will not be imposed that duplicate protection provided by other legislation relating to matters such as health and safety at work and fire safety.
67. Officers will seek to discuss proposed conditions in advance with either the applicant or their representative or both with the aim of achieving a mutually agreeable level of protection to the public and fulfilment of the licensing objectives.

#### **Reason**

68. The Council considers that the judicious application of licence conditions will make a positive contribution to the promotion of the four main licensing objectives. The Licensing Act 2003 empowers the Council to impose conditions where they are necessary for this purpose and they address representations made at a hearing.

#### **Location of Premises, Licensing Hours and the Prevention of Nuisance**

##### **General**

69. Licensing authorities are empowered, following representations and a hearing, to determine the hours when licensable activities may take place.
70. The Live Music Act 2012 and the Deregulation Act 2015 have amended the Licensing Act 2003. No permission is required for amplified Live Music or any playing of Recorded Music between 0800 and 2300 in certain circumstances provided the audience does not exceed 500. There is also a limit to the size of the audience for unamplified live music.

##### **Policy**

71. While recognising the benefits which could be derived from removing limits on the hours that licensable activities may occur which were previously in force, the Council also recognises that the risk of disturbance to local residents is greater when these activities continue late at night and into the early hours of the morning. The nature of the activities taking place, the location of the premises, the impact on the neighbouring area and the management of the premises are also very relevant to this consideration. Without proper safeguards it is felt that the risk of residents being disturbed by noise emanating from premises and patrons leaving those premises will increase as the night progresses.

72. The Council will endeavour to strike a fair balance between the needs of licence holders, the patrons of the licensed premises and the effect that those licensed premises will have on local residents particularly with regard to disturbance and noise.

#### **Reason**

73. The prevention of public nuisance is one of the four licensing objectives and the location of premises in relation to residential areas and in other sensitive places and the licensing hours for licensed premises are extremely relevant as to whether the licensable activities will cause a public nuisance.

#### **Location and Impact of Activity**

#### **Policy**

74. The Council will have particular regard to the impact on local residents of activities taking place at premises. In considering this matter at a hearing, the Council will expect to consider amongst other things, the level of impact that can arise from noise and vibration, litter, parking, people coming and going, crowds and queuing and whether the activities at the premises are likely to be particularly unacceptable late at night. Premises licence holders for premises remaining open after midnight, will be expected to have arrangements in place to control noise and the patrons of those premises late at night.

#### **Operating Hours for Licensable Activities**

#### **Policy**

75. **The times when licensed premises will be permitted to operate whilst licensable** activities are taking place will be decided on the merits of each application but licence holders will be expected to apply more stringent controls/procedures if the premises remain open after 23:00 hours. Operating schedules for premises remaining open after 23:00 hours will be expected to show
- the additional measures that will be taken by the licence holder/applicant to reduce noise and to monitor and control people entering and leaving the premises at a time when any disturbance caused is more invasive to residents. The level of these measures should be much higher for premises remaining open until late at night or into the early hours of the morning;
  - the sound attenuation measures for premises remaining open until midnight to reduce noise disturbance and where appropriate the monitoring arrangements for car parks close to residential areas to minimise disturbance caused by slamming doors, unruly behaviour in the car park or car head lights shining in the windows of nearby houses;
  - the additional provision which will be made in premises remaining open after midnight for an entrance foyer, closed circuit television in the foyer, a cloakroom, structured seating, adequate air conditioning, a dance floor and supervision by registered door staff. Where appropriate a “wind down” period when any recorded music is played at a lower volume and at slower rhythm may also be appropriate;

- for premises remaining open beyond midnight much higher standards would be expected for premises classified as nightclubs together with provision for a club membership scheme or an entry charge; and
  - for premises remaining open beyond 02:00 hours an assessment of the effect that these later opening hours are likely to have on people living and working in the vicinity of the premises.
76. Much of the borough is very sensitive to the impact of licensed activities because it is either residential in character or close to residential areas. Many shopping areas are adjacent to residential areas, including flats above commercial premises. In addition the impact of traffic and parking related to licensed premises can be considerable. Even where a majority of customers arrive on foot or by public transport, the additional parking demand may be significant, especially where there are already a number of licensed premises.

### **Consideration of the impact of licensed activities**

#### **Policy**

77. When considering whether any licensed activity should be permitted following the receipt of relevant representations, the Council as Licensing Authority will assess the likelihood of it causing unacceptable adverse impact by considering the following factors amongst other relevant matters:
- the type of use and number of customers likely to attend the premises;
  - the proposed hours of operation;
  - the means of access to and egress from the premises;
  - the scope for mitigating any impact;
  - how often the activity occurs
  - whether off street parking in the vicinity of the premises is likely to cause a public nuisance and if so the provision that has been made by the applicant to provide car parking facilities or to ensure that off-street parking is available
  - and, in considering any application which is already licensed, the Council will take into account any evidence:
    - of past demonstrably adverse impact from the activity especially on local residents;
    - public nuisance resulting from unacceptable levels of off street car parking in the vicinity caused by patrons of the premises and how this will be addressed by the applicant. This could include encouraging the use of taxis by patrons.
    - that, if adverse impact has been caused, appropriate measures have been agreed and put into effect by the applicant to mitigate the adverse impact.

## **Reason**

78. The prime purpose of this part of the policy is to achieve the licensing objective of preventing public nuisance. In furtherance of this aim the policy lists particular matters that the Council will take into account in considering whether a licensed activity is likely to cause an adverse impact, particularly to residents living in the vicinity of the premises.
79. The precise nature of the activity, especially for entertainment, will be a factor in considering the impact, principally in terms of the age and orderliness of the customers.
80. Levels of noise from licensed premises which may be acceptable at certain times of day may not be acceptable later in the evening or at night when ambient noise levels are much lower.
81. Disturbance to residents living in the vicinity of the premises caused by the arrival, queuing and departure of customers is likely to be unacceptable and if this is likely to occur should be addressed in the operating schedule.
82. Steps must be identified to mitigate or prevent any adverse impact and if such measures are reliable an activity may be licensed. In accordance with Government advice the decisions taken by the Council will focus on matters within the control of individual licensees and others granted relevant permissions and the steps they can take to achieve the licensing objectives. These matters will centre on the premises and places being used for licensable activities and the likely impact of those activities on members of public living or working in the vicinity of the premises concerned.
83. In taking its decisions the Council must accept the difficulty a licence holder has in preventing anti-social behaviour by individuals once they are beyond the direct control of that licence holder. Licence holders would, however, be expected to have direct control of their patrons whilst they are present anywhere on the licence holder's property including any buildings and surrounding land. However, the Council will, when considering representations, take into account that the licensing objective of preventing public nuisance will not be achieved if patrons from licensed premises regularly engage in anti-social activities to the detriment of residents or businesses in the vicinity of the premises. Furthermore it will also take into account its responsibility under the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder in the Borough.
84. The aim of the policy is to achieve a balanced approach to these difficult issues.

## **Tables and Chairs outside Premises**

### **General**

85. The provision of tables and chairs outside the premises either on the highway or on private land can enhance the attractiveness of the venue by encouraging a continental style café culture. Late at night people sitting at these tables can however contribute to noise problems by encouraging patrons and passers by to loiter rather than disperse.
86. The placing of tables and chairs on the public highway will need the consent of Surrey County Council. On private land no consent is needed

## **Policy**

87. So far as the public highway is concerned the County Council will generally only allow hours of operation of 9 a. m to 6 p.m. In predominantly commercial areas such as shopping centres hours of operation of 8 a.m. to 11 p.m. on Monday to Thursday, 8 a.m. to 11.30 p.m. on Friday and Saturday and 8 a.m. to 10.30 p.m. on Sunday may be permitted. At the conclusion of these hours the Council would subject to any representations that are received, expect the removal of these tables and chairs.
88. In the case of tables and chairs on private land the Council will expect the applicant to indicate in their operating plan the hours when these tables and chairs will be in use. The use of outside areas after 23:00 hours is likely to be unacceptable although this will depend upon the location of the premises.

## **Reason**

89. This policy is intended to strike a fair balance between the needs of those wishing to enjoy refreshment in the open air and the need to prevent safety and nuisance problems.

## **Table, Pole and Lap Dancing, Striptease**

### **General**

90. Striptease, table, pole or lap dancing only need licensing inasmuch as they will probably involve such licensable activities as performance of dance or live or recorded music. In considering any representations which may be made in respect of licence applications the Council must confine itself to the promotion of the licensing objectives. Although there might be moral or religious objections to striptease, table, pole or lap dancing the application cannot be refused or amended on these grounds. If the activity could lead to crime and disorder or was likely to be harmful to children or young adults then any representations made on these grounds could be considered and if adequate provision was not made by the applicant to avoid the risk of this occurring the application could be amended.

## **Policy**

91. Where licences are granted and the licensable activities could involve striptease, table, pole or lap dancing or similar adult entertainment it will impose conditions designed to ensure that children are not admitted to and cannot witness these activities and to prevent crime and disorder problems. For example an area proposed for striptease shall:
- be in a position where the performance cannot be seen from the street;
  - be in a designated area of the premises with segregation from the audience;
  - be in a position where the performers will have direct access to the dressing room without passing through or in close proximity to the audience; and
  - whilst striptease entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice shall be displayed at each entrance to the premises in a prominent position, so that it can be easily read by persons entering the premises, stating that “no person under 18 will be admitted”

92. To prevent the possibility of children seeing unsuitable advertisement the policy of the Council will be to provide that except with the consent of the Council there shall be no external advertising of the striptease entertainment either at the premises or in its immediate vicinity.
93. In considering the grant of applications involving striptease the Council will also have regard to any increase in the risk of public nuisance or disturbance to residents living in the vicinity and if these problems cannot be addressed will consider rejecting the application or attaching appropriate conditions.

### **Reason**

94. These policies are designed to further the licensing objective of protecting children from harm by preventing them from being exposed to unsuitable material or acts.

### **Other Controls**

95. Other means that will be used to control customers behaving in an anti-social manner when leaving licensed premises will include:
- positive measures to create a safe and clean environment in partnerships with local businesses, transport operators and other departments of the Council;
  - powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
  - enforcement by the police of the laws concerning disorder and anti-social behaviour, including the issue of fixed penalty notices;
  - the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
  - the confiscation of alcohol from adults and children in designated areas;
  - police powers to close down instantly for up to 24 hours any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises; and
  - the power of the police, other responsible authority or an interested party to seek a review (possible revocation) of the licence or certificate in question.
96. For a variety of reasons many of these mechanisms will be of limited effectiveness and value in dealing with anti-social behaviour away from the premises. This is why it is the policy of the Council to consider very carefully the grant of a licence, particularly when the hours sought extend into the early hours of the morning.

### **Protection of Children**

#### **Introduction**

97. The Act has allowed children under 16 years of age to be present at licensed premises under certain circumstances and subject to a number of constraints. Further constraints may be placed on the attendance of children in this age group and also people under 18 years of age at licensed premises at the discretion of the Council and licence holders. Prevention of harm to children is an important licensing

objective and the Council will therefore consider the circumstances obtaining at each premises on their own merits. The Council will not normally impose conditions requiring or prohibiting the admission of children to any premises, believing this should remain a matter of discretion for the licence holder. Each application will nevertheless be considered on its merits and conditions will be imposed to protect children if this is deemed appropriate.

## **Policy**

98. The Council will have particular regard to the safety of children when considering licence applications. Applicants will be expected to indicate in their operating schedules the measures that will be taken to protect children who will be present on
- the premises from harm and conditions may be imposed if these measures are considered to be insufficient. It will be important to address this issue for premises:
  - where entertainment or services of an adult nature or it involves table, pole, lap dancing or striptease are proposed;
  - where there have been convictions of members of the current staff at the premises for serving alcohol to minors or there is evidence to suggest that underage drinking takes place at the premises;
  - with a known association with drug dealing or drugs use;
  - where there is a strong element of gambling on the premises; and
  - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose service provided at the premises.
99. Access to premises may be precluded or limited for people under 18 years of age if it is felt that restrictions are appropriate to prevent harm to children. In these circumstances consideration will be given to adopting one or more of the following provisions:
- limiting the hours when children may be present;
  - specifying a minimum age for persons to be admitted;
  - prohibiting the admission of children under certain ages when particular specified activities will be taking place;
  - specifying requirements in relation to people under 18 years of age being accompanied by an adult; and
  - excluding all people under 18 years of age when any licensable activities are taking place.
100. Where there is provision of entertainment specifically for children (e.g. a children's disco) the Council will require the presence of sufficient adults to control the access and egress of the children and assure their safety.
101. Where the exhibition of films is permitted the authority will expect the age restrictions of the British Board of Film Classification (BBFC) to be complied with in respect of

the films to be exhibited. Any decisions taken by the Joint Film Licensing Committee, which has the authority to determine classifications on behalf of local authorities in Surrey including Surrey Heath Borough Council will, however, be taken into account.

102. In relation to specialist film festivals where it is desired to show films not classified by the BBFC the Council will, provided adequate notice has been given, classify the films concerned. To achieve consistency and the protection of children the Council will use the guidelines published by the BBFC.

#### **Reason**

103. These policies are designed to give licence holders flexibility to allow children to be present in appropriate areas within the licensed premises subject to the protection of children from harm licensing objective being met.

#### **Drugs**

##### **General**

104. The use of illegal drugs particularly those which are commonly referred to as 'recreational drugs' can hold grave dangers if misused and can even led to fatalities. Factors that have contributed to deaths from drugs include lack of drinking water, excessive drinking of water, an overly hot environment with inadequate ventilation, or a lack of adequate information about drugs.
105. Drugs alter the way people behave, so their distribution and possession is controlled by law. Controlled drugs are usually manufactured and supplied illegally, with criminal involvement in their distribution. Drugs manufactured illegally often vary in quality and strength. This puts people taking such drugs in danger.
106. The Council recognises that drug use by people in a club environment is not something that is relevant to all licensed premises. Many entertainment venues such as night clubs and dance venues can be popular both with recreational drug users and suppliers.

#### **Policy**

107. Holders of licences for premises where the use of drugs is likely to take place will be expected to take all reasonable action to prevent the entry of drugs into the premises, stop drugs changing hands within the premises and take all practical measures to prevent drug misuse.
108. In particular the Council will expect licensees of such venues to be familiar with the contents of the British Institute of Innkeeping Awarding Body Level 2 handbook for the Award in Drug Awareness for Licensed Hospitality Staff and to follow the recommendations of that handbook.
109. It is hoped that licensees will follow these recommendations on a voluntary basis. In the event of representations being made about the use of drugs at the premises could also lead to an application for the licence to be reviewed with the possibility of the licence being revoked.

#### **Reason**

110. The purpose of this policy is to further the crime prevention objective and to improve public safety by preventing a tragic loss of life caused by drug abuse, overheating and other factors.

## Planning

### Introduction

111. Any premises for which a licence is required must also have an authorised use under town planning legislation. This could be for:
- "Use for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises" (Use Class A3);
  - Drinking establishments, including pubs and wine bars (Use Class A4)
  - Hot Food takeaways for consumption off the premises (Use Class A5)
  - Assembly and leisure (Use Class D2) which includes concert halls, dance halls and indoor/outdoor sports and recreation;
  - a retail shop licensed for the sale of liquor e.g. an off-licence (Use Class A1); or
  - a hotel which has a restaurant or bar included in its authorised use (Use Class C1).
112. The references to use class come from the Town and Country Planning (Use Classes) Order 1987, as amended. The order classifies uses and labels them with a letter and a number. Not all uses come within a use class (sui generis).
113. The Council's planning policies are set out in the Surrey Heath Local Plan and are subject also to government requirements set in the National Planning Policy Framework and Planning Practice Guidance documents.
114. The impacts of proposals for Drinking Establishments (Use Class A4) and Hot Food Takeaways (Use Class A5) and Nightclubs (Use Class sui generis) will be considered in combination with other such uses within the town centre, in accordance with policy TC3 of the Camberley Town Centre Area Action Plan 2011-2028.
115. In general, planning consents authorise a type of use, whereas licences relate to a particular premises and operator and may only cover a part of the premises. A planning consent is attached to the premises and is usually permanent. Unlike a licence it cannot normally be reviewed or revoked. Planning is concerned with the premises and the use and hours proposed and it takes no account of the suitability or otherwise of the applicant.
116. Within certain limits, the activity may change without a new planning consent. A planning consent for an entertainment use, for instance, may cover activities that can have a wide range of different impacts in the locality. The precise nature of the impact of the specific activities proposed by a prospective licence holder needs to be considered when an application is made for a licence.
117. In some cases where an application is made for a licence the town planning use will already be authorised by a previous planning consent or because the premises has long-standing lawful use. A new application for planning consent is therefore often not required. However, three points must be made:

118. The existing planning consent might have conditions restricting the use of the premises in some way e.g. the hours of operation. In that case, anybody seeking a licence to operate beyond those hours would involve obtaining a revised planning consent or a relaxation or removal of the condition.
119. The existence of a planning consent (or lawful use) where there is no condition on the usage does not mean that a licence for late hours of operation or a particular entertainment would necessarily be appropriate. If an existing planning consent has conditions on the hours of operation it does not follow that a licence for a particular activity will be granted up to the hours specified in the planning consent.
120. Where a long standing planning consent has no condition on hours, or where there is lawful use without planning consent, it is likely there has been no rigorous consideration of late night impact during the planning process. Experience within the borough has revealed the importance of these issues and planning consents are no longer likely to be granted without such constraints.

### **Policy**

121. Applicants will generally already have appropriate planning consent or have applied for such consent before applying for a licence to use premises for licensable activities. An application for a premises licence does, however, have to be considered by the Council as licensing authority whether or not planning consent has been granted in respect of the premises.
122. The absence of planning consent would not be grounds for refusing the application but no use of the premises for licensable activities would be permitted until the licence had been issued and appropriate planning consent for the use of the premises for those activities had been granted. Similarly the licence holder will not be able to use the full hours permitted under the terms of a licence unless planning consent for the use of the premises for the purpose of that licence is in force.
123. The Executive Head – Regulatory acts on behalf of the Council in its capacity as a planning authority and as a responsible authority and may make representations on planning grounds in respect of any premises licence application where it is felt that licensing objectives will not be satisfied.
124. The Council will therefore consider applications for premises licences and club certificates in the absence of planning consent but it is recommended that planning consent should first be obtained.

### **Reason**

125. This policy is intended to avoid unnecessary duplication and thus to comply with the guidance.

### **Other Strategies**

126. The Council will integrate its various strategies to achieve the licensing objectives in the interests of clarity for applicants and effective determination.
127. Applicants for licences will be expected to have taken into account in determining their operating plans, local crime prevention strategies, planning and transportation policies and tourism and cultural strategies. Applicants will also be expected to address the prevention and clearance of litter and other waste materials arising from

the use of the premises.

## **Temporary Events and Permitted Temporary Activities**

### **General**

128. The Licensing Act 2003 makes provision for activities that would normally require a premises licence, but which are of short duration. This includes the sale or supply of alcohol, the provision of regulated entertainment and late night refreshment
129. Temporary events which will be attended by 500 persons or more at any one time and/or will last more than 168 hours (7 days) will require a premises licence. In other cases a licence will not be required and the Temporary Event Notice (TEN) procedure will apply, subject to the following restrictions:
- No more than 15 temporary events may be held on the same premises in any 12 month period preceding the date of the event in respect of which notice is given. The number of events may be further reduced if events last for more than one day as the total number of days covered by 15 temporary event notices must not exceed 21 days.
  - No person (other than a personal licence holder) may hold a temporary event more than 5 times a year.
  - Personal licence holders are limited to a maximum of 50 events a year (which does not over-ride the limit of 15 events per premises).
  - Individual temporary events on the same premises must be separated by at least 24 hours.
130. A premises licence is needed if any of these limits are exceeded.

### **Temporary Event Notices**

131. Any person intending to hold a temporary event is required to submit a Temporary Event Notice (TEN) to the Council at least 10 working days, not including the date of submission, before the event, using a statutory form supplied by the Council. Only persons over 18 are permitted to give a TEN.
132. The following information must be supplied:
- the licensable activities to which the proposal mentioned in section 1 subsection (1) of the Act (“the relevant licensable activities”),
  - the period (not exceeding 168 hours) during which it is proposed to use the premises for those activities (“the event period”),
  - the times during the event period when the premises user proposes that those licensable activities shall take place,
  - the maximum number of persons (being a number less than 500) which the premises user proposes should, during those times, be allowed on the premises at the same time,
  - where the relevant licensable activities include the supply of alcohol, whether

supplies are proposed to be for consumption on the premises or off the premises, or both, and

- such other matters as may be prescribed by the Government.

## **Policy**

133. The Licensing Authority will take all practical steps to bring details of TENs to the attention of Surrey Fire and Rescue Service and will liaise with the Police and the Fire Authority on all TENs received. The Police or Environmental Health may issue an objection notice to the Council within 3 working days, if they are of the opinion that the event would undermine the crime prevention objective set out in the Act.
134. If the Council receive an objection notice from the Police or Environmental Health a hearing will be held, to which the organiser will be invited and entitled to present witnesses. If the Council is satisfied that the event will undermine the crime prevention objective, it will serve a counter notice on the person who has submitted the TEN. The effect of a counter notice will be to prohibit the event.
135. The Council will also serve a counter notice if the basic requirements for a TEN are not met, for example if the numbers will exceed 499, or 15 events have already been held on the premises. A hearing will not be necessary in such cases.
136. The Council cannot impose any conditions on events covered by a TEN but will where appropriate issue advice to organisers on how to comply with the licensing objectives, in particular advice in relation to safety and the avoiding of public nuisance. The Council will also take action under health and safety and environmental legislation where necessary to ensure the safety and acceptability of temporary events.
137. Under the terms of the Act a TEN must be submitted not less than 10 working days before the proposed event. This is a very short period of notice, bearing in mind that the Council will need to issue appropriate advice and may have to hold a hearing. The Council will therefore encourage the organisers of temporary events to submit their TEN at least 28 days before the event. All publicity material and guidance issued by the Council on temporary events will include advice to submit TENs giving at least 28 days' notice.

## **Reasons**

138. The Council has a legal duty to implement the requirements of the Licensing Act 2003 in relation to permitted temporary activities. It is important that temporary events should be conducted in a safe and reasonable manner and the Council will issue advice and take action under other environmental and safety legislation with a view to achieving this. Early notice of events is sought to facilitate the effective administration of the legal requirements of the Act.

## **Late night refreshment**

### **General**

139. The provision of late night refreshment is a licensable activity under the Act and is defined as the supply of hot food, or hot drink that is immediately consumable for consumption on or off the premises to which the public has access between the hours of 11.00pm and 5.00am the following morning. A licence for this activity will be required even if the premises is licensed for other activities under the Act.

## **Policy**

140. The operating schedule must address how the four licensing objectives will be met, but the Council does not anticipate that a complex document will be required. The Council will expect the operating schedule adequately to address the issues of potential noise nuisance from the operation of the premises and the control of littering in the immediate vicinity of the premises.

## **Reasons**

141. It is anticipated that noise nuisance, crime and disorder and littering will be the main problems likely to be associated with this activity.

## **Enforcement**

142. Where necessary, enforcement action will be taken in accordance with the principles of the Enforcement Concordat and the Council's Licensing Enforcement strategy.
143. In particular regard will be given to the fundamental principles recommended by the Better Regulation Task Force for good enforcement. These are:
- Targeting - i.e. focusing on activities that give rise to the most serious risks or where hazards are least well controlled.
  - Consistency - i.e. similar approaches in similar circumstances to achieve similar ends.
  - Transparency - i.e. helping duty holders to understand what is expected and distinguishing between statutory requirements and guidance.
  - Proportionality - i.e. action taken should be proportional to the risk presented.
144. The Council has established protocols with the local Police and the Fire Authority on enforcement issues to avoid duplication and to provide for the most efficient deployment of Council, police and fire authority officers in respect of inspection of licensed premises and the enforcement of licensing law.
145. Surrey Fire and Rescue are primarily responsible for the enforcement of fire legislation in licensed premises and the Council will actively work in co-operation with them to ensure that fire safety is maintained at all licensed premises. This may include the imposition of conditions on licences relating to fire or public safety matters. In particular the Licensing Authority will pay particular attention to any comments or observation made by Surrey Fire and Rescue Service in respect of any application for a licence.
146. The policy of the Council will always be a light touch inspection regime for well managed and maintained premises with a targeted and graduated inspection and enforcement regime for problem and high-risk premises.

## **Late Night Levies and Early Morning Restriction Orders**

At the date of this policy, the Council has not determined whether or not to implement these powers, but consideration to these powers will be given within the life of this policy.

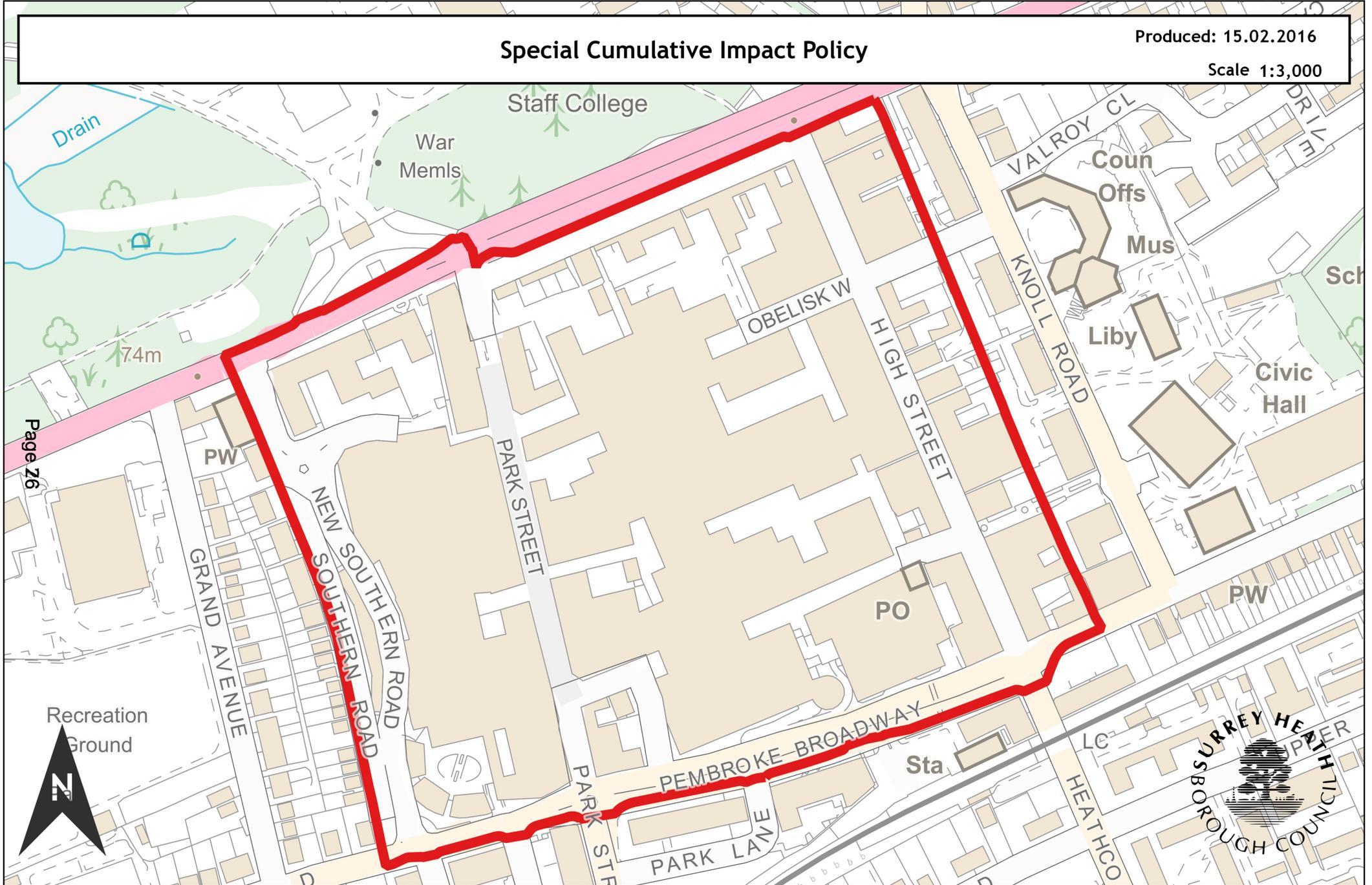
## CUMULATIVE IMPACT - SPECIAL POLICY

147. The Council will apply a special policy relating to cumulative impact as provided for by the guidance issued by the Home Office to the area of Camberley town centre bordered by High Street, Pembroke Broadway, Park Street and London Road (as shown on the attached plan). This area has been extended to encompass Southwell Park Road up to Southern Road and Lower Charles Street, back to the London Road, including the Atrium and surrounding premises. This area has been identified as being under stress because the cumulative impact of the concentration of late night and drink led premises in this area has led to serious problems of crime, disorder and/or public nuisance.
148. The evidence for this special policy is set out on the Licensing Act 2003, webpage.
149. This special policy creates a rebuttable presumption that applications within the town centre area for new premises licences or club premises certificates or material variations will normally be refused, if relevant representations are received about the cumulative impact on the licensing objectives, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced.
150. For the purposes of this special policy material variation shall be a modification to the structure or use of the licensed premises which would be likely to exacerbate crime and disorder problems arising from the cumulative impact of licensed premises within the town centre area.
151. Applicants will need to address the special policy issues in their operating schedules in order to rebut such a presumption.
152. Despite the presumption against grant, responsible authorities and any other persons will still need to make a relevant representation before the Council may lawfully consider giving effect to its special policy i.e. if no representation is received, the application must be granted (subject to such conditions that are consistent with the operating schedule and any mandatory conditions required by the Act). However, responsible authorities or any other persons can make written representation maintaining that it is appropriate to refuse the application for the promotion of the crime and disorder objective and referring to information which had been before the Council when it developed its statement of licensing policy.
153. The absence of a special policy in relation to any other area of the Borough does not prevent any responsible authority or any other person making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.
154. The Council will regularly review any special saturation policies to see whether they are still needed or should be expanded.
155. The Council will not take 'need' (i.e. the commercial demand for premises offering a particular type of licensable activity) into account when considering an application, as this is a matter for the market. However, the impact on the promotion of the licensing objectives of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and disorder outside and some distance from the premises. This is described as the 'cumulative impact', and is a proper matter for consideration by the Council.

# Special Cumulative Impact Policy

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Scale 1:3,000



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156. The Council will not use this policy solely:
- as grounds for revoking a licence or certificate when representations are received about problems with an existing licensed premises (after a licence or certificate has been granted or varied, a complaint relating to a general (crime or disorder or nuisance) situation in a town centre would not generally be regarded as a relevant representation if it cannot be positively tied or linked by a casual connection to particular premises), or
  - to refuse applications to vary an existing licence or certificate except where the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits of a premise, and are strictly necessary for the promotion of the licensing objectives.
157. The Council recognises that there are other mechanisms both within and outside of licensing regime that are available for addressing the impact of unlawful and anti-social behaviour and nuisance once consumers are away from the premises e.g.
- positive measures to provide a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council
  - the provision of CCTV surveillance in the town centre, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
  - powers to designate parts of the Borough as places where alcohol may not be consumed publicly
  - police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices
  - the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
  - the confiscation of alcohol from adults and children in designated areas e.g. use of the powers of confiscation contained in the Confiscation of Alcohol (Young Persons) Act 1997
  - police powers to close down instantly for up to 24 hours any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance
  - the power of police, other responsible authorities, including the Licensing Authority or any other person to seek a review of the licence or certificate in question
  - Public Space Protection Orders which can be used by a Council to restrict the consumption of alcohol in a public place.
158. The Council will address these issues in line with the strategic objectives for crime and disorder reduction within the Borough.

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**Minutes of a Meeting of the External Partnerships Select Committee held at Surrey Heath House on 19 January 2016**

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+ Cllr Paul Deach (Chairman)  
+ Cllr Dan Adams (Vice Chairman)

+ Cllr Ian Cullen	+ Cllr Adrian Page
+ Cllr Ruth Hutchinson	+ Cllr Robin Perry
+ Cllr Rebecca Jennings-Evans	+ Cllr Chris Pitt
+ Cllr David Lewis	+ Cllr Nic Price
+ Cllr Katia Malcaus Cooper	+ Cllr Darryl Ratiram
+ Cllr Alan McClafferty	+ Cllr John Winterton
+ Cllr Max Nelson	

+ Present

- Apologies for absence presented

Substitutes:

In Attendance: Cllr Ian Sams, Sarah Groom, Andrew Crawford, Cllr Rodney Bates, Cllr Bill Chapman, Cllr Mrs Vivienne Chapman, Cllr Bruce Mansell, Peter Close, Nigel Drury, Windsor Rackham and Linda Cornelia

#### **18/EP Chairman's Announcements and Welcome to Guests**

The Chairman welcomed the following guests, who had agreed to participate in the meeting:

- (i) Linda Cornelia – North West Surrey Services Manager, Alzheimer's Association;
- (ii) Paul Evans – Dementia Action Alliance Coordinator, Alzheimer's Society;
- (iii) Peter Close – Chairman, Camberley Care Trust;
- (iv) Windsor Rackham – Chairman, Lightwater Information for the Vulnerable and the Elderly; and
- (v) Nigel Drury – Community Connector, Surrey Heath Borough Council.

He also welcomed Councillor Ian Sams, one of the Committee substitute Members and those non committee Members attending this important meeting.

#### **19/EP Minutes**

The minutes of the previous meeting, held on 24 November 2015, were agreed and signed by the Chairman.

#### **20/EP Presentation - Dementia Friendly Surrey**

Linda Cornelia reported that there were 850,000 dementia sufferers in the UK, but this was predicted to rise to at least 2 million by 2051. Of the 850,000, 40,000 were under 65. The cost of addressing Dementia in the UK was in the region of £26 billion per annum.

There were estimated to be 16,400 dementia sufferers in Surrey, with 2/3rds living in the community.

Alzheimer's Society - With 2,500 staff and 10,000 volunteers nationally, the Alzheimer's Society provided 3,000 services across the UK, 70 of which were in Surrey, where the Society operated with 80 staff and 200 volunteers, providing everything from drug support/cafes to activity based services and peer support.

Surrey County Council had launched its Dementia Friendly Surrey drive 3 years ago and was now looking to roll the programme out in all 11 Boroughs.

Dementia Friendly Communities - The Alzheimer's Society had been contracted, over a 2 year period, to establish Dementia Friendly Communities in every Borough, these being communities who understand what dementia is and the effect that it has on people living with it and their carers.

Dementia Action Alliances - The Society was seeking to develop a Dementia Action Alliance (DAA), that being a network of individual organisations, working together to create an environment where people with dementia and their carers were supported to continue to live independently. The range of organisations included GP surgeries, supermarkets, libraries, garden centres, bus companies and many more, as well as statutory authorities.

DAAs look to raise awareness, engaging different sectors of society to create networks that would enable people to work together for dementia friendly communities that were sustainable. They also looked to put the views and opinions of people with dementia at the heart of consideration and decision making.

In response to Members questions, Paul Evans noted that:

- (i) Although some forms of dementia were hereditary, this was not so in most cases;
- (ii) There were over 100 types of dementia, including vascular. Some triggers had already been identified, but, whilst the Society spent at least £10 million each year on research, the numbers facing various forms of dementia were rising and research funding overall continued to be severely limited in comparison to that allocated to other conditions;
- (iii) One successful initiative, in Newcastle and Chester involved certain supermarkets having a number of 'no hurry' checkouts;

Councillor Mrs Vivienne Chapman welcomed the Dementia Friendly Surrey Initiative and outlined measures being developed in Surrey Heath, including developments at the Windle Valley Centre and the establishment of a Surrey Heath Partnership Board which would lead in the drive to develop a dementia friendly Borough.

Councillor Paul Deach emphasised the importance of good communications and the use of social media to get the message out.

Councillor Rodney Bates encouraged all Members to become Dementia Friends and requested further Member training on dementia.

On behalf of the Committee, the Chairman thanked Linda Cornelia and Paul Evans, encouraging them to present an update to a later meeting and to continue work with organisations in the Borough to achieve a dementia friendly community.

**RESOLVED that**

- (i) The presentation be noted;**
- (ii) Officers be asked to explore further training for both Members and Officers;**
- (iii) The Surrey Heath Partnership be encouraged to invite the Alzheimer's Society to make a presentation to an early future meeting;**
- (iv) Officers include an article in a future Heathscene magazine on Dementia Friendly Surrey;**
- (v) The Media Team be asked to promote Dementia Friendly Surrey on social media; and**
- (vi) The video "Small changes help make a dementia friendly community" be circulated to all Members.**

**21/EP Presentation - Camberley Care Trust**

Peter Close, the Chairman of the Camberley Care Trust, reported that the Camberley Care Trust originated from a proposal in 1974, by the Minister of Camberley United Reform Church for local churches to set up a telephone help line. The vast majority of pleas for assistance involved transportation and a voluntary car service was formed to address this need. In October 1987, a decision was taken to form a charitable trust called the Camberley Care Trust.

The aim of the Trust is to enable elderly, vulnerable, disabled and needy to remain in their homes for as long as possible. As part of that thrust, the Trust decided, in 2000, to establish a Handyman Service. The car scheme was limited to Frimley and Camberley, as there were similar services elsewhere in the Borough, but the Handyman Service was available across the Borough.

The Trust were based in the Ian Goodchild Centre, opening 5 days a week, from 8.30 a.m. till 4.30 p.m., Monday to Thursday and from 8.30 a.m. till 3.30 p.m. on Fridays. The Trust had 10 trustees, including the Chairman and Treasurer, all volunteers with a range of professional qualifications and experience. It had one full time paid administrator and had recently appointed a further part-time

administrator. They, in turn, were supported by volunteer 'Duty Officers'. The Trust also recently appointed a social media volunteer.

The Trust had a core of 60 drivers locally, of which up to 40 were very active. They donated their cars and time free of charge, but were encouraged to claim back mileage. There is no formal charge to clients, but they are encouraged to make a donation. Equally, there are no limits to journey distances and drivers will stay with clients if they are attending the likes of medical appointments.

The Handyman Service, the only subsidised service of its type, covers the whole of the Borough and covers minor but no less critical repairs, assisting 800+ households in 2014. A small charge is levied; £15 for the first hour, with 15 minute segments thereafter, and covers everything from changing lightbulbs to replacing tap washers or grab rails.

Mr Close noted that in 2004/05, the then Mayor, Councillor Paul Ilnicki had used part of his Mayor's Charity funds to purchase a vehicle for the Handyman Service. This year, the Council had given the Trust a grant to purchase a new vehicle.

The Chairman, on behalf of the Committee and Council, thanked Peter Close and the Camberley Care Trust, for their significant contribution in the Borough, noting that the service epitomised all that is good in Surrey Heath. He noted that the Trust had capacity and could take on minor works for the likes of community centres, and pointed Members to the Trust's Facebook site, encouraging them to visit and 'Like' the site.

**RESOLVED, that the presentation be noted.**

(Note: In accordance with the Council's Members Code of Conduct, Councillors declared non-pecuniary interests in relation to Camberley Care Trust as set out below:

- (a) Councillor Robin Perry as a Trustee of the Trust; and
- (b) Councillor Paul Deach, who provided media support for the Trust.

**22/EP Presentation - Lightwater Information for the Vulnerable and Elderly**

Windsor Rackham, the Chairman of Lightwater Information for the Vulnerable and Elderly (LIVE), reported that the concept for LIVE came from the need expressed by users of the Lightwater Care car service, typically to get them to and from hospital appointments, for a much wider range of care and assistance. A proposal was developed for a drop-in service for the GU18 area to provide a signposting and connecting service for the older and vulnerable members of the community. As Lightwater Care was reluctant to expand services, the concept of LIVE was developed.

With set-up funding from Councillor Adrian Page's SCC development fund, specialist assistance from Nigel Drury and premises provided free by the Frederick's Foundation, LIVE had operated on Saturdays from 10 a.m. till Noon for 44 weeks to date, with assistance from 20 volunteers from Lightwater Village.

Issues that had some commonality include bus services, health, men's activities and new residents looking for day centre facilities. There were plans to expand the range of services and to move into other geographical areas of the Borough which lacked this form of signposting. However, this would require further infrastructure and volunteers in the areas in which the service was rolled out.

LIVE recognised the need to develop strong social media tools. Although the Frederick's Society provided accommodation, Mr Rackham asked if the Council could assist with public liability insurance and/or website design.

Members recognised that what was developing in Lightwater could be used as a template for other parts of the Borough and could form a very good foundation for a Dementia Action Alliance. The Chairman thanked Mr Rackham and LIVE for their important contribution to the community and asked officers to examine if there was any support the Council could provide, particularly in terms of public liability insurance and social media.

**RESOLVED, that the presentation be noted.**

Note: It was noted, for the record, Councillor Adrian Page had provided financial support to LIVE through his SCC Local Allowance. He was advised that, as his support was through his role as a County Councillor and given that the Committee was not a decision making body, it would be acceptable for him to remain in the meeting.

## **23/EP Committee Work Programme**

The Committee agreed the work programme for the remaining meeting of the 2015/16 municipal year. It was noted that, at that meeting, the Committee would be asked to consider its work programme for the next municipal year.

Members suggested consideration of the following areas for possible future presentations:

- (i) Citizens Advice Bureau;
- (ii) Voluntary Support North Surrey;
- (iii) Basingstoke Canal;
- (iv) Watts Gallery/Chapel; and
- (v) Royal Military Academy, Sandhurst.

At its previous meeting, the Committee had noted the economic development work that was ongoing in the Borough and had agreed to seek presentations from the Bagshot, Deepcut, Frimley and Yorktown & Watchmoor Business Associations. It had also been suggested that, at such a meeting, an item in relation to the Institute of Directors could be included.

**RESOLVED that**

- (i) the Committee's Work Programme, as set out at Annex A, be agreed; and**
- (ii) Members be asked to consider possible items for inclusion in the draft 2016/17 Work Programme.**

Chairman

**Minutes of a Meeting of the Joint Staff  
Consultative Group held at Surrey  
Heath House on 21 January 2016**

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- + Cllr Josephine Hawkins (Chairman)
- Geraldine Sharman (Vice Chairman)
  

- Cllr Moira Gibson	+ Andrew Edmeads
+ Cllr Ruth Hutchinson	+ David McDermott
+ Cllr Paul Ilnicki	+ Lynn Smith
+ Cllr Charlotte Morley	+ Anthony Sparks
+ Cllr Robin Perry	+ Karen Wetherell
+ Cllr Ian Sams	
- Cllr Conrad Sturt	

  - + Present
  - Apologies for absence presented

In Attendance: Belinda Tam, Lee Brewin and Louise Livingston

**11/J Notes**

The notes of the meeting held on 22 September 2015 were received and confirmed.

**12/J Information Security Policy**

The Group received a report on the update of the Information Security Policy which was required annually.

**Resolved that in accordance with the Council's Scheme of Delegation, the amendments made to the Information Security Policy be adopted.**

**13/J Investors in People**

The Group received a report on the Investors in People Re-accreditation. The assessment process would begin from 2 March 2016. It was noted that an unofficial view of the assessment would be available within a few days but the official notification would be forwarded within a couple of weeks.

**Resolved that the report be noted.**

**14/J People Strategy**

The Group received a report on the revised People Strategy Policy.

**Resolved that the revised People Strategy be noted.**

**15/J Pay Policy Statement**

The Group received a report on the annual Pay Policy Statement required by the Localism Act. It was noted that the National Minimum Wage of £7.20 would come into effect on 1 April 2016. The new minimum wage would only impact on any Surrey Heath grade 1 staff. There was no staff employed at the Council on grade 1 at present. The grading system would be reviewed for 2016/17.

**Resolved that the Executive be asked to recommend to Council that the proposed Surrey Heath Borough Council Pay Policy Statement 2016/127 be adopted.**

## **16/J Work Programme**

The Group considered the work programme for the remainder of the 2015/16 municipal year. The work programme for 2016/17 would be prepared and would be circulated in the next agenda for this group.

It was noted that the Police would be asked to check the data was up to date with regard to the Reservists Policy.

**Resolved that the work programme for the remainder of the 2015/16 municipal year be approved and amended as appropriate.**

### **Annex A Work Programme 2015/16**

Consultative Group meetings for 2015/16 municipal year are scheduled to be held on the following dates:

17 March 2016

The following work for the 2015/16 municipal year has been identified for consideration by the Consultative Group:

<b>Meeting</b>	<b>Topic</b>	<b>Source</b>
<b>17 March 2016</b>	<b>IIP</b>	<b>HR</b>
	<b>Reservists Policy</b>	<b>HR</b>

Chairman