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Tuesday, 3 March 2020

Dear Councillor,

A meeting of the **Licensing Committee** will be held at Council Chamber, Surrey Heath House on **Wednesday, 11 March 2020 at 7.00 pm**. The agenda will be set out as below.

Please note that this meeting will be recorded.

Yours sincerely

Karen Whelan

Chief Executive

AGENDA

		Pages
1	Apologies for Absence	
2	Minutes of Previous Meeting	3 - 4
	To receive the minutes of the meeting of the Licensing Committee held on 2 nd October 2020.	
3	Declarations of Interest	
	Members are invited to declare any Disclosable Pecuniary Interests and non-pecuniary interests they may have with respect to matters which are to be considered at this meeting. Members who consider they may have an interest are invited to consult the Monitoring Officer or the Democratic Services Officer prior to the meeting.	

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|----------|--|----------------|
| 4 | National Register of Taxi and Private Hire Licence Revocations and Refusals | 5 - 8 |
| | To consider a report seeking the Committee's approval for the Council to join the National Register of Taxi and Private Hire Licence Revocations and Refusals. | |
| 5 | Disclosure Barring Service Update | 9 - 10 |
| | To consider a report providing and update on the Disclosure Barring Service. | |
| 6 | Surrey Joint Warranting | 11 - 20 |
| | To consider a report seeing approval of the introduction of joint warranting for Licensing Officers across Surrey to enable improved enforcement of the taxi and private hire trade across the County. | |
| 7 | Licensing Sub Committee Minutes | 21 - 26 |
| | To receive and sign the minutes of the Licensing Sub Committee meetings which have taken place since the last meeting of the Committee: | |
| | <ul style="list-style-type: none"> • Lavershot Barns, London Road, Windlesham - 27 February 2020 | |
| 8 | Licensing Act 2003 - Summary of Decisions | 27 - 28 |
| | To receive an update on the licensing decisions made by officers under delegated powers since the Committee's last meeting. | |
| 9 | Date of Next Meeting | |
| | The next scheduled meeting of the Licensing Committee will take place on Wednesday 26 th June 2020 at 7pm. | |

Minutes of a Meeting of the Licensing Committee held at Council Chamber, Surrey Heath House, Knoll Road, Camberley, GU15 3HD on 2 October 2019

+ Cllr David Mansfield (Chairman)
+ Cllr David Lewis (Vice Chairman)

+ Cllr Rodney Bates	+ Cllr Alan McClafferty
+ Cllr Vivienne Chapman	+ Cllr John Skipper
+ Cllr Colin Dougan	+ Cllr Pat Tedder
+ Cllr Tim FitzGerald	+ Cllr Helen Whitcroft
+ Cllr Sharon Galliford	+ Cllr Valerie White
+ Cllr Ben Leach	

+ Present

- Apologies for absence presented

Members in Attendance: Councillor Cliff Betton

Officers Present: Emma Bourne, Nathita Fleet, Stephen Moore and Eddie Scott

7/L Minutes of the Last Meeting

The minutes of the meeting held on 26 June 2019 were confirmed and signed by the Chairman.

8/L Food Safety Service Plan 2019-20

The Committee was informed that the Food Standards agency required all food authorities to have a Food Safety Service Plan to ensure that national priorities and standards were addressed and delivered locally.

In order to be considered 'broadly compliant' with food hygiene law, a business would be awarded a food hygiene score of 3 or above. It was noted that the number of food businesses which were 'broadly compliant' remained high at 95.4%. This figure had increased in the previous few years from a base of 87% in 2009/10. Officers continued to work with the businesses which were not broadly compliant in order to ensure that they improved their standards.

The Committee was advised that the Council continued to support its four Primary Authority Partnerships (PAPs) with Exclusive Hotels, the owner of Pennyhill Park, and Krispy Kreme Ltd, Kerry Food Ltd, and food importer: Manning Impex Ltd.

The report sets out the performance of the food safety service team during 2018/19, including inspections, complaint investigations and sampling activities, and provides information on expected demands on the service during 2019/20.

It was stated that there were no food businesses in the Borough with outstanding visits and gaps between visits were three years at most for very low risk premises.

Risk-ratings assigned during visits, as well as compliance scores determined the time periods between visits. Problem premises were told a certain time in which they needed to comply by and revisits were undertaken to make sure they were now 'broadly compliant'.

RESOLVED that the Food Safety Service Plan 2019/2020, as set out in the supplementary agenda papers be agreed.

9/L Health and Safety Service Plan

Under the Health and Safety at Work etc. Act 1974, local authorities were responsible for health and safety enforcement within their area of responsibility, which included a diverse range of premises. Pursuant to the "National Local Authority Enforcement Code" produced by the Health and Safety Executive, a Surrey Heath Health and Safety Service Plan had been developed.

The Environmental Health Team carried out planned risk based inspections of businesses to ensure they complied with health and safety legislation, and took appropriate enforcement as necessary. These inspections occurred at a frequency determined by the national code of practice and in accordance with HSE guidance. The Council's performance was subject to scrutiny by the HSE and the Council was required to complete an annual return of health and safety enforcement activity.

In 2019/20 the Council intended to continue to provide a high-quality health and safety service. This would include advising new and existing businesses on compliance, investigating complaints and accidents, taking enforcement action where necessary and participating in proactive health and safety campaigns.

RESOLVED that the Surrey Heath Health and Safety Service Plan 2019/2020, attached at Annex A to the agenda report, be approved.

10/L Licensing Sub Committee Minutes

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

11/L Committee Work Programme

The Committee noted its work programme for the rest of the 19/20 Municipal Year.

Chairman

**National Register of Taxi and Private Hire Licence
Revocation and Refusals NR3**

Portfolio: Community

Ward(s) Affected: All

Purpose

To consider adopting the National Register of Taxi and Private Hire licence revocation and refusals NR3 and the guidance by the Local Government Association (LGA) and National Anti-Fraud Network (NAFN).

1. Background

- 1.1 Licensing authorities are required to satisfy themselves that those holding hackney carriage (HCV) and private hire (PHV) vehicle driver licences are 'fit and proper.' In a case where evidence is obtained that suggests that a licensed individual is not a fit and proper person the licensing authority is entitled to suspend, revoke or refuse to renew a licence.
- 1.2 The process of assessing the 'fit and proper' test varies between authorities and there is widespread recognition of the need to increase consistency and introduce national standards.

2 Current Position

- 2.1 Currently if applicants do not disclose information about a previous revocation or refusal of a licence, there is often no way for a licensing authority to uncover this information. This means that vital intelligence about an applicant's past behaviour is being missed and an individual might be able to obtain a new licence in another area, despite having their licence revoked elsewhere.

3 Proposal

- 3.1 In response to this issue, the Local Government Association (LGA) commissioned the National Anti-Fraud Network (NAFN) and the National Register of Refusals and Revocation NR3 (the register).
- 3.2 The 'register' allows licensing authorities to record details where a hackney carriage or private hire drivers licence has been refused or revoked and allows other licensing authorities to check new applicants against the 'register.' The 'register' does not however extend to vehicle or operator licensing decisions.
- 3.3 In using the 'register' authorities will be assisted in making an informed decision whether an applicant is fit and proper knowing that another authority has previously reached an unfavourable view of the same applicant.
- 3.4 Receipt of information from the 'register' is not to imply that an applicant who has been refused a licence on one occasion from another authority will always be refused. However, it will always be relevant for an authority to consider a previous refusal or revocation and the reasons for that decision.
- 3.5 Attached to this report at Appendix A is the guidance on adopting the 'register' produced by the LGA and NAFN. The guidance stipulates the procedure that a local

authority would need to follow in order to provide data for the 'register' and for the Council to access the data.

- 3.6 If the committee is minded to adopt the 'register,' it will involve the Council providing information for the database on revoked or refused licences and responding to information requests on these data subjects in the event the person applies to another local authority for a licence.
- 3.7 When a person applies for a licence, the database will be checked by a licensing officer and if an applicant appears on the database, an information request will be sent to the appropriate local authority. These checks would be carried out on new and existing drivers.
- 3.8 The reasoning behind checking existing drivers is that a driver is free to obtain a licence with any other authority and are not obliged to inform either authority that they hold other licences. Officers are aware of drivers in Surrey Heath who hold licences with other authorities. The situation may arise where a drivers receives revocation or suspension of their licence with another authority and being unaware Surrey Heath would continue to licence them thereby putting the public at risk.
- 3.9 With particular reference to the Guidance Section 4.3 refers to historic data migration and refers to data being retained for 25 years on the 'register.' Enquiries have been made to ascertain how many applicants have had their licence/application revoked or refused and it appears from initial checks that this is a relatively low number (2) have been identified so far. It will be necessary to write to each previously revoked or refused applicant and advise them that their information will be uploaded to the 'register' and the reasons for this. An individual may request that the information is not uploaded and any requests of this nature will be fully considered before a final decision is made.
- 3.10 Application forms will be amended to refer to the 'register.'
- 3.11 New applicants will be made aware of the 'register' by changes to the application form this will inform applicants of the 'register' and that their information may be uploaded to it if their application is refused or any subsequent granted licence being revoked.
- 3.12 All existing licence holders will be made aware of the 'register' by way of a letter and email, the Council's website and application forms.

4 Resource Implications

- 4.1 Section 4.1 of the Guidance refers to membership of the NAFN and the need to sign-up data sharing and data processing agreements with NAFN. The Council is already a member of NAFN but there will be a small additional cost of £10 for database registration.
- 4.2 The use of the 'register' will result in additional administration; this check would be added to the existing application process and will be accomplished in a few minutes. Further checks with other authorities, when these are required and are estimated to take no more than 15 minutes; this simply involves the completion of our data disclosure form.

5 'Other' Implications

- 5.1 There are currently no statutory requirements for a local authority to participate in the 'register' although the subject of a national 'register' has recently been included as part of a consultation on statutory guidance for licensing authorities from the Department of Transport.
- 5.2 Failure to adopt the 'register' may lead to a reputational risk to the authority for not following LGA guidance.
- 5.3 There is also the reputational risk that this Council may grant a licence to a driver who another authority has deemed as being unsuitable.

6. Recommendation

- 6.1 The Committee is advised to RESOLVE that upon the guidance of the Local Government Association the National Register of Taxi and Private Hire Licence Revocation and Refusal (NR3) be adopted.

Background Papers: LGA – Guidance on adopting the National Register of Taxi Licence Revocations and Refusals (NR3)

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Head of Service: Tim Pashen – Chief Executive Officer

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Disclosure and Barring Service – The Update Service

Portfolio:	Community
Ward(s) Affected:	All

Purpose

To consider making subscription to the Disclosure and Barring Service (DBS) update service mandatory for all drivers.

1. Background

- 1.1 The Council require all drivers upon application and renewal every 3 years to submit an enhanced Disclosure and Barring Service certificate so that an applicant / drivers criminal history may be checked.

2. Current Position

- 2.1 A drivers must submit to a criminal record check every 3 years, this leaves a period which is reliant on the probity of the driver to declare that he / she has received convictions, which may with result in the revocation or suspension of the drivers licence.

3. Proposal

- 3.1 Applicants must submit an enhanced DBS disclosure, obtained within the last one month. The disclosure must show that an applicant has been checked against the “other” workforce list. Subsequent to submitting an application for an enhanced DBS disclosure, applicants will need to subscribe to the DBS online update service so that snapshots of their criminal history (or lack thereof) can be provided in real-time to the Council’s Licensing department.
- 3.2 Any Taxi and Private Hire drivers already licensed by Surrey Heath Borough Council will also need to sign up to the DBS online update service at the time their next DBS application is submitted.
- 3.3 It is not anticipated that further paper applications will be submitted on their behalf beyond December 2022, instead applicants will be required to provide a check code which enables officers to view their criminal record in real-time via an online system.

4. Resource Implications

- 4.1 The current process is time consuming both for the Contact Centre staff dealing with the driver and Licensing Officer processing the application. An applicant must submit a DBS application form and 3 different identity documents (passport, DVLA photo-card driving licence and proof of address) once these are verified the application is posted.
- 4.2 It usually takes between 3 and 8 weeks for an applicant to receive their DBS certificate and in some instances this may take much longer. Once the certificate has been received the applicant must bring the certificate to the Licensing Team for a copy to be taken.

5. Recommendation

5.1 That all new applicants and existing drivers join the DBS update service.

Background Papers: None

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Head of Service: Tim Pashen – Chief Executive Officer

**TAXI AND PRIVATE HIRE ENFORCEMENT:
SURREY JOINT WARRANTING**

Portfolio:	Community
Ward(s) Affected:	All

Purpose

This report seeks approval for the arrangements between Surrey Licensing Authorities to introduce joint warranting for Licensing Officers to enable improved enforcement of the hackney carriage (taxi) and private hire trade across the County.

1. Summary of Report

- 1.1 The purpose of this report is to seek approval for the arrangements between Surrey Licensing Authorities to introduce joint warranting for Licensing Officers to enable improved enforcement of the taxi and private hire trade across the County.

2. Strategic Priorities

- 2.1 The joint warranting of Licensing Officers will contribute to our fundamental themes as follows:
- **Place** – ensuring safe travel in the Borough through a well regulated taxi service.
 - **Prosperity** – using new ways of working to improve efficiency.

3. Background

- 3.1 Taxi and Private Hire Vehicles are licensed by Local Authorities under powers arising from the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976.
- 3.2 The legislation gives a power for an officer authorised by a local authority to inspect vehicles and take enforcement action against drivers and vehicles licensed by that authority, including the immediate suspension of driver and vehicle licences for reasons of public safety.
- 3.3 However as there is no geographical restriction on where a licensed vehicle driven by a licensed driver can travel, journeys can and often do start and/or finish outside their licensed area. This means that often authorised officers of one authority will regularly come across drivers and vehicles licenced by another authority operating in their area.

4. Proposed changes

- 4.1 Officers currently only have the legal power to inspect and act against drivers and vehicles if they have been authorised in writing by the authority which licensed that driver or vehicle. As such, officers in one authority will not have the power to inspect or act against drivers and vehicles operating in its area which are licensed by other authorities.

- 4.2 This can lead to situations where officers in one authority, for example Surrey Heath, are unable to take action against a vehicle licensed by another authority which may be defective, despite the vehicle being present and operating in Surrey Heath. This could lead to a situation where a defective vehicle continues to operate, potentially endangering public safety and undermining public confidence in the licensed trade.
- 4.3 It is therefore considered necessary to enable a scheme of joint warranting across Surrey, whereby Licensing Officers of any Surrey Authority would be able to inspect and take enforcement action against any vehicle licensed in Surrey.
- 4.4 Such joint working arrangements between Local Authorities are also regarded as 'Best Practice' in the draft Statutory Guidance issued under s.177 of the Policing and Crime Act 2017 recently consulted upon.
- 4.5 Additionally, joint warranting would further promote the work undertaken in 2017-18 in partnership with the Surrey Safeguarding Children Board (SSCB) to develop a co-ordinated response to child sexual exploitation (CSE) across the County by adopting a consistent previous convictions policy and mandatory CSE training for all drivers in Surrey.
- 4.6 The proposal is that the hackney carriage and private hire enforcement powers, as set out in Annex 1 of this report, are delegated to the other Surrey Authorities (whilst retaining our own). It is also proposed that Surrey Heath Borough Council receives similar delegated enforcement powers from the other Surrey Authorities.
- 4.7 In practice, it is envisaged that the power given to Officers from the other authorities within the scheme would only be exercised as and when required, when those officers are dealing with licensed vehicles from outside their current jurisdiction within their district.
- 4.8 Each authority would be responsible for ensuring that the officers delegated are suitably trained and experienced.
- 4.9 This reports seeks the Committee's approval to recommend to full Council that the Taxi and Private Hire enforcement powers as set out in Appendix A of this report are delegated by Surrey Heath Borough Council to the following local authorities, namely:
- Elmbridge Borough Council
 - Epsom and Ewell Borough Council
 - Guildford Borough Council
 - Mole Valley District Council
 - Reigate and Banstead Borough Council
 - Runnymede Borough Council
 - Spelthorne Borough Council
 - Tandridge District Council
 - Waverley Borough Council
 - Woking Borough Council

And that the Council should agree to accept similar delegated enforcement powers from:

- Elmbridge Borough Council
- Epsom and Ewell Borough Council
- Guildford Borough Council
- Mole Valley District Council
- Reigate and Banstead Borough Council
- Runnymede Borough Council
- Spelthorne Borough Council
- Tandridge District Council
- Waverley Borough Council
- Woking Borough Council

4.10 Advancing a scheme of Joint Warranting across Surrey would help ensure travelling by taxis and private hire vehicles is safer for customers by enabling improved enforcement across Surrey.

4.11 The Joint Warranting would be regulated through the use of a Memorandum of Understanding signed by all local authorities participating. A copy of the Memorandum of Understanding has been attached as Annex 2 to this report.

5. Consultation

5.1 Consultation has taken place with other 10 Surrey Licensing Authorities who are supportive of this initiative and who themselves are seeking the necessary delegations.

6. Equality and Diversity Implications

6.1 There are no Equality and/or Diversity issues arising from the initiative of Joint Warranting across Surrey.

7. Financial Implications

7.1 The implementations will be managed through the existing licensing budget.

8. Legal Implications

8.1 Under section 101 of the Local Government Act 1972 Local Authorities may make arrangements for other local authorities to discharge their functions. Having done so, the Council may however continue to discharge and control those functions. If the Council arranges for the other authorities within the flexible warranting scheme to carry out some of its Licensing functions, it may also continue to exercise those functions itself.

8.2 If the Local Authorities are to participate in the scheme it is necessary to ensure that all officers are properly appointed to carry out the enforcement functions concerned so as to avoid potential legal challenge.

9. Human Resource Implications

9.1 There are no human resource implications arising from these proposals.

10. Recommendation

- 10.1 The Committee are asked to recommend to full Council that:
- i. the Council delegate the Taxi and Private Hire enforcement functions under the legislation set out in Annex 1 to this report to the Surrey local licensing authorities, in addition to retaining those functions within the Borough .
 - ii. to receive the delegated Taxi and Private Hire enforcement functions, as set out in Annex 1, of those Surrey authorities listed in the annex.

Background Papers: Hackney Carriage and Private Hire Licensing Policy 14 March 2018
Taxi and Private Hire Vehicle Licensing: Protecting Users.
Consultation on Statutory Guidance for Licensing Authorities

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Head of service: Head of Service: Tim Pashen

Functions to Be Delegated to the Surrey Local Licensing Authorities.

Local Government (Miscellaneous Provisions) Act 1976

- Section 53(3) (a): Driver to produce his licence for inspection
- Section 58: Return of identification plate or disc on revocation
- Section 60: To suspend and revoke vehicle licenses
- Section 61: To suspend and revoke driver licences
- Section 68: Fitness of private hire vehicles
- Section 73: Obstruction of Authorised Officer

The Surrey Local Authorities named below have delegated (or will delegate) the same functions to Surrey Heath Borough Council. Those authorities have also retained the ability to exercise these functions.

The Authorities -

- Elmbridge Borough Council
- Epsom and Ewell Borough Council
- Guildford Borough Council
- Mole Valley District Council
- Reigate and Banstead Borough Council
- Runnymede Borough Council
- Spelthorne Borough Council
- Tandridge District Council
- Waverley Borough Council
- Woking Borough Council

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Memorandum of Understanding**Between**

The local authorities of Elmbridge Borough Council, Epsom and Ewell Borough Council, Guildford Borough Council, Mole Valley District Council, Reigate and Banstead Borough Council, Runnymede Borough Council, Spelthorne Borough Council, Surrey Heath Borough Council, Tandridge District Council, Waverley Borough Council, Woking Borough Council.

For the purpose of

A Cross Border Hackney Carriage and Private Hire Vehicle Authorisation Scheme

1. Definitions

- 1.1 'Taxis' refers to both hackney carriages and private hire vehicles.
- 1.2 'Participating enforcement local authorities'. These are the local authorities of:
- Elmbridge Borough Council
 - Epsom and Ewell Borough Council
 - Guildford Borough Council
 - Mole Valley District Council
 - Reigate and Banstead Borough Council
 - Runnymede Borough Council
 - Spelthorne Borough Council
 - Surrey Heath Borough Council
 - Tandridge District Council
 - Waverley Borough Council
 - Woking Borough Council
- 1.3 'Cross Border Taxi and Private Hire Vehicle Authorisation Scheme' is 'The Authorisation Scheme' subject to the principles set out in this Memorandum of Understanding which permits a participating enforcement local authority to inspect taxis and interview drivers licensed by another participating enforcement local authority.
- 1.4 'Home licensing local authority'. Is the local authority responsible for licensing the taxi or driver.
- 1.5 'Designated contact address'. Is the email address that each local authority has designated to receive communications about drivers, vehicles, inspections and interviews.
- 1.6 'Lead Officer'. Is the named officer designated by each participating local authority to be the lead contact (and deputy if nominated) for communications about the operation of the scheme.

- 1.7 'The Next Working Day' means the next day that the home local authority licensing office is open for business, or the day after that, if circumstances prevent a more speedy communication.
- 1.8 'Working Group' is the group attended by the lead officer or deputy from each participating local authority to oversee the scheme.
- 1.9 'Delegated Power' means the discharge of a function under the Local Government Act 1972, the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 and any related legislation for the purpose of carrying out enforcement on Hackney Carriages and Private Hire Vehicles, Drivers and Operators licensed by a participating local authority within the terms of this Memo of Understanding.

2. Purpose of the Scheme

- 2.1 The primary purpose of the Authorisation Scheme is to advance the safety of the public travelling by taxis through enabling improved enforcement across Surrey. The focus of the scheme is on immediate public safety risks and potentially significant offences. Inspections and interviews will be guided by the primary purpose.
- 2.2 Enforcement officers will deal with taxis, interviews and inspections for vehicles and drivers who are licensed by another participating enforcement local authority in the same way they would deal with taxis and drivers licensed by their home licensing local authority.
- 2.3 Each participating enforcement local authority is responsible for identifying competent enforcement officers to be authorised by other participating enforcement local authorities. The home licensing local authority which employs the enforcement officers and related officers will retain responsible for their conduct, behaviour and employment terms and conditions.
- 2.4 The Authorisation Scheme places no obligation on a participating enforcement local authority to inspect taxis or interview drivers licensed by other participating enforcement local authorities. The decision to inspect is voluntary. Financial payments between participating enforcement local authorities are not required.
- 2.5 In all cases, enforcement officers are normally only permitted to inspect taxis within the boundary of their own home licensing local authority, unless assisting another licensing authority in their district on a pre-arranged basis, such as a joint-operation.

3. Reporting of Activity

- 3.1 Interventions resulting from a vehicle inspection or driver interview should be notified to the home licensing local authority the next working day by email to include; time, date, registration number, driver name and identification; evidence gathered, action taken and why and enforcement officer name and contact details.

- 3.2 Details of individual inspections and interviews involving no action or minimal action should still be notified to the home licensing local authority for evidence gathering.
- 3.3 Each participating enforcement local authority must collate evidence of inspections and communications to be considered by the Working Group.
- 3.4 Each participating enforcement local authority will designate a secure email address for communications about interviews and inspections.
- 3.5 Each participating enforcement local authority will designate a Lead Officer and may designate a Deputy for communication about the scheme.

4. Practical Arrangements

- 4.1 Enforcement officers are permitted to issue suspension notices for immediate public safety risks provided that the enforcement officer would normally have issued a suspension notice for a taxi licensed by their own home licensing local authority under the same circumstances. Indicative examples of when a suspension notice would be appropriate are; one of more bald / illegal tyres, less than 2 functioning headlights, less than 2 functioning brake lights and dangerous bodywork (i.e. jagged or sharp edges which in the opinion of the enforcement officer pose an immediate public safety risk).
- 4.2. Enforcement officers are permitted to withdraw a suspension notice they have issued if circumstances require this.
- 4.3. Normally, the home licensing local authority for a licensed driver or licensed vehicle is responsible for ensuring remedial action is monitored or completed.
- 4.4 Should any decision made by an Enforcement Officer be appealed, the appeal will be dealt with by the authority employing that officer. The home authority will be expected to provide any evidence to assist the enforcing authority with the defence of the appeal. The home authority may deal with the appeal if this is agreed by all parties.
- 4.5 If a taxi driver has no badge or a defective badge, the driver should be advised that it is an offence not to display a badge, to cease trading and that the details will be reported to the home licensing local authority.
- 4.6 In the event of obstruction or conflict between a driver and an enforcement officer, the home licensing local authority should be provided with as much information as possible the next working day to allow a decision to be made.
- 4.7 Safeguarding concerns should be reported to the police immediately and the home licensing local authority should be notified as soon as practicable.

5. Delegation and Review

- 5.1 Certificates of Authorisation will be issued by each participating enforcement local authority to the designated enforcement officers in the other participating enforcement local authorities in an agreed format.
- 5.2 Each participating enforcement local authority will establish their own schemes of delegation and what procedural steps are required to validly authorise enforcement activities undertaken by other participating enforcement local authorities.
- 5.3 The delegated powers within the provisions of this Memo of Understanding will come into force on the agreed commencement date.
- 5.4 The scheme will be reviewed by the Working Group overseeing the Scheme after 6 months from the commencement date.
- 5.5 Notwithstanding the terms and conditions in this Memo of Understanding, this does not prejudice the right of any participating enforcement local authority to withdraw from the delegated power scheme with 14 days notice given to all other participating enforcement local authorities. Each participating enforcement authority undertakes not to withdraw their delegated powers prior to the Review which is due 6 months after the commencement date, unless it considers there is good reason to do so. The delegated power is not to be unreasonably withdrawn.

6. Functions to be delegated to the Surry Local Licensing Authorities.

Local Government (Miscellaneous Provisions) Act 1976

- Section 53(3) (a): Driver to produce his licence for inspection
- Section 58: Return of identification plate or disc on revocation
- Section 60: to suspend and revoke vehicle licenses
- Section 61: to suspend and revoke driver licences
- Section 68: Fitness of hackney carriages and private hire vehicles
- Section 73: Obstruction of Authorised Officer

LICENSING SUB COMMITTEE MINUTES

Portfolio:	Community
Ward(s) Affected:	All

Purpose

To receive and sign the minutes of any Licensing Sub-Committee hearings held since the Committee's last meeting.

1. Background and current position

- 1.1 In accordance with the provisions of Licensing Act 2003, when representation have been received on an application powers are delegated to the Licensing subcommittee to determine the licence following consideration of these representations.
- 1.2 Since the committee's last meeting on 18 June 2019, one Licensing Sub Committee has been held:
 - Lavershot Barns, London Road, Windlesham GU20 6LL
- 1.3 The minutes of the Licensing Sub Committee meetings listed at paragraph 1.2 are attached as Annex 1.
- 1.3 The Licensing Committee, at its meeting 21 September 2005, resolved that the Chairman of the Licensing Committee would be authorised to sign the approved minutes of any Licensing Sub Committee meetings. Minute 009/L refers.

2. Recommendation

- 2.1 The committee to agree that the Chairman of the Licensing Committee signs the minutes of the Licensing Sub Committee meetings on behalf of the members of these Sub Committees.

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**Minutes of a Meeting of the Licensing Sub
Committee held at Council Chamber,
Surrey Heath House, Knoll Road,
Camberley, GU15 3HD on 27 February 2020**

+ Cllr Rodney Bates
- Cllr Sharon Galliford

+ Cllr David Lewis
+ Cllr David Mansfield

+ Present
- Apologies for absence presented

In Attendance: Paula Barnshaw, Licensing Administrator
Rebecca Batten, Solicitor, Surrey Heath Borough Council
Debbie Blackwell, Interested Party
Heidi Brodie, Wooldridge Group
Jane Gresswell, Interested Party
Sarah Walter, Interested Party
Councillor Victoria Wheeler
Charles Wooldridge, Wooldridge Group

1/LS Appointment of Chairman

RESOLVED that Councillor David Mansfield be appointed Chairman of the Licensing Sub Committee.

COUNCILLOR MANSFIELD IN THE CHAIR

1/LS Appointment of Chairman

RESOLVED that Councillor David Mansfield be appointed Chairman of the Licensing Sub Committee.

COUNCILLOR MANSFIELD IN THE CHAIR

2/LS Declarations of Interest

Councillor David Mansfield declared that he was, like the applicant and his family, a member of the Guards Polo Club however he did not have any personal or business connections with the applicant or his family.

Councillor Rodney Bates declared that Councillor Wheeler was the Deputy Leader of the political grouping that he led at the Council.

3/LS Licensing Sub Committee Procedure

The Sub Committee noted the procedure that would be followed during the hearing.

Application to Grant a Premises Licence - Lavershot Barns, London Road, Windlesham GU20 6LL

The Sub Committee was informed that the hearing had been convened to decide an application for a Premises Licence at Lavershot Barns, London Road, Windlesham GU20 6LL.

It was noted that the application covered both the sale of alcohol from the Farm Shop for off site consumption and the sale of alcohol for consumption on site at the restaurant.

The Sub Committee was advised that the application had been correctly completed and had been advertised, and responsible authorities notified, in line with statutory regulations.

The Sub Committee carefully considered all the information presented, both written and oral, from:

- the Licensing Officer who outlined the issues;
- the Applicant
- Interested Parties (4)

The Sub Committee was informed that the Applicant had had a number of meetings with the Interested Parties and had subsequently made a number of changes to their application and business model to mitigate the impacts that the business would have on local residents.

The Sub Committee noted that Surrey Police had submitted a representation in their capacity as a Responsible Body and the applicant had agreed to implement the suggestions made by Surrey Police in their working practices.

The Sub Committee noted that four representations had been received from members of the public and a local councillor. Of these, one of the interested parties stated that following a number of conversations with the Applicant she was satisfied that the premises would be run in a responsible manner and was now supportive of the application.

The Sub Committee noted that the three other representations had been received from members of the public which made reference to the problems caused by noise nuisance of customers leaving the premises in the evening and the increase in traffic levels entering and leaving the site and the implications this could have on the surrounding properties. Further concern was raised that a number of measures that the Applicant stated that they would take to reduce the impact of premises on neighbouring properties for example the siting of doors were not guaranteed because the premises were not yet operational and planning permission was required to approve the building's change of use.

In reaching their decision, the Sub Committee took into consideration the representations made in relation to the prevention of public nuisance. However, it was considered that the concerns did not meet the threshold that would undermine the relevant licensing objectives.

The concerns about proposed changes to the plans not being implemented were acknowledged however it was noted that these were planning matters and therefore could not be considered as part of the deliberations. The Sub Committee did note however that the concerns were things that could be addressed through the imposition of appropriate planning conditions when the planning application for change of use was determined by the Local Planning Authority.

The decision making process was a matter of judgement by the Sub Committee and having weighed all the evidence provided by the interested parties and the Applicant the evidence came down clearly in favour of granting the licence. From the representations made, the Sub Committee had confidence that the Applicant would trade as a responsible body, with a clear plan and policies in place to tackle the issues raised.

On balance, the Sub Committee decided that granting the licence, would not have an adverse impact on the promotion of the four licensing objectives: Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, and Protection of Children from Harm.

RESOLVED that the application for a premises licence at Lavershot Barns, London Road, Windlesham, GU20 6LL be granted.

CHAIRMAN

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LICENSING ACT 2003: SUMMARY OF DECISIONS

Portfolio:	Community
Ward(s) Affected:	All

Purpose

To report decisions that have been taken in respect of licence applications that have been dealt with under powers delegated to the Executive Head – Community and to the Licensing Administration Officer

1. Background

- 1.1 Details of decisions taken under delegated powers in relation to applications, representation etc., have to be reported to the Licensing Committee in accordance with the provisions of the Licensing Act 2003.

2. Current Position

- 2.1 In accordance with the provisions of the Licensing Act 2003 powers have been delegated to the Executive Head of Community and to the Licensing Administration Officer to determine applications for premises licences, club premises certificates and personal licences where no representations have been received from responsible authorities or interested parties.
- 2.2 If representations are received, consideration has to be given as to whether such representations are relevant, are not vexatious or frivolous and have been submitted in accordance with statutory requirements. No representations have been rejected on these grounds since the last report in these matters to the committee.
- 2.3 When representations have been received powers are delegated to the Licensing subcommittee to determine the licence following consideration of these representations.
- 2.4 A summary of the decisions that have been taken in respect of applications that have been considered and determined since the last meeting of the committee is attached at Annex A. These details are submitted for information only and do not require ratification by the committee.

3. Recommendation

- 3.1 The committee is advised to note this report.

Background Papers: None

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