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Monday, 11 October 2021

To: The Members of the **Licensing Committee**
(Councillors: Rodney Bates (Chairman), Dan Adams (Vice Chairman), Peter Barnett, Richard Brooks, Paul Deach, Tim FitzGerald, Shaun Garrett, David Lewis, David Mansfield, John Skipper, Pat Tedder, Helen Whitcroft and Valerie White)

In accordance with the Substitute Protocol at Part 4 of the Constitution, Members who are unable to attend this meeting should give their apologies and arrange for one of the appointed substitutes, as listed below, to attend. Members should also inform their group leader of the arrangements made.

Dear Councillor,

A meeting of the **Licensing Committee** will be held at Council Chamber, Surrey Heath House on **Wednesday, 20 October 2021 at 7.00 pm**. The agenda will be set out as below.

Please note that this meeting will be recorded.

Yours sincerely

Damian Roberts

Chief Executive

AGENDA

	Pages
1 Apologies for Absence	
2 Minutes of the Last Meeting	3 - 10
To confirm and sign the minutes of the meeting held on 29 July 2021.	
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.	
4 Draft Gambling Act 2005 Statement of Policy	11 - 46

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To consider and agree the Committee's Work Programme for the remainder of the 21/22 Municipal Year.

**Minutes of a Meeting of the Licensing
Committee held at Council Chamber,
Surrey Heath House, Knoll Road,
Camberley, GU15 3HD on 29 July 2021**

+ Cllr Rodney Bates (Chairman)
+ Cllr Dan Adams (Vice Chairman)

+ Cllr Peter Barnett	+ Cllr David Mansfield
- Cllr Richard Brooks	+ Cllr John Skipper
+ Cllr Paul Deach	- Cllr Pat Tedder
+ Cllr Tim FitzGerald	+ Cllr Helen Whitcroft
+ Cllr Shaun Garrett	+ Cllr Valerie White
+ Cllr David Lewis	

+ Present

- Apologies for absence presented

*Cllr David Mansfield was present virtually so did not vote on any item.

Officers Present: Paula Barnshaw, Rebecca Batten, Helen Lolley and
Tim Pashen

1/L Minutes

The minutes of the meeting held on 24 March 2021 were confirmed and signed by the Chairman.

2/L Hackney Carriage (Taxi) and Private Hire Licensing Policy 2021-2026

The Committee considered the revised draft Hackney Carriage (Taxi) and Private Hire (PH) Licensing Policy 2021-2026, following consultation and with a view to approval.

In July 2020 the Department of Transport issued new Statutory Taxi and Private Hire Standards which recommended that Councils made available a cohesive policy document which brought together all their procedures on Taxi and Private Hire vehicle standards and outlined that policies should include but not be limited to policies on convictions and vehicle standards. Under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 the Council was responsible for regulating the Hackney Carriage and Private Hire trades operating in the borough. This included the central aim of protecting the public, including children and vulnerable adults, when using such services.

Following the Committee's decision on 24 March 2021, consultation on the proposed policy ran from 12 May 2021 to 21 June 2021. The consultation included 2 virtual meetings with the taxi trade via Zoom, which had been attended by a total of 17 members of the trade; and had resulted in 12 written consultation responses being submitted.

Following the consultation, it was recognised that the proposal requiring that a 'Big Face Badge' be located in a position which was clearly visible to the passenger

had caused concern amongst the trade. The requirement had been added to the proposed policy as a safety measure. It was noted that whilst it was recommended that the measure remained in the policy, there was commitment from officers to work with the trade to address their concerns regarding the potential damage to their vehicles that the Badge may cause. In addition, following engagement with the trade, it was noted that paragraph 7.4.2, which had been included in the first draft of the policy in respect of the fitting of taxi meters in private hire vehicles, had now been removed.

The Committee were also verbally updated that an additional clause would be added to Section 4.5, page 9 of the policy stating the exception of licences which were surrendered as a result of death or serious illness, reimbursement would be considered where there was at least 3 months remaining on the licence; and that there may be a small administrative charge that would be deducted from any refund. It was clarified that the policy would come into force on the first working day of August. Following Members' comments it was also agreed to amend the typographical error on page 23, paragraph 6.1 of the policy.

Members noted the considerable amount of work and diligence which had resulted in the proposed policy and also recognised the excellent consultation response from the Hackney Carriage and Private Hire trade. In addition, it was noted that the Council was in dialogue with Uber, in order to try to allay the negative effects of Uber's business in the borough on local firms and drivers.

Lastly, it was felt by Members that the Council had an opportunity to make Hackney Carriages and Private Hire Vehicles more accessible to those with hearing impediments by the encouragement of the use of clear masks for drivers and by the creation of a register of drivers who were proficient in British Sign Language.

RESOLVED that

- I. The report be noted; and**
- II. The revised draft Hackney Carriage (Taxi) and PH Licensing Policy 2021-2026 be approved, as per the agreed minor amendment.**

3/L Review of Hackney Carriage (Taxi) Fares

The Committee considered a report outlining the proposed methodology for the recalculation of taxi fares for the hire of taxis licensed within the borough.

Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 gave borough and district councils the ability to set local taxi fares for journeys within its area by means of a table or scheme of fares. However boroughs and districts held no power to set Private Hire (PH) vehicle fares. It was noted that the current Hackney Carriage fares had been set in 2012 and were due for review and that Department of Transport best practice guidance maintained that it was good practice to review fare scales at regular intervals.

As a starting point to the review it was proposed that fares within the borough be raised in accordance with the annual Consumer Price Index (CPI) changes for each year 2012- 2021.

The Council were planning to run a consultation with the trade on the proposed fares and any comments from the taxi trade would be considered. Any necessary resulting revisions to the fares or methodology would be made before reconsideration by the Licensing Committee in October 2021.

It was noted that where the Council proposed to amend the taxi fares it was required to publish the new fare chart in a local newspaper, advising that any objections should be made within 14 days. If no objections were received or where objections were made but subsequently withdrawn the new table of fares would come into immediate effect.

However, if objections were received the representations would need to be considered within two months following the end of the 14 day notice period. Where objections were received it was proposed that the objections be presented and that the amended fares be considered by the Licensing Committee in February 2022.

After the consideration of the proposed updated fare chart for Surrey Heath as appended to the agenda report, members of the Committee opined that the taxi fare scale was due review and that drivers were long overdue a de facto pay rise. In addition it was suggested that there was an opportunity to greater highlight to hackney carriage users, the costs which drivers incurred to maintain their vehicles and service.

RESOLVED that

- I. The report be noted;**
- II. Further consultation be undertaken with the trade as to the proposed fares with a view to any amendments being considered by the Licensing Committee Meeting at its next meeting;**
- III. The proposed uplift of fares, as per Annex C of the agenda report, be approved; and**
- IV. The required steps following approval of the proposed uplift be noted.**

4/L Review of Hackney Carriage (Taxi) and Private Hire Licensing Fees

As the relevant licensing authority, Surrey Heath Borough Council was responsible for the licensing of taxis and private hire drivers, vehicles and operators. The Local Government(Miscellaneous Provisions) Act 1976 (the Act) included provisions that allow district and borough councils to recover such fees as they consider reasonable with a view to recovering the costs of the issuing and administration of drivers' licences for both taxis and private hire vehicles. (Section53(2)) Furthermore Section 70 of the Act allowed the same for vehicle and operator's licences.

'A district [or borough] council may charge such fees for the grant of vehicle and operator licences sufficient in the aggregate to cover in whole or in part –

- The reasonable cost of carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the

purpose of determining whether any such licence should be granted or renewed

- The reasonable cost of providing hackney carriage stands, and
- Any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.'

Following the agreement of the Committee of the proposed methodology, the Executive Head of Community would be asked to approve, in consultation with the Portfolio holder and Executive Head of Finance, the methodology of calculating the proposed fees.

This would then be used to calculate the revised fees which would then be brought back to the Licensing Committee at its next meeting. The Licensing Committee will be asked to recommend the new fees. The Executive Head of Community would then be asked to approve, in consultation with the portfolio holder and Executive Head of Finance the revised fees.

Once approved a notice would be placed in the local newspaper as required and a further update would be provided to the Licensing Committee in February.

Once a notice had been placed for the statutory 28 days and if no objections were received or where objections were made but subsequently withdrawn the new table of fees could come into effect from 1 April 2022.

However, if objections were received these must be considered within two months following the end of the 28 day notice period. The proposed fees could be amended to reflect the objections after which the new table of fees came into effect.

It was noted that where objections were received it was proposed to present the objections and amended fees to the Licensing Committee in February 2022. It was affirmed that final approval for the proposed fees rested with the Executive Head of Community in consultation with the appropriate Portfolio holder and the Executive Head of Finance.

Following discussion from the Committee the need to review the fees on a more regular basis was recognised. Furthermore it was noted that although it was not legally required, the Council would consult with the taxi trade and online in addition to the publication of the fees in a local newspaper.

RESOLVED that

- I. The report be noted; and**
- II. The proposed methodology for calculating the revised fees and charges for the taxi and private hire trade be agreed.**

5/L Licensing Sub Committee Minutes

The Committee noted that since 2005 the Chairman of the Licensing Committee had signed the minutes of the Licensing Sub Committee meetings which had taken place since the previous meetings of the full Licensing Committee.

However it was agreed that in the future the Chairman of the Licensing Committee would only sign the minutes of the Licensing Sub Committee meetings which had taken place since the previous meeting of the Licensing Committee, after confirmation that the minutes were a true and accurate record from the members of the relevant sub-Committee(s).

RESOLVED that the Chairman of the Licensing Committee be authorised to sign the approved minutes of any Licensing Sub Committee meetings after authorisation from the members of the relevant Sub Committees.

6/L Licensing Act 2003 - Summary of Decisions

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

RESOLVED that report be noted.

7/L Committee Work Programme

The Committee noted its work programme for the remainder of the municipal year. In addition to the work programme as outlined in the agenda pack, the consideration of the pavement licensing fee and an update in respect of the temporary event notices legislation would also be reported to the October Committee Meeting.

RESOLVED that the Committee's Work Programme be noted.

8/L Covid-19 Update

The Committee considered a verbal report from Mr Tim Pashen, Executive Head of Community, updating the committee on Covid-19 actions

Despite the move from the Council's response to the recovery phase, as the borough's infectious disease control body, it was anticipated that Covid-19 mitigation would continue to be a significant area of work for Council's Environmental Health (EH) Team for sometime to come. To help with this Surrey County Council (SCC) public health team had provided additional funding of £108,000 to the Council through a Service Level Agreement to strengthen the team's capacity to respond to COVID-19. A proportion of this money would be used to cover the staffing costs of the required out of hours service as well as extra staffing resources to help the recently increased food safety workload.

Step 2 and 3 of the business roadmap had meant amended business restriction regulations in respect of the reopening of hospitality. Furthermore, Road Map Step 4 had meant the majority of the COVID business restrictions legislation had been revoked and the legal requirement for providing a Covid-safe workplace had become part of an employer's existing duties under the Health & safety At Work Act 1974. In response to this the Environmental Health Team would be supporting

the borough's businesses with the new approach and initiatives were planned to work with the Council's Economic Development team to survey businesses to find out how best to support them. This was with a view to providing tailored advice on risk assessments and to work with the Health and Safety Executive (HSE) on COVID-19 compliance spot checks.

Where complaints about a lack of COVID controls from the public or employees had been investigated, Covid Marshals were deployed to monitor and support business compliance. Where a more formal enforcement approach had been required to achieve compliance this was undertaken by the Environmental Health Officers.

The department were working with SCC Public Health Team and Public Health England (PHE) to investigate a number of workplace outbreaks that had occurred in the borough and were working with the businesses concerned to ensure COVID controls were in place.

From the 1 April 2021 the EH team had investigated two outbreaks. The first was in a large retail business and the second in a large hotel. In both premises good infection controls were in place which prevented further spread. There were a few outbreaks in nursery/school/nursing homes but they were investigated by PHE and did not involve the Council. Furthermore Officers were now carrying out Face to face contact tracing (visiting COVID cases resident in the borough who had not engaged with Test & Trace) and following up on any reports of cases of new variants of concern.

The Council's officers continued to work with event organisers to provide advice on carrying out adequate COVID-19 risk assessments and the implementation of necessary control while case numbers remained high. Moreover officers continued to attend the Surrey Safety Advisory Group meetings to share good practice as well as to ensure a coordinated response to events across Surrey. It was also noted that the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 remained in place and had been extended until end of September 2021. These Regulations enabled the Council to work with the Director of Public Health at Surrey County Council to issue instruction to prevent or restrict an event/ activity in order to manage local COVID-19 risks or outbreaks by the means of breaking chains of transmission.

The Business and Planning Act 2020 had streamlined the process for businesses to apply for pavement licences. In addition the act had also allowed off sales until 11pm for businesses that did not have the benefit of off-sales on their existing licences.

It was noted that on 19 July the Business and Planning Act 2020 (Pavement Licence) (Coronavirus) (Amendment) Regulations 2021 extended the current provisions to the end of September 2022. In cases where premises wished to continue or start to place chairs and tables on the pavement after the 30 September 2021 they should apply for a replacement/new Pavement Licence using the existing procedures. At the October meeting of the Committee, Members would be asked to consider whether the fee of £100 should continue to be waived for applications for Pavement Licences received for licences which would take

effect after 1 October 2021 and which would expire on or before 30th September 2022.

The Chairman, on behalf of the Licensing Committee, gave a vote of thanks to Mr Pashen for his lengthy service and hard work in supporting licensing and environmental health within the borough and wished him a long and happy retirement

RESOLVED that the update be noted.

Chairman

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**Gambling Act 2005
Draft revised Statement of Principles
2022-2025**

Portfolio	Corporate
Ward(s) Affected:	n/a

Purpose

To consider the draft revised Statement of Principles 2022-2025 in relation to exercising functions under the Gambling Act 2005.

Wards Affected: All

Recommendation

The Licensing Committee is advised to note the contents of this report and to approve the attached draft revised Statement of Principles 2022-2025 for consultation.

Background

1. Surrey Heath Borough Council through its Licensing team is responsible for licensing and regulating a range of gambling activities as set out in the Gambling Act 2005(the Act).
 - 1.1 Section 349 of the Act requires each licensing authority (LA(s)) to prepare and publish a Statement of Principles (SoP) that it proposes to apply in exercising its functions under the Act.
 - 1.2 The Statement applies for 3 years after which it must be reviewed and a new Statement published.

Statement of Principles 2019-2022 (SoP)

- 2 The current SoP came into effect on 31st January 2019 and therefore expires on 30 January 2022.
 - 2.1 The Gambling Act 2005(Licensing Authority Policy Statement) (England and Wales) Regulations sets out requirements as to the form and publication of licensing authority’s SoP and subsequent revisions of statements.
 - 2.2 The attached draft revised SoP has been prepared taking the above regulations and the Gambling Commission’s recently published updated Guidance to local authorities. (published 1 April 2021) into account.

- 2.3. The principles that we are recommended to follow remain largely unchanged. However there is a greater emphasis on the requirement that all applicants and existing licensees should prepare and maintain a local risk assessment. Licensees are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises. They are also required to keep these under review and update them as necessary.
- 2.4. In addition to this it is recommended that the LA complete their own assessment of the local environment as a means of mapping our areas of local concern. This is referred to as a local area profile.
- 2.5. We recognise that this may help applicants and licensees to better understand the local area and help them when preparing and reviewing their own risk assessments. It will also ensure that we are able to assess the potential risks posed by the gambling taking place or proposed and thereby allow us to target our interventions more effectively.
- 2.6 We are therefore proposing to develop a LAP during the next 12-18 months. In light of our limited activity in this area (see table below) we will be taking a proportionate approach when undertaking this work.

Licensed Premises/Gambling Activities

3. We currently have a relatively small number of licensed premises/ gambling activities in the Borough as shown in the table below.

Betting Premises Licences Issued (GBET)	8
Number of Gaming Notifications (GNOT)	26
Licensed Premises Gaming Machine Permits (LPGMP)	12
Club Machine Permits (CMP)	6
Small Society Lotteries (GALOT/LOT)	38

Consultation

4. Section 349(3) of the Act requires LAs to consult with the following on their SoP or any subsequent revision.
 - 4.1 The Chief Officer of Police for this area;
 - 4.2. One or more persons who appear to be the authority to represent the interests of persons carrying on gambling businesses in the authority's area
 - 4.3 One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

- 4.4 The list of consultees is deliberately wide as it enables licensing authorities to consult with anyone who may be affected by or otherwise have an interest in the SoP.
- 5.5 In addition to the statutory consultees we are proposing to consult with the following:
- All ward councillors.
 - Parish Councils
 - Surrey County Council- Children's Services
 - Other Local Authorities in Surrey
- 5.6 We are planning to commence consultation on the attached draft SoP week commencing November 8th. As part of this we will be contacting all ward councillors by email to give them an opportunity to comment. The consultation will last for a minimum of 6 weeks.
- 5.7 The results of this consultation will be reported to the Licensing Committee in February 2022, together with the final draft SoP for recommendation to Full Council on the 23rd February.
- 5.8 The current SoP will expire on the 30th January 2022. There will therefore be approximately three weeks between the old SoP expiring and the new SoP being adopted. We do not envisage this causing us any difficulties as there is no significant changes to the principles we must apply when considering new applications for licences under the Act.
- 5.9 The start of consultation will be subject to the outcome of this evening's meeting.

Financial implications

6. The cost of consultation is likely to be in the region of £300, this will be met from within existing budgets.

Recommendation

7. The Licensing Committee is advised to note the contents of this report and to approve the attached draft revised SoP 2022-2025 for consultation.

Annexes	Annex A: Draft revised Statement of Principles 2022-2025
Background Papers	Gambling Commission- Guidance to licensing authorities (Published April 2021)
Author/Contact Details	Helen Lolley Helen.lolley@surreyheath.gov.uk
Head of Service	Louise Livingston- Head of HR Performance and Communication

Surrey Heath Borough Council

**GAMBLING ACT 2005
STATEMENT OF PRINCIPLES**

2022 to 2025

Draft for Consultation

This statement of principles has been prepared following reference to guidance from the Gambling Commission to licensing authorities published in April 2021

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1. Introduction

1.1 General

The Gambling Act 2005 ('the Act') imposes a duty on licensing authorities (LAs) to exercise a number of regulatory functions in relation to gambling activities. These include:

- Licensing premises for gambling activities by issuing Premises Licences;
- Considering notices given for the temporary use of premises for gambling;
- Granting permits for gaming and gaming machines in clubs and miners' welfare institutes;
- Regulating gaming and gaming machines in premises licensed for the supply of alcohol;
- Granting permits to family entertainment centres for the use of certain lower stake gaming machines;
- Granting permits for prize gaming;
- Considering occasional use notices for betting at tracks;
- Registering small societies' lotteries that fall below certain limits.

Details of gaming machine classifications as dealt with later in this statement are set out in Annex 1

Surrey Heath Borough Council ('the Council') is a LA for the purposes of the Act. In exercising our statutory functions we have broad discretion in regulating the local provision of gambling through a wide range of powers, including

- Requirement to Issue a statement of licensing policy(principles), setting expectations about how gambling will be regulated in our area
- Granting, refusing and attaching conditions to premises licences
- Reviewing premises licences and attaching conditions or revoking them as a result.

The Gambling Commission (the Commission) has responsibility for dealing with personal licences and operating licences.

We will work in partnership with the Commission to regulate gambling. The Commission tends to focus on operators and matters of national or regional significance and LAs take the lead on regulating gambling locally. We will work together on issues relating to say building capacity and learning which may be rolled out more widely.

This Statement of Principles will be published on the Council's website licensing@surreyheath.gov.uk

1.2 Licensing Objectives

The Act places a duty on both the Commission and LAs to aim to permit gambling, in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives.

In exercising our functions under the Act, particularly in relation to premises licences, temporary use notices and some permits we must have regard to the licensing objectives as set out in section 1 of the Act.

The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

As a LA we aim to permit the use of premises for gambling as set out in s.153 of the Act. When making decisions about premises licences and temporary use notices we will only permit the use of premises for gambling:

- In accordance with any relevant Codes of Practice made under section 24 of the Act;
- We will also have regard to guidance issued by the Commission under section 25;and
- In accordance with this Statement of Principles, and consistent with the licensing objectives.

1.3 Description of Surrey Heath Borough

Surrey Heath is located in the northwest corner of Surrey and is home to over 89,000 people. The Borough covers an area of 36.5 square miles which is comprised of a mixture of residential, rural, urban, and heathland areas. These areas are shown on the map attached as Annex 2.

Camberley Town Centre is the largest shopping and business area within the Borough and the largest cluster of entertainment venues is situated in the town including shopping facilities, restaurants, theatre, a multiscreen cinema and a ten pin bowling complex. Areas of the Borough remain undeveloped and parts are covered by 'Green Belt'. Most areas are primarily residential in nature but there are large tracts of heathland and open green spaces.

The agriculture and farming element of the area is now virtually non-existent and areas formerly used for these purposes are now often used in connection with open air recreational activities.

1.4 Obligation to Publish Statement of Principles

Licensing authorities are required by section 349 of the Act to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act. This statement must be reviewed and published at least every three years. The statement may also be reviewed from "time to time" and any amended parts re-consulted upon. This may occur, for example, in the event of a change in local planning policy. The statement must then be re-published.

1.5 Local Risk Assessment (LRA)

The Gambling Commission's Licence Conditions and Code of Practice (LCCP) require gambling premises licence holders to undertake a LRA taking into consideration local information. They may be required to share these risk assessments with the licensing

authority under certain circumstances. This includes when they are applying for a new premises licence, applying for a variation to an existing licence or otherwise on request. The LRA must be kept under regular review and updated as necessary.

The LRA must be updated;

- When applications are made for a variation of a premises licence;
- To take account of significant changes in local circumstances;
- When there are significant changes at a licensee's premises that may affect their mitigation of local risks.

Risks in this context include actual, potential and possible future emerging risks to the licensing objectives.

Further details may be seen at Annex 3 of this document.

Current Gambling Commission guidance recommends that LAs adopt a Local Area Profile (LAP). A LAP is a process of gathering and presenting information about a locality and any particular areas of concern. In turn where a LAP is in place it could help applicants to develop their LRA by ensuring that they are addressing relevant local areas of concerns as part of their application. This would help them to demonstrate that they are aiming to meet the licensing objectives.

We are proposing to develop a LAP during the life of this Statement of Principles.

In due course this will help to inform our inspection regime.

1.6 Consultation

Under section 349(3) of the Act we are required to consult with the following on our statement of principles and any subsequent revision:

- The Chief Officer of Police for this area;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

A full list of consultees is attached as Annex 4.

This statement of policy is likely to take effect from February 2022. It will remain in force for no more than 3 years, but may be reviewed at any time.

When undertaking a review we will carry out a consultation on any proposed changes. This will include publishing and advertising the revisions which will subsequently become part of the SoP.

1.7 Declaration

This statement of principles has been prepared with due regard to the licensing objectives, the guidance to licensing authorities issued by the Commission, and with due weight attached to any responses received from those consulted.

This statement of policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

1.8 Responsible Authorities (RAs)

The Act sets out two categories of organisations and individuals that may feature in applications for, and in relation to, premises licences, RAs and interested parties.

We must inform RAs of any applications we receive under the Act as they are entitled to make representations to the LA in relation to applications for, and in relation to, premises licences.

Section 157 of the Act identifies the bodies that are to be treated as RAs as listed below:

- The Gambling Commission;
- The chief officer of police or chief constable for our area;
- The fire and rescue authority;
- The local planning authority;
- An authority with responsibility in relation to pollution to the environment or harm to human health;
- Anyone designated as competent to advise about the protection of children from harm;
- HM Revenue and Customs;
- Any other person prescribed in regulations by the Secretary of State.

The contact details of all the RAs under the Act are available via the Council's website at www.surreyheath.gov.uk.

In exercising the Council's powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm, the following principles have been applied:

- The need for the body to be responsible for an area covering the whole of the licensing authority's area;
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.

Having regard to the above principles, the Council designates the Surrey Children's Service for this purpose.

1.9 Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. Section 158 of the Act defines interested parties as persons who, in the opinion of the licensing authority;

- a) Live sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) Have business interests that might be affected by the authorised activities; or
- c) Represent persons who satisfy paragraph (a) or (b) *

Whether or not a person is an interested party is a decision that will be taken by the Council on a case-by-case basis. However, the following factors will be taken into account:

- The size of the premises;
- The nature of the premises;
- The distance of the premises from the location of the person making the representation
- The potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment);
- The nature of the complainant. This is not the personal characteristics of the complainant but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) residential hostel for vulnerable adults;
- The ‘catchment’ area of the premises (i.e. how far people travel to visit); and whether the person making the representation has business interests in that catchment area, that might be affected.

This list is not exhaustive and other factors may be taken into consideration in an individual case.

The Council considers the following bodies/ associations to fall within the category of those who represent persons living close to premises, or having business interests that might be affected by the authorised activities:-

- Trade associations;
- Trade unions;
- Residents and tenants associations;
- Ward/ county/ parish councillors;
- MP's.

This list is not exhaustive and the Council may consider other bodies/ associations and persons to fall within the category in the circumstances of an individual case.

The Council may require written evidence that the person/ association/ body represents an interested party.

1.10 Exchange of Information

The Act requires the Council to include the principles we apply in exercising our functions under sections 29 and 30 of the Act regarding the exchange of information between the

Commission and us. This also applies in relation to the functions under section 350 of the Act. The following therefore applies.

The Council regards the lawful and correct treatment of information as very important to the successful and efficient performance of the Council's functions, and to maintaining confidence between the people/ bodies we deal with and ourselves. We ensure that our organisation treats information lawfully and correctly.

The Council may share information in accordance with the following provisions of the Act: -

- Sections 29 & 30 (with respect to information shared between the Council and the Commission);
- Section 350 (with respect to information shared between the Council and the other persons listed in Schedule 6(1) of the Act). Those relevant to us as a LA are as follows:
 - A constable or police force;
 - An enforcement officer;
 - A licensing authority;
 - HMRC;
 - The First Tier Tribunal
 - The Secretary of State.

In the exercise of the above functions, consideration shall also be given to the common law duty of confidence, the law relating to defamation, the guidance issued by the Commission and to the Council's policies in relation to data protection and freedom of information.

The Council will act in accordance with the relevant legislation and guidance from the Commission and will adopt the principles of better regulation.

Any information shared between the Council and Surrey Police must also be carried out in accordance with the Surrey Information Sharing Protocol produced by the Surrey Community Safety Unit.

Any person wishing to obtain further information about their rights under the General Data Protection Regulations or the Freedom of Information Act 2000 may view the Council's policies at www.surreyheath.gov.uk or alternatively contact the Information Governance Manager, Surrey Heath Borough Council, Surrey Heath House, Knoll Road, Camberley GU15 3HD – Tel No. 01276-707100 – e-mail foi@surreyheath.gov.uk

1.11 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.

1.12 Compliance and Enforcement

The Act requires the Council to state the principles we will apply in exercising our functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of specified offences.

The Council has adopted a risk-based approach to the inspection of premises including those where gambling takes place. This will allow for the targeting of high-risk premises, or those where a breach would have serious consequences. Premises that are low risk and/or well run will be subject to a less frequent inspection regime.

Our risk based inspection of premises is based on:

- The licensing objectives;
- Relevant codes of practice;
- Guidance issued by the Commission, in particular at Part 36;
- The principles set out in this statement of principles; and
- Surrey Heath's Corporate Enforcement Policy

Our main enforcement role in terms of the Act is to ensure compliance with premises licences and other permissions, which we authorise. The Commission is the enforcement body for operating licences and personal licences.

All of our enforcement activities will be carried out in a way which is transparent, accountable, proportionate and consistent and will be targeted only at cases in which action is needed. We will have regard to the Regulators' Code (previously the Regulators' Compliance Code).

Where necessary, appropriate enforcement (including prosecution under section 346 of the Act) will be carried out in a fair and consistent manner in accordance with the principles set out in the Council's Corporate Enforcement Policy.

The Council has established protocols with the local Police and Fire Authority 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 use of appropriate enforcement tools.

The Licensing Authority encourages licensees to seek advice from the Environmental Health and Licensing Services and/or the police for clarification, advice or assistance with issues which arise, but places the responsibility for effective management solely with licence holders.

We are committed, as far as possible, to avoiding duplication with other regulatory regimes. This includes, for example, duties imposed on the self-employed, employers

and operators of gambling premises, both in respect of employees and of the general public by legislation governing health and safety at work and fire safety.

Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Council but will be notified to the Commission.

1.13 Delegation of Functions

Information on how functions under the Act are delegated to officers and the Licensing Committee can be obtained from licensing services.

2. Premises Licences

In accordance with section 150 of the Act, premises licences can authorise the provision of facilities in:

- Casino premises;
- Bingo premises;
- Betting premises, including tracks and premises used by betting intermediaries;
- Adult gaming centre (AGC) premises (for category B3, B4, C and D machines);
- Family entertainment centre (FEC) premises (for category C and D machines) – the LA may issue a FEC gaming machine permit which authorises the use of category D machines only.

The Act defines 'premises' as including any place, section 152 prevents more than one premise licence applying to any one place. This is further explained in the Commission guidance.

2.1 Decision making - general

In accordance with Section 153(1) of the Act, the Council aims to permit the use of premises for gambling in so far as it thinks it is:

- In accordance with any relevant code(s) of practice or guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives and
- In accordance with the authority's statement of licensing principles.

The Council will not have regard to the expected demand for the facilities which it is proposed to provide, nor the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.

Moral objections to gambling will not be considered by the Council, as they are not a valid reason for rejecting an application for a premises licence.

Each case will be considered on its individual merits. However, in order to assist applicants and objectors alike, this section sets out the general factors that will be taken into account by the Council when considering applications for premises licences.

Operators can apply for a premises licence in respect of premises which have still to be constructed or altered. We are required to determine such applications on its merits.

The Council regularly reviews its constitution and scheme of delegation to officers to ensure effective implementation of the Act. The Licensing Committee and Sub-Committee will be asked to deal with licensing issues and the determination of applications in certain cases, i.e. those where representations have been made or where premises licences require review. Non contentious issues are delegated to officers.

2.2 Location

The location of premises may be relevant to the promotion of the licensing objectives. In particular, premises located in close proximity to the following may give rise to concern

- Schools
- Vulnerable adult centres
- Residential areas with a high concentration of children

Much will depend upon the type of gambling that it is proposed will be offered on the premises. The Council will, where appropriate, consider the location on a case-by-case basis. If the proposed location does pose a risk to the promotion of the licensing objectives, the applicant will be invited to show how they propose to overcome such concerns.

2.3 Multiple licences/ layout of buildings

Premises are defined in the Act as including 'any place', but no more than one premises licence can apply in relation to any one place. A single building can be subject to more than one premises licence, provided they are for different parts of the building and those parts can reasonably be regarded as being different premises.

Where multiple licences are sought for a building (or a discrete part of a building used for other non gambling purposes), specific issues will need to be considered by the Council before such application(s) can be granted. These include

- the ability of children to gain access to or observe gambling facilities (even accidentally) – entrances and exits from parts of a building covered by more than one premises licence should be separate and identifiable so that the separation of different premises is not compromised and that people (and in particular, children) do not drift into a gambling area;
- the compatibility of the 2 or more establishments; and
- The ability of the establishments to comply with the requirements of the Act.

In accordance with the Gambling Commission guidance, an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

2.4 Conditions

The Act provides that licences may be subject to conditions in a number of ways. These are

- (a) **Mandatory** – as set out in the Act and by the Secretary of State as prescribed in regulations, for all, or classes of licence;
- (b) **Default** – prescribed in regulations made by the Secretary of State, to be attached to all or classes of licences unless excluded by the licensing authority;

- (c) **Specific** – conditions that can be attached to an individual licence by the licensing authority.

Conditions imposed by the Council will be proportionate to the circumstances that they are seeking to address and will be designed to ensure that the licensing objectives are met. In particular, this Council will ensure that premises licence conditions are:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

Certain matters may not be the subject of conditions. These are:

- Any condition on the premises licence which makes it impossible to comply with an operating licence condition;(s169(4));
- Conditions relating to gaming machine categories, numbers, or method of operation; (s 172(10));
- Conditions which provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated;(s 170); and
- Conditions in relation to stakes, fees, winning or prizes. (s 171)

2.5 Door Supervisors

The Act does not require a LA to impose conditions relating to door supervision. However, where we consider it necessary to impose a condition on a premises licence requiring the presence of door supervisor(s), such person(s) would need to hold a licence under the Private Security Industry Act 2001(PSIA).

This requirement does not apply to door supervisors at licensed casino or bingo premises, who are exempt from the licensing requirements of the PSIA. The Council may however impose specific requirements on door supervisors at such premises if considered appropriate in individual cases.

2.6 Adult gaming centres (AGCs) (Page 125)

An AGC is one of three types of amusement arcade. This type of arcade can provide higher pay out gaming machines (Category B3 and B4) and access is restricted to persons who are 18 or over.

Persons operating an AGC must obtain a gaming machines general operating licence from the Commission and a premises licence from the Council. This will allow the operator to make category B, C & D machines available to their customers. No one under the age of 18 is permitted to enter an adult gaming centre.

In considering licence applications for AGCs, weight will be given to the need to protect children and vulnerable persons from harm or being exploited by gambling. The Council will therefore expect applicants to demonstrate that there will be sufficient measures in place to promote this objective.

Applicants are encouraged to consider the following steps:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Location of and entry to premises (so as to minimise the opportunities for children to gain access)
- Notices / signage
- Training for staff on challenging persons suspected of being under-age
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Please see paragraph 2.4 for details of conditions that may be attached to premises licences authorising AGCs.

A notice **MUST** be displayed at all entrances to AGCs stating that no person under the age of 18 years will be admitted to the premises.

Additional mandatory conditions apply to AGCs as set out in guidance including the following:

- The consumption of alcohol in AGCs is prohibited at any time during which facilities for gambling are being provided on the premises.

2.7 Licensed family entertainment centres (LFECs)

A LFEC is the second type of amusement arcade. This type of arcade can provide the lowest two categories of gaming machines (category C and D). Children can enter a LFEC but they can only gamble on category D machines. All category C machines must be located in a separate area, which can only be accessed by persons who are ages 18 and over.

Operators of licensed LFECs require a gaming machine general operating licence from the Gambling Commission, and a premises licence from the Council. This will allow the operator to make category C & D machines available to their customers.

As LFECs will particularly appeal to children and young persons, weight will be given to child protection issues. Where category C machines are available in LFECs the Council will normally require that:

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to the area where the machines are located;
- Access to the area where the machines are located is supervised;
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

Applicants are therefore encouraged to consider the steps set out at paragraph 2.6 of this statement in order to prevent children and young persons from gaining access to category C machines. In addition, applicants are encouraged to consider the following

- Physical separation of areas;
- Measures/training for staff on how to deal with suspected truant school children on the premises.

This list is indicative of measures that could be considered.

Please see paragraph 2.4 for details of conditions that may be attached to premises licences authorising LFECs. Whilst currently there are no default conditions specific to LFECs the Commission guidance list a number of mandatory conditions that must be applied to LFECs.

2.8 Tracks

Tracks are sites (including racecourses and dog tracks) where sporting events take place.

There are currently no tracks located in Surrey Heath.

Operators proposing to provide a track within the Borough will require a premises licence from the Council, but they do not need to obtain an operating licence from the Gambling Commission (although they may have one).

Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.

It will be a mandatory condition of all track licences that children and young persons are excluded from any areas where facilities for betting are provided, and any area where a gaming machine, other than a category D machine, is situated. Special dispensation from this rule is provided for dog tracks and horse racecourses, on days when racing takes place, in relation to the areas used for betting. On these days families will be entitled to attend the track or racecourse, and children enter the areas where facilities for betting are provided. This race day dispensation does not apply to the areas where gaming machines of category B & C are provided, and the Council will therefore wish to ensure that suitable measures are in place to prevent children from entering such areas.

Applicants are encouraged to consider the steps set out at paragraph 2.6 in order to prevent the access of children and young people to machines of category B & C. In addition, applicants are encouraged to consider the following

- Physical separation of areas;
- Measures/training for staff on how to deal with suspected truant school children on the premises.

Gaming machines at tracks:

Holders of betting premises licences in respect of tracks who also hold a pool betting operating licence may make available up to 4 gaming machines (categories B2 to D) on the track. The Council will therefore expect the applicant to demonstrate that suitable measures are in place to ensure that children are prevented from entering areas where machines (other than category D machines) are made available.

Betting machines at tracks:

The Council will apply similar considerations to those set out in paragraph 2.10 (in relation to betting machines made available at off-course betting premises) to betting machines made available at tracks.

Condition on rules being displayed:

The Council will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

Applications and plans:

The Council will require the following information from applicants for premises licences in respect of tracks: -

- Detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”);
- In the case of dog tracks and horse racecourses, details of the fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities

Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

2.9 Casinos

A casino is an arrangement whereby people are given the opportunity to participate in one or more casino games. Casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or banks at differed odds to their fellow player.

The Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 specifies which authorities may issue large and small casino premises licences. Surrey Heath Borough Council is not one of the local authorities permitted to issue these casino licences.

The Council is not therefore proposing to pass a resolution under Section 166 of the Gambling Act 2005 stating that no casino premises will be licensed in the Borough, but is aware that it has the power to do so. Any such decision would be made by the Full Council. Should this LA consider it necessary in the future to pass such a resolution or the Council is granted authority to issue a casino licence this statement of principles will be updated.

There are currently NO casinos located within Surrey Heath Borough Council.

2.10 Betting Premises (BPs)

This paragraph deals with off-course betting, that is betting that takes place other than at a track (commonly known as a licensed betting office). Operators of BPs will require an operating licence from the Gambling Commission and a premises licence from the Council.

The holder of a betting premises licence may make available for use up to 4 gaming machines of category B (B2, B3 or B4), C or D. (s 172(8))

The Council may, in accordance with section 181 of the Act, restrict the number of betting machines, their nature, and the circumstances in which those machines are made available for use. When considering whether to impose such a condition, the Council will take into account the following: -

- The size of the premises;
- The structure and layout of the premises;
- The number of counter positions available for person-to-person transactions; and
- The ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people

Please see paragraph 2.4 for details of conditions that may be attached to betting premises licences. These include both mandatory and default conditions.

2.11 Bingo

Bingo is not given a statutory definition in the Act although two types of bingo are commonly understood:

- Cash bingo, where the stakes paid make up the cash prizes that are won;
- Prize bingo, where various forms of prizes are won, not directly related to the stakes paid.

Operators of premises offering bingo (cash or prize) will require a bingo operating licence from the Gambling Commission, and a premises licence from the Council.

The holder of a bingo premises licence may, in addition to bingo in all its forms, make available for use up to 4 category B gaming machines (B3 & B4) and any number of category C & D machines.

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Council will normally require that:

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

Please see paragraph 2.4 for details of conditions that may be attached to bingo premises licences.

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2.12 Temporary Use Notices (TUNs) (sections 214-234 of the Act)

TUNs allow the use of premises for gambling where there is no premises licence but where a person or company holding a relevant operators licence wishes to use the premises temporarily for providing facilities for gambling.

Examples of premises where TUNs may be used include:

- Hotels
- Conference Centres
- Sporting Venues

We will have regard to the Gambling Act 2005(Temporary Use Notices) Regulations 2007 (SI 2007/3157) when considering applications for TUNs.

There are a number of statutory limits in regards to temporary use notices. This includes the following:

- Gambling may only be available on a maximum of 21 days in any 12 month period for any or all of a named set of premises.

If objections are received to a temporary use notice (from the Police, the Commission, HMRC or any other licensing authority in whose area the premises are situated), the Council must hold a hearing to consider the representation (unless all the participants agree that a hearing is unnecessary).

If the Council, after a hearing has taken place or been dispensed with, considers that the temporary use notice should not have effect, it must issue a counter-notice which may:

- Prevent the temporary use notice from taking effect;
- Limit the activities that are permitted;
- Limit the time period of the gambling; or
- Allow the activities to take place subject to a specified condition

The Council will apply the principles set out in paragraph 2.1 of this statement to any consideration as to whether to issue a counter-notice.

2.13 Provisional Statements (PSs)

Developers may wish to apply to us for PSs before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to hold obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a PS.

Section 204 of the Act provides for a person to make an application to the LA for a PS in respect of premises he or she expects to:

- Be constructed;
- Be altered; or
- Acquire a right to occupy.

The process for considering an application for a PS is the same as that for a premises licence application. The applicant is required to give notice of the application. RAs and interested parties may make representations and there is no right of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their application is made.

The holder of a PS may then apply for a premises licence once the premises are constructed, altered or acquired. The Council will be constrained in the matters it can consider when determining the premises licence application. In terms of representations about premises licence applications that follow the grant of a PS, no further representations from RAs or interested parties will be taken into account unless:

- They concern matters which could not have been addressed at the PS stage; or
- They reflect a change in the applicant's circumstances.

In addition, we may refuse the premises licence (or grant it on different terms attached to the PS) only with reference to matters:

- Which could not have been raised by objectors at the PS stage;
- Which in our opinion reflect a change in the operator's circumstances; or
- Where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and we will discuss any concerns we have with the applicant before making a decision.

2.14 Reviews

RAs or interested parties can make a request for a review of a premises licence, however it is for the Council to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- In accordance with any relevant Code of Practice or guidance issued by the Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the authority's statement of principles.

The Council will consider whether the request is frivolous, vexatious, or whether it will cause us to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous requests for a review.

The Council can also initiate a review of a particular premises licence, or a particular premises licence based on any reason, which we think is appropriate.

Once a valid application for a review is received, RAs and interested parties can make representations during a 28 day period. This period begins on the day the application is made to the LA and we will publish notice of the application within 7 days of receipt.

The Council will carry out the review as soon as possible after the 28-day period for making representations has passed.

The purpose of the review will be to determine whether the Council should take any action in relation to the licence. If action is justified, these options open to us are:

- Add,remove or amend a licence condition imposed by the LA;
- Exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such exclusion;
- Suspend the premises licence for a period not exceeding three months; and
- Revoke the premises licence.

We will have regard to the principles set out in s153 of the Act, as well as any representations in determining what action, if any, we should take following a review.

We may initiate a review of a premises licence if a premises licence holder has NOT provided facilities for gambling at the premises. This is to deter people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, we will, as soon as possible, notify our decision to:

- The licence holder;
- The applicant for review(if any);
- The Commission;
- Any person who made representations;
- The chief officer of police or chief constable; and
- HMRC

2.15 Register of Premises Licences

Section 156 of the Act requires LAs to maintain a register of premises licences that it has issued. .

This register can be found on the licensing pages of our website www.surreyheath.gov.uk

3. Permits

The Act introduces a range of permits for gambling which are granted by LAs. They are designed as a light touch approach to low level ancillary gambling. The permits regulate gambling and the use of gaming machines in certain premises.

Holders of alcohol-licensed premises gaming machine permits and club permits are required to comply with codes of practice drawn up by the Gambling Commission about the location and operation of the machines.

As a LA we are responsible for issuing:

- FEC gaming machine permits;
- Club gaming permits and club machine permits;
- Alcohol-licensed premises gaming machine permits;
- Prize gaming permits

LAs may only grant an application for a permit. We are not allowed to attach conditions to a permit.

Once granted the permit will have effect for 10 years, unless it ceases to have effect because it is surrendered or lapses or is renewed.

3.1 Unlicensed Family Entertainment Centre (UFEC) gaming machine permits

UFEC will be able to offer category D machines if granted a permit by the Council. If an operator of a FEC wishes to make category C machines available in addition to category D machines, they will need to apply for an operating licence from the Gambling Commission and a premises licence from the Council.

As UFECs will particularly appeal to children and young persons, weight shall be given to child protection issues when considering an application.

The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff should deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. The Council will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in UFECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 to the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

3.2 (Alcohol) Licensed premises gaming machine permits

Premises licensed to sell alcohol for consumption on the premises, can automatically have 2 gaming machines, of categories C and/or D. The holder of the premises licence authorising the sale of alcohol will simply need to notify the Council, and pay the prescribed fee.

The Council can remove the automatic authorisation in respect of any particular premises if;

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Act;
- the premises are mainly used for gaming; or
- An offence under the Act has been committed on the premises.

If a premises wishes to have more than 2 machines, then the holder of the premises licence will need to apply for a permit. The Council shall consider that application having regard to the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and any other matters that are considered relevant.

The Council shall determine what constitutes a relevant consideration on a case-by-case basis, but weight shall be given to the third licensing objective i.e. protecting children and vulnerable persons from being harmed or being exploited by gambling. To this end, the Council will expect applicants to demonstrate that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult

machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help.

With respect to the protection of vulnerable persons, the Council will expect applicants to provide information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

The Council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

3.3 Prize gaming permits

S288 of the Act defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences.

Applicants for prize gaming permits should set out the types of gaming that he or she is intending to offer. The applicant should be able to demonstrate:

- That they understand the limits to stakes and prizes that are set out in Regulations; and
- That the gaming offered is within the law.

In making its decision on an application for this type of permit the Council does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance. Weight will be given to child protection issues, and relevant considerations are likely to include the suitability of the applicant (i.e. if the applicant has any convictions which would make them unsuitable to operate prize gaming) and the suitability of the premises. Applicants for prize gaming permits must disclose any previous relevant convictions to the Council.

The Council can grant or refuse an application for a permit, but cannot attach any conditions. However, there are 4 conditions in the Act that permit holders must comply with. These are:

- The limits on participation fees, as set out in regulations, must be complied with;
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- Participation in the gaming must not entitle the player to take part in any other gambling.

3.4 Club gaming and club machine permits

The Act creates a separate regime for gaming in clubs from that in other relevant alcohol licensed premises. It defines two types of clubs for the purposes of gaming:

- Members' clubs (including miners' welfare institutes)
- Commercial clubs

Members clubs (but not commercial clubs) may apply for a club gaming permit. The club gaming permit will enable the premises to provide gaming machines (3 machines of categories B4, C or D), equal chance gaming and games of chance.

If a club does not wish to have the full range of facilities permitted by a club gaming permit or if they are a commercial club not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act), they may apply for a club machine permit, which will enable the premises to provide gaming machines (3 machines of categories B4, C or D).

Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

An application may only be refused on one or more of the following grounds;

- the applicant does not fulfil the requirements for a members' or commercial club and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a condition of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or;
- an objection has been lodged by the Gambling Commission or the Police

The Council shall have regard to the guidance issued by the Gambling Commission and (subject to that guidance), the licensing objectives.

There is a 'fast-track' procedure available for clubs which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which an authority can refuse a permit are reduced.

The grounds on which an application under the fast track procedure may be refused are;

- that the club is established primarily for gaming, other than gaming prescribed by regulations under s.266 of the Act;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

The Council can grant or refuse an application for a club gaming or club machine permit, but cannot attach any conditions. However, there are a number of conditions in the Act that the holder must comply with.

Further Information

Further information about the Act, this SoP or the application process can be obtained from:
- licensing@surreyheath.gov.uk

Helen Lolley
September 2021

DRAFT

ANNEX 1 – MACHINE CATEGORIES

ANNEX 2 – MAP OF SURREY HEATH BOROUGH (to be attached to the consultation document)

ANNEX 3– LOCAL RISK ASSESSMENTS

ANNEX 4– LIST OF CONSULTEES

DRAFT

MACHINE CATEGORIES

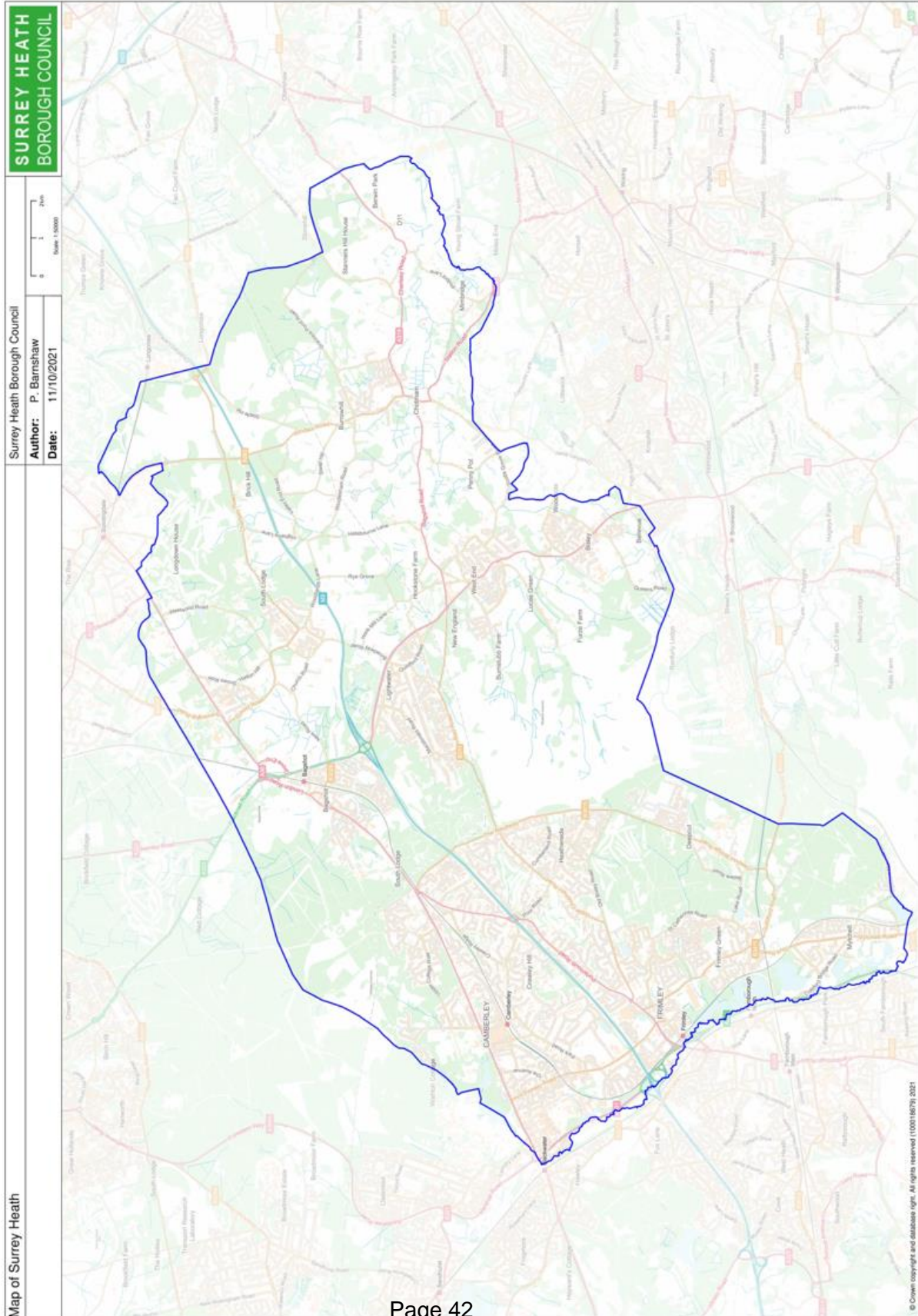
Summary of gaming machine categories and entitlements.

Category of Machine	Maximum Stake (from April 2019)	Maximum Prize (from January 2014)
A	Unlimited No category A gaming machines are currently permitted	
B1	£5	£10,000 †
B2	£2	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize	30p	£8
D – non-money prize (crane grab machines only)	£1	£50
D – money prize	10p	£5
D – combined money prize and non-money prize	10p	£8 (of which no more than £5 may be a money prize)
D – combined money prize and non-money prize (coin pusher or penny falls machines only)	20p	£20 (of which no more than £10 may be a money prize)

† With option of max £20,000 linked progressive jackpot on premises basis only

Summary of machine provisions by premises.

Premises Type	Machine Category						
	A	B1	B2	B3	B4	C	D
Regional casino (machine/table ratio of 25 - 1 up to maximum)	Maximum of 1250 machines Any combination of machines in categories A to D, within the total limit of 1250 (subject to machine/table ratio)						
Large casino (machine/table ratio of 5 - 1 up to maximum)	Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)						
Small casino (machine/table ratio of 2 - 1 up to maximum)	Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)						
Pre-2005 Act casinos (no machine/table ratio)	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead						
Betting premises and tracks occupied by Pool Betting	Maximum of 4 machines categories B2 to D (except B3A machines)						
Bingo Premises				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4		No limit C or D machines	
Adult gaming centre				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4		No limit C or D machines	
Family entertainment centre (with premises licence)						No limit on Category C or D machines	
Family entertainment centre (with permit)							No limit on Category D machines
Clubs or miners' welfare institutes with permits					Maximum of 3 machines in categories B4 to D		
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises with gaming machine permit						Number as specified on permit	
Travelling fair							No limit on Category D machines
	A	B1	B2	B3	B4	C	D



Local Risk Assessments

From 6 April 2016, it has been a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Part 2, section 10.1, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account this Statement of Gambling Policy and the LCCP.

<http://www.gamblingcommission.gov.uk/pdf/Latest-LCCP-and-Extracts/Licence-conditions-and-codes-of-practice.pdf>

Licensees must review (and update as necessary) their local risk assessments:

- a) To take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
- b) When there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- c) When applying for a variation of a premises licence; and
- d) In any case, undertake a local risk assessment when applying for a new premises licence.

Licensees must share their risk assessments with the Council when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

The Council will expect the local risk assessment to consider as a minimum:

- Whether the premises is in an area of deprivation
- Whether the premises is in an area subject to high levels of crime and/or disorder
- The ethnic profile of residents in the area
- The demographics of the area in relation to vulnerable groups
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather

Where specific local risks are identified, the risk assessment should set out how the operator proposes to mitigate and monitor these risks. The risk assessment should also show how vulnerable people, including people with gambling dependencies, are protected.

Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.

- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information is provided in both English and any other prominent first language for that locality.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

GAMBLING ACT 2005
POLICY STATEMENT - LIST OF CONSULTEES

Chief Officer of Police for Surrey Heath

Clubs

Licensing Committee

Member of Parliament

Citizens Advice Bureau (CAB)

Parish Councils

Public Houses and Betting Shops

Residents Associations

Selection of Groups, Clubs and Organisations

Surrey Heath Business Association

Surrey Heath Community Panel

Surrey Children's Service

The consultation document will be placed on the Council's web site. The document will not be enclosed with letters seeking comments and recipients will be asked to refer to the document via the web site. In addition to seeking comments directly by letter, publicity will also be given to this matter via the media.

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Review of Hackney Carriage (Taxi) Fares

Purpose

To consider the proposed updated Taxi Fare Chart for the hire of Taxis and the steps required to allow an increase to fares as outlined in this report.

Wards Affected: All

Recommendation

The Licensing Committee is advised to note the contents of this report and to approve the new proposed taxi fares, as provided in the attached Taxi Fare Chart, (Annex E) for advertising in a local newspaper.

In addition the Committee is recommended to note the steps that will be taken once the fares are advertised.

It is also recommended that, in the future, taxi fares are reviewed by the Licensing Committee regularly depending on the prevailing economic climate.

1. Background

- 1.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 (the Act) provides that a district or borough council may set local taxi fares for journeys within its area by means of a table or scheme of fares. Our current fares chart is attached as Annex A.
- 1.2 There is no power to set Private Hire (PH) vehicle fares.
- 1.3 The current fares were set in 2012 and it seems appropriate to review these fares.
- 1.4 This is supported by a number of verbal and written requests from the Taxi trade for us to consider increasing the fares they are allowed to charge.

2. Taxi Fares

- 2.1 In July we provided details of the process for reviewing taxi fares, this is set out below for reference.
- 2.2 While there is limited guidance available to local authorities in setting taxi fares we have had regard to the Department for Transport (DFT) best practice guidelines to licensing authorities (March 2010 updated July 2020). The following points are considered relevant :

- It is good practice to review fare scales at regular intervals;
- Fare scales should be designed with a view to practicality;
- Authorities may wish to consider adopting a simple formula for deciding on fare revisions as this will increase understanding and improve the transparency of the process;
- In reviewing fares authorities should pay particular regard to the needs of the travelling public, with reference to both what it is reasonable to expect people to pay but also the need to give taxi drivers sufficient incentive to provide a service when it is needed;
- There may be a case for higher fares at times of higher demand;
- Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver.

2.3 In reviewing the fares we may also have regard to, but not be bound by the following considerations-

- The available supply and demand for Taxi services;
- Any graduation of the above by time of day, day of the week, seasonal variation and/or special occasions etc.;
- The practicality of the proposed fare scheme arrangements.

NB: these considerations should not be seen as a comprehensive checklist or, in any way, be regarded as standards to be automatically applied in all cases.

2.4 The Licensing Committee was advised in July that as a starting point we have notionally increased our fares by the annual CPI for each year 2012- 2021. The resulting proposed updated fare chart for Surrey Heath is attached at Annex B and a comparison with other local authorities at Annex C.

2.5 It is important to note the date when each local authority introduced their fares, as this will be relevant to the comparison.

2.6 Following the July Licensing Committee when these revised fares were first considered, members of the Taxi trade were invited to comment on our proposed fares (Annex B).

2.7 We received 4 written and 2 verbal responses. Five responses were in support of an increase in fares, whilst 1 written response suggested that increasing fares would put the trade at a financial disadvantage. Copies of the written responses are attached as Annex D.

- 2.8 Both verbal responses were in support of increasing the fares and were made during a zoom meeting with licensing officers attended by both Councillors Bates and Adams. This meeting was arranged to give the trade an opportunity to comment on the proposals.
- 2.9 Three of the written responses offered alternative options for increasing the fares. Following a discussion with both Councillor Bates and Councillor Adams it is proposed that we use our original revised figures (Annex B) as the basis for the fare increase.
- 2.10 These are the maximum fares that are allowed to be charged. There will be a further opportunity to amend these once they have been advertised in the local press.
- 2.11 The proposed fare chart (Annex B) has been revised with figures being rounded (downwards), this is considered necessary to facilitate updating the meters in due course once the fares have been confirmed by the Licensing Committee. The rounded revised fare chart can be seen at Annex E.
- 2.12 Where we propose to amend the taxi fares we are required to publish the new fare chart in a local newspaper, advising that any objections must be made within 14 days.
- 2.13 Depending on the outcome of this evening's meeting we are proposing to place the revised fare chart (Annex E) in the local newspaper, as required, at the beginning of January 2022. In addition the fare chart will be placed on the council's website.
- 2.14 The timing of the advert is to allow us to tie in with the Licensing Committee meeting in February.
- 2.15 If no objections are received or where objections are made but subsequently withdrawn the new table of fares comes into immediate effect.
- 2.16 If however objections are received these must be considered within two months following the end of the 14 day notice period given above. The proposed fares may be amended to reflect the objections after which the new table of fares comes into effect.
- 2.17 Where objections are received we propose to present the objections and any amendments to the fares to the Licensing Committee in February 2022. We will then make any changes to the fares chart recommended by Committee.
- 2.18 The updated fares will then come into effect and arrangements will be made to update the taxi meters at a cost of £20/ meter. These costs will be met by the trade.
- 2.19 The revised fare chart will be made available on the council's website.

3. Resource and Financial Implications

3.1 There are likely to be some resource implications arising from changes to the Fares as follows:

- We are required to publish changes to the scheme of fares in a local newspaper. (Estimated cost £300);
- Once approved we will need to adjust the tariffs on the taximeter to ensure that the new fares are correct. The cost of this will be covered by the trade.

3.2 Other costs will be met from within existing budgets.

4. Recommendations

4.1 The Licensing Committee is advised to note the contents of this report and to approve the proposed taxi fares, as provided in the attached Taxi Fare Chart (Annex E) for advertising in a local newspaper.

4.2 In addition the Committee is recommended to note the steps that will be taken once the fares are advertised addition the Committee is recommended to note the steps that will be taken once the fares are advertised.

4.3 It is also recommended that in future taxi fares are reviewed by the Licensing Committee regularly depending on the prevailing economic climate.

Annexes	<p>Annex A: Table of current Taxi Fares</p> <p>Annex B: Proposed updated fare chart for Surrey Heath.(No rounding of Figures)</p> <p>Annex C: Comparison of Surrey Heath Fares with other Local Authorities.</p> <p>Annex D: Written responses from the taxi trade.</p> <p>Annex E: Proposed updated fare chart for Surrey Heath. (Figures rounded downwards).</p>
Background Papers	Surrey Heath –Hackney Carriage (Taxi) and Private Hire Licensing Policy 2021-2026.
Author/Contact Details	<p>Helen Lolley</p> <p>Helen.lolley@surreyheath.gov.uk</p>
Head of Service	Louise Livingston-Head of HR Performance and Communication.

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BOROUGH OF SURREY HEATH HACKNEY CARRIAGE FARES

DAY RATE

<i>Mileage:</i>	For the first 1454 yards or part thereof	£3.60
	For each subsequent 153 yards or part thereof	20p
	(Equivalent to £2.30 per mile)	
<i>Waiting:</i>	For each period of 40 seconds	20p

NIGHT RATE

(11 p.m. to 7.30 a.m. and also on Public and Bank Holidays)

<i>Mileage:</i>	For the first 800 yards or part thereof	£3.60
	For each subsequent 160 yards or part thereof	30p
	(Equivalent to £3.30 per mile)	
<i>Waiting:</i>	For each period of 40 seconds	30p

SUNDAY DAY RATE

(After 7.30 a.m. and before 11 p.m.)

<i>Mileage:</i>	For the first 1248 yards or part thereof	£4.00
	(Equivalent to £4.80 for the first mile)	
	For each subsequent 128 yards or part thereof	20p
	(Equivalent to £2.75 per mile)	
<i>Waiting:</i>	For each period of 33 seconds	20p

EXTRA CHARGES

- | | | |
|-------|--|---------------------------|
| (i) | For hirings begun between 11 p.m. on Christmas Eve to 7.30 a.m. on 26 th December and 7.30 p.m. on New Year's Eve to 7.30 a.m. on New Year's Day (1 st January). | + 100% of Day Rate |
| (ii) | For each article of luggage (excluding the first item of luggage) conveyed outside the passenger compartment. | 20p |
| (iii) | For each person in excess of one. | 20p |
| (iv) | For hirings taken by telephone or other prior arrangement. | £1.00 |

(A charge may be made for the actual cost of essential cleaning or repair of damage to the interior of this vehicle arising from any improper conduct by passengers)

ENSURE THE TAXIMETER IS ENGAGED AT THE COMMENCEMENT OF THE HIRING UNLESS, FOR JOURNEYS ENDING OUTSIDE THE BOROUGH OF SURREY HEATH, A FARE HAS BEEN AGREED WITH THE PROPRIETOR

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Tariff 1 Day rate	
Monday to Saturday 7am-11pm	
FIRST 1210 YDS	£3.60
5x0.20	£1.00
1st Mile	£4.60
2nd Mile	£7.80
5 Miles	£17.40
Equivalent per Mile	£3.20
Waiting 32 seconds	£0.20
Per hour	£22.50

Tariff 2	
Sunday 7am-11pm	
First 880 yds	£3.80
10x.20	£2.00
1st Mile	£5.80
2nd Mile	£9.80
5 Miles	£21.80
Equivalent per Mile	£4.00
Waiting 25.6 seconds	£0.20
Per hour	£28.12

Tariff 3 Night Rate	
Monday-Saturday 11pm-7am	
Includes Public and Bank Holidays	
First 660 Yds	£3.90
10x.30	£3.00
1st Mile	£6.90
2nd Mile	£11.70
5 Miles	£26.10
Equivalent per Mile	£4.80
Waiting 32 seconds	.30
Per hour	£33.75

Tariff 4 Festive Period	
7pm 24/12 to 7am 26/12	
11pm 31/12 to 7am 01/01	
First 330 yds	£4.00
13x0.40	£5.20
1st Mile	£9.20
2nd Mile	£15.60
5 Miles	£34.80
Equivalent per Mile	£6.40
Waiting 32 seconds	£0.40
Per hour	£45.00

Luggage (more than 1)	£0.25
People (more than 1)	£0.25
Pre-booking	£1.20
Fouling vehicle interior	£50.00
Fouling vehicle exterior	£20.00

Important

If the journey takes the taxi outside the Borough of Surrey Heath, the driver MUST still charge in accordance with the above scales unless he / she has agreed otherwise with the hirer before the journey has started.

Please note that drivers are prohibited from having meters calibrated so as to change tariff when they are in hired mode.

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Local Authority	Rate for 1st Mile	Date last updated
Rushmoor	£3.50	Nov-13
Hart	£4.20	Jan-14
Woking	£4.60	Dec-13
Guildford	£5.13	Jul-19
Runnymede	£3.80	Jun-14
Bracknell	£4.06	Dec-13
Windsor & Maidenhead	£4.10	Feb-20

Fuel Prices (ave.)

Year (June)	2013	2014	2015	2016	2017	2018	2019	2020	2021
Petrol	133.7	126.7	16.5	112	116.9	129.5	129.2	109.3	131.6
Diesel	138.7	133.7	121.3	112.5	118.1	131.9	133.4	114	134.1

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From:	[REDACTED]
To:	"Paula Barnshaw" <Paula.Barnshaw@surreyheath.gov.uk>
Date:	9/4/2021 9:41:51 AM
Subject:	RE: Hackney Carriage Fare Tariff Consultation

Hello Paula.

I am attaching copy of your excel worksheet with an additional column showing my thoughts on fare scale. It is mostly rounding because we don't need fares to finish in odd pence or 5 pence. With this in mind I suggest the extras for luggage, passengers and bookings remain as they are at present being 20p and £1. The night rate needs a bit of massaging as in my opinion it should be plus 50% of day rate as evidenced by the distance unit going from 20p to 30p units. You will also see that I have left waiting unit charge the same except for Christmas new years eve where I am suggesting it should be 50p.

Having said all that you can of course change the unit for waiting and reduce the period allowed for 20p to give an increment equivalent to 23p, 35p, 23p for day night and Sunday charges.

I think that covers all my thoughts/suggestions on the matter

Ian Lewis Badge 283

From: Paula Barnshaw [mailto:Paula.Barnshaw@surreyheath.gov.uk]
Sent: 16 August 2021 16:29
To: Licensing Team <Licensing@surreyheath.gov.uk>
Cc: Helen Lolley <Helen.Lolley@surreyheath.gov.uk>; Cllr Rodney Bates <rodney.bates@surreyheath.gov.uk>; Cllr Dan Adams <Dan.Adams@surreyheath.gov.uk>
Subject: Hackney Carriage Fare Tariff Consultation

Good afternoon,

Following a number of written and verbal requests from members of the Hackney Carriage trade we are currently looking to review and update the Hackney Carriage fares. A chart showing the current fares is attached.

These fares have been in place since 2012 and we are seeking your views on our proposals to increase these in line with CPI (Consumer Price Index). We are using CPI as this reflects the increase in the cost of living. The attached table shows the proposed fares which have been increased by CPI applicable for each year between 2012 and 2021.

We have calculated these fares by adding the CPI percentage increase for 2012/13 to the original figures and then adding the 2013/14 percentage increase to the new calculated sum. We have added the percentage CPI increase for each year after that bringing them up to date.

We would welcome your views on the increased fares and also the method we are using to uplift the fares. We believe using CPI is the simplest way of calculating what you may charge, it is easy to understand, thereby ensuring that the process is transparent, particularly for members of the travelling public. Hopefully it will cover the costs of running and maintaining a taxi, providing sufficient incentive to you for the service you provide.

This is the first stage in revising the fares as we are required to follow a statutory process which is set out in the Local Government (Miscellaneous Provisions) Act 1976. Once we have agreed the proposed increases we are required to publish the new fare chart in a local newspaper, advising that any objections must be made within 14 days. Further steps will apply if we receive any objections to our proposed fare chart. We will update you on this if necessary at the end of the consultation period.

Where there are no objections we would arrange for the new fare chart to come into operation – arranging for your taxi meters to be updated with the new fares. I hope to organise this to incorporate the calendar update due to the bank holiday change in 2022 due to the Queen's Platinum Jubilee.

We would be interested to hear your views on these proposals. Comments may be emailed to licensing@surreyheath.gov.uk by the 16th September.

We are also planning to hold a zoom meeting for members of the trade on 1st September at 2pm – this would offer you an opportunity to discuss this with the licensing team and seek clarity. Invites to this meeting will follow

shortly.

It would help if you could indicate whether you support the proposed increase in fares – as we are keen to ensure that we address the needs of the majority of the trade. We appreciate that as a result of the pandemic the trade may have suffered and would like to emphasise that these fares are a maximum that can be charged, you may charge less if circumstances require you to.

I look forward to receiving your comments which will, I can assure you be carefully considered.

Kind regards,

Paula Barnshaw

Senior Licensing Officer

Surrey Heath Borough Council, Surrey Heath House, Knoll Road, Camberley, Surrey, GU15 3HD

01276 707100

www.surreyheath.gov.uk

Licensing@surreyheath.gov.uk

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Annex C: Current Fares and Proposed fares with CPI uplift.				
Current Taxi - Hackney Carriage Fares		Proposed Fares:With Year on Year uplift		Driver
	SHBC	SHBC	CPI Uplift	Modified
Last Reviewed	2012			
Day Rate				
First Mile	4.00		4.66	4.70
Second Mile	2.30		2.68	2.70
Thereafter	2.30		2.68	2.70
Waiting	0.20		0.23	0.20
Night Rate				Should be day +50%
First Mile	5.40		6.29	7.00
Second Mile	3.30		3.85	4.00
Thereafter	3.30		3.85	4.00
Waiting	0.30		0.35	0.30
Sunday				Should be day +20%
First Mile	4.80		5.60	5.60
Second Mile	2.75		3.21	3.20
Thereafter	2.75		3.21	3.20
Waiting	0.20		0.23	0.20
Xmas and NYear				
	Additional 100% of day rate			
First Mile	8.00		9.33	9.40
Second Mile	4.60		5.36	5.40
Thereafter	4.60		5.36	5.40
Waiting	0.40		0.47	0.50
Excess Luggage	0.20		0.23	0.20
Excess People	0.20		0.23	0.20
Animals				
Hirings	1.00		1.17	1.00
Fouling				

From: [REDACTED]
To: "Paula Barnshaw" <Paula.Barnshaw@surreyheath.gov.uk>
Date: 8/17/2021 10:42:35 AM
Subject: Re: Hackney Carriage Fare Tariff Consultation

Hi,

Thank you for giving us this opportunity to voice our views.

A fare increase is overdue and how you have worked it out seems fair, however how will the paying public react to it when they see a sudden increase of 15 to 17% in one leap?

May I suggest that a combination of:

1. A 3-part increase over 18 months may be accepted without a hoo-hah, 5%, 5%, 6% then do it yearly after that.
2. Or a combination of above but still starting the meter at £3.60 then increasing the mileage rate so that meter ticks over faster to reflect the price increase.

I am attaching an example in the spreadsheet.

Kind regards,

Tony Mannan
Hart Cars

On Mon, 16 Aug 2021 at 16:30, Paula Barnshaw <Paula.Barnshaw@surreyheath.gov.uk> wrote:
Good afternoon,

Following a number of written and verbal requests from members of the Hackney Carriage trade we are currently looking to review and update the Hackney Carriage fares. A chart showing the current fares is attached.

These fares have been in place since 2012 and we are seeking your views on our proposals to increase these in line with CPI (Consumer Price Index). We are using CPI as this reflects the increase in the cost of living. The attached table shows the proposed fares which have been increased by CPI applicable for each year between 2012 and 2021.

We have calculated these fares by adding the CPI percentage increase for 2012/13 to the original figures and then adding the 2013/14 percentage increase to the new calculated sum. We have added the percentage CPI increase for each year after that bringing them up to date.

We would welcome your views on the increased fares and also the method we are using to uplift the fares. We believe using CPI is the simplest way of calculating what you may charge, it is easy to understand, thereby ensuring that the process is transparent, particularly for members of the travelling public. Hopefully it will cover the costs of running and maintaining a taxi, providing sufficient incentive to you for the service you provide.

This is the first stage in revising the fares as we are required to follow a statutory process which is set out in the Local Government (Miscellaneous Provisions) Act 1976. Once we have agreed the proposed increases we are required to publish the new fare chart in a local newspaper, advising that any objections must be made within 14 days. Further steps will apply if we receive any objections to our proposed fare chart. We will update

you on this if necessary at the end of the consultation period.

Where there are no objections we would arrange for the new fare chart to come into operation – arranging for your taxi meters to be updated with the new fares. I hope to organise this to incorporate the calendar update due to the bank holiday change in 2022 due to the Queen's Platinum Jubilee.

We would be interested to hear your views on these proposals. Comments may be emailed to licensing@surreyheath.gov.uk by the 16th September.

We are also planning to hold a zoom meeting for members of the trade on 1st September at 2pm – this would offer you an opportunity to discuss this with the licensing team and seek clarity. Invites to this meeting will follow shortly.

It would help if you could indicate whether you support the proposed increase in fares – as we are keen to ensure that we address the needs of the majority of the trade. We appreciate that as a result of the pandemic the trade may have suffered and would like to emphasise that these fares are a maximum that can be charged, you may charge less if circumstances require you to.

I look forward to receiving your comments which will, I can assure you be carefully considered.

Kind regards,

Paula Barnshaw

Senior Licensing Officer

Surrey Heath Borough Council, Surrey Heath House, Knoll Road, Camberley, Surrey, GU15 3HD

01276 707100

www.surreyheath.gov.uk

licensing@surreyheath.gov.uk

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Annex C: Current Fares and Proposed fares with CPI uplift.

Last Reviewed	Current Taxi - Hackney Carriage Fares	Proposed Fares:With Year on Year uplift	Increase in one go	Three step increase			Two step increase	
	SHBC	SHBC CPI Uplift		Sep-21	Apr-22	Sep-22	Sep-21	Apr-22
Day Rate								
First Mile	4.00	4.66	117%	4.20	4.41	4.67	4.32	4.67
Second Mile	2.30	2.68	117%	2.42	2.54	2.69	2.484	2.68
Thereafter	2.30	2.68	117%	2.42	2.54	2.69	2.484	2.68
Waiting	0.20	0.23	115%	0.21	0.22	0.23	0.216	0.23
Night Rate								
First Mile	5.40	6.29	116%	5.67	5.95	6.31	5.832	6.30
Second Mile	3.30	3.85	117%	3.47	3.64	3.86	3.564	3.85
Thereafter	3.30	3.85	117%	3.47	3.64	3.86	3.564	3.85
Waiting	0.30	0.35	117%	0.32	0.33	0.35	0.324	0.35
Sunday								
First Mile	4.80	5.60	117%	5.04	5.29	5.61	5.184	5.60
Second Mile	2.75	3.21	117%	2.89	3.03	3.21	2.97	3.21
Thereafter	2.75	3.21	117%	2.89	3.03	3.21	2.97	3.21
Waiting	0.20	0.23	115%	0.21	0.22	0.23	0.216	0.23
Xmas and NYear								
	Additional 100% of day rate							
First Mile	8.00	9.33	117%	8.40	8.82	9.35	8.64	9.33
Second Mile	4.60	5.36	117%	4.83	5.07	5.38	4.968	5.37
Thereafter	4.60	5.36	117%	4.83	5.07	5.38	4.968	5.37
Waiting	0.40	0.47	118%	0.42	0.44	0.47	0.432	0.47
Excess Luggage	0.20	0.23	115%	0.21	0.22	0.23	0.216	0.23
Excess People	0.20	0.23	115%	0.21	0.22	0.23	0.216	0.23
Animals								
Hirings	1.00	1.17	117%	1.05	1.10	1.17	1.08	1.17
Fouling								

Recommend meter still shows current starting figure, but turns over faster to reflect the increase in fare

From: **Licensing Team** <Licensing@surreyheath.gov.uk>
To: **Paula Barnshaw** <Paula.Barnshaw@surreyheath.gov.uk>
Subject: FW: Hi Paula, I have been a Surrey heath Hackney carriage driver for 27 years . I have seen a massive decline in passenger numbers due to the low cost of uber. I believe a fare increase would be a more of a financial disadvantage than we all ready have.
Date: 17.08.2021 06:06:42 (+02:00)

From [REDACTED]
Sent: 16 August 2021 17:26
To: Licensing Team <Licensing@surreyheath.gov.uk>
Subject: Hi Paula, I have been a Surrey heath Hackney carriage driver for 27 years . I have seen a massive decline in passenger numbers due to the low cost of uber. I believe a fare increase would be a more of a financial disadvantage than we all ready have. I...

Many thanks
Michael gratton

Sent from Samsung Mobile on O2

From: **Licensing Team** <Licensing@surreyheath.gov.uk>
To: **Paula Barnshaw** <Paula.Barnshaw@surreyheath.gov.uk>
Subject: FW: Proposed Taxi Fares 2021
Date: 17.08.2021 06:06:31 (+02:00)

From: [REDACTED]
Sent: 16 August 2021 21:12
To: Licensing Team <Licensing@surreyheath.gov.uk>
Subject: Proposed Taxi Fares 2021

Dear Ms Barnshaw,

I welcome the review of Taxi Fares for Surreyheath, Applying the CPI to the 2012 fares is a good method, but as its been 9 years I feel that this is a "shock" increase to apply all at once, thus I suggest to lower and smooth the increase to resemble the following

Day Rate	First Mile	4.40
	Second Mile and thereafter	2.60
Night Rate	First Mile	5.80
	Second Mile and thereafter	3.60
Sunday Rate	First Mile	5.10
	Second Mile and thereafter	3.10
Waiting	40 seconds	0.24 at all times of Day, Night and Sunday?

Thanks and Regards

Dimitrios Ouzounoglou
Sent from [Mail](#) for Window

Tariff 1 Day rate	
Monday to Saturday 7am-11pm	
First 1210 yards	£3.60
5x0.20	£1.00
1st Mile	£4.60
2nd Mile	£7.80
5 Miles	£17.40
Equivalent per Mile	£3.20
Waiting 32 Seconds	£0.20
Per Hour	£22.50

Tariff 2	
Sunday 7am-11pm	
First 880 yards	£3.80
10x.20	£2.00
1st Mile	£5.80
2nd Mile	£9.80
5 Miles	£21.80
Equivalent per Mile	£4.00
Waiting 25.6 Seconds	£0.20
Per Hour	£28.12

Tariff 3 Night Rate	
11pm-7am Includes Public and Bank Holidays	
First 660 yards	£3.90
10x0.30	£3.00
1st Mile	£6.90
2nd Mile	£11.70
5 Miles	£26.10
Equivalent per Mile	£4.80
Waiting 32 Seconds	.30
Per Hour	£33.75

Tariff 4 Festive Period	
11pm 24/12 to 7am 26/12 & 11pm 31/12 to 7am 01/01	
First 330 yards	£4.00
13x0.40	£5.20
1st Mile	£9.20
2nd Mile	£15.60
5 Miles	£34.80
Equivalent per Mile	£6.40
Waiting 32 Seconds	£0.40
Per Hour	£45.00

Luggage in excess of 1 piece	£0.25	People in excess of 1	£0.25
Pre-booking	£1.20	Fouling vehicle interior	£50.00
Fouling vehicle exterior	£20.00		

Important

If the journey takes the taxi outside the Borough of Surrey Heath, the driver MUST still charge in accordance with the above scales unless he / she has agreed otherwise with the hirer before the journey has started.

Please note that drivers are prohibited from having meters calibrated so as to change tariff when they are in hired mode.

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Food Safety Service Plan 2021/22

Portfolio	Environment and Health
Ward(s) Affected:	All

Purpose

To consider for approval by the Licensing Committee the attached draft Food Safety Service Plan for 2021/22.

Background

- 1.0 In the United Kingdom Food Safety Law is enforced by officers employed by local authorities and port health authorities who are collectively known as Food Authorities. The enforcement of food safety law is one of the Council’s statutory functions.
- 1.1 The national Competent Authority for the arrangement of food official controls is the Food Standards Agency (FSA). Statutory guidance on how official controls should be carried out is provided in the Food Law Code of Practice and this is supported by non-statutory guidance in the Food Law Practice Guidance. Further guidance is provided by the FSA with respect to the delivery of official controls by food authorities in the Framework Agreement on Local Authority Food Law Enforcement which also sets out the Agency’s arrangements for food authorities.
- 1.2 The FSA requires all food authorities to have a Food Safety Service Plan to ensure that national priorities and standards are addressed and delivered locally. It is advised that the plan is submitted to the relevant member forum for approval to ensure local transparency and accountability.
- 1.3 The Surrey Heath draft Food Safety Service Plan 2021/22 is attached at Annex A. The drafting of the plan was delayed this year to enable the plan to take account of the FSA Covid-19 Local Authority Recovery Plan (2021) which sets out guidance and advice to LAs on delivery of official food controls in the period 1 July 2021 to 2023/24, in light of the impact of Covid-19 on the delivery of food safety services
- 1.4 The draft plan sets out how the Council will deliver the food safety service in accordance with the FSA requirements and provides information about the service, the means by which is provided and the means for monitoring and reviewing the service.

Key issues

2. 1.1 The COVID-19 pandemic has impacted the delivery of the food safety service and revised food safety work priorities for 2021/22 are set out in the draft service plan in accordance with the FSA LA Recovery Plan.

The headlines in the service plan are as follows:

- a. In Surrey Heath 706 food businesses are subject to inspection by the food safety service. This number has increased primarily due to the number of new home based food businesses registrations in 2020/21.
- b. Despite the disruption to the food inspection programme in 2020/21 due to Covid-19, the Food and Safety Team carried out 136 on-site food safety inspections and investigated 57 complaints about food or food premises and 75 food borne infectious disease cases. This was addition to the new Covid-19 business restriction work that the Team was required to carry out. The service is well placed to meet the FSA instruction that food inspection programmes need to be fully realigned with the original required inspection frequencies by the end of March 2023.
- c. The food safety service contributes to the corporate priorities set out in the Council's Annual Plan 2021/22. The percentage of food premises achieving a Food Hygiene Rating 3, 4 or 5 (i.e. Satisfactory, Good or Very Good) and are therefore broadly compliant with food hygiene law is 96.6%, against the Corporate Success Measure target of 95%. The small percentage of business that are rated 0,1 and 2 (Urgent Improvement/Major Improvement/Some Improvement Necessary) are subject to written warnings, hygiene improvement notices or voluntary / emergency closure/prosecution depending on the severity of non-compliance.
- d. The service continues to support the Council's six Primary Authority Partnerships (PAPs) with local businesses. The PAP scheme entitles businesses or organisations which operate across local authority boundaries to ask for a Partnership with a Local Authority (LA). Those businesses are expected to work closely with the LA to ensure they comply with the Regulations that apply to them. This is expected to lead to greater compliance by the business, but also greater consistency and co-ordination of regulatory enforcement by LAs. The Council is able to recharge the businesses for the officer time spent on the partnership.
- e. The draft plan outlines how the performance of the food safety service is monitored to ensure all food safety interventions are of the correct standard and quality and regulation by officers is consistent and in accordance with the Council's Enforcement Policy.

Options

3. The options are to approve or to amend the attached Food Safety Service Plan for 2021/22.

Proposal

4. The proposal is for the Licensing Committee to approve the attached Food Safety Service Plan for 2021/22.

Resource Implications

5. There are no additional resource implications arising from this report.

Recommendation

6. The Licensing Committee is advised to resolve that the Food Safety Service Plan 2021/22 attached at Annex A to this report be approved.

Annexes:

Annex 1 Draft Food
Safety Service Plan
2021/2022

Background Papers:

Covid-19 Local Authority
Recovery Plan
(September 2021)

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FOOD SAFETY SERVICE PLAN 2021-22
ENVIRONMENTAL HEALTH
ENVIRONMENT AND COMMUNITY SERVICES
SURREY HEATH BOROUGH COUNCIL

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7	Service Priorities for 2021/22	

Section 1 – Service Aims and Objectives

1.0 Aims and Objectives

1.1 The aim of the food safety service is to help ensure that food and drink intended for human consumption, which is produced, stored, distributed, handled or consumed within the Borough is without risk to the health or safety of the consumer. This will be met through the following objectives: appropriate and proportionate enforcement of food safety legislation, carrying out inspection of food and food premises, sampling and analysis of foodstuffs, the investigation of complaints regarding food and food premises, including cases of food poisoning, and the provision of advice to businesses and the public on legislative requirements and good food hygiene practice.

2.0 Links to Corporate objectives and plans

2.1 The Food Safety Service Plan sets out how the Council will deliver the service in accordance with the national priorities and standards required by the Food Standards Agency (FSA). The food safety service contributes to the Corporate priorities set out in the Council's Annual Plan 2021/22 and the Health and Quality of Life, Economy and Efficiency themes contained in the draft Five Year Strategy. The plan provides information about the service, the means by which it is provided and the means for monitoring and reviewing the service against set standards, including a review of performance in 2020/21.

2.2 The Council has the following Corporate Success Measure in the Annual Plan relevant to food safety:

- The percentage of food premises achieving a Food Hygiene Rating 3 or above (i.e. Satisfactory, Good or Very Good)

3.0 Portfolio Holder Performance Meetings

3.1 The Environmental Health and Licensing Manager (EHLM) and the Environment and Health Portfolio Holder have the opportunity to discuss progress with implementing the service plan at monthly meetings.

4.0 Licensing Committee

4.1 The EHLM reports annually to the Licensing Committee on the food safety activities that have taken place over the last year and on the plans for the forthcoming year.

5.0 Annual Appraisals and Monthly one-to-one meetings

5.1 Targets from the Annual Plan are included as objectives in individual officer annual appraisals and monitored throughout the year in one-to-one meetings.

Annex A

6.0 Equality Scheme

- 6.1** The Council's Equality Strategy 2021-23 aims to ensure that equality is integrated into service delivery and the Strategy has been taken into account in the drafting of this plan.

Section 2 – Background

7.0 Profile of the Borough

- 7.1** Surrey Heath covers 95.05 square kilometres in North West Surrey and has a population of 88,874 (Office of National Statistics 2018).

8.0 Organisational Structure

- 8.1** The food safety service is delivered by the Food and Safety Team within Environmental Health which is part of Environment and Community Services. The team is led by the Senior Environmental Health Officer (Food and Safety) who holds the required specialist responsibility for food safety. The Team leader reports to the EHLM. Specialist services for food examination are provided by Public Health England (PHE) and Hampshire Scientific Services.

9.0 Scope of Food Service

- 9.1** To fulfil statutory obligations on the Council in relation to food safety through:

- The inspection of food premises.
- The operation of the national Food Hygiene Rating Scheme
- The investigation of complaints relating to food items, premises or food related illness, and food alerts.
- The sampling of foodstuffs and application of imported food controls.
- Enforcement of food safety legislation.
- The promotion of high standards of food safety through advisory activities
- The gathering and processing of information including the completion of official returns.

- 9.2** The Surrey and Buckinghamshire Trading Standard Service is responsible for Food Standards enforcement and Food Hygiene for primary production e.g. farms. They also lead in enforcing the food information regulations (2014 and 2019) in relation to allergens, although the Council has an advisory role. Formal liaison takes place at the quarterly meetings of the Surrey Food Liaison Group, or on an ad hoc basis as required.

Annex A

10.0 Demands on the Food service

- 10.1** The food safety service is part of the wider Environmental Health and Licensing Team, which also deliver infection control (including Covid-19), health and safety at work and public events, environmental control and a range of licensing activities. The food safety team are located at Surrey Heath House, Knoll Road, Camberley, GU15 3HD and can be accessed via the Council's Contact Centre during normal office hours and individual officers can be contacted by direct dial or email. The public can also e-mail general food related service enquiries to environmental.health@surreyheath.gov.uk and aspects of the service can be accessed via the Council's website.
- 10.2** Most food safety activities are conducted during office hours, however officers regularly carry out routine inspections and sampling in the evening. The service can be accessed in an emergency out of hours via the Council's out of hours service e.g. in case of a food poisoning outbreak.
- 10.3** In Surrey Heath, as of the 1st October 2021, there are 706 food businesses subject to inspection. The food hygiene category profile of the premises in the Borough is shown in Table 1 below:

Table 1 - Food Hygiene Category of Premises in the Borough

Food Hygiene Category	Total
Primary producer	1
Distributors/Wholesalers	20
Importers/Exporters	2
Manufacturers/Packers	18
Restaurants/Café/Canteen	185
Take Away	65
Other caterers	164
Caring establishment	80
School	40
Retailers	111
Mobile Food Unit	20
Total	706

- 10.4** There are specific hygiene rules and prior approval requirements for businesses that conduct certain processes involving foods of animal origin. There are currently no such approved premises operating in the Borough.
- 10.5** The service responds to requests for advice and guidance from persons who are interested in starting new food businesses, including new food business operators taking over existing food businesses.

Annex A

11.0 Enforcement Policy

11.1 All formal and informal enforcement actions taken against food businesses are in accordance with the Corporate Enforcement Policy.

Section 3 – Service Delivery

The service is delivered in accordance with the FSA Food Law Code of Practice 2021 (FLCOP), which gives instructions to local authorities on enforcing food law and the Covid-19 Local Authority Recovery Plan (2021), which gives guidance on the delivery of official food controls in the period 1 July 2021 to 2023/24. The aim of the Recovery Plan is to ensure that during the period of recovery from the disruption to the delivery of the food safety service from the impact of Covid-19 that local authority resources are targeted where they add greatest value in providing safeguards for public health and consumer protection in relation to food.

12.0 Food Premises Interventions

12.1 The food premises inspection programme is based on the priority risk rating and inspection frequencies set out in the FLCOP ensuring highest risk premises are inspected more frequently than lower risk premises. The inspection frequency profile of Surrey Heath food businesses as at 1st October 2021 is at Table 2 below:

Table 2 – Risk Profile of Food Businesses as at 1st October 2021

Risk Category	Frequency of Inspection	Total
A	Every 6 months	0
B	Once a year	18
C	Every 18 months	129
D	Every 2 years	269
E	Alternative enforcement every 3 years – visit or self-assessment questionnaire	276

12.2 Most low risk E rated businesses for example newsagents, chemists, childminders, home bakers are sent a self-assessment questionnaire when they are due for an intervention. The returned questionnaires are reviewed, then risk assessed by officers and followed up by an intervention if necessary.

12.3 The food inspections due in 2021/22 are listed in Table 3 below.

Table 3- Food Inspections Due in 2021/2022

Risk Category	Number of Inspections due
A	0
B	9
C	50
D	127
E	61
Total	247

- 12.5** Revisits are also conducted to non-compliant premises and new businesses that register during the year will require inspection. The Council will aim to carry out 100% of all inspections due within 28 days of the due date and to inspect all newly registered food businesses within 28 days of registering.
- 12.6** Food Hygiene Ratings are issued to those within the scope of the national Food Hygiene Rating scheme in accordance with the FSA 'Brand Standard' for the scheme. Re-rating inspections are carried out where businesses with a 0-4 rating apply for a re-inspection having carried out the required improvements. There is a £155.00 cost recovery charge to the business for a re-rating application. Whilst it is currently still not mandatory for businesses to display their rating window stickers, the service will follow up any reports of inaccurate ratings being displayed or advertised and where necessary refer the case to Trading Standards colleagues for enforcement action.
- 12.7** In 2020/21 the team completed 212 food safety interventions made up of programmed food hygiene inspections/audits/revisits, sampling and advisory visits. 136 new food business registrations were received and 104 warning notices and letters were issued to businesses and 1 Hygiene Improvement Notice was served. 7 applications for a food hygiene re-rating re-inspection were received from businesses and in all but 1 case, the business achieved an improved food hygiene rating.
- 13.0 Food Complaints**
- 13.1** The service will investigate all complaints about food or a food premises.
- 13.2** In 2020/21, 57 complaints were received from the public. Of these 36 related to food and 21 related to hygiene in premises.
- 14.0 Primary Authority Partnership Scheme**
- 14.1** The Council participates in the national Primary Authority Partnership Scheme (PAPS). PAPS entitles businesses or organisations which operate across authority boundaries to ask for a Partnership with a LA. The businesses will work closely with their partner LA to ensure they

Annex A

are complying with food safety legislation and the LA can charge the business for their time on a cost recovery basis. The aim of PAPS is to lead to greater compliance by the business and also greater consistency and co-ordination of regulatory enforcement by LAs.

14.2 All officers have access to the Primary Authority Register and check the database for PAPS and any Inspection Plans that must be followed prior to carrying out an inspection or investigation.

14.3 The Council is Primary Authority for food hygiene matters for Krispy Kreme, Exclusive Hotels (who own Pennyhill Park Hotel), Manning Impex (a food importer), Kerry Foods, (a large multi-national food manufacturer), Huel (nutritional shakes manufacturer) and the Health Food Manufacturers Association (HFMA). Activity includes meetings with representatives and providing advice and assistance to other LAs who have queries following inspections and when investigating food complaints.

14.4 Approximately 15 days per year is currently spent on this activity and it is anticipated that there will be similar demand in 2021/22.

15.0 Advice to Business

15.1 The service provides free advice to potential and existing food business operators via advisory visits or information on the website and telephone/email advice. In 2020/21 the service responded to 64 food enquiries. This included food safety service requests resulting from the UK leaving the EU in terms of food import/export provisions.

15.2 Advice is also made available to businesses via the Council's Economic Development team, Collectively Camberley and the service has links to the licensed trade via the Council's Licensing officers and local Pub Watch schemes.

16.0 Food Inspection and Sampling

16.1 The service takes part in routine food sampling and environmental swabbing of food premises based on local intelligence and as part of county and national sampling programmes. Sampling and swabbing also takes place during food complaint and outbreak investigations. Samples for examination are submitted to the Public Health England (PHE) laboratory in Porton Down which holds the necessary UKAS accreditation for microbiological examination of food samples. The service has a sampling credit allocation and a courier service for delivering samples to the laboratory is included.

16.2 During 2020/21 due to Covid-19 sampling and environmental swabbing programmes were suspended. In 2021/22 sampling programmes have been reinstated and the service will participate in these programmes. The service has sampling credit allocation of £3386 for the year.

Annex A

16.4 Public Analyst food examination services are provided by Hampshire Scientific Services located at Portsmouth. A courier service will continue to be employed to take these samples to the laboratory as and when required.

17.0 Control and Investigation of Outbreaks and Food Related Infectious Diseases

17.1 The service works in partnership with PHE to investigate cases of food poisoning and related illnesses. Our aim is to try to locate the source and ensure infection is contained.

17.2 On receipt of a notification of a food poisoning case, a risk-based approach is adopted when carrying out investigations to decide whether further information is required. Officers aim to identify cases involving high-risk groups or occupations such as pre-school children or food handlers. Relevant statutory powers are used, where necessary, to exclude those infected from attending pre-school settings or work, to prevent the spread of the disease within the community. In 2020/21 the Council was notified of 75 cases of food related infectious disease.

17.3 Officers attend the Surrey Health Protection Group which meets three times a year and includes representatives from the other Surrey LAs, PHE and water utilities, to share best practice and discuss cases of interest and regional investigations.

18.0 Food Safety Incidents

18.1 The service has a Food Safety Incident procedure in respect of the appropriate response to product recall/withdrawal notices and food alerts from the FSA.

18.2 The FSA regularly issue electronic Food Alerts to LAs specifying required actions regarding food safety concerns regarding a particular food product. Actions required range from circulating to officers for information to visiting premises and removing products from sale.

18.3 In 2020/21 there were 124 reported incidents by the FSA.

19.0 Liaison with Other Organisations

19.1 The service has various liaison arrangements in place to help ensure consistency of enforcement to share best practice and coordinate activity in Surrey, including representation on the following groups: The Surrey Food Liaison Group (SFLG), the Surrey Environmental Health Managers Group (SEHMG) and the Surrey Health Protection Group

Annex A

19.2 The SFLG meets quarterly and in addition to representation from the 11 Surrey LAs there is representation from Trading Standards, the PHE sampling laboratory, the FSA and SEHMG.

Other liaison arrangements include:

- Liaison with other Council Services including Licensing, Economic Development Private Sector Housing (regarding housing above food premises), Planning and Building Control
- Contact with the Consultant in Communicable Disease Control and Director of Public Health
- Liaison and joint visits with the Fire Safety Officer from Surrey Fire and Rescue
- Liaison as necessary with the Approvals team at FSA and the egg marketing and plant and seed inspectorate (Animal and Plant Health Agency)
- Liaison and referrals from the UK Border Agency on immigration
- Access to national online reference and professional networking resources e.g. Knowledge Hub, EHCNet
- Notification from water utility companies when a commercial water supply is to be disconnected at a business within the Borough.

20.0 Food Safety Promotion

20.1 Non-statutory food safety promotion is limited, but food safety advice for the public and businesses is available on the website together with relevant information on the FSA national food safety campaigns.

20.2 Food businesses with a 5 rating are given the opportunity to publicise their rating via the Council's social media channels.

Section 4 – Resources

21.0 Financial Allocation 2021/22

21.1 The allocated budget for the food safety and health and safety services, including salaries, support services, equipment, etc. is £295,448.

21.2 Staffing Allocation

21.3 Currently there are 5 officers authorised and competent in food safety. The time allocated to food safety equates to a total of 2.20 FTE officer time and there is an additional 0.2 FTE administrative support. The Council's Contact Centre receives initial telephone calls, emails and other correspondence for the service.

21.4 All officers are authorised to undertake all aspects of the food safety service.

Annex A

21.5 The EHLM in conjunction with the Senior EHO is responsible for assessing competency and recommending levels of authorisation to the service Director in line with the Authorisation Policy.

22.0 Staff Development Plan

22.1 The Council's staff appraisal scheme highlights the specific development and training needs of each officer and the EHLM monitors to ensure that these needs are identified and met by the scheme.

22.2 The training and development of staff is achieved through attending courses, on-line training, information updates in team meetings and staff mentoring. The Senior EHO maintains a training log for all officers and ensures that they achieve the 10 hours a year Continuing Professional Development (CPD) in food safety required by the FSA to maintain food officer competency.

22.3 EHOs are encouraged to be Members of the Chartered Institute of Environmental Health (CIEH), in order to further demonstrate competence and professional accreditation. It is a membership requirement that officers achieve a total of 20 hours Environmental Health related CPD (30 hours for Chartered Members) and where possible development opportunities will be provided to facilitate this.

22.4 Corporate training is also provided for general subjects such as IT, Safeguarding, health and safety, and customer service skills.

22.5 The Council subscribes to the Regulatory Information and Management System (RIAMS). This provides online access to relevant reference material which is automatically updated and version controlled so that officers have access to the most up to date information and legal references.

Section 5 – Quality Assessment

23.0 Quality Assessment

23.1 The Food Safety Quality Monitoring Policy details the following mechanisms which are in place to ensure that a quality service is delivered in accordance with FSA and Council requirements:

- Adherence to Authorisation Policy
- Regular one to one and team discussion on performance against the inspection programme and current case load.
- Appraisal system to discuss competency and performance
- Accompanied monitoring inspections with each food officer by SEHO
- Statistical performance monitoring e.g. inspection programme; complaint numbers
- Quarterly reporting on Corporate Success Measures

Annex A

- Completion of annual FSA Statutory Local Authority Enforcement Monitoring System (LAEMS) return.
- Peer review benchmarking activities and sharing good practice via the Surrey Food Liaison Group and Surrey EH Manager's Group
- Participation in FSA national consistency exercises
- Internal and external audits (e.g. Internal Audit and FSA)
- Customer Complaints Procedure
- Customer satisfaction surveys

23.2 The outcome of monitoring activities is fed back to staff to ensure that any identified development needs are addressed.

Section 6 – Review

24.0 Review of Performance 2020/21 and Impact of Covid-19

24.1 In addition to the ongoing performance monitoring of the service, performance is reviewed on an annual basis by the service Director and the Licensing Committee.

24.2 In 2020/21 in light of the competing demands on LAs from enforcement of Covid-19 business controls and containment and outbreak control work, the FSA issued instructions to LAs on their priority food safety work. This focused interventions on those premises and incidents that present the greatest food safety risk and the food service work programme was aligned to these revised priorities.

24.3 The Team were able to deliver the FSA priority work identified for 2020/21, and despite the challenges presented by Covid-19, in terms of premises closure during lockdown, diverted resources and ensuring officer safety, were able to carry out 212 food premises visits. In some instances remote interventions (i.e. telephone contact, electronic review of documentation/video/ photographs) took place prior to physical onsite visits to enable them to be targeted and reduced in length.

24.4 As at 31st March 2021 96.6% of food businesses received a food hygiene rating of 3 (Satisfactory), 4 (Good) or 5 (Very Good) against the Corporate Annual Plan target of achieving 95% of business with a rating of 3 or better.

24.5 The Council continued to offer food safety advice to businesses including advice on safely reopening/operating food businesses after lockdown with regard to food safety issues such as effective cleaning, personal hygiene, water supply safety and pest control, in addition to Covid-19 controls.

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24.6 The food sampling programme was suspended in light of the need for work prioritisation, access to food businesses and capacity at the PHE laboratory.

24.7 Work continued on implementing the IDOX Uniform system to effectively manage the delivery of the food safety service, including the necessary IDOX consultancy time and officer training.

Section 7 - Service Priorities 2021/2022

25.0 In 2021/22 the food safety service is being delivered in accordance with the priorities identified in the new FSA Recovery Plan (2021) which sets out guidance and advice that all LAs must have regard to when delivering official food controls in the period 1 July 2021 to 2023/24.

The Recovery plan is intended to ensure that during the period of recovery from the impact of Covid-19, that resources are targeted where they add the greatest value in providing safeguards for public health and consumer protection and safeguard the credibility of the FHRS. It provides a framework for realigning the delivery of food safety services with the FLCOP in relation to the following priority areas;

- new food establishments and
- high risk and/or non-compliant businesses while providing flexibility for lower risk establishments
- delivery of official controls where prescribed in specific legislation
- official controls recommended by FSA guidance supporting trade and enabling export,
- reactive work including enforcement in case of non-compliance, managing food incidents/hazards and investigating managing complaints,
- sampling;
- ongoing proactive surveillance.

25.1 The Food and Safety Team work programme for 2021/22 sets a target to have carried out all outstanding inspections from 2020/21 and at least 85% of inspections due in 2021/22 by the end of March 2022. It is the intention to have the inspection programme fully aligned again with the FLCOP by the end of March 2023 in accordance with the FSA instruction to LAs. The use of the services of a contractor to assist with the 2021/22 inspection programme is planned.

25.2 The service will continue to work with businesses to meet the corporate indicator target of 95% of food premises achieving a Food Hygiene Rating 3 or above (i.e. Satisfactory, Good or Very Good).

**Draft Health and Safety Service Plan
2021/22**

Portfolio	Environment and Health
Ward(s) Affected:	All

Purpose

To consider for approval by the Licensing Committee the attached draft Health and Safety Service Plan 2021/22.

Background

- 1.1 Health and Safety Law is enforced by officers employed by Local Authorities (LAs) and the Health and Safety Executive (HSE). The Health and Safety (Enforcing Authority) Regulations 1998 set out which business activities are enforced by the HSE (for example, factories, hospitals and schools etc) and which are enforced by LAs (for example, shops, offices and leisure/service sector etc). The Health and Safety at Work Etc. Act 1974 (HSWA) specifies authorisation requirements for officers and general requirements for duty holders. This Act is an umbrella for a variety of specific Regulations and mandatory guidance.
- 1.2 LAs are required to ‘make arrangements for enforcement’ under section 18 of HSWA and the National Local Authority Enforcement Code (National Code). The HSE’s Local Authority Unit (LAU) requires all LAs to complete an annual return providing data on all the enforcement activity carried out (the LAE1 Return). The LAU monitor to ensure that all LAs have adequate arrangements in place and are carrying out their enforcement duties.
- 1.3 The Surrey Heath draft Health and Safety Service Plan 2021/22 is attached at Annex A. The drafting of the plan was delayed this year to enable the plan to take account of the revised HSE priorities given the impact of Covid-19 on LA enforcement activities and the revised Government guidance on ‘Working Safely’ following the removal of Covid-19 business restrictions in July 2021.
- 1.4 The draft plan sets out this Council’s arrangements for delivering the health and safety service in accordance with the National Code and describes how national priorities and standards are addressed and delivered locally. It is felt appropriate that this plan is submitted to the relevant member forum for approval to ensure local transparency and accountability.

Key Issues

2. The impact of the COVID-19 pandemic on the health and safety work service is highlighted and the revised work priorities for 2021/22 are set out in the draft service plan in accordance with the HSE guidance to LAs.

The headlines are as follows:

- a. In 2021/22 the Council continues to provide a health and safety service to ensure that businesses are safe and healthy for their employees and customers/visitors, advising new and existing businesses on compliance, investigating complaints and accidents, carrying out proactive visits and promotional activities and taking proportionate enforcement action where necessary.
- b. Resources are targeted on those businesses carrying out activities which give rise to the most serious risk and are known to be least well controlled. The workplace risk from Covid-19 is a significant new area of work and premises where risks are greatest are prioritised for health and safety interventions to ensure adequate risk assessments have been undertaken and control measures implemented as required under HSWA. In 2020/21 there were 250 Covid-19 related service requests from businesses and the public.
- c. The service will continue to work with event organisers to ensure the risk of widespread Covid-19 transmission as well as other health and safety risks are effectively managed and to co-ordinate the multi-agency Safety Advisory Groups where required.
- d. The service continues to support two Primary Authority Partnerships (PAPs) with health and safety advice and support; Exclusive Hotels, the owners of Pennyhill Hotel & Spa; and Manning Impex Ltd which is a food importer. The PAP scheme entitles businesses or organisations which operate across local authority boundaries to ask for a Partnership with a LA. Those businesses are expected to work closely with the LA to ensure they comply with the Regulations that apply to them. This is expected to lead to greater compliance by the business, but also greater consistency and co-ordination of regulatory enforcement by LAs.

Options

3. The options are to approve or to amend the attached draft Health and Safety Service Plan for 2021/22.

Proposal

4. The proposal is for the Licensing Committee to approve the attached draft Health and Safety Service Plan for 2021/22.

Resource Implications

5. There are no additional resource implications arising from this report.

Recommendation

6. Licensing Committee is advised to resolve that the draft Health and Safety Service Plan 2021/22 attached at Annex A to this report be approved.

Annexes:

Annex A - Draft Health and Safety Service Plan 2021/22

Background Papers:

None

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Annex A

**HEALTH AND SAFETY SERVICE PLAN 2021-22
ENVIRONMENTAL HEALTH
ENVIRONMENT AND COMMUNITY SERVICES
SURREY HEATH BOROUGH COUNCIL**

Contents

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**SURREY HEATH BOROUGH COUNCIL
HEALTH AND SAFETY SERVICE PLAN 2021/22**

1. Service Aims and Objectives

1.1. Aims and Objectives

1.1.1. The objectives of the health and safety service are:

- to meet the Council's statutory responsibilities to ensure that working environments are safe and without risks to health or welfare, and that work activities do not have an adverse effect on the public.
- to investigate all complaints about health and safety standards and notifications of accidents, occupational ill-health and dangerous occurrences, in premises for which the Council is the enforcing authority i.e. retail, leisure, service sector.

1.2. Links to Corporate Objectives

1.2.1. The aims of the Health & Safety Service Plan contribute to the Health and Quality of Life, Economy and Efficiency themes contained in the draft Five Year Strategy

1.2.2. This plan provides information about how the health and safety service is provided and the means for monitoring and reviewing service performance against set standards.

1.3 Licensing Committee and Portfolio Holder

1.3.1 The EH & Licensing Manager (EHLM) reports annually to the Licensing Committee on the health and safety activities that have taken place over the last year and on the plans for the forthcoming year and has the opportunity to discuss progress with implementing the service plan at monthly meetings with the Environment and Health Portfolio Holder.

1.4 Equality

1.4.1 The Council's Equality Strategy demonstrates its commitment to equality internally and externally and ensures that all sections of the community are given an opportunity to contribute to the wellbeing of the community. The Strategy has been taken into account in the drafting of this plan.

2. Background

2.1. Profile of the Borough of Surrey Heath

Surrey Heath covers 95.05 square kilometres in North West Surrey and has a population of 88,874 (Office of National Statistics 2018). Camberley is a substantial and developing shopping, commercial and entertainment centre with outlying villages surrounding the town centre,

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providing a variety of workplaces for which the Council is the enforcing authority for health and safety at work.

2.2 Organisational Structure

2.2.1 The health and safety service is delivered by the Food and Safety Team within Environmental Health which is part of Environment and Community Services. The team is led by the Senior Environmental Health Officer (Food and Safety) and reports to the EHLM.

2.3 Scope of the Health and Safety Service

2.3.1 The health and safety service provides the following:

- inspections of businesses for which the Council is the enforcing authority
- investigation of complaints regarding health, safety and welfare in workplaces
- investigation of notifications of accidents, dangerous occurrences and occupational ill health arising from work activities affecting employees or others
- promotion of high health and safety standards through advice, education and training to businesses and the public
- registration of premises and operators carrying out skin piercing activities
- registration of premises with cooling towers
- enforcement action under the Health and Safety at Work (Etc) Act 1974 (HSWA) and associated legislation
- Provide health & safety advice for the organisers of events in the borough and where appropriate organise and chair Safety Advisory Group (SAG) meetings with partners from the Police, Surrey County Council (Highways, Fire & Rescue, Emergency Planning) & South East Coast Ambulance Service (SECAM).

2.4 Demands on the Health and Safety Service

2.4.1 The Council has a duty to 'make adequate arrangements for enforcement' under section 18 of HSWA. The National Local Authority Enforcement Code (National Code) sets out the adequate arrangements for enforcement. Compliance with the National Code is mandatory and focuses on delivering proportionate and targeted enforcement using a full range of regulatory interventions. The code provides flexibility for LAs to address local priorities alongside the national priorities set by the Health and Safety Executive (HSE). It sets out the Government expectation of a risk-based approach to targeting resources.

2.4.2 There are an estimated 1500 businesses in the Borough, for which the Council is the enforcing authority. These consist of shops, offices, caterers, leisure and consumer services and a wide range of other commercial activities.

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- 2.4.3 A database of business details is held on the IDOX Uniform computer system. The software enables the service to determine which businesses are 'high risk' in terms of health and safety so interventions can be targeted effectively.
- 2.4.4 Due to the inherent difficulties in maintaining an accurate health and safety premises database as there is no requirement for new businesses to register with EH, there is ongoing work to update premises details using information obtained by means of ad hoc surveys, routine inspections, investigations, new business notifications, business rates, HSE and local intelligence from officers and partners.
- 2.4.5 The Environmental Health Service is based at Surrey Heath House, Knoll Road, Camberley, which is open to callers 9.00 to 16.45 Monday to Friday. The team are contactable in the office by telephone, mail, e-mail, via the Council's website and in person and are contactable by colleagues via mobile phone and e-mail whilst out in the field. In an emergency a member of the team can be contacted outside of office hours.

2.5 Enforcement Policy

- 2.5.1 The Council has a publically available Corporate Enforcement Policy which is in line with the HSE Enforcement Policy Statement.
- 2.5.2 The HSE Enforcement Management Model (EMM), is available for reference when making decisions about health and safety enforcement actions.

3. Service Delivery

3.1. Proactive Health and Safety Interventions

- 3.1.1 Planned interventions are targeted in specific risk areas in accordance with the priorities identified in the National Code. These are those premises where activities give rise to the most serious risk and are known to be least well controlled, with the aim of ensuring dutyholders effectively manage and control the risks of their work activities. Resources are focused on those premises most likely to cause working days lost and public injury, ill health or sickness absence and where dutyholders seek economic gain or advantage from non-compliance (e.g. rogue traders).
- 3.1.2 LAs have a range of interventions available to them to ensure a business is managing its risks effectively and guidance is provided by the HSE in LAC 67/2 (revision 10) Setting Local Authority Priorities and Targeting Interventions. LAs are required to justify any inspection they undertake and the National Code requires national and local intelligence is used to inform priorities. LAs must be able to deal reactively with matters of evident or potential major health and safety concern, especially when visiting premises for other reasons, e.g. food safety intervention.
- 3.1.3 The service will liaise with the other Surrey LAs through the Health and Safety Study Group and gather local intelligence to identify areas of

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high risk activities in Surrey and participate in group project work where possible.

3.2. Reactive Services for Health and Safety

3.2.1 All complaints about health and safety conditions within workplaces for which the Council is the enforcing authority are investigated. Reactive complaint work takes priority over programmed visits to ensure that requests for service are dealt with effectively. Requests for information about health and safety standards and legislation will also be met. In some cases, complaints will trigger a full health and safety inspection of the premises.

3.3 Investigation of Accidents, Dangerous Occurrences and Occupational Ill Health

3.3.1 Notifications of accidents at work made under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 are investigated in accordance with the HSE Accident Investigation Policy. Although the policy states that not all accident notifications will be investigated, in practice, the vast majority of those received meet the criteria for investigation. Non-reportable notifications are not usually investigated but are acknowledged by means of a standard letter.

3.4 Primary Authority Partnership (PAP)

3.4.1 Surrey Heath Borough Council has a PAP with Manning Impex, an imported food company and Exclusive Hotel Group, who own Pennyhill Park, which covers health and safety (and food safety). The businesses are charged for the officer time spent on partnership work.

3.4.2 The PAP Scheme entitles any business or organisation to ask for a Partnership with a Local Authority (LA). Those businesses will be expected to work closely with the LA to ensure they comply with the Regulations that apply to them. This is expected to lead to greater compliance by the business, but also greater consistency and co-ordination of regulatory enforcement by LAs. A central register is maintained of all businesses with a PAP. We are expected to consult with other LAs before undertaking any enforcement work when a business has a PAP. This will have an impact on the service both as an enforcing authority needing to consult with other LA's before undertaking enforcement interventions in businesses within Surrey Heath, and as an authority with a PAP.

3.5 Support to Businesses

3.5.1 The Council's approach to enforcement includes offering advice to businesses in the first instance to assist them in achieving a satisfactory standard of compliance with health and safety law, where this does not compromise the safety of workers or the public.

3.5.2 In addition to the advice that is provided during inspections, revisits and investigatory visits to premises, advice is available to businesses on request at any time. Advice to businesses is also provided by means of

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our webpages, direct mailings and press releases on particular health and safety issues and new legislation.

- 3.5.3 Where resources permit, the service will undertake targeted local health and safety initiatives and participate in national/regional campaigns that contribute to the Council's work priorities.

3.6 Liaison with other Organisations

- 3.6.1 The service has various liaison arrangements in place to ensure that enforcement action taken in its area is consistent with those of neighbouring LAs.
- 3.6.2 The service has a representative on the Surrey Health and Safety Study Group, which meets 4 times a year and is attended by the 11 Surrey LAs, as well as the HSE. This group reports into the Surrey Environmental Health Managers Group, enabling consistency issues to be discussed by the managers of the different health and safety services in Surrey.
- 3.6.3 Arrangements are in place for referring cases to the relevant enforcing authority e.g. another local authority or the HSE, where this is necessary.

4. Resources

4.1 Financial Allocation

- 4.1.1 The allocated budget for the health and safety and food safety service is £295,448.

4.2 Staffing Allocations

- 4.2.1 Currently there are 5 officers authorised and competent in health and safety. The time allocated to health and safety equates to a total of 1.0 FTE officer time and there is an additional 0.1 FTE administrative support. The Council's Contact Centre receives initial telephone calls, emails and other correspondence for the service.
- 4.2.2 The EHLM in conjunction with the Senior EHO is responsible for assessing competency and recommending levels of authorisation to the Strategic Director in line with the Authorisation Policy.
- 4.2.3 Surrey LA's have a flexible warranting arrangement where officers are able to assist and support each other, when necessary, e.g. where a serious incident has taken place and more resources are needed to help take witness statements etc, where another LA may have specialist knowledge in an area, e.g. workplace related death investigation and where competent and authorised officers are absent e.g. holiday / sickness, and less experienced staff are required to take enforcement action.

4.3 Staff Development Plan

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- 4.3.1 The Council's staff appraisal scheme highlights the specific development and training needs of each officer. The EHLM monitors to ensure that these needs are identified and met by the scheme.
- 4.3.2 The training and development of staff is achieved through attending courses, on-line training, information updates in team meetings and staff mentoring. The Senior EHO maintains a training log for all officers.
- 4.3.3 EHOs are encouraged to be Members of the Chartered Institute of Environmental Health (CIEH), in order to further demonstrate competence and professional accreditation. It is a membership requirement that officers achieve a total of 20 hours EH related CPD (30 hours for Chartered Members) and where possible development opportunities will be provided to facilitate this.
- 4.3.4 Corporate training is also provided for general subjects such as IT, safeguarding, health and safety, and customer service skills.
- 4.3.5 The Council subscribes to the Regulatory Information and Management System (RIAMS). This provides online access to relevant reference material which is automatically updated and version controlled so that officers have access to the most up to date information and legal references. The service also has online access to the HSE and LA enforcement information resource HELAExtranet.

4.4 Quality Assessment

- 4.4.1 Monitoring activities include regular team and one to one officer meetings, ongoing staff appraisals, accompanied inspections / visits, statistical performance monitoring (LAE1 Annual Return to the HSE) and peer review exercises co-ordinated by the Surrey Health and Safety Study Group.

5. Review 2020/21

5.1. Review of Performance and Impact of Covid-19

- 5.1.1. In addition to the ongoing performance monitoring of the health and safety service, performance is reviewed on an annual basis by the Strategic Director and the Licensing Committee.
- 5.1.2. In 2020/21 in light of the competing demands on EH staff from enforcement of Covid-19 business controls and containment and outbreak control work, the service was delivered in accordance with the HSE instruction to focus interventions on those premises and incidents that present the greatest safety risk and the work programme was aligned to these revised priorities.
- 5.1.3. This reprioritisation and the Covid-19 lockdown closures of businesses, meant a reduction in the number of non Covid-19 related health and safety interventions and service requests/accidents investigated in 2020/21, with resources redeployed to workplace Covid-19 work. 250 Covid-19 workplace related complaints/enquiries from businesses and

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the public were dealt with during this period and appropriate action taken under the relevant coronavirus restriction regulations.

- 5.1.4. In light of the possible legionella risks that reopening businesses after lockdown presented, the service wrote to relevant business sectors giving advice on appropriate control measures. An investigation was also undertaken into a case of legionella relating to a swimming pool and neighbouring dwelling, which required the taking of water samples for analysis.
- 5.1.5. The service's work on safety at public events in 2020/21 was impacted by the Health Protection (Coronavirus Restrictions) (England) (No3) Regulations 2020 which gave LAs powers to respond to serious and imminent threats to public health as a result of Covid -19. Surrey Heath Safety Advisory Group worked with 20 event organisers on their events to ensure that the necessary plans were in place to limit possible widespread transmission of Covid -19.
- 5.1.6. In 2020/21 skin piercing activities continued to be regulated with 14 skin piercing inspections for new practitioners and 4 new skin piercing premises inspections were carried out.
- 5.1.7. Work continued on implementing the IDOX Uniform system to effectively manage the delivery of the health and safety service including the necessary IDOX consultancy time and officer training. The service delivery benefits from increased use of telephone /electronic communication with businesses and the public including review of documentation and photographs have been retained where appropriate.

6.0 Service Priorities 2021/22

- 5.1.8. The health and safety work programme for 2021/22 will continue to be prioritised in line with the National Code and LAC 67/2 (Revision 10). The HSE acknowledge that in light of COVID-19 enforcement priorities cannot revert to Business As Usual and there is a need for LAs to prioritise regulatory resource and where appropriate shift the focus to Covid-19 health and safety at work related activities.
- 5.1.9. From 19 July 2021 most specific Covid-19 business restrictions were removed in England, however employers are still required under the HSWA to control the risks by reviewing and updating their workplace risk assessments particularly with regard to adequate ventilation, sufficient cleaning and good hand hygiene in accordance with the new Government guidance on 'Working Safely during coronavirus' and other more general public health Covid-19 guidance.
- 5.2. The current priority for health and safety in 2021/22 is therefore undertaking proactive interventions of high risk businesses to ensure that workplaces have Covid- 19 safe controls in place for employees and visitors and reactive interventions, responding to service requests from business and investigating complaints from employees and public regarding inadequate controls. The Council will continue to update the relevant health and safety advice available to businesses on the

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website and via the Economic Development business newsletter and other available communication methods.

- 5.2.1. In 2021/22 work will continue to work with public event organisers and other regulatory partners to ensure event safety, including the risk of Covid-19 transmission. The Health Protection (Coronavirus, Restrictions) (England) (No3) Regulations 2020 that relate to this work have been extended to 24th March 2022.
- 5.2.2. The service will be updating the Council's skin piercing register in 2021/22 by sending out letters to the 96 registered premises to check their registrations are current and ensure all their practitioners are registered. Letters will also be sent to the Borough's 170 close contact businesses (hairdressing, beauty, wellbeing services), to remind them of the skin piercing procedures that need to be registered and giving the guidance on how to register with the Council. This is seen as a priority given the large increase in home -based businesses in this sector in the last year.
- 5.2.3. In 2021/22 the service in partnership with the HSE has a programme of Covid-19 'Spot Checks' to monitor the controls businesses have in place in with the 'Working Safely guidance'. This initiative will focus on office and gym businesses initially and if successful will be rolled out to other business sectors later in the year.
- 5.2.4. The service is working in partnership with Economic Development on a project to survey small independent businesses to seek their views on how the Council can best support them in carrying out effective Covid-19 risk assessments, with a view to offering tailored health and safety advisory visits.

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Business and Planning Act 2020 Pavement Licence Fees

Summary:

The purpose of this report is to seek permission from the Licensing Committee to allow officers to continue to waive the discretionary pavement licence fee for applications made under Part 1 of the Business and Planning Act 2020.

Recommendation

The Committee is asked to RESOLVE that

- (i) The discretionary licence fee of £100 for all new pavement licence applications, made under the Business and Planning Act 2020, is waived in light of the current and ongoing impact of the COVID-19 pandemic.

1. Background

- 1.1 The Covid-19 pandemic continues to affect businesses across the economy causing many to cease trading for several months at a time, while others have had to significantly modify their operations.
- 1.2 The Business and Planning Act 2020(the Act) received Royal Assent on the 22nd July 2020. Part 1 of the Act, provisions relating to pavement licences, transferred authority to grant pavement licences from Surrey County Council in its capacity as the Highways Authority to Surrey Heath Borough Council. It also reduced the timescales for the approval of these applications.
- 1.3 These changes were introduced to make it easier for premises serving food and drink such as bars, restaurants and pubs to seat and serve customers outside, whilst at the same time complying with social distancing rules.
- 1.4 On the 29th July 2020 the Licensing Committee received details of proposed arrangements for Surrey Heath to process applications for pavement licences.
- 1.5 These arrangements were approved by the Licensing Committee and the fee for a pavement licence was set at £100. (This is the maximum fee allowed under the Act).
- 1.6 In March 2021 the Licensing Committee resolved that
 - The discretionary licence fee of £100 for pavement licence applications, made under the Business and Planning Act 2020, be waived in light of the current and on-going impact of the COVID-19 pandemic and until further review by the Licensing Committee;

- The repayment of pavement licence fees to applicants where these have already been paid.
- 1.7 Following the Committee arrangements were put in place to waive the fees and to refund the fees where these had already been paid.

2. Current Position

- 2.1 On the 20th July the Business and Planning Act 2020 (Pavement Licence) (Coronavirus) (Amendment) Regulations 2021 (the Regulations) came into force. The Regulations extended the provisions, in Part 1 of the Act, relating to pavement licences to 30 September 2022 as anticipated.
- 2.2 These Regulations were considered necessary to help to mitigate the effect of coronavirus.
- 2.3 These new provisions apply to a pavement licence for which an application is made on or after the date the Regulations come into force.
- 2.4 Brief details of these changes were provided in a verbal update to the Licensing Committee on the 29th July.
- 2.5 Since the meeting we have received 15 applications for Pavement Licences. In each case the fee has been waived in accordance with the resolution made by Committee in March. These licences have been issued and are due to expire on the 30th September 2022.
- 2.6 We are now seeking formal approval to continue to waive fees for applications received after tonight's meeting.
- 2.7 In light of the financial aspects of this Councillor Rodney Bates has informally discussed this request with Councillor Robin Perry, the finance portfolio holder. Councillor Perry has indicated that he is in agreement with this approach allowing the waiving of fees for applications received under the extended powers for pavement licences which expire on or before the 30th September 2022.
- 2.8 If there is a further extension to these arrangements, or if they subsequently become permanent, it may be appropriate, depending on circumstances, to charge the discretionary licence fees.

3. Resource and Financial Implications

- 3.1 Since the 20th July we have received 15 applications for pavement licences. In each case the fee has been waived.

3.2 The costs of processing these applications have been met and will continue to be met from within the existing Licensing Services budget.

4. Recommendations

- The discretionary licence fee of £100 for all new Pavement Licence applications, made under the Business and Planning Act 2020, is waived in light of the current and ongoing impact of the COVID-19 pandemic.

Annexes	<p>A: Business and Planning Act 2020- licensing implications- Licensing Committee report and minutes of – 29th July 2020</p> <p>B: Business and Planning Act 2020- Pavement Licence Fees- Licensing Committee report and minutes- 15 March 2021</p>
Background Papers	<p>Business and Planning Act 2020</p> <p>The Business and Planning Act 2020(Pavement Licences)(Coronavirus)(Amendment) Regulations 2021</p>
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Head of Service	<p>Louise Livingston- Head of HR Performance and Communication.</p>

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Business and Planning Act 2020: Licensing Implications

Summary:

The purpose of this report is to brief members of the Licensing Committee on the implications of the Business and Planning Act 2020 which received Royal Assent on the 22nd July and to seek a delegation of powers to enable the licensing provisions contained within the Act to be implemented.

Recommendation

The Committee is asked to RESOLVE that

- (i) authority be delegated to the Executive Head of Community to determine any application for a pavement licence made in accordance with the Business and Planning Act 2020;
- (ii) authority be delegated to the Executive Heads of Community, Regulatory and Transformation with regards to the remaining licensing provisions in the Act, including enforcement;
- (iii) The fee for the Pavement Licence be set at £100.
- (iv) The Guidance to Businesses, attached at Annex A, be noted

The Committee is also asked to confirm

- (a) arrangements for determining any appeals made against the decisions made at recommendation (i) above.

1. Background

- 1.1 The Covid-19 pandemic has affected businesses across the economy causing many to cease trading for several months while others have had to significantly modify their operations.
- 1.2 On 25 June 2020, The Government announced relaxations to planning and licensing laws to help the hospitality industry recover from the coronavirus lockdown. The Business and Planning Act 2020 (The Act) proposes to make it easier for premises serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.
- 1.3 For the hospitality industry these measures will provide some much-needed flexibility as they seek to reopen fully under social distancing requirements from 4 July 2020.

- 1.4 The Business and Planning Act 2020 received Royal Assent on the 22nd July. Part 1 of the Act, provisions relating to Pavement Licences and Alcohol licensing came into force on the same day.

2. Licensing Provisions in the Business and Planning Act

- 2.1 The Act sets out two significant changes to licensable activities:
- i. It transfers authority to grant pavement licences from the Highways authority to the Borough Council and reduces the timescales for the approval of any applications. It is proposed that these arrangements will come to an end in September 2021 unless extended.
 - ii. It modifies provisions in the Licensing Act 2003 to provide automatic extensions to the terms of on-sales alcohol licences to allow for off-sales. These extensions only apply up to 11pm where the Premises Licence allows this. Where a Premises Licence has an earlier cut-off time, off sales must end at this earlier time.

Pavement Licences

- 2.2 Currently, permission for businesses to place tables and chairs outside their premises on the public highway is granted by Surrey County Council, in its capacity as the Highways Authority. This takes the form of a permit ('pavement licence') issued under Part 7A of the Highways Act 1980. The fee for a 'Pavement Licence' varies between local authorities and there is a time consuming 28 day consultation period that must be adhered to before a decision can be made on whether or not to grant a licence.
- 2.3 The Act introduces a new, temporary, fast-track process for these businesses to obtain permission, in the form of a "pavement licence", from Surrey Heath Borough Council for the placement of furniture such as tables and chairs on the pavement outside their premises which will enable them to maximise their capacity whilst still adhering to social distancing guidelines.

Application Process

- 2.4 Under the Act, an application for a Pavement Licence must be made in writing in a form specified by the local authority and must:
- i. specify the premises, the part of the relevant highway and the purpose or purposes specified below to which the application relates:
 - a) use of the furniture by the licence-holder to sell or serve food or drink supplied from, or in connection with relevant use of, the premises;
 - b) use of the furniture by other persons for the purpose of consuming food or drink supplied from, or in connection with relevant use of, the premises.
 - ii. specify the days of the week on which, and the times of day between which, it is proposed to put furniture on the highway,
 - iii. describe the type of furniture to which the application relates,

- iv. specify the date on which the application is made,
- v. contain or be accompanied by such evidence of public liability insurance in respect of anything to be done by the licence-holder pursuant to the licence as the authority may require, and
- vi. contain or be accompanied by such other information or material as the local authority may require.

A draft of the proposed application form is attached to this report as Annex B.

2.5 To ensure that businesses can obtain Pavement Licences in a timely and cost effective (for the business) manner aiding to their financial recovery, the Act places an onus on the local authority to determine the application within 14 days which must begin with the day after that on which the application is made.

2.6 It should be noted that, an application for a Pavement Licence is deemed to have been made on the day it is sent to the local authority by the applicant.

Public Consultation on an Application

2.7 Within this determination period of 14 days, provision must be made for a public consultation period of 7 days, which must begin with the day after that on which the application is made.

2.8 Christmas Day, Good Friday and any day which is a bank holiday is not included in the consultation period or the determination period.

2.9 On receipt of an application the Council must:

- i. Publish the application and any material requested as part of the application
- ii. Publicise the fact that representations relating to the application may be made to the authority during the public consultation period (indicating when this period comes to an end)

2.10 It is proposed that the Council will publish applications on our website with information on how to make representations.

2.11 Under the terms of the Act, the applicant must:

- i. On the day that the application is made fix a notice (Site Notice) of the application to the premises so that the notice is readily visible to, and can be read easily by, members of the public who are not on the premises, and
- ii. Secure the Site Notice so that it remains in place until the end of the public consultation period.

2.12 The Site Notice must:

- i. be in a form specified by the local authority
- ii. state that an application has been made, the date on which it was made and the date that the public consultation period will end.
- iii. State that representations relating to the application may be made to the local authority during the consultation period and
- iv. Contain any other information or material as the local authority may require.

Determination of Applications

2.13 When determining an application, the local authority must:

- i. Take into account any representations received during the public consultation period
- ii. Consult the relevant highway authority
- iii. Consult any other persons that are considered appropriate.

2.14 In making its decision, the local authority can either grant a pavement licence or chose to reject the application. If a decision is made to grant the licence then the licence can be granted subject to a) any or all of the purposes in relation to which the application is made; (b) some or all of the part of the relevant highway specified in the application

2.15 The local authority can grant a licence subject to such conditions as it considers reasonable and a proposed set of standard licensing conditions are set out in the draft Guidance for Businesses attached as annex A to this report.

2.16 It should be noted that if the local authority does not make a decision on an application by the end of the 14 day determination period outlined at paragraph 2.5 above then the licence for which the application was made is deemed, under the Act, to be granted.

Duration of Licence

2.17 The Act states that a pavement licence may be granted by a local authority for:

- (a) For such period as the local authority may specify in the licence, or
- (b) With no limit on its duration, in which case it expires at the end of 30 September 2021.

If a decision is made to specify a shorter time period as set out at paragraph 2.16(a) above the period specified:

- a) May not be less than three months, and
- b) May not extend beyond 30 September 2021

- 2.18 Where a pavement licence has been deemed to be granted as per paragraph 2.15 above then the licence will last for a period of one year starting with the first day after the determination period or at the end of 30 September 2021 whichever comes sooner.

Cost of Licence

- 2.19 Although it is envisaged that the resources required to process an application is likely to cost in excess of £100 the maximum licence fee allowed under the Act is £100. It is therefore proposed that the licence fee be set at £100.

Right of Appeal

- 2.20 The Act makes no provisions to enable businesses to appeal against a decision not to grant a Pavement Licence. Notwithstanding this, it is considered that to not have an appeal process would go against the tenets of natural justice.
- 2.21 Appeals under the Licensing Act 2003 are currently heard by a three member sub-committee of the Licensing Committee. In view of the tight 10 working day deadline that the Government has set for determination of applications this approach is considered unnecessarily cumbersome and would take up valuable time in the process. It is therefore proposed that any appeals against a decision should be dealt with in the same way as other complaints namely through an appeal to the Executive Head of Business.

Enforcement

- 2.22 There are enforcement powers contained in the Act to enable the Authority to attach conditions, and revoke licences for breaches of conditions, or if the highway is no longer suitable for this use. It is anticipated that there would be some enforcement required as businesses seek to adjust to the new regime. It is proposed that these enforcement powers be delegated to the appropriate sections of the Council including, but not limited to, Environmental Health, Community development (Anti-Social Behaviour) and Corporate Enforcement etc.

Automatic 'off sales' entitlement

- 2.23 Under the Licensing Act 2003, premises are licensed for the sale of alcohol for consumption either 'on' the premises, 'off' the premises or both. The measures included in the Act modify provisions in the Licensing Act 2003 to provide automatic extensions to the terms of on-sales alcohol licences to allow for off-sales. This is a temporary measure to boost the economy, with provisions lasting until the end of September 2021.
- 2.24 The measures will make it possible for licensed premises that have only an on-sales licence to sell alcohol for consumption 'off' the premises without making an application or paying a fee. This will allow businesses to trade

whilst keeping social distancing measures in place inside. A more detailed briefing on this aspect of the Act will be circulated separately to members.

3. Delegated Authorisation

- 3.1 The announcement of a new pavement licence administered by borough and district councils and not the Highways Authority requires that Borough Councils will need to be ready to accept, consult on and determine these applications from 22nd July.
- 3.2 To ensure that the Council was best placed to react appropriately to the introduction of these changes an Urgent Action was agreed on XXX so that the proposed recommendations could be enacted in advance of the Act becoming law. A copy of this Urgent Action is attached at Annex C.
- 3.3 The introduction of automatic 'off sales' entitlement is a modification of the Licensing Act 2003 and under the Council's Constitution the Executive Head: Community has delegated authority to make decisions in relation to the Licensing Act 2003 and any subsequent legislation that affects it.

4. Resource Implications

- 4.1 The Licensing Service is currently working to be ready to receive applications for pavement licences as part of the wider work to be ready for the reopening of the licensed trade as lockdown restrictions are eased. This work is almost complete =.
- 4.2 The introduction of the new 'pavement licence' administered by Surrey Heath Borough Council however is likely to require the Council to divert significant officer resources into setting up and administering this regime. A draft Guidance note for businesses has been compiled, and is attached as Annex A. Officers are working to set up application and consultation procedures.
- 4.3 No other immediate action is required to allow premises to undertake 'off sales, this is an automatic entitlement and the Council does not have to issue another licence.

5. Options

- 5.1 The Council is required to determine applications made in accordance with this Act so there are no substantial alternative options for the Committee to make, although alternative decisions could be taken on the decision maker and the level of fee charged.

Annexes	Annex A – Guidance for Businesses Annex B – Draft Application form Annex C – Urgent Action
Background Papers	Business and Planning Act 2020
Author/Contact Details	Paula Barnshaw, Licensing Administrator Paula.barnshaw@surreyheath.gov.uk
Head of Service	Tim Pashen – Executive Head of Community

**Minutes of a Meeting of the Licensing
Committee held at Council Chamber,
Surrey Heath House, Knoll Road,
Camberley, GU15 3HD on 29 July 2020**

+ Cllr Rodney Bates (Chairman)
+ Cllr Vivienne Chapman (Vice Chairman)

- Cllr Dan Adams	+ Cllr David Mansfield
+ Cllr Peter Barnett	+ Cllr John Skipper
+ Cllr Richard Brooks	+ Cllr Pat Tedder
- Cllr Paul Deach	+ Cllr Helen Whitcroft
+ Cllr Ben Leach	+ Cllr Valerie White
+ Cllr David Lewis	

+ Present

- Apologies for absence presented

Members in Attendance: Cllr Cliff Betton and Cllr Alan McClafferty

Officers Present: Paula Barnshaw, Nathita Fleet, Helen Lolley, Tim Pashen,
Eddie Scott and Frances Soper

1/L Minutes of the Previous Meeting

The minutes of the meeting held on 11 March 2020 were confirmed and signed by the Chairman.

2/L Food Safety Service Plan 2020-21

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.

The number of food businesses which were 'broadly compliant' remained high at 96.4%. 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 report set out the performance of the food safety service team during 2019/20, including inspections, complaint investigations and sampling activities. The plan also provided information on expected demands on the service during 2020/21 including the impact of Covid-19 on the Food Safety Service.

It was stated when a food premise opened in the Borough it was required to be inspected by the Council's environmental health team within 28 days from being registered. The business was then given its food hygiene rating accordingly.

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

3/L Health and Safety Service Plan 2020- 2021

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 (HSE), 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.

It was noted that in 2020/21 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, as set out in the agenda papers, be approved.

4/L Hackney Carriages and Private Vehicle - Age of Vehicles Guidance

The Committee considered a report outlining the options in respect of the relaxation of the current guidelines relating to the age limits on vehicles submitted for licensing as Hackney Carriages and Private Hire Vehicles. It was noted a review of the guidelines was heard by the Licensing Committee at the request of Councillor John Skipper.

As it stood no vehicle could be licensed after the sixth anniversary of the car being registered by the DVLA or from its date of manufacture in the case of cars, which were first registered overseas.

In addition vehicles which were registered for more than 3 years with the DVLA at the time of being presented for licensing or, in the case of a car which had been first registered overseas, was more than three years old would also be unable to be licensed.

It was acknowledged that whilst it appeared that Surrey Heath maybe out of line with the guidelines and policies adopted by neighbouring local authorities in relation to the age of vehicles, the necessity to consider the overall picture including the conditions attached to Licences needed to be recognised.

RESOLVED that

- I. A temporary one year exemption to the current 6 year vehicle age limit rule be applied;**

- II. and the Licensing Committee receives a detailed report in order to conduct a full review of the current guidelines/ policies relating to Taxi Licensing within the next 12 months.**

5/L Business and Planning Act 2019-2021: Licensing Implications

The Licensing Committee considered a report detailing the implications of the Business and Planning Act 2020 which received Royal Assent on the 22nd July and proposed delegated powers to enable licensing provisions in respect of street pavement licenses and automatic off sales entitlement.

The act introduced a new, temporary, fast-track process for businesses to obtain a pavement licence, from the Council for the placement of furniture such as tables and chairs on the pavement outside premises. It was envisaged that a license would enable the maximisation of a premise's capacity whilst still allowing adherence to social distancing guidelines.

It was acknowledged that the Council was required to determine applications made in accordance with the Act and that the determination of the applications would be best delegated to the Executive Head of Community. In addition it was noted that the committee were required to make a decision in order to create a suitable appeals process for the decisions made by the Executive Head of Community in respect of the granting of pavement licenses.

RESOLVED that

- I. authority be delegated to the Executive Head of Community to determine any application for a pavement licence made in accordance with the Business and Planning Act 2020;**
- II. authority be delegated to the Executive Heads of Community with regards to the remaining licensing provisions in the Act;**
- III. enforcement powers in respect of the act be delegated to the Executive Head of Community in consultation with the Executive Heads of Transformation and Regulatory where required;**
- IV. the fee for the Pavement Licence be set at £100;**
- V. the Guidance to Businesses, as published as a supplement to the agenda papers, be noted;**
- VI. appeals in respect of the determination of applications, be conducted and determined by the Head of Legal Services in consultation with the Chairman and Vice Chairman of the Licensing Committee and one other Licensing Committee Member;**
- VII. and the final details of the appeals process be delegated to the Executive Head of Community in consultation with the Chairman and Vice Chairman of the Licensing Committee.**

6/L Licensing Act 2003 - Summary of Decisions

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

7/L Reporting of Urgent Action

The Licensing Committee noted Urgent Action which had been taken in accordance with the Scheme of Delegation of Functions to Officers.

RESOLVED to note the urgent action taken under the Scheme of Delegation of Functions to Officers.

8/L Licensing Sub Committee Minutes

The Committee noted that the Chairman would sign the minutes of the Licensing Sub Committee meetings which had taken place since the previous meeting.

9/L Committee Work Programme

It was acknowledged that Members were able to request items to be added to the Licensing Committee's work programme; including the review of guidelines and policies as undertaken at minute 4/L.

RESOLVED to note the Committee's Work Programme

Chairman

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Business and Planning Act 2020: Pavement Licence Fees

Summary:

The purpose of this report is to seek permission from the Licensing Committee to allow officers to waive the discretionary pavement licence fee.

Recommendation

The Committee is asked to RESOLVE that

- (i) The discretionary licence fee of £100 for Pavement Licence applications, made under the Business and Planning Act 2020, is waived in light of the current and ongoing impact of the COVID-19 pandemic.
- (ii) To authorise the repayment of pavement licence fees to applicants where these have already been paid, to ensure a fair and consistent treatment of applicants.

1. Background

- 1.1 The Covid-19 pandemic has affected businesses across the economy causing many to cease trading for several months at a time, while others have had to significantly modify their operations.
- 1.2 The Business and Planning Act 2020(the Act) received Royal Assent on the 22nd July 2020. Part 1 of the Act, provisions relating to Pavement Licences, transferred authority to grant pavement licences from Surrey County Council in its capacity as the Highways Authority to Surrey Heath Borough Council. It also reduced the timescales for the approval of these applications.
- 1.3 These changes were introduced to make it easier for premises serving food and drink such as bars, restaurants and pubs to seat and serve customers outside, whilst at the same time complying with social distancing rules.
- 1.4 On the 29th July 2020 the Licensing Committee received details of proposed arrangements for Surrey Heath to process applications for pavement licences.
- 1.5 These arrangements were approved by the Licensing Committee and the fee for a pavement licence was set at £100. (This is the maximum fee allowed under the Act).
- 1.6 It is likely that these arrangements could come to an end in September 2021 unless extended. The Government has recently indicated its intention to introduce secondary legislation to extend these provisions for a further 12

months subject to Parliamentary approval. We will monitor this closely in the coming months and respond accordingly.

2. Current Impact of Covid-19

- 2.1 Covid -19 continues to have a major impact on businesses within the Borough. Licensed premises remain closed with the exception of a limited food takeaway offering.
- 2.2 The Government recently published a 'road map' to recovery subject to conditions. It is planned that licensed premises will be allowed to open in a phased manner no earlier than the 12th April. With outdoor space having a greater part to play in helping to make businesses financially viable.
- 2.3 In Step 2 of the Government's plans, no earlier than the 12th April- Outdoor areas at hospitality venues(cafes, restaurants, bars, pubs, social clubs, including in member's clubs) can reopen, including for takeaway alcohol. The outdoor areas are only allowed to be used by groups of 6 people or 2 households.
- 2.4 In Step 3 – no earlier than the 17th May. Indoor areas of hospitality venues will be allowed to open. They can be used by groups of 6 or two households indoors; or in a group of no more than thirty people outdoors.
- 2.5 In Step 4- no earlier than the 21st June. All remaining settings, not opened in previous steps, will be allowed to open There will be a lifting of the restrictions on social contact that apply in Step 3.
- 2.6 It is likely that a number of premises will apply for pavement licences to allow them to open in the first phase (Step 2) using the adjacent pavement where appropriate.
- 2.7 Recognising that this has been a very difficult time the Council is keen to support businesses throughout the current restrictions and the phased re-opening of the hospitality sector. As a goodwill gesture we would like to be in a position to waive the fee for pavement licences as set out in this report. We hope that this will play a small part in helping to rebuild the economy as we emerge from the current restrictions.
- 2.8 All pavement licences issued by Surrey Heath will expire on 30 September 2021. This will change if the proposed extension to these provisions is introduced.

3. Resource and Financial Implications

- 3.1 The Licensing Service is ready to proceed with applications for pavement licences as part of the wider work to be ready for the reopening of the licensed trade as lockdown restrictions are eased.

3.2 We have currently received 9 applications for pavement licences. Of these 2 have been granted, 3 have been received recently and are still within the time limits for approval. Four applications were incomplete and despite chasing, we have not received the information required as part of their application. Reimbursing the applicants will mean that we will repay a total of £900.

3.3 The costs are expected to be accommodated within the existing Licensing Services budget.

4. Recommendations

- The discretionary licence fee of £100 for Pavement Licence applications, made under the Business and Planning Act 2020, is waived in light of the current and ongoing impact of the COVID-19 pandemic.
- To authorise the repayment of pavement licence fees to applicants where these have already been paid.

Annexes	Business and Planning Act 2020- licensing implications- Licensing Committee report and minutes of – 29 th July 2020
Background Papers	Business and Planning Act 2020
Author/Contact Details	Helen Lolley Helen.Lolley@surreyheath.gov.uk
Head of Service	Tim Pashen – Executive Head of Community

**Minutes of a Meeting of the Licensing
Committee held at Virtually - Public
Meeting on 24 March 2021**

+ Cllr Rodney Bates (Chairman)
+ Cllr Vivienne Chapman (Vice Chairman)

+ Cllr Dan Adams	+ Cllr David Mansfield
Cllr Peter Barnett	+ Cllr John Skipper
+ Cllr Richard Brooks	+ Cllr Pat Tedder
+ Cllr Paul Deach	+ Cllr Helen Whitcroft
- Cllr Ben Leach	+ Cllr Valerie White
+ Cllr David Lewis	

+ Present
- Apologies for absence presented

Members in Attendance: Cllr Sharon Galliford, Cllr Emma-Jane McGrath and
Cllr Victoria Wheeler

Officers Present: Paula Barnshaw, Rebecca Batten, Eugene Leal, Helen Lolley,
Tim Pashen and Frances Soper

15/L Minutes of the Last Meeting

The minutes of the meeting held on 21 October 2021 were confirmed and signed by the Chairman.

16/L Statement of Licensing Policy

The Committee considered the proposed Statement of Licensing Policy 2021-2026 with a view to recommending it for adoption at Full Council. The Committee also considered renewal of the Cumulative Impact-Special Policy for Camberley Town Centre, which was required to be reviewed every 3 years.

Following the 6 week public consultation, which had started on 26 October 2020, 3 separate representations had been received on the draft Statement of Licensing Policy. Revisions to the wording of the policy had been made as a result of the consultation responses. The Cumulative Impact Policy had received 2 representations in support of its retention and the Council had not received any representations in favour of removal of the policy. It was underlined that applicants for licences for premises which fell within the Cumulative Impact area were required to show how they would be planning to mitigate the effects of cumulative impact during the application process.

Members' expressed endorsement of the Cumulative Impact Policy given its support on individual licence decisions in the past. Moreover Members were assured that the policy would be kept under regular review to reflect the changes in legislation and changing circumstances.

RECOMMENDED to Full Council that the Statement of Licensing

Policy 2021-2026, as set out at Annex A to the Licensing Committee agenda, be agreed; and

RESOLVED that the Cumulative Impact Policy be retained.

17/L Hackney Carriage (Taxi) and Private Hire (PH) Licensing Policy 2021-2026

The Committee considered the draft Hackney Carriage (Taxi) and Private Hire (PH) Licensing Policy 2021-2026, with a view to approving it for public consultation.

In July 2020 the Department of Transport issued new Statutory Taxi and Private Hire Standards which recommended that Councils made available a cohesive policy document which brought together all their procedures on Taxi and Private Hire vehicle standards and outlined that policies should include but not be limited to policies on convictions and vehicle standards. Under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 the Council was responsible for regulating the Hackney Carriage and Private Hire trades operating in the Borough. This included the central aim of protecting the public, including children and vulnerable adults when using such services.

Members were advised that we are required to consult on proposed changes in licensing rules that may have a significant impact on passengers and the trade.

As part of the proposal the upper age limit for licensed vehicles would be temporarily removed until the new draft Policy was adopted.

It was noted that Street Angels and the Parish Councils would be added to the list of consultees on the policy, which included the Taxi and Public Hire Trade, Ward Councillors and responsible body consultees. In addition, as part of the consultation members of the trade would also be invited to virtual consultation events to discuss and provide their views on the draft policy.

Following questions from Members, the Committee were advised that drivers within Surrey Heath were DBS checked to enhanced standards, which include checked against the Adults' and Children's Barred Lists and further checks every 6 months to ensure no new information has been added.

There was an expressed wish from Members to replicate the CCTV provision which was found in Hackney Carriage and Private Hire Vehicles in Greater London. This will be subject to a separate consultation with the trade and other interested parties. Moreover, it was acknowledged there was a balance to be struck between environmental considerations and the financial costs to the Hackney Carriage and Private Hire companies.

As part of the proposal the upper age limit for licensed vehicles would be temporarily removed until the new draft Policy was adopted.

RESOLVED that

- I. The contents of the agenda report be noted;**
- II. The Hackney Carriage (Taxi) and Private Hire (PH) Licensing Policy 2021-2026 be approved for consultation as per Annex A of the agenda pack;**
- III. The upper age limit for licensed vehicles be temporarily removed until a new draft Policy is adopted.**

18/L Business and Planning Act 2020: Licensing Implications

The Committee considered a proposal to waive the discretionary licence fee for pavement licence applications in light of the ongoing effects of the Covid-19 pandemic to businesses. As part of the proposal, in order to ensure fair and consistent treatment of applicants, repayment of licence fees to applicants, which had already paid the application fee, would be undertaken.

The Committee were reminded that the pavement licence fee was set at £100 as approved by the Licensing Committee on 29 July 2020 and was a product of the Business and Planning Act 2020, which received royal assent in July 2020 and made it easier for premises to serve food and drink to customers outside whilst obeying social distancing rules.

The Committee were advised that these new provisions are due to come to an end on the 30th September 2021. The Government had however indicated that they might be extended to the end of September 2022 and it was clarified that it was proposed for the fee to be waived until further review from the Licensing Committee.

The Committee reemphasised the need to help struggling businesses by bringing forward such proposals; despite the waived licence fee being a relatively small amount.

Furthermore it was requested by the Committee that bars, cafes, pubs and restaurants be reminded that despite the waived licence fee, that they would still need to apply for a pavement licence in order to serve food and drink on the highway.

RESOLVED that

- I. The discretionary licence fee of £100 for Pavement Licence applications, made under the Business and Planning Act 2020, be waived in light of the current and ongoing impact of the COVID-19 pandemic and until further review by the Licensing Committee;**
- II. the repayment of pavement licence fees to applicants where these have already been paid be agreed.**

19/L Amendment to Taxi Rank o/s No 72 to 84 High Street Camberley

The recently completed High Street Public Realm project had reduced kerbside parking along the High Street from its junction with Pembroke Broadway to its junction with St George's Road and Obelisk Way. In addition, the works had reduced taxi rank spaces from 7 to 4 spaces which had been approved at the

Surrey County Council Surrey Heath Local Area Committee meeting on 25 February 2021.

It was acknowledged that the timings and cancellations of the Surrey Heath Local Area Committee's meetings meant the decision to reduce the taxi rank spaces came before the Licensing Committee after the public realm works had dictated its hand. In addition, whilst it was appreciated that it was not a responsibility of the Licensing Committee, it was noted that there were concerns in respect of disabled parking provision on the High Street.

RESOLVED that

- I. The proposal to reduce the High Street rank from 7 taxis to 4 taxis and advertise the proposals in accordance with the Local Government (Miscellaneous Provisions) Act 1987 s63 be agreed;**
- II. Officers be asked to investigate the replacement of the spaces elsewhere in Town.**

20/L Licensing Act 2003 - Summary of Decisions

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

21/L Uber Licensing Update

The Chairman of the Licensing Committee gave a verbal update on the meeting which he and the Council's Licensing Officer had attended with Uber's Head of Cities. The meeting discussed the implications of the presence of Uber Drivers within the Borough and their registration with Transport for London (TFL) which some Surrey Heath Hackney Carriage and Private Hire licensed vehicles felt was unfair competition.

At the beginning of 2018, Uber had created internal regional boundaries to where its drivers could pick-up passengers. The exclusive London Zone was expanded to include London and the surrounding areas which included Surrey Heath. It was picked up during the meeting that there some anomalies in respect of the boundary area within the Surrey Heath borough area. As a result, the Council had asked Uber if they were minded to conduct a review in respect of the boundaries and in particular the anomalies with in the Surrey Heath Area. However, due to the significant resource to undertake this work Uber declined to undertake this work immediately, but committed to review the Surrey Heath area when they next remapped and reviewed the boundary. Furthermore, it was noted that there were Uber Drivers who lived in Surrey Heath but were registered by Transport for London (TFL).

Members were advised that if they had concerns in respect of enforcement issues regarding Uber drivers, these should be flagged with the Police or the Council's Licensing Team. It was noted that a longer term solution could be the creation of nationwide rules in order to remove inconsistencies in conditions and rules between different geographical areas. It was noted that a follow up meeting had been arranged with Uber for 6 months' time.

RESOLVED that the update be noted.

22/L Licensing and Environmental Health Teams Update

The Committee received an update on the areas of work covered by the Licensing and Environmental Health Teams and their successes over the past year.

Licensing and Environmental Health were statutory functions of the Council with the primary aims of protecting public health and controlling public nuisances. In respect of its licensing functions the Council also had the aims of safeguarding the vulnerable and encouraging the reduction of crime and disorder. Collectively there were over 700 active Licenses in the borough area, including premises licences, gambling licences and charity collection licences.

The pandemic had resulted in a reduction of the amount of licences held within the Borough, but an increase in workload for the Licensing and Environmental Health teams. There had been a significant increase in enquiries from businesses in respect of asking for advice on how to comply with the regulations and guidelines. In addition, going forward, responses from responsible bodies as consultees to temporary event licenses, were to become more important in order to ensure the holding of covid-secure events.

The Council's Environmental Health team carried out services in respect of air quality, nuisances, contaminated land and the overseeing of pest contracts. This was in addition to food safety and health and safety services.

As a result of the pandemic, there were increased numbers of premises selling takeaways, which provided a different type of food safety risk, and still needed monitoring by the Environmental Health team. Despite the usual circumstances, inspections and food poisoning investigations were still taking place in person, with the necessary risk assessments in place. Whilst there had been decreases in cases such as stray dog complaints, there had been significant increases in noise complaints across the borough and the amount of bonfire complaints had approximately doubled within the past year.

Covid-19 had also offered a new stream of work which came under environmental health, and together with the Covid Marshalls, the Environmental Health team had conducted over 2000 visits to premises to ensure compliance, as well as parks and playgrounds.

Arising from Members' comments it was recognised that there was a balance to be struck in respect of food safety enforcement. During the pandemic there had been various informal community initiatives which entailed the cooking and dropping off of meals. Whilst under the Food Safety Act infrequent, informal services perhaps wouldn't need to register as a food premises, the Environmental Health team were always keen to liaise with such services in order to provide advice on best practice.

Whilst the Environmental Health team was aiming to proactively engage with the borough's premises in the form of mail shots, via the Economic Development Newsletter and via attendance of Pubwatch meetings, there was a perceived shortfall in respect of the guidance that businesses were receiving from the Council about the reopening process. It was agreed that there was an opportunity for the Council to hold a virtual engagement event with the Borough's businesses to offer support in respect of reopening of bars, pubs and restaurants in May. In addition, there was a need to ensure that the Council's website was up to date in respect of resources and information to allow businesses to successfully reopen as social distancing restrictions eased.

It was remarked that despite difficulties in being able to cover the whole of the borough, the Covid Marshalls had done an excellent job in encouraging adherence to the social distancing rules. The marshalls worked closely with the Environmental Health team which conducted any necessary enforcement work in respect of businesses, whilst it was acknowledged that it was the Police's responsibility to breakup any large gatherings. In addition, the Committee showed its dismay at the shared reports that a number of Covid Marshalls and Covid Ambassadors had received abuse as a result of the undertaking of their roles, and that a number of ambassadors had resigned from their roles as a result. The Executive Head of Community agreed to discuss this further with the Police.

RESOLVED that the update be noted.

23/L 21/22 Committee Work Programme

The Committee received its Work Programme for the upcoming 2021/22 municipal year.

RESOLVED that the Committee's Work Programme for the 2021/22 municipal year be agreed as per the agenda reports pack.

Chairman

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LICENSING ACT 2003: SUMMARY OF DECISIONS

Portfolio:	Non-executive function
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 Head of HR, Performance and Communication

This report covers decisions made between 20 July 2021 and 30 September 2021.

1. Background

- 1.1 Details of decisions taken under delegated powers in relation to applications, representation etc., must 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 Head of HR, Performance and Communication 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 must be given to whether such representations are relevant, vexatious or frivolous and have been submitted in accordance with statutory requirements. No representations have been rejected on these grounds since the last report on these matters.
- 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 report to committee is attached at Annex A.
- 2.5 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 Annex A – Summary of decisions made under delegated authority.
Report Author:	Paula Barnshaw, Senior Licensing Officer 01276 707625 paula.barnshaw@surreyheath.gov.uk
Head of Service:	Louise Livingston - Head of HR, Performance and Communication

Annex A

Summary of Decisions made under the Licensing Act 2003

20/07/2021-30/09/2021

New Personal Licence	7
Variation to a Personal Licence	1
Temporary Event Notice	31
New Premises Licence	2
Variation to a Premises Licence	9
Premises Licence Transfer	2
New Club Premises Certificate	1
Transfer Club Premises Certificate	0

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**Licensing Committee
Work Programme 21/22**

Date		Topic	Report Author
December 2021	1.	Review of Hackney Carriage and Private Hire Fees and Charges	Helen Lolley

Date		Topic	Report Author
16 February 2022	1.	Gambling Act 2005 Statement of Policy To agree the proposed Statement of Gambling Policy for recommendation to Full Council.	Helen Lolley
	2.	Street Collections Policy To consider amendments to the Street Collections Policy.	To be allocated
	3.	Street Trading Policy	To be allocated
	4.	Licensing and Environmental Health Teams Annual Update	Frances Soper
	5.	New Tax Checks on Licence Renewal Applications (Changes due to come into place on 4 April 2022) This is an information item only.	Paula Barnshaw

	6.	Summary of Decisions To report decisions that have been taken in respect of licence applications that have been dealt with under delegated powers	Paula Barnshaw
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