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Monday, 6 June 2022

To: The Members of the **Licensing Committee**
(Councillors: Pat Tedder (Chairman), Valerie White (Vice Chairman), Dan Adams, Rodney Bates, Peter Barnett, Richard Brooks, Tim FitzGerald, Shaun Garrett, Gordon, David Lewis, Robin Perry, John Skipper and Graham Tapper)

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, 15 June 2022 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 Previous Meeting	3 - 10
To confirm and sign the minutes of the meeting held on 16 February 2022.	
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 Food Safety and Health and Safety Service Plan	11 - 32

5	Street Collections Policy	33 - 46
6	Pavement Licensing	
	To receive a verbal update.	
7	Licensing Act 2003 - Summary of Decisions	47 - 52
8	Committee Work Programme	53 - 54
	To review and consider any amendments to the Committee's Work Programme for the remainder of the 2022/23 municipal year.	

**Minutes of a Meeting of the Licensing
Committee held at Council Chamber,
Surrey Heath House, Knoll Road,
Camberley, GU15 3HD on 16 February
2022**

+ 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

* Committee Member in attendance virtually.

Officers Present: Paula Barnshaw, Rebecca Batten, Helen Lolley,
Frances Soper and Nick Steevens

19/L Minutes of the Previous Meeting

The minutes of the meeting held on 15 December 2022 were confirmed and signed by the Chairman.

20/L Gambling Act 2005- Draft revised Statement of Principles 2022-2025

The Committee was reminded that the Council, as a licensing authority, had a duty to undertake various regulatory functions imposed by the provisions of the Gambling Act 2005 and before exercising these functions it must first adopt a Statement of Policy indicating how the functions would be exercised. This Statement required review every 3 years from date of adoption.

At its meeting on 20 October 2021 the Committee had considered a draft revised statement. The draft Statement had subsequently been subject to a public consultation, which had taken place between 8 November and 19 December.

The Committee was informed that the draft statement of principles incorporated amendments which were included as a result of the Gambling Commission's Guidance to licensing authorities, which was last published in April 2021.

It was noted that once approved the Council was required to publish a notice of its intention to publish a new Statement of Policy. The policy would then come into effect four weeks later.

The Committee raised grievances that the Council, as the Licensing Authority, did not have powers to enforce the barring of local individuals from gambling premises, where it had ascertained that they were struggling with a gambling problem. Whilst it was acknowledged that in such a scenario the Council could redirect the individual to services such as the National Gambling Helpline, the Committee agreed that the Council should lobby the borough's Member of Parliament to devolve greater powers to local authorities to deal with such cases. Whilst the Committee noted that it was not within the Committee's terms of reference to enter into the Council's policy on such national issues, it resolved to note its desire for a letter to be written, in consultation with the Chairman and Vice-Chairman of the Licensing Committee, to the local Member of Parliament detailing the raised concerns.

RESOLVED that

- I. full Council be recommended that the revised Statement of Principles 2022-2025 (SoP) in relation to exercising functions under the Gambling Act 2005 be adopted; and;**
- II. support for the writing of a letter to the Rt Hon Michael Gove MP, to lobby for greater devolved powers to combat problem-gambling, be noted.**

21/L Hackney Carriage (Taxi) and Private Hire (PH) Licensing fees and charges

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 included provisions that allowed 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 (Section 53(2)). Furthermore, Section 70 of the Act allowed the same for vehicle and operators' 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.'

The proposed updated fees were considered by the Licensing Committee at its meeting on 15th December 2021, and it was recommended that the proposed fees be approved by the Strategic Director-Environment and Community in consultation with the Strategic Director-Finance and the Finance Portfolio Holder. Subsequently as required by the Local Government (Miscellaneous Provisions) Act 1976, the Council had placed a notice in the local press. Following the statutory 'notice

period', the Council had received two further representations from Members of the Taxi and Private Hire trade.

The Committee noted that whilst the additional representations requested the reconsideration of the increased fee for the permanent transfer of a vehicle licence, it was noted that the current £50 fee did not currently cover the cost of the administration of the transfer. Furthermore, it could in fact be perceived that the Council was currently de facto subsidising permanent licence transfers.

RESOLVED that the proposed revised Taxi and PH fees and charges as per Annex A of the agenda reports pack, be recommended for approval by the Strategic Director - Environment and Community in consultation with the Strategic Director-Finance and the Finance Portfolio Holder.

22/L Hackney Carriage (Taxi) Fares

The Committee considered a report setting out proposals to update the Taxi Fare Chart for the hire of Hackney Carriages in Surrey Heath.

Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 (the Act) provided 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.

The current fares were set in 2012 and a revised fare chart had been proposed following review of the proposed fares at its meeting in October 2021. Following the meeting the proposed fares had been subject to public consultation by way of an advert in the local media and through the Council's social media channels. On 30 December 2021 the Council received a representation from a member of the trade, which resulted in some additional information in respect of the price per mile being added to the Fare Chart and a decision to restart the consultation process. A further representation from the same member of the trade was received on 4 January 2022, which was appended to the agenda report, but had not resulted in any proposed changes to the fare chart.

Members were reassured that the Council conducted a measured mile meter check in order to ensure accurate fares were paid by customers. Moreover, in acknowledgement of rising fuel prices, it was noted that the existing fare chart was last adopted in 2012 and lasted 10 years; increases in fuel prices and other charges would be monitored and further reviews of the fares would take place if required.

The proposed fare chart was the maximum fare which could be charged by the trade.

RESOLVED that the revised Fare Chart, as per Annex A of the agenda reports pack, be approved for introduction from 1st April 2022.

23/L Verbal Update – Tax Conditionality Checks from 4th April 2022

Members received a verbal update in respect of the new taxi and private Hire tax conditionality checks, which had resulted from the recent Finance Act 2021 (Schedule 33).

The act introduced additional checks, which would form a part of applications to renew licences for taxi and private hire drivers, private hire vehicle (PHV) operators and scrap metal dealers in England and Wales.

The new measures aimed to uncover and discourage the hidden economy, which consisted of individuals and businesses with sources of taxable income that were entirely hidden from Her Majesty's Revenue and Customs (HMRC).

From 4 April 2022, licence applicants would have to complete a 'tax check' and licensing bodies would need to confirm that the applicant has completed the check.

A tax check would be conducted for renewed applications in England and Wales for licences to:

- drive taxis and Private Hire Vehicles
- operate a Private Hire business
- carry on the business of a scrap metal dealer on a site
- carry on business as a mobile collector of scrap metal

On application for the renewal of a licence, the local authority would have to obtain confirmation from HMRC that the applicant had completed the check before being able to consider their renewed licence application.

Once the 9 digit number had been provided a simple check on the HMRC website would give the Council confirmation that the applicant has registered for tax or not. If the applicant did not register for tax, the licence would not be renewed.

In preparation for the new requirements, the Council had notified all drivers and operators by means of a newsletter in October and January that they should register for tax before renewal of their licence after 4th April 2022. First-time applicants would not have to complete the check.

RESOLVED that the update be noted.

24/L Environmental Health and Licensing Teams Update

The Committee received an update on the work undertaken by the Environmental Health and Licensing team during the 21/22 municipal year.

The work of the Environmental Health and Licensing team continued to provide services relating to the Council's statutory responsibilities which were primarily aimed at protecting public health & safety, environmental control, prevention of crime and disorder and protecting the vulnerable. Across the service officers were responsible for the licensing of a range of activities with approximately 900 active licences, registrations and consents currently active within Surrey Heath.

Animal activity premises licensing

There were currently 40 animal activity premises licences within the borough including riding establishments, animal boarders/day care, dog breeders, pet sales and the performance and exhibition of animals. Depending on the risk rating of the premises a licence would run for 1 to 3 years in accordance with Department for Environment, Food and Rural Affairs (DEFRA) statutory guidance. A vet was also required to accompany the officer on visits to riding establishments and dog breeders. Enquiries and complaints relating to these licensed activities were responded to by officers and premises visits were carried out as required including out of hours visits.

Covid-19

Covid-19 continued to be a significant area of additional work across Environmental Health (EH) & Licensing providing support and guidance to businesses and event organisers on compliance with Covid risk assessments and controls, including the introduction of covid passes.

In conjunction with Economic Development a survey asked businesses what help they required with Covid risk assessments and as a result the offer of one to one coaching had been made to businesses on carrying out effective risk assessments for their workplaces.

Furthermore, in 21/22 officers had been carrying out face-to-face Covid contact tracing visits to residents who had failed to engage with the Contact Tracing Service. In total 120 visits had been carried out by officers to date including at weekends.

Food Safety and Health and Safety

The food safety and health and safety work of the team was reported to this Committee in the annual service plans in October.

Following the approval of the Food Safety and the Health and Safety Service Plans, the identified priorities for 21/22 had been followed with a focus on activities which were of a greater risk. Following the easing of Covid-related restrictions, investigations had now been undertaken in response to complaints and food poisoning & workplace accident notifications. Food hygiene standards in food businesses remained high with 97.4% of food businesses rated satisfactory, good or very good and customer satisfaction levels with those who received food and safety visits was high. 95% of businesses had reported that they had been treated fairly and 98%: that the officer was polite, helpful and knowledgeable. Where contraventions were identified there was a graduated approach to enforcement with formal action as a last resort.

Pollution Control

Complaints about noise, light, smoke, rubbish & pest infestations continued to be a large area of work with approximately 400 complaints per year investigated by officers.

Work continued to be undertaken to assess contaminated land sites and responded to land search enquiries and planning and licensing consultations on likely polluting impacts. Officers also carried out routine air quality monitoring and

carried out the environmental permitting of 24 prescribed polluting processes including: Dry Cleaners ; Petrol stations ; Pet Food Manufacturer ; Mobile Crusher ; Vehicle refinishers.

Following questions and comments by Members, it was reaffirmed that following an inspection, poor food hygiene provision or found infestations would be reflected in a premise's food hygiene rating. If a prosecution was pursued, the process would take place in the public domain and publicity would be sought in order to deter poor compliance by other premises. It was noted that in future Ward Members would be notified of formal action against food premises, in their wards, following food safety inspections.

The Committee were advised that face to face contact tracing took place when positive Covid-19 cases couldn't be contacted electronically or via the telephone by the national track and trace service or by Surrey County Council by electronic means.

Members also acknowledged that the Council licensed 2 dog breeders within the borough under the animal activity licensing regulations. During the pandemic it had become harder to identify commercial breeders amongst the backdrop of large volumes of puppy sales. However, Members were advised that dog-walking was not a licensable activity.

Members thanked the Licensing and Environmental Health teams for their continued valuable work; especially under the difficult circumstances of the pandemic.

RESOLVED that the update be noted

25/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.

Members were also advised of a proposal to relax licensing hours in England and Wales as part of the celebration of her majesty's platinum jubilee. On the 2nd, 3rd and 4th of June licensing hours would be extended to include the hours of 11pm to 1am for the sale of alcohol for consumption on the premises and for the provision of regulated entertainment in licensed premises. Existing conditions to licences would continue to apply for the additional hours.

Furthermore, the Committee were advised that the Council had included additional information on its website in respect of how to hold a street party to mark the weekend; including how to apply for a temporary road closure. It was noted that any event which would include the sale of alcohol would require a temporary event notice.

26/L 2022-23 Licensing Committee Work Programme

The Committee noted its proposed Work Programme for the forthcoming municipal year.

Chairman

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**Surrey Heath Borough Council
Licensing Committee
15th June 2022**

Food Safety and Health & Safety Service Plan 2022/23

Strategic Director/Head of Service	Nick Steevens
Report Author:	Frances Soper – Environmental Health & Licensing Manager
Key Decision:	No
Wards Affected:	All

Summary and purpose

The Council is required by the Food Standards Agency to have a food safety service plan to ensure that national food safety enforcement priorities and standards are addressed and delivered locally. The FSA Framework Agreement on Local Authority Food Law Enforcement, advises that the plan should be submitted to the relevant member forum for approval to ensure local transparency and accountability. The Council is also required to ‘make arrangements for enforcement’ of health and safety at work legislation under section 18 of Health and Safety at Work etc Act 1974 SWA and the National Local Authority Enforcement Code . This report presents the draft Food Safety and Health and Safety Service Plan for 2022/23 for approval.

Recommendation

The Committee/Council is advised to RESOLVE that

- (i) the Food Safety and Health & Safety Service Plan 2022/23 attached at Annex A to this report be approved.

1. Background and Supporting Information

- 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 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. The Council is required to 'make arrangements for enforcement' of health and safety at work legislation under section 18 of HSWA and the National Local Authority Enforcement Code (National Code).
- 1.4 The FSA and the HSE Local Authority Unit (LAU) require all LAs to complete annual returns providing data on the enforcement activity carried out and to monitor that LAs have adequate arrangements in place and are carrying out their enforcement duties.
- 1.5 The Surrey Heath draft Food Safety and Health and Safety Service Plan for 2022/23 is attached at Annex A. The draft plan sets out how the Council will deliver the food safety and health and safety service in accordance with the FSA and HSE requirements and provides information about the service, the means by which is provided and the arrangements for monitoring and reviewing the service.

2. Reasons for Recommendation

- 2.1 To approve a Food Safety and Health & Safety Service Plan for 2022/23 for the delivery of the Council's statutory duties for food safety and health & safety enforcement.

3. Proposal and Alternative Options

3.1 The proposal is to approve or amend/approve the attached Food Safety and Health & Safety Service Plan for 2022/23.

4. Contribution to the Council's Five Year Strategy

- 4.1 The delivery of Food Safety and Health & Safety Service contributes to the Health and Quality of Life; Economy; Efficient & Responsive priorities in the Council's Five Year Strategy and Annual Plan 2022/23, protecting public health and workplace safety and supporting businesses in ensuring regulatory compliance.

5. Resource Implications

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

6. Section 151 Officer Comments:

6.1 The proposals in the plan should all be contained within existing budget provision.

7. Legal and Governance Issues

7.1 The enforcement of food safety and health & safety at work are statutory functions of the Council. The Council is required by the FSA to have a food safety service plan to ensure that national food safety enforcement priorities and standards are addressed and delivered locally and to 'make arrangements for enforcement' of health & safety at work legislation under section 18 of HSWA and the National Local Authority Enforcement Code.

8. Monitoring Officer Comments:

8.1 Insert MO's comments

9. Other Considerations and Impacts

Environment and Climate Change

9.1 No direct impacts

Equalities and Human Rights

9.2 The Council's Equality Strategy has been taken into account in the drafting of this plan.

Risk Management

9.3 Failure to have an approved food law enforcement service plan may result in criticism/ action by the FSA and could have a detrimental effect on the reputation of the Council.

Community Engagement

9.4 Customer feedback on the food safety and health and service is reflected in the draft service plan.

Annexes

Annex A Draft Food Safety and Health & Safety Service Plan 2022/23
Appendix 1- Surrey Heath BC Food Hygiene Ratings Breakdown

Background Papers
None

FOOD SAFETY AND HEALTH & SAFETY SERVICE PLAN 2022-23

**ENVIRONMENTAL HEALTH
ENVIRONMENT AND COMMUNITY
SURREY HEATH BOROUGH COUNCIL**

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Section I – Service Aims and Objectives

1.0 Aims and Objectives

- 1.1 The aims of the service are to meet the Council's statutory responsibilities:
- to 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.
 - 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.

2.0 Links to Corporate objectives and plans

2.1 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 2021/22.

This plan sets out how the Council will deliver the Food Safety and Health & Safety service in accordance with the national priorities and standards required by the Food Standards Agency (FSA) and Health and Safety Executive (HSE) and the means for monitoring and reviewing performance. The service contributes to the Health and Quality of Life, Economy and Efficient & Responsive priorities in the Council's Five Year Strategy and Annual Plan 2022/23.

2.2 The Council has the following Corporate Success Measures 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)
Target: 95%
- Food Premises that are Inspected Within 28 Days of Being Due
Target: 100%

3.0 Appraisals and one-to-one meetings

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

4.0 Licensing Committee and Portfolio Holder

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

5.0 Equality

- 5.1 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.

Section 2 – Background

6.0 Profile of the Borough

Surrey Heath covers 95.05 square kilometres in Northwest Surrey and has a population of 89,204 (2020). Camberley is a substantial and developing shopping, commercial and entertainment centre with outlying villages surrounding the town centre, providing a variety of food premises and workplaces for which the Council is the enforcing authority for food safety and health and safety at work.

7.0 Organisational Structure

- 7.1 The service is delivered by the Food and Safety Team within Environmental Health and Licensing which is part of the Environment and Community directorate. 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 UK Health Security Agency (UKHSA) and Hampshire Scientific Services.

8.0 Scope of Food Service

- 8.1 To fulfil statutory obligations on the Council in relation to food safety through:
- inspection of food premises.
 - operation of the national Food Hygiene Rating Scheme
 - investigation of complaints relating to food items, premises, food related illness and food alerts.
 - sampling of foodstuffs and application of imported food controls.
 - enforcement of food safety legislation
 - promotion of high standards of food safety through advisory activities
 - gathering and processing of information including the completion of official returns.
- 8.2 The Buckinghamshire and Surrey Trading Standards Service (BSTSS) 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.

9.0 Scope of the Health & Safety Service

9.1 To fulfil statutory obligations on the Council in relation to health & safety through:

- inspection 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 health and safety at work 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) & Southeast Coast Ambulance Service (SECAM).

10.0 Demands on the Food Safety and Health & Safety Service

10.1 The food safety and health and safety service is part of the wider Environmental Health and Licensing Team, which also carry out infection control (including Covid-19), environmental control and a range of licensing activities and officers may be required to assist in other areas of the Team's work as priorities dictate. The Team are located at Surrey Heath House, Knoll Road, Camberley, GU15 3HD and the service can be accessed via the Council's Contact Centre, by email: environmental.health@surreyheath.gov.uk and the Council's website. In an emergency a member of the team can be contacted outside of office hours.

10.2 A database of business details is held on the IDOX Uniform computer system. The software enables the service to determine which businesses are due a food hygiene inspection or are 'high risk' in terms of health & safety, so interventions can be targeted effectively.

10.3 New food businesses are required to register 28 days before starting trading, but there is no requirement for other new businesses to register directly with EH and there is ongoing work to update premises details using information from ad hoc surveys, business rates, HSE and local intelligence from officers and partners as well as routine inspections, investigations, new business notifications. Appropriate advice is given to new businesses on food safety and health & safety at work.

Food Safety

10.4 The Council is required to deliver official food controls in accordance with the FSA Food Law Code of Practice and the associated Food Law Practice Guidance and Framework Agreement.

10.5 As of 1st April 2022 there are 706 food businesses in Surrey Heath subject to inspection. The food hygiene category profile of the premises in the Borough is shown in Table I below:

Table I Food Hygiene Category of Premises in the Borough

Food Hygiene Category	Total
Primary producer	3
Distributors/Wholesalers	14
Importers/Exporters	2
Manufacturers/Packers	16
Restaurants/Café/Canteen	176
Take Away	63
Hotel/Guest House	9
Other caterers	178
Caring establishment	77
School	41
Retailers	116
Mobile Food Unit	11
Total	706

10.6 There are specific hygiene rules and prior approval requirements for businesses that conduct certain processes involving foods of animal origin. There are currently 3 approved premises operating in the Borough – 2 cold stores and a meat product preparation premises.

Health and Safety

10.7 The Council is required to ‘make adequate arrangements for health and safety enforcement’ under section 18 of Health and Safety at Work etc Act 1974 (HSWA). The National Local Authority Enforcement Code (the Code) sets out what these are. Compliance with the Code is mandatory and focuses on delivering proportionate and targeted enforcement using a full range of regulatory interventions, with resources targeted using a risk-based approach. Flexibility is provided within the Code for LAs to address local priorities alongside the national priorities set by the HSE.

10.8 There are currently 1400 businesses on the service database for which the Council is the enforcing authority for health and safety at work. These consist of shops, offices, caterers, leisure and consumer services and a wide range of other commercial activities.

11.0 Enforcement Policy

- 11.1 The Council has a publicly available Corporate Enforcement Policy which is in line with the HSE Enforcement Policy Statement and FSA Food Law Code of Practice. All formal and informal enforcement actions are in accordance with the Corporate Enforcement Policy to ensure that action taken is appropriate and proportionate. The HSE Enforcement Management Model (EMM), is available for reference when making decisions about health and safety enforcement actions.

Section 3 – Service Delivery

12.0 Food Safety

Food safety work is carried 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 LA resources are targeted where they add greatest value in providing safeguards for public health and consumer protection in relation to food.

12.1 Food Premises Interventions

- 12.1.1 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 of 1st April 2022 is at Table 2 below:

Table 2 Risk Profile of Food Businesses

Risk Category	Frequency of Inspection	Total
A	Every 6 months	1
B	Once a year	14
C	Every 18 months	136
D	Every 2 years	256
E	Alternative enforcement every 3 years – visit or self-assessment questionnaire	299

- 12.1.2 Most low risk E rated businesses for example newsagents, chemists, childminders, home bakers are sent a self-assessment questionnaire on alternate years 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.

12.1.3 The food inspections due in 2022/23 are listed in Table 3 below.

Table 3 Food Inspections Due in 2022/2023

Risk Category	Number of Inspections due
A	1
B	14
C	100
D	76
E	62
Total	253

12.1.4 Revisits are conducted to non-compliant premises and new businesses that register during the year will also require inspection.

12.1.5 Food Hygiene Ratings are issued to those within the scope of the national Food Hygiene Rating Scheme (FHRS) 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 £160.00 cost recovery charge to the business for a re-rating application. Whilst it is not currently mandatory for businesses to display their rating window stickers in England, 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.

12.1.6 In 2021/22 the team completed 523 food safety interventions made up of programmed food hygiene inspections/audits, revisits and sampling, advisory and information and intelligence gathering visits. 67 new food business registrations were received. 369 warning notices were issued to businesses and 2 Hygiene Improvement Notices were served requiring the implementation of an adequate documented food safety management system and two premises closed voluntarily due to rodent infestations. 18 applications for a food hygiene re-rating re-inspection were received from businesses and in all but one case the business achieved an improved food hygiene rating. There was one appeal to the EHLM against the rating awarded, which was unsuccessful.

12.2 Food Complaints

12.2.1 The service will investigate all complaints about food or a food premises and take appropriate action to ensure food safety.

12.2.2 In 2021/22 60 complaints were received from the public about food and 15 about poor hygiene in food premises.

12.3 Food Inspection and Sampling

12.3.1 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 UKHSA laboratory in Porton Down which holds the necessary UKAS accreditation for microbiological examination of food samples. The service has a sampling credit allocation of £3,386 for the year. and a courier service for delivering samples to the laboratory is included.

12.3.2 In 2021/22 the service took part in national and regional sampling programmes, including post lockdown hygiene in takeaways and restaurants; ready to eat salads from retail & catering premises; ready to eat chicken served cold; pork scratchings and imported food.
61 samples were sent for microbiological analysis from 21 premises and 27 (44%) samples were found to be bacteriologically unsatisfactory resulting in follow up with the businesses to ensure appropriate action was taken to ensure the necessary hygiene improvements regarding food handler hygiene, cleaning and disinfection of food premises and food handling equipment.

Table 4 Breakdown of Food Sampling 2021/22

Food Sampling 2021/22		
	Microbiological contamination	
	Samples taken	Unsatisfactory results*
Cooked Rice	5	3
Fruit & vegetables	10	0
Herbs & spices	2	0
Meat, game, poultry	8	0
Material in contact with food - chopping board swab	31	21
Fridge door handle swab	5	3
Total	61	27

(* Unsatisfactory results are due to an excessive Aerobic Colony Count/presence of Enterobacteriaceae/Staphylococcus)

12.3.3 Public Analyst food examination services are provided by Hampshire Scientific Services located at Portsmouth. A courier service is used to take these samples to the laboratory as and when required.

12.4 Control and Investigation of Outbreaks and Food Related Infectious Diseases

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

12.4.2 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 2021/22 the Council was notified of 119 cases of potentially food related infectious disease.

12.5 Food Safety Incidents

12.5.1 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.

12.5.2 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.

12.5.3 In 2021/22 there were 133 reported incidents by the FSA.

13.0 Health & Safety

13.1 Proactive Health & Safety Interventions

13.1.1 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 duty holders 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 duty holders seek economic gain or advantage from non-compliance (e.g. rogue traders).

13.1.2 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 11) Setting Local Authority Priorities and Targeting Interventions. Interventions may include full inspections, targeted audits and mailings. 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 also 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.

13.1.3 The service will liaise with the other Surrey LAs through the Health and Safety Study Group and gather local intelligence to identify areas of high risk activities in Surrey and participate in group project work where possible.

13.1.4 In 2021/22 301 health and safety at work interventions were carried out. 5 warning letters and one Prohibition Notice was served on an unguarded mincing machine.

13.1.5 Skin piercing activities are regulated by the service under the Local Government (Miscellaneous Provisions) Act 1982 with 34 skin piercing inspections for new practitioners and 18 new skin piercing premises inspections being carried out in 2021/22.

13.2. Reactive Health & Safety Interventions

13.2.1 All complaints about health & 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 & safety standards and legislation will also be met. In some cases, complaints will trigger a full health & safety inspection of the premises. In 2021/22 7 complaints/requests (non-Covid 19) were received about health and safety at work from the public.

13.2.2 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. Non-reportable notifications are not usually investigated, but are acknowledged by means of a standard letter. In 2021/22 35 accident notifications were received.

14.0 Food Safety and Health & Safety Support to Businesses

14.1 The service provides free advice to potential and existing business operators via advisory visits or information on the website, social media direct mailings, and telephone/email advice. In 2021/22 the service responded to 51 food safety enquiries and 16 health & safety enquiries (non-Covid 19).

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

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

15.0 Primary Authority Partnership Scheme

15.1 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 are complying with food safety and health & 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.

- 15.2 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.
- 15.3 The Council through an agreement with BSTSS acts as 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), Pilgrim's Food Masters (food manufacturer) and the Health Food Manufacturers Association. The Council also acts as Primary Authority for health and safety for Exclusive Hotels and Manning Impex. Activity includes meetings with representatives and providing advice and assistance to other LAs who have queries following inspections and when investigating food complaints.
- 15.4 Approximately 15 days per year is currently spent on this activity and it is anticipated that there will be similar demand in 2022/23.

16.0 Liaison with Other Organisations

- 16.1 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 Health & Safety Study Group, the Surrey Environmental Health Managers Group (SEHMG), the Surrey Safety Advisory Group (SSAG) and the Surrey Health Protection Group (SHPG).
- 16.2 These groups meet quarterly and in addition to representation from the 11 Surrey LAs there is representation from BSTTS, UKHSA, FSA, HSE and water utilities as appropriate to share best practice and discuss cases of interest and regional investigations.
- 16.3 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.
- Referral of cases to the relevant enforcing authority e.g. another local authority, HSE, Gas Safe, Environment Agency as necessary.

Section 4 – Resources

17.0 Financial Allocation 2022/23

- 17.1 The allocated budget for the food safety and health & safety services, including salaries, support services, equipment, etc. is £309,893.

18.0 Staffing Allocation

- 18.1 Currently there are 5 officers authorised and competent in all aspects of the service. 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 time allocated to health & 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.

- 18.2 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.

- 18.3 The Surrey LA's have a flexible warranting arrangement where officers are able to assist and support each other, when necessary under HSWA 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.

19.0 Staff Development Plan

- 19.1 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.

- 19.2 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.

- 19.3 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.
- 19.4 Corporate training is also provided for general subjects such as ICT, safeguarding, information governance, health & safety, and customer service skills.
- 19.5 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.

Section 5 – Quality Assessment

20.0 Quality Assessment

- 20.1 The Food Safety and Health & Safety Quality Monitoring Policy details the following mechanisms which are in place to ensure that a quality service is delivered in accordance with FSA, HSE and Corporate 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; response times
 - Quarterly reporting on Corporate Success Measures
 - Completion of annual FSA Statutory Local Authority Enforcement Monitoring System (LAEMS) return and HSE LAEI Return
 - Peer review benchmarking activities and sharing good practice via the SFLG, SHSSG and SEHMG
 - Participation in FSA national consistency exercises
 - Internal and external audits (e.g. Internal Audit and FSA)
 - Customer Complaints Procedure
 - Customer satisfaction surveys
- 20.2 The outcome of monitoring activities is fed back to staff to ensure that any identified development needs are addressed.

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

Section 6 – Review

21.0 Review of Performance 2021/22

- 21.1 In 2021/22 the service was able to deliver the priority work identified by the FSA and the HSE. Interventions were focused on those premises and incidents that present the greatest risk, despite the ongoing challenges presented by Covid-19 in terms of premises closures during lockdown, diverted resources and ensuring officer safety. Where appropriate remote interventions (i.e. telephone contact, electronic review of documentation/video/ photographs) continued to take place prior to physical onsite visits, to enable them to be targeted and reduced in length.
- 21.2 The Service Plan and Annual Plan food safety targets were met in 2021/22. 435 routine food hygiene inspections were carried out meeting the target set to carry out all outstanding inspections from 2020/21 and at least 85% of those inspections due in 2021/22 by the end of March 2022. (98% of the inspections due in 2021/22 were completed). 98 % of food businesses received a food hygiene rating of 3 (Satisfactory), 4 (Good) or 5 (Very Good) against the target of achieving 95% of business with a rating of 3 or better. (see Appendix I for the breakdown of the food hygiene ratings awarded by premises type).
- 21.4 Business satisfaction following food safety and health & safety visits was high with 95% felt they were treated fairly; 98% the visit was helpful and the officer knowledgeable/polite/courteous.
- 21.5 From 19 July 2021 most of the specific Covid-19 business restrictions were removed. Employers were required under the HSWA to control risk by reviewing and updating their workplace risk assessments, particularly with regard to adequate ventilation, sufficient cleaning and good hand hygiene in accordance with the Government guidance on ‘Working Safely During Coronavirus’.
- 21.6 Provision of advice to businesses on safely reopening/operating businesses after lockdowns with regard to food safety and health and safety continued. In addition Covid- 19 workplace safety advice was made available to businesses via the website/social media, the Economic Development business newsletter, direct mailings to higher risk businesses and Pub Watch briefings, A survey of small businesses was carried out to find out how best to support

them with the need to carry out covid risk assessments and to offer that support.

- 21.7 The service prioritised undertaking proactive interventions of high-risk businesses to ensure that workplaces had Covid-19 safe controls in place for employees/visitors and reactive interventions, responding to service requests from business and investigating complaints from employees and public regarding inadequate controls. In 2021/22 139 Covid-19 complaints/enquiries from businesses and the public were received.
- 21.8 The service also participated in the HSE Covid spot check programme which involved 301 contacts with local businesses to check on their covid controls and provide signposting to relevant support and advice. This initiative also provided valuable local intelligence to update the health & safety premises database, enabling improved delivery of the service.
- 21.9 In 2021/22 work continued with public event organisers and other regulatory partners to ensure event safety, including the risk of Covid-19 transmission. Surrey Heath Safety Advisory Group worked with 81 event organisers to ensure that the necessary plans were in place to limit possible widespread transmission of Covid -19 as well as ensuring other health and safety/food safety issues were adequately addressed.

Section 7 - Service Priorities 2022/23

- 22.0 In 2022/23 the food safety service will continue to be delivered in accordance with the priorities identified in the FSA Covid-19 Recovery Plan, targeting resources on interventions that add the greatest value in providing safeguards for public health, consumer protection and the credibility of the FHRS.
- 22.1 The work programme for 2022/23 aims to achieve the target to have carried out 100% of inspections due in 2022/23 by the end of March 2023, in accordance with the FSA instruction to LAs and to work with businesses to meet the target of 95% of food premises achieving a Food Hygiene Rating 3 or above (i.e. Satisfactory, Good or Very Good).
- 22.2 The service will continue to provide Primary Authority services via BSTSS to partner businesses on a cost recovery basis.
- 22.3 The health & safety work programme for 2022/23 will continue to be prioritised in line with the National Code and LAC 67/2 (Revision 11).
This will include work on:
- Gas safety in commercial catering premises
 - Electrical safety in hospitality settings
 - Inflatable amusement devices
 - Visitor attractions to prevent or control ill health arising from animal contact

- Trampoline Parks – improved information provision and supervision of users.

22.4 Work will continue on updating the Council's skin piercing register, identifying businesses offering skin piercing procedures that have not registered and assisting them in doing so. The Government's proposal to introduce wider licensing of cosmetic procedures by LAs will be kept under review.

22.5 The food safety and health & safety service priorities will be kept under review throughout 2022/23 to take account of any new demands on the team, particularly with regard to outbreak control work in the case of the emergence of new Covid-19 variants of concern.

Appendix I Surrey Heath BC Food Hygiene Ratings Breakdown

FHRS rating	Rest./ Cafe/ Canteen	Hotel/ Guest House	Small Retailer	Super/ Hyper market	Caring Premises	Rest./ Caterer Other	DISTRIBUT ors/ Transpor ters	Pub/ Club	Retailer - Other	Take- Away	School/ College	Mobile Food Unit	Manuf./ Packers	Import/ Export	Primary Producers	Total
5 - Very good	71.4%	100.0%	62.7%	100.0%	88.0%	90.1%	66.7%	77.8%	87.5%	48.3%	82.1%	88.9%	75.0%	100.0%	100.0%	77.5%
4 - Good	19.3%	0.0%	20.3%	0.0%	10.0%	8.6%	33.3%	15.6%	0.0%	25.0%	17.9%	11.1%	25.0%	0.0%	0.0%	14.9%
3 - Generally satisfactory	7.6%	0.0%	10.2%	0.0%	2.0%	1.3%	0.0%	6.7%	0.0%	18.3%	0.0%	0.0%	0.0%	0.0%	0.0%	5.5%
2 - Improvement required	1.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	3.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.7%
1 - Major improvement required	0.0%	0.0%	6.8%	0.0%	0.0%	0.0%	0.0%	0.0%	12.5%	5.0%	0.0%	0.0%	0.0%	0.0%	0.0%	1.4%
0 - Urgent improvement required	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total rated establishments	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Establishments with rating of 3 or better	98.3%	100.0%	93.2%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	91.7%	100.0%	100.0%	100.0%	100.0%	100.0%	98.1%

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Surrey Heath Borough Council
Licensing Committee
15th June 2022

Street Collections Policy

Strategic Director/Head of Service	Nick Steevens
Report Author:	Paula Barnshaw – Senior Licensing Officer
Key Decision:	No
Wards Affected:	All

Summary and purpose

This report seeks approval for an updated Street Collections Policy following a review of the current policy dated November 2016 and review by Members of the Committee of the dispensations given to charitable organisations named in the policy.

The draft policy has been updated in the following respects:

- removal of the need for a street collection permit on private land where access is restricted;
- additional guidance on the information required to obtain a permit by charities not registered with the Charity Commission;
- removal of the policy that the required schedule form of statement for a collection is nil, future collections will be refused;

Local authorities are unable to charge a fee for the issue of a street collection permit, so there is a cost to the Council in providing this service. The proposed change in policy to remove the need for charities to obtain a permit for collections on privately owned land, as well as seeking the landowner's permission, would reduce the number of street collections permits that the Council has to process, enabling resources to be deployed onto other statutory licensing work.

Recommendation

The Committee is advised to:

- i) consider if the dispensation to have more than one collection per year within the same area, which is given to three named organisations in the policy (see paras 4.9 and 4.10) should remain unchanged; and

- ii) subject to (i) RESOLVE that the revised draft Street Collection policy at Annex A is adopted to take effect for applications received after 1st July 2022.

1. Background and Supporting Information

- 1.1. The Council is responsible for the issuing of permits allowing persons to collect money in a 'street' or 'public place' for the benefit of charitable other purposes under the Police, Factories etc (Miscellaneous Provisions) Act 1916, as amended by the Local Government Act 1972 Schedule 29 (the Act). (This does not include the sale of goods or services door-to-door which requires a Pedlar's Certificate issued by the Police.)
- 1.2. The Act permits local authorities to make regulations with respect to the places where, and the conditions under which, persons may be permitted to collect money for the benefit of charitable or other purposes.
- 1.3. Such regulations have been made by Surrey Heath and street collection permit applications are processed by the Licensing Service, who deal with any associated enquiries and complaints. The current Surrey Heath Street Collection Policy is dated November 2016. The aims of the policy are to:
 - Safeguard the interests of both public donors and beneficiaries.
 - Facilitate well organised collections by bona fide charitable and other institutions and to ensure that the standards set out in the regulations are met;
 - Prevent unlicensed collections from taking place.
- 1.4. The definition of a 'street' under the Act includes any highway, public bridge, road, lane, footway, square, court, alley or passage, whether a throughfare or not. A 'public place' is not defined in the legislation, but case law defines a public place as any place to which any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission (DPP v Vivier [1991] Crim LR 637). It is the view of Legal Services that there is sufficient flexibility on individual local authorities to implement their own rules in relation to this, provided it is within the terms of the statute.
- 1.5. In line with a number of other local authorities it is proposed that the updated policy will remove the requirement to obtain a permit from the Council for a street collection held on private land. In 2021 36 permits were issued and as no fee can be charged for a permit there is a direct cost to the Council of processing permit applications. Of those 36, 20 (56%) were on private land at Longacres Garden Centre, Bagshot and the Waitrose car parks, Bagshot and Frimley.
- 1.6. A breakdown of the number of street collection permits issued by Surrey Heath since the policy was last updated in 2016 is provided in Table 1.

Table 1 Street Collection Permits issued by Surrey Heath

Year	Total no. of permits issued	Total no. of permits on private land	Percentage (%) of total permit applications on private land
2022 to date	16	9	56
2021	36	20	56
2020	18	7	39
2019	50	30	60
2018	58	24	41
2017	70	37	53
2016	65	30	46

1.7. There has been a reduction in the total number of street collection permits issued since the policy was last reviewed due to the effects of the Covid -19 lockdowns and the reduction in cash collections as a fund raising method by charities.

1.8. The revised draft policy has also been updated in the following respects:

- additional guidance on the information required to obtain a permit by charities not registered with the Charity Commission;
- removal of the policy that if a schedule form of statement for a collection is nil, future collections will be refused;

1.9. The draft policy has been updated with regard to the dispensations given to three charitable organisations in addition to the British Legion Poppy Appeal to have more than one one collection per year in the same area, which are named in the policy at paragraph 4.9 and 4.10.

The Surrey Border Lions disbanded 31/12/2021 and the Camberley Ex Round Tablers 41 Club has been renamed Camberley 41 Club.

1.10 This dispensation was included in the policy to enable these organisations to have more fund raising opportunities as they benefit a wide range of local good causes. Members of the Committee are asked to consider if this dispensation should remain unchanged.

1.11 Information on the street collections carried out by these organisations is shown in table 2 below. The local organisations that have benefitted from these collections include, a senior citizen's town centre tea room, a garden reading area at Lightwater library, The Besom, Disability Initiative, Action Carers Surrey, Hope Hub and Camberley all Night Café.

Table 2 Number of annual street collection permits issued under dispensation

Charitable Organisation	Number of Collections	Year
Rotary Club of Camberley	4	2017
	4	2018

	4	2019
	1 cancelled	2020
	3	2021
Camberley 41 Club	5	2017
	4	2018
	0	2019
	0	2020
	4	2021

2. Reasons for Recommendation

2.1 The policy has not been updated since 2016 and in reviewing and updating the policy, the opportunity has been taken to reduce the administrative burden on charities and the Council.

3. Proposal and Alternative Options

3.1 It is proposed that the revised draft Street Collection Policy is adopted to take effect from 1st July 2022. Alternatively the current policy could be maintained or the draft policy amended.

4. Contribution to the Council's Five Year Strategy

4.1 The proposed change to the policy will reduce the burden on charities requiring them only to seek permission of the site owners when collecting on private land and will also reduce the Council's street collection permit workload for which there is no fee income. This contributes to the Economy and Efficient & Responsive priorities in the Council's Five Year Strategy.

5. Resource Implications

5.1 The proposed changes in the updated policy will not have any direct financial implications as there is no fee income associated with granting of permits. There will be a saving in staff time due to the anticipated reduced number of permit applications, which will be reallocated to other statutory licensing work.

6. Section 151 Officer Comments:

6.1 Any financial implications of this report can be contained within existing budget allocations.

7. Legal and Governance Issues

7.1 The Council is responsible for the issuing of permits allowing persons to collect money in a street or public place for the benefit of charitable other purposes under the Police, Factories etc (Miscellaneous Provisions) Act 1916, as amended by the Local Government Act 1972 Schedule 29 (the Act).

7.2 Legal Services have been consulted on the proposed changes to the policy.

8. Monitoring Officer Comments:

8.1 Pursuant to section 5 of Part 3 Section B of the Constitution (Scheme of Delegation of Functions to Officers), the proposed changes to the Street Collections Policy are a non-Executive function.

9. Other Considerations and Impacts

Environment and Climate Change

9.1 No direct impact.

Equalities and Human Rights

9.2 No direct impact.

Risk Management

9.3 Licensing will continue to respond to allegations of unauthorised collections and misconduct by collectors.

Community Engagement

9.4 Charity coordinators and site owners/managers for private land where the Council has previously issued permits will be contacted to inform them of the proposed change in policy.

Annexes

Annex A – Draft Surrey Heath BC Street Collection Policy

Background Papers

None

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STREET COLLECTIONS POLICY

June 2022

1.0 Aims of the Policy

The aims of the street collection policy is to:

- Safeguard the interests of both public donors and beneficiaries;
- Facilitate well organised collections by bona fide charitable and other institutions and to ensure that the standards set out are met;
- Prevent unlicensed collections from taking place.

2.0 Policy Objectives

The Policy objectives are to:

- Ensure impartiality and fairness in determining permit applications;
- Accommodate all eligible requests, subject to capacity, taking account that certain days and locations are especially sought after;
- Provide equality of opportunity for would-be collectors;
- Setting fair maximum limits for one applicant;
- Avoiding causing undue nuisance to the public.

3.0 Introduction

3.1. The Council is responsible for the issuing of permits allowing persons to collect money in a 'street' or 'public place' for the benefit of charitable or other purposes under the Police,



Factories etc (Miscellaneous Provisions) Act 1916, as amended by the Local Government Act 1972 Schedule 29 (the Act).

- 3.2. The Act permits local authorities to make regulations with respect to the places where, and the conditions under which, persons may be permitted to collect money.
- 3.3. Such regulations have been made by Surrey Heath BC (see Annex A) and street collection permit applications are processed by the Licensing Service, who deal with any associated enquiries and complaints.
- 3.4 The definition of a 'street' under the Act includes any highway, public bridge, road, lane, footway, square, court, alley or passage, whether a throughfare or not. A 'public place' is not defined in the legislation, but case law defines a public place as any place to which any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission (*DPP v Vivier* [1991] Crim LR 637).
- 3.5 Under this Policy collections on privately owned land, where public access is restricted, is not deemed to require a street collection permit and permission would only be required from the landowner e.g. charitable collections at individual retail premises; the SQ shopping centre.
- 3.6 A Pedlars Certificate is required to sell goods or services door-to-door anywhere in the UK for up to 12 months and this is issued by the Police.

4.0 Street Collections in Surrey Heath

- 4.1 The Borough of Surrey Heath is divided into the following areas for the purposes of Street Collection Permits:
- Camberley
 - Frimley
 - Frimley Green
 - Lightwater
 - Bagshot
 - Bisley
 - Mytchett



- Chobham
- Heatherside
- Deepcut
- West End
- Windlesham

4.2 The Council aims to secure a fair allocation of collection permits amongst the various organisations wishing to undertake collections in the Borough of Surrey Heath.

4.3 Surrey Heath Borough Council will consider applications from registered charities and a registered charity number will need to be provided on the application form and a letter of authority from the charity must accompany the application.

4.4 Should a non-registered charity wish to submit an application, then they will have to provide information (e.g. constitution, copy of accounts), with regard to the charitable purpose (e.g. relief of poverty, advancement of health, saving of lives) and show they benefit the public.

4.5 Not more than one street collection shall be issued for the same day in the same area of the Borough.

4.6. Each street collection shall last no longer than one calendar day. A maximum of four collection days shall be issued to each organisation per calendar year.

4.7 Where more than one organisation applies for a permit for the same date, the allocation of that date will be determined on a first come first served basis.

4.8 No organisation shall be allowed to collect in the same area more than once in a calendar year except see paragraphs 4.9 to 4.10 below.

4.9 The following charitable organisations are allowed more than one collection per calendar year within the same area.

- a. Camberley 41 Club who can have two collection days per year in the same area.
- b. The Rotary Club of Camberley who may collect up three calendar day's duration during the month of December.

4.10 From 31 October up to and including Remembrance Sunday, the whole of the Borough will be reserved for the British Legion Poppy Appeal collection.



- 4.11 Moving transient collections such as carnival processions, fun runs, bike rides or similar events, which involve collecting from the public along a route, will require a street collection permit. Such transient permits shall be granted in addition to those mentioned in the above paragraphs.
- 4.12 No guarantee can be given that an organisation's preferred day will be allocated to that organisation until a permit is granted. If the Council is unable to allocate the preferred date, wherever possible, alternatives will be offered.
- 4.13 Where the required schedule form of statement is not returned, this will usually result in subsequent applications for a 2 year period being refused.
- 4.14 Each application will be considered on its own merits based on the principles detailed in this Policy.
- 4.15 Where it is necessary for the Council to depart substantially from this Policy, e.g. in response to a request for a permit for a street collection relating to an emergency disaster appeal it will be considered on a case by case basis. Authorisation will be sought from the Chairman and Vice Chairman of the Licensing Committee under an Urgent Action.

5.0 Sharing of Information

Information regarding how the Council will use, store and share your information, including our retention guidelines, is available at www.surreyheath.gov.uk

6.0 Review

This policy will be reviewed at least every five years or sooner in light of any significant changes to legislation, guidance or local circumstances.



REGULATIONS

Made by Surrey Heath Borough Council With regard to Street Collections

In the exercise of the powers conferred upon it by Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, as amended by Section 251 of the Local Government Act 1972 and Schedule 29 to that Act, Surrey Heath Borough Council has made the following Regulations with respect to the places where and the conditions under which persons may be permitted in any street or public place within the Borough of Surrey Heath to collect money or sell articles for the benefit of charitable or other purposes.

In the Regulation, unless the context otherwise requires –

'Collection'	means a collection of money or a sale of articles for the benefit of charitable or other purposes and the word 'collector' shall be construed accordingly;
'promoter'	means a person who causes others to act as collectors;
'permit'	means a permit for a collection;
'contributor'	means a person who contributes to a collection and includes a purchaser of articles for sales for the benefit of charitable or other purposes'
'collecting box'	means a box or other receptacle for the reception of money from contributors;

1. No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within the Borough of Surrey Heath unless a promoter shall have obtained a permit from Surrey Heath Borough Council.
2. Application for a permit shall be made in writing not later than one month before the date on which it is proposed to make the collection. (Surrey Heath Borough Council may reduce the period of one month if satisfied that there are special reasons for so doing).
3. No collection shall be made except upon the day and between the hours stated in the permit.
4. Surrey Heath Borough Council may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.
5. (1) No persons may assist or take part in any collection without the written authority of a promoter.
(2) Any person authorised under paragraph (1) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of Surrey Heath Borough Council or any constable.
6. No collection shall be made in any part of the carriage way of any street which has a footway.
7. No collection shall be made in manner likely to inconvenience or annoy any person.
8. No collector shall importune any person to the annoyance of such person.
9. No collector shall, without the consent of Surrey Heath Borough Council, be accompanied by an animal. This requirement shall not apply to collectors needing to be accompanied by a 'Guide, Hearing or other assistance' dog.
10. While collecting -
 - (1) a collector shall remain stationary; and
 - (2) a collector or two collectors together shall not be nearer to another collector than 25 meters;Provided that Surrey Heath Borough Council may, if it thinks fit, waive the requirements of this regulation in respect of a collection which has been authorised to be held in connection with a procession.
11. No promoter, collector or person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector. Provided that Surrey Heath Borough Council may permit persons of fourteen years of age or more to act as collectors where it is satisfied that it is reasonable in the circumstances of a particular collection and that collectors under sixteen years of age will be accompanied by an adult
12.
 - 1) Every collector shall carry a collecting box.
 - 2) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken.
 - 3) All money received by a collector from contributors shall immediately be placed in a collecting box.
 - 4) Every collector shall deliver, unopened, all collecting boxes in his/her possession to a promoter.
13. A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon the name of the charity or fund which is to benefit nor any collecting box which is not duly numbered.
14.
 - 1) Subject to paragraph (2) below a collecting box shall be opened in the presence of a promoter and another responsible person.
 - 2) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.
 - 3) As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list which shall be certified by that person.
15.
 - 1) No payment shall be made to any collector.

- 2) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any other person connected with the promotion or conduct of such collection for, or in respect of, services connected therewith, except such payments as may have been approved by Surrey Heath Borough Council.
16. Within one month after the date of any collection the person to whom a permit has been granted shall forward to Surrey Heath Borough Council
- 16.1. a statement in the form set out in the schedule to these Regulations, or in a form to the like effect, showing the amount received and the expenses and payments incurred in connection with such collection and certified by that person and either a qualified accountant or an independent responsible person acceptable to Surrey Heath Borough Council;
 - 16.2. a list of the collectors;
 - 16.3. a list of the amounts contained in each collecting box; and shall, if required by Surrey Heath Borough Council, satisfy it as to the proper application of the proceeds of the collection.
 - 16.4. For the purpose of this regulation 'a qualified accountant' means a member of one or more of the following bodies;
 - ❖ The Institute of Chartered Accountants in England and Wales
 - ❖ The Institute of Chartered Accountants of Scotland;
 - ❖ The Association of Certified Accountants;
 - ❖ The Institute of Chartered Accountants in Ireland.
17. These regulation shall not apply in respect of a collection at a meeting in the open air, or To the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

NB As mentioned in 16.4, please find the list of acceptable independent responsible persons on the back of the Form of Statement.

List of Acceptable Independent Responsible People

Accountant	Merchant Navy Officer
Articled Clerk of a Limited Company	Manager/Personnel Officer (of a Limited Company)
Assurance Agent of Recognised Company	Member of Parliament
Bank/Building Society Official	Merchant Navy Officer
Barrister	Minister of a recognised religion
Broker	Nurse (SRN and SEN)
Chairman/Director of Limited Company	Officer of the Armed Services (Active or Retired)
Chemist	Optician
Chiropodist	Person with Honours (e.g. OBE or MBE etc.)
Christian Science Practitioner	Person with recognised qualification (e.g. BSc, PhD, etc.)
Commissioner of Oaths	Photographer (Professional)
Councillor: Local or County	Police Officer
Civil Servant (permanent)	Dentist
Post Office Official	Engineer (with professional qualifications)
President/Secretary of a recognised organisation	Fire Service Official
Salvation Army Officer	Funeral Director
Social Director	Social Worker
Insurance Agent (full time) of a recognised company	Solicitor
Surveyor	Journalist
Teacher, Lecturer	Justice of the Peace
Trade Union Officer	Travel Agent (Qualified)
Legal Secretary (members and fellows of the Institute of Legal Secretaries)	Valuers and Auctioneers (fellow and associated members of the incorporated society)
Local Government Officer	Warrant Officer and Chief Petty Officers
Manager/Personnel Officer (of Limited Company)	

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Surrey Heath Borough Council
Licensing Committee
15 June 2022

Report Title

Strategic Director/Head of Service: Nick Steevens
Report Author: Paula Barnshaw
Key Decision: No
Wards Affected: All

Summary and purpose

To report decisions that have been taken in respect of licence applications that have been dealt with under powers delegated to the Strategic Director – Environment and Community and to the Senior Licensing Officer.

Recommendation

The committee is advised to note this report.

1. Background and Supporting Information

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

2. Current Position

- 2.1 In accordance with the provisions of the Licensing Act 2003 powers have been delegated to the Executive Head of Community and to the Senior Licensing Officer to determine applications for premises licences, club premises certificates and personal licences where no representations have been received from responsible authorities or interested parties.
- 2.2 If representations are received, consideration has to be given as to whether such representations are relevant, are not vexatious or frivolous and have been submitted in accordance with statutory requirements. Two representations have been rejected on these grounds since the last report in these matters to the committee.
- 2.3 When representations have been received powers are delegated to the Licensing subcommittee to determine the licence following consideration of these representations.

- 2.4 A summary of the decisions that have been taken in respect of applications that have been considered and determined since the last meeting of the committee is attached at Annex A. These details are submitted for information only and do not require ratification by the committee.

Annexes

Annex A- Summary of decisions table.

Background Papers

None

Summary of Decision made under the Licensing Act 2003
01/10/2021 – 31/01/2022

New Personal Licence	7
Variation to a Personal Licence	1
Temporary Event Notice	46
New Premises Licence	5
Variation to a Premises Licence	10
Premises Licence Transfer	2
New Club Premises Certificate	0
Transfer Club Premises Certificate	0

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Annex A

Summary of Decision made under the Licensing Act 2003

01/2/2022 – 31/05/2022

New Personal Licence	14
Variation to a Personal Licence	2
Temporary Event Notice	64
New Premises Licence	3
Variation to a Premises Licence	17
Premises Licence Transfer	5
New Club Premises Certificate	0
Transfer Club Premises Certificate	0

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**Licensing Committee
2022/23 Work Programme**

Date		Topic
19 October 2022	1.	<p>Street Trading Policy</p> <p>To review and consider amendments to the existing Street Trading Policy.</p>
	2.	<p>Private Hire Operators Licence Fee Review</p> <p>To consider any proposed changes to the PH Operators Licence fee for 1 Vehicle (5 years), and PH Operators Licences - more than 1 vehicle (5 years); and to agree to consultation on any proposed changes.</p>
	3.	<p>Summary of Decisions</p> <p>To report decisions that have been taken in respect of licence applications that have been dealt with under delegated powers</p>

15 February 2023	1.	<p>Private Hire Operators Licence Fee Review (post-consultation).</p> <p>To consider any proposed changes to the PH Operators Licence fee for 1 Vehicle (5 years), and PH Operators Licences - more than 1 vehicle (5 years).</p>
	2.	<p>Taxi Licensing Convictions Policy</p> <p>To review and consider amendments to the existing Taxi Licensing Convictions Policy.</p>
	3.	<p>Licensing and Environmental Health Teams Annual Update</p>
	4.	<p>Summary of Decisions</p> <p>To report decisions that have been taken in respect of licence applications that have been dealt with under delegated powers</p>

