



Surrey Heath Borough Council
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Monday, 10 October 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, Mark Gordon, David Lewis, Robin Perry, John Skipper and Graham Tapper)

Dear Councillor,

A meeting of the **Licensing Committee** will be held at Council Chamber, Surrey Heath House, Knoll Road, Camberley, GU15 3HD on **Wednesday, 19 October 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
	Part 1 (Public)	
1	Apologies for Absence	
2	Minutes	3 - 4
	To confirm and sign the minutes of the meeting held on 30 th August 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	Street Trading Policy	5 - 36
5	Review of Private Hire Operator Licensing Fees 2023-2024	37 - 44
6	Licensing Act 2003 - Summary of Decisions	45 - 48

**Minutes of a Meeting of the Licensing
Committee held at Surrey Heath House
on 30 August 2022**

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

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

+ Present

- Apologies for absence presented

Officers Present: Paula Barnshaw, Nick Steevens, Rachel Whillis.

8/L Minutes

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

9/L Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022 Pavement Licence Fees

The Committee was reminded that, in July 2020, the Business and Planning Act 2020 had made temporary provision for a fast-track process to allow businesses selling food or drink to obtain authorisation from the local authority for the placement of furniture such as tables and chairs on the highway adjacent to their premises, known as a “pavement licence”. The Committee had set the maximum allowable discretionary application fee of £100; however, in March 2021 it had agreed to waive the licence fee to help support businesses during the coronavirus pandemic. The temporary pavement licence provisions had subsequently been extended by the Government in July 2021 for a further year and the Committee again agreed to waive the £100 fee until the expiry of the licences on 30 September 2022.

Members were informed that the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022 had extended the pavement licence provisions for a further year to 30 September 2023, after which time it was anticipated that proposals in the Levelling Up and Regeneration Bill would make permanent the transfer of the authority to grant pavement licences from Surrey County Council to this Council. It was also anticipated that the Council would be able to charge a maximum application fee of £350 for premises which already held a pavement licence and £500 for new applicants, as well as setting a maximum duration of a pavement licence of 2 years. At this time a further report would be considered to determine the duration of licences and the level of the licence fees.

The Committee considered whether the £100 fee should continue to be waived for applications for pavement licences granted for the period between 1 October 2022 and 30 September 2023. It was noted that 16 businesses held pavement licences and it was anticipated that there will be similar demand for a further one year licence. Having considered the options, although it was recognised that similar fees had not been waived for other licence applications, the Committee agreed to waive the fees until 30 September 2023.

RESOLVED that the discretionary licence fee of £100 for pavement licence applications, made under the Business and Planning Act 2020, be waived until 30 September 2023 in light of the ongoing economic difficulties for the hospitality sector.

Chairman

Surrey Heath Borough Council
Licensing Committee
19th October 2022

Street Trading Policy

Strategic Director: Nick Steevens – Strategic Director for Environment & Community
Report Author: Frances Soper – Environmental Health & Licensing Manager
Key Decision: No
Wards Affected: All

Summary and purpose

The Council regulates street trading in the borough with the objective of preventing nuisance and disorder from street trading activities. The Council currently issues street trading consents to approximately 14 permanent/ temporary traders, allowing the sale of a range of goods from vehicles/stalls on consent streets in the Borough and prevents trading from specified prohibited streets,

Following a review of street trading arrangements in the Borough, this report seeks approval of a new borough-wide draft Street Trading Policy for public consultation. The results of the consultation will be reported back to the Licensing Committee at the 16th February 2023 and adoption of policy recommended. It is intended that the new policy will take effect from 1st April 2023. The updated policy will replace the existing Camberley Town Centre Street Trading Policy dated 2013 and update and consolidate existing street trading procedures.

The report also seeks approval for a resolution to be made to amend the consent and prohibited street provisions and to agree a revised street trading consent fees.

Recommendation

The Committee is advised to RESOLVE that

- i) the revised draft Street Trading policy at Annex 1 to this report be approved for consultation
- ii) a new street designation resolution is sought that will list the prohibited streets, rescind the current list of consent streets and designate all existing streets that are not prohibited streets as consent streets and any new streets thereafter, to ensure that the Council retains control over street trading in the borough.

1.0 Background and Supporting Information

- 1.1 In 1992 the Council passed a resolution bringing into place controls for street trading (selling or offering for sale of goods) under Section 2 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 ('the Act'). The resolution designated all streets in the Borough and the area within a distance of 50m from the center of these streets as either 'prohibited streets', (there are currently 56 in the Borough listed in Annex B of the draft policy at Annex 1), where no street trading is allowed, or 'consent streets' where street trading can take place, subject to the trader receiving a consent to trade from the Council, (and landowner's permission where appropriate), to which conditions can be attached.
- 1.3 In 2009 Park Street and High Street Camberley were changed from prohibited streets to consent streets to enable street trading in the newly pedestrianised areas in the town centre. In 2010 the Council adopted the Camberley Town Centre Street Trading Policy, to provide further controls over the types and presentation of stalls in the town centre and this Policy was further updated in 2013 to identify suitable town locations for street trading (See Background papers).
- 1.4 To consider street trading more widely in Surrey Heath and in light of the public realm works in Camberley town centre, officers have engaged with key stakeholders (Collectively Camberley, groups representing local businesses across the Borough, the Council's Village Working Group), to develop an up-to-date Borough-wide draft Street Trading Policy.
- 1.5 It is the intention that the new policy will replace the current Camberley Town Centre Street Trading Policy and associated street trading procedures and better meet the needs of businesses and residents in and visitors to the Borough. It is the intention that the policy will help in ensuring that Street Trading in the Borough provides quality consumer choice and contributes to the character /ambience of the local environment, whilst ensuring public safety and preventing any possible associated crime, disorder or nuisance from Street Trading. The new policy will also increase the transparency of the decision-making process for the benefit of all stakeholders, setting out clearly the criteria against which applications are determined. The new policy is aligned with objectives of the Council's 5 Year Strategy and draft Town Centre Strategy/Local Plan.
- 1.6 Following the Camberley Town Centre public realm works the opportunity has been taken to review the location of the sites specified in the current Town Centre Policy with Collectively Camberley and Investment and Development colleagues and new sites have been identified and obsolete sites removed. These sites will be kept under review and amended as necessary in line with future developments in the town centre.

2.0 Current Street Trading Provision in Surrey Heath

- 2.1 Street trading consent applications, together with the required supporting documentation and fee are received by Environmental Health and the Police, Highways, local Ward Councillors and Collectively Camberley, if in the Town Centre, are consulted on the applications. The Strategic Director Environment and Community has delegated authority to issue consents on behalf of the Council.
- 2.2 The Council may grant a consent if they think fit and attach such conditions as they consider reasonably necessary, in addition to conditions to prevent obstruction of the street or danger to persons using it or nuisance or annoyance to persons using the street or otherwise,
- 2.3 Surrey Heath currently has 12 permanent street trading consent holders trading the Borough and 2 regular ad-hoc traders (see list in Annex 2), offering takeaway food (cooked breakfast/burgers/hotdogs/pizza), doughnuts, sweets, ice cream, fruit & vegetables, Chinese tea and crockery. This also includes the consent given in relation to the monthly Camberley Farmer's Market and town centre events that include street trading (e.g. Christmas Lights Switch On, the Car Show) and events elsewhere open to the public in the Borough that include street trading (e.g. the Bagshot Big Bash) and promotional traders (e.g. Riverford Organic)

3.0 Draft Policy Provisions

- 3.1 The proposed changes contained in the new policy are summarised below:
 - Borough-wide policy not just Camberley Town Centre
 - Clear criteria for determining applications increasing transparency of the decision-making process
 - New criteria to promote healthy eating and minimise environmental impacts of street trading
 - Wider consultation on applications to include the Fire Service, Planning
 - Consultation on renewal as well as new applications
 - Expanded list of standard conditions to enhance control and compliance
 - Review of the Camberley Town Centre suitable street trading locations to reflect the public realm works and aspirations in the draft Town Centre Strategy

4.0 Consultation on the Draft Policy

- 4.1 The planned consultation exercise on the draft policy will engage widely with all relevant stakeholders and a list of proposed consultees is shown at Annex 3.

5.0 Designation of Streets

- 5.1 It is proposed that a new street designation resolution is agreed that will list the prohibited streets, rescind the current list of consent streets and designate all existing streets that are not prohibited streets as consent streets and any new streets thereafter, to ensure that the Council retains control over street trading in the borough. The prohibited list will be kept under review and a resolution sought to amend in future if found necessary.
- 5.2 Under 'the Act', prior to making the resolution the Council must publish notice of their intention to pass such a resolution in a local newspaper circulating in the area and have served a copy of the notice on the chief officer of the police for the area and the highway authority. The notice must contain a draft of the resolution and state that any representations must be made in writing to the Council within a period of not less than 28 days. After considering any representations the Council shall publish notice of the resolution for two consecutive weeks in a local newspaper (see draft notice of the intention to pass a resolution at Annex 4).
- 5.3 The designation of the streets shall take effect on the date specified in the resolution, which must be more than one month from the date the resolution is passed.

6.0 Street Trading Consent Fees

- 6.1 Under 'the Act' council may charge such fees as they consider reasonable for the grant or renewal of a street trading consent and may determine differing fees according to the duration of the consent, the street in which the trading is authorised and the articles in which the holder is authorised to trade.
- 6.2 The Council's existing street trading fees are being reviewed for 2023/24 as part of the corporate discretionary fee setting process and will be set at a full cost recovery level to cover the cost of processing applications, investigating complaints and enforcing the legislation.

7.0 Reasons for Recommendation

- 7.1 To seek the introduction of an up-to-date Borough-wide draft Street Trading Policy which meets the street trading needs of businesses/residents/visitors to the Borough, whilst ensuring public safety and preventing any possible associated crime, disorder or nuisance.
- 7.2 To retain control over street trading in the Borough by designating all streets that are not prohibited streets as consent streets for street trading.

8.0 Proposal and Alternative Options

8.1 It is proposed that:

- i) the revised draft Street Trading Policy is approved for consultation, with the results being reported to back to the Licensing Committee in February, with a view to adoption of the policy to take effect from 1st April 2023;
- ii) the current street trading designation resolution is replaced with a new resolution, so all current and new streets not designated as prohibited streets will be designated consent streets to enable street trading to be controlled via the consent process, to take effect from 1st April 2023;

8.2 Alternative options would be to retain the current policy and street designation resolution.

9.0 Contribution to the Council's Five-Year Strategy

9.1 Street Trading in the Borough contributes to the Council's priorities with regard to Economy, Environment, Health and Well Being and Effective and Responsive Council

10.0 Resource Implications

10.1 Local authorities are able to charge a fee for the issue of a street trading consent and these are set a level to ensure full cost recovery

11.0 Section 151 Officer Comments:

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

11.2 Unless fees are set at full cost recovery, any services provided by the Council in exchange for these lower fees will in effect be subsidised from the general council tax payer and this would need to be an Executive decision to agree this subsidy.

12.0 Legal and Governance Issues

12.1 The Council is responsible for the issuing of street trading consents under the Local Government (Miscellaneous Provisions) Act 1982. Legal Services have been consulted on the report proposals.

13.0 Monitoring Officer Comments:

13.1 Progressing and approving a new street trading policy is delegated to the Licensing Committee.

14.0 Other Considerations and Impacts

Environment and Climate Change

14.1 Environmental considerations have been taken into account when drafting the policy with regard to consent determination criteria concerning waste minimisation/ management and power supply. The Climate Change Officer has been consulted and is supportive of the draft policy.

Equalities and Human Rights

14.2 No direct impacts.

Risk Management

14.3 No direct impacts.

Community Engagement

14.4 Engagement with key stakeholders has taken place in the drafting of the new policy and there will be a wider consultation exercise on the draft policy once approved by the Licensing Committee.

Annexes

Annex 1 Draft Surrey Heath BC Street Trading Policy

Annex 2 List of current consented street traders in the Borough

Annex 3 List of stakeholders to be consulted on draft Street Trading Policy

Annex 4 Draft Notice of Intention to Pass a Resolution on Street Trading and Designation of Consent and Prohibited Streets

Background Papers

Camberley Town Centre Street Trading Policy 2013.

DRAFT - Surrey Heath Borough Council Street Trading Policy

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ANNEX A List of Prohibited Streets

ANNEX B Camberley Town Centre map

ANNEX C Suitable Street Trading Locations map

ANNEX D General Conditions for Trading Consents

1.0 Purpose of the Policy

1.1 This document sets out the Surrey Heath Borough Council Policy on Street Trading, (‘the ‘Policy’) and takes effect 1 April 2023. The Policy details the arrangements for the management of street trading in Surrey Heath and enables the Council to regulate the location and number of street traders operating in the Borough.

1.2 The Council recognises the importance of mobile street trading businesses to the local economy and the character of the area and will endeavour to ensure that the activities do not cause nuisance or disturbance to the people in the area. The framework and its associated conditions aim to ensure local businesses and communities are not adversely affected by street trading and to prevent the obstruction of the streets and minimise any risk to the public or harm to the environment caused by street trading activities.

1.3 The Policy will be referred to when determining applications for Street Trading Consent and applicants are encouraged to consider the Policy as part of the application process.

1.4 Surrey Heath will endeavour to work with other agencies and stakeholders to ensure their views are considered as part of any street trading application.

1.4 Each application for grant or renewal of a street trading consent will be considered on its individual merits, and the Council may impose such conditions as deemed appropriate including to prevent obstruction of the street or danger to persons using it or prevent nuisance or annoyance (whether to persons using the street or otherwise).

2.0 Consultation on the Policy

2.1 The Council has consulted the following and taken into account their relevant views:

- Surrey Police – Road Safety and Traffic Management
- Surrey County Council Highways
- Surrey Fire and Rescue Service
- Licensing Committee
- Surrey Heath BC Members
- Parish Councils
- Collectively Camberley
- Local Business Groups
- Local businesses via the Council’s electronic newsletter
- Local Resident Groups
- All current street traders operating in the Borough
- Relevant departments within Council including Environmental Health and Licensing, Investment and Development, Corporate Enforcement, Leisure and Planning.
- The general public by use of the Councils consultation webpage and social media.

3.0 Review of the Policy

3.1 The Policy will be kept under review and updated to reflect any material changes that may occur. Minor changes will be agreed by the Strategic Director Environment and Community in consultation with the Chair of the Licensing Committee. Where amendments are considered significant, they will be brought to the Licensing Committee.

4.0 Legislation and Street Trading in Surrey Heath

4.1 Legal Framework

4.1.1 The Council in 1992 resolved that Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 should apply to its area. Under Schedule 4 the Act the Council can manage street trading by designating streets as ‘consent streets’ or ‘prohibited streets’.

4.1.2 ‘Street Trading’ is defined as the selling or exposing or offering for sale of any article (including a living thing) in a street – subject to a **number of exceptions** such as:

- (a) Trading as a pedlar under the authority of a pedlar’s certificate granted under the Pedlars Act 1871.
- (b) Any trade in a market or fair, the right to hold which having been obtained by a grant, enactment or order.
- (c) Trading as a news vendor.
- (d) Trading at or adjoining a shop premises as part of the business of the shop.
- (e) Offering or selling things as a roundsman.

Schedule 4 defines a street as ‘any road, footway, beach or other area to which the public have access without payment; and a service area as defined in section 329 of the Highways Act 1980.’ The Council resolution also includes areas for a distance of up to 50 meters from the centre of the street as being within scope for street trading controls.

4.1.3 A **consent street** is a street in which street trading can only take place if the consent of the local authority has first been obtained and is any street in the Borough that is not designated a prohibited street. All forecourts, footways and other areas adjacent to Consent Streets that are open as a matter of fact to the public without payment, for a distance of 50 meters from the centre of these streets are also designated as consent streets.

4.1.4 A **prohibited streets** is a street where no street trading may take place at all. However all forecourts, car parks and other areas adjacent to Prohibited Streets that are open as a matter of fact to the public without payment, for a distance of 50 meters from the centre of these streets that are not public highway are designated as Consent streets. This enables street trading to take place with the consent of the Council in those areas adjacent to prohibited streets where street trading could enhance an area and can take place without detrimental effect.

Fifty-six roads in Surrey Heath have been designated as prohibited streets and these are listed in Annex A. This list will be kept under review and the necessary resolution sought to amend as necessary. Nothing within this Policy will allow street trading to occur on prohibited streets.

Locations within the defined Camberley town centre area where street trading is deemed to be suitable following consultation with Collectively Camberley, subject to obtaining the necessary street trading consent, are detailed in Annex B.

4.2 Types of Street Trading Consent

4.2.1 The types of street trading consent available are as follows:

Permanent Trading

i) 4 days or more for 12 month period :

- Takeaway Food (food prepared/served onsite ready for immediate consumption)
- Ice Cream vehicles/unit
- Fruit and Veg
- Other Traders

ii) 1 day per week for 12 month period (any category of trader)

iii) Camberley Town Centre for 12 month period - markets/events 37 days a year (to include 25 markets and 12 events)

Ad hoc Trading

iv) Daily

v) Weekly

vi) Monthly

vii) Market/special event one day - up to 20 stalls/ 20 stalls and over

4.2.2 Permanent consents are normally issued for a period of one year, but applications for less than a year or for a specified trial period may be granted depending on individual circumstances e.g. to determine the trading viability of a site or where potential concerns have been raised by a consultee. Fees will be pro-rated accordingly,

4.3 Markets/ Special Events

4.3.1 For markets/special events held on the highway for a limited time, the Council will accept one application (and associated fee) from the person organising the event, however details of the street trading that will be taking place will be required on application.

4.3. The requirement for street trading consent and the associated fees for stalls at charitable or small community events may be reduced, at discretion of the Strategic Director Environment and Community. Street trading is considered to be for charity benefit if the profits from individual stalls are donated to a registered charity and proof can be evidenced on request. Examples of such events are Street Parties, Festival and Sports Days, Community Fun/Activity Days, Charity Events, Parades. Any traders attending for solely commercial gain would be subject to street trading controls.

4.4 Other relevant regulatory requirements

4.4.1 Pavement Licences - the licensing of the placement of tables and chairs on pavements is administered by the Council under the Business and Planning Act 2020. See <https://www.surreyheath.gov.uk/pavement-licences>

4.4.2 Late Night Refreshment - traders that serve hot food or drink at any time between the hours of 23.00 and 05.00 will require the relevant licence under the Licensing Act 2003. See <https://www.gov.uk/premises-licence/surrey-heath/apply>

4.4.3 Planning permission may be required depending on the location and number of days that trading takes place. See <https://www.surreyheath.gov.uk/residents/planning/development-planning-advice>

5.0 Street Trading Consent Applications

5.1 New Applications

5.1.2 Applications for a new street trading consent must be submitted where possible to the Council online and the following must be included:

- (a) A completed/ signed application form and the relevant fee.
- (b) A passport style photo of the applicant where a sole trader.
- (c) A map showing the precise location of the proposed site.
- (d) Electronic colour image of the unit that will be used for the street trading activity.
- (e) Dimensions of the unit in metres (length, height, width).
- (f) A certificate of Public Liability Insurance for a minimum value of £5 million.
- (g) If handling open food, a copy of the current Level 2 Award in Food Safety in Catering certificate for all food handlers working on the unit should be provided if available.
- (h) Proof of a valid Waste Transfer Contract in place for commercial waste where applicable.
- (i) Current valid gas safety certificate for the unit if applicable.

The Council cannot issue a consent if the applicant is under 17 years of age.

5.1.2 Consultees

Before a Street Trading Consent is granted or refused the Council will consult the following on the application:

- Surrey County Council (SCC) Highways
- Surrey Police – Road Safety and Traffic Management
- Surrey Fire and Rescue
- Ward Councillors
- Parish Council
- Planning
- Environmental Health and Licensing

A public notice will be displayed by the Council close to where the street trading is proposed and/or the Council may consult local businesses/residents in the area where relevant in writing. All applications received will be publicised on the Council's website - *new*

Any written representations received within the 21-day consultation period will be considered when determining the application and where objections are received the applicant will be given the opportunity to make any relevant submissions regarding the objection.

5.1.3 Determination of applications

The Strategic Director Environment and Community has delegated authority to determine street trading consent applications and the criteria listed below and any consultee representations will be taken into consideration. Each application will be assessed on its merits and individual circumstances.

In considering applications for the grant or renewal of a consent the following criteria will be considered:

(a) Public Safety

Whether the street trading activity represents, or is likely to represent, a substantial risk to the public. Factors taken into account will include obstruction/trip hazard, fire hazard, gas & electrical safety and risks that may occur when a trader is accessing/exiting the site.

(b) Highway Safety

Whether the street trading activity represents, or is likely to represent a risk to road safety as follows:

- there is interference with sight lines for any road users (vehicles and pedestrians) from the trader's location or from customers visiting/leaving the site
- there is a conflict with Traffic Orders such as waiting restrictions
- the trader obstructs the safe passage of users of the footway or carriageway.
- there are inadequate public parking available to allow traders and customers to park without obstructing local business and residents access.

The location and operating times will be such that the highway can be maintained in accordance with the SCC requirements and that there are no dangers to those who have a right to use the highway and present no obstruction for emergency access. The trader must relinquish the right to trade when required by SCC or other relevant body or organisation in order to allow maintenance or repair to occur.

(c) Public Order

Whether the street trading activity represents, or is likely to represent, a risk to public order. Traders will need to conduct themselves in a professional manner and to take reasonable measures to deter disorder associated with the trading activity.

(d) The Avoidance of Public Nuisance

Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance or disturbance to the public from noise, waste, litter and/or odour particularly in residential areas.

(e) Appearance of the Unit

The unit must be of smart appearance and not detract from the appearance of the surrounding area. It must meet the criteria in the standard consent conditions and be maintained in a good condition. Photographs, including dimensions, must be provided with all new applications and requests for approval of any changes to, or replacement of, a vehicle or unit.

(f) Needs of the Area

The demand for the articles for sale and proximity of the proposed site in relation to traders selling similar goods.

(g) Food Safety

Food trader applicants must be able to demonstrate a good understanding of food safety. They must be registered as a food business with the relevant local authority. As a minimum, open food handlers should hold a current Level 2 Award in Food Safety in Catering or equivalent from an accredited training provider. It is recommended for all staff working from the site to have their food hygiene training renewed every 3 years. Traders with a Food Hygiene rating scheme of less than 3 (Satisfactory) will not be granted a street trading consent. Where more than one trader is seeking to operate from the same pitch, and all other criteria has been met, the applicant with the highest Food Hygiene Rating Scheme award is likely to be selected.

(h) Healthy Eating Choices.

Traders are encouraged to consider offering healthy eating choices that satisfy the requirements of Eat Out Eat Well – healthy eating scheme. The scheme aims to encourage food businesses to provide healthier options to customers, through the use of healthier catering practices, increasing fruit, vegetables, and starchy carbohydrates, and decreasing fat, especially saturated fat, sugar and salt. It also recognises provision of healthy options for children and rewards staff training and promotion and marketing of healthier options.

Where more than one trader is seeking to operate from the same location and all other criteria has been met- the applicant that demonstrates the highest compliance with the Eat Out Eat Well award is likely to be selected. See <https://eatouteatwell.org/>

To restrict the availability of potentially unhealthy food choices to under 18s, traders applying to supply of hot or cold food and drinks or confectionery between 07:30 and 18:00 within 400m of the boundary of a school or college is unlikely to be approved.

(i) Environmental Impacts

The impact of the proposed operation on the environment will be considered and the carbon footprint of the proposed activity with regard to power supply, supply chain, waste minimisation and waste disposal will be taken into consideration.

Where more than one trader is seeking to operate from the same pitch, and all other criteria has been met, the applicant that can demonstrate the lowest environmental impact is likely to be selected.

5.1.4 Conditions

The Council applies standard conditions to Street Trading Consents and these are attached to this Policy as Annex C. The standard conditions are not exhaustive and other conditions may be added to individual consents where appropriate. Additional conditions applicable to Special Events may also be added where appropriate.

Street trading can only be carried out from the unit authorised on the consent. Any changes to or replacement of the unit must be approved by the Council by means of variation request for which a variation fee payable.

Applicants are advised to read carefully the conditions for consent as the Council may revoke, vary or refuse to renew this licence if the conditions are breached. Any contravention of the conditions specified may result in prosecution.

5.2 Renewal Applications

5.2.1 Street Trading Consents are renewed annually and a renewal application should be made to the Council at least 6 weeks before the renewal date by submitting an online application accompanied by the appropriate fee. If a renewal application is not made before the expiry of the current licence a full new application will have to be made. The effect of this will be that a trader will not be permitted to trade until the new consent is granted.

5.2.2 Consultation as for new applications, will be carried out for renewal applications and any representations received within 21 days taken into account in the decision to renew the consent.

5.2.3 Where a renewal application has been made and there have been no justifiable complaints or enforcement issues and all fees have been paid on time, the consent is likely to be renewed. There is no automatic right to renewal. If there have been significant complaints, enforcement has been necessary or there are fees have not been paid on time, then the application may be refused.

5.3 Transfer Applications

5.3.1 A street trading consent cannot be transferred or sold to another person, however the consent may be transferred to a member of the consent holder's immediate family, (spouse, adult child, parent sibling) in the event of the consent holder's death or incapacity on payment of a variation fee.

5.3.2 The subletting of a pitch is prohibited. Where sub-letting is identified, the consent will be withdrawn from the holder. No right to claim a refund for the period remaining on the consent will be accepted.

5.4 Application Refusal/Consent Revocation

5.4.1 There is no right of appeal against refusal to grant, renew or revoke a consent, but reasons will be given for the decision in writing.

The Council's complaints procedure is available to the unsuccessful applicant if they are unhappy with how their application has been determined – see <https://www.surreyheath.gov.uk/council/complaints-compliments>

6.0 Fees

6.1 Fees will be set and reviewed annually. Details of the current fees can be found on the Council's website.

6.2 Applications for annual consents must be accompanied by the correct fee. The fee consists of two parts. Part 1 a non-refundable application fee and Part 2 the issuing fee for the licence. The application fee must be paid before the application is considered. If the application is successful, the issue fee (Part 2) will be required to be paid before the consent is issued.

6.3 A fee is payable if the consent holder wishes to vary the consent or its conditions or requires a replacement copy of the consent and conditions.

6.4 Consents run from 1st April to 31st March. For applications received part way through the year the fee will be pro-rated based on the number of months the consent will be valid. Fees for consents for a trial period will be pro-rated accordingly.

6.5 Where trading ceases during the term of the consent, refunds will not be given for any outstanding period of less than 3 months, greater than 3 months refunds will be calculated on a pro-rata per calendar month basis.

7.0 Enforcement

7.1 The Council will carry out periodic inspections of street trading activity to check compliance with consent conditions and to identify any unauthorised trading. Any complaints received regarding street trading in the Borough will be investigated.

7.2 Where activities are conducted without the benefit of a consent or where conditions are breached, the Council will look to gather evidence and take enforcement action as appropriate in accordance with the Council's Enforcement Policy.

7.3 Failure to comply with one or more consent conditions may lead to revocation or non-renewal of the consent. Where revocation occurs in such circumstances no refund will be payable.

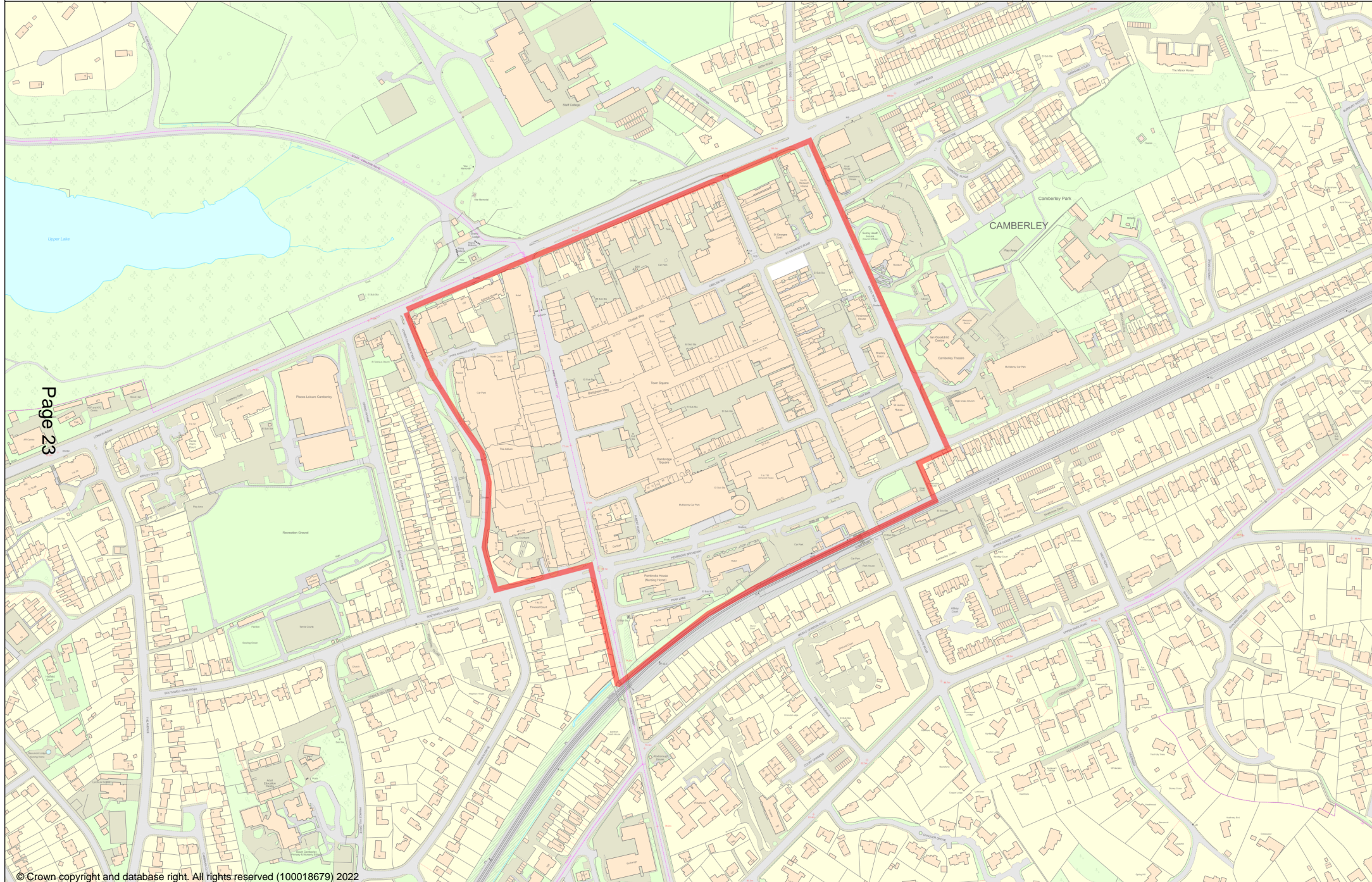
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ANNEX A – List of Prohibited Streets

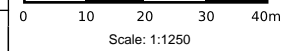
Pursuant to the Local Government (Miscellaneous Provisions) Act 1982, the Council designates as prohibited streets, those streets listed below, including all, roads, footways, and areas open as a matter of fact to the public without payment within a distance of 50 metres from the centre of those streets *which are part of the public highway*.

Street Name	Ward(s)
A322	Bagshot, Lightwater, West End, Bisley
Albert Road	Town
Bagshot Road (A319)	Chobham, West End
Beaumaris Parade	Frimley Green
Blackwater Valley Road (A331)	St Michaels, Watchetts, Frimley
Cedar Lane – including unsurfaced section	Frimley
Charles Street	St Michaels
Chertsey Road (A319)	Chobham
Church Hill	St Pauls
Church Road	Frimley
Coleford Bridge Road	Mytchett & Deepcut
Crawley Hill	St Pauls
Crawley Ridge	St Pauls
Cross Lane	Frimley Green
Cumberland Road	Heatherside
Dean Parade	Old Dean
Deepcut Bridge Road	Mytchett & Deepcut
Edgemoor Road	Heatherside
Frimley By-pass (A325)	Frimley
Frimley Road	St Michaels, Frimley, Watchetts
Frimley Green Road (A321)	Frimley, Frimley Green
Gosden Road	West End
Grand Avenue	St Michaels
Grove Cross Road (A321)	Frimley
Hamesmoor Road	Mytchett & Deepcut
Heathcote Road	Town
Heather Ridge Arcade	Heatherside
High Street	West End
Knoll Road	Town
London Road (A30)	St Michaels, Town, Old Dean, St Pauls, Bagshot, Windlesham
Lower Charles Street	St Michaels
Lyon Way	Frimley
Martindale Avenue	Heatherside
Maultway North	Old Dean
Mytchett Road (A321)	Mytchett & Deepcut

Obelisk Way	Town
Park Road	Town, Watchetts
Park Street (to the south of Pembroke Broadway only)	St Michaels, Town, Watchetts
Pembroke Broadway	Town
Portesbery Road (between its junctions with Knoll Road and the High Street)	Town
Portsmouth Road (A325)	St Pauls, Frimley, Parkside
Princess Way (from the west of the Mall Shopping Centre to its junction with Park Street, but excluding the 6M of pavement outside the entrance doors to the Mall.)	Town
The Green	Frimley Green
The Maultway	St Pauls, Heatherside
The Parade – Frimley High Street	Frimley
The Square (A321)	Bagshot
Red Road (B311)	Lightwater, Heatherside
St Georges Road	Old Dean
Southern Road	St Michaels
Southwell Park Road between Park Street and Grand Avenue	St Michaels
Sturt Road (A321)	Frimley Green, Mytchett & Deepcut
Swift Lane	Bagshot
Updown Hill (B386)	Windlesham
Upper Charles Street	St Michaels
Upper Park Road	Town, St Pauls
Wharf Road	Frimley Green



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ANNEX D: General Conditions for Annual Trading Consents

This list is not exhaustive and other conditions may be added to the Street Trading Consent ('the consent') having regard to the particular circumstances

1. A copy of the consent bearing the name of the holder shall be displayed conspicuously on the unit/vehicle so that members of the public can clearly see it during hours of business. The original consent must be produced on demand to a Council Officer or Police Officer.
2. The consent holder should be the principal operator and have day to day control of the unit /vehicle and conduct their business in a professional manner and in a way that minimises risks to others. Any employee who operates the unit/vehicle other than the consent holder must be aware of the street trading conditions issued as part of the consent and ensure that they are complied with. Failure to do so may lead to the consent being revoked.
3. A consent cannot be transferred or sold to another person, unless that person is a member of the holder's immediate family in the event of the holder's death or incapacity on payment of a variation fee. The subletting of a pitch is prohibited.
4. The holder may terminate the consent by written notice to the Council. The Council will retain the Part 1 application fee administrative costs. Refunds will not be given for any outstanding period of less than 3 months, greater than 3 months refunds will be calculated on a pro-rata per calendar month basis.
5. No street trading shall take place except between the dates and times specified on the consent.
6. The consent relates only to the location specified on the consent and the holder shall ensure that the unit/vehicle is positioned only in the allocated space for which the consent is issued. All goods shall be displayed on the unit/vehicle and no freestanding racks or displays are permitted.
7. Consent holders shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
8. The consent relates only to the unit/vehicle specified on the consent. Any significant changes to or replacement of the unit/vehicle must be approved by the Council and may incur a variation fee.
9. The consent holder's unit/vehicle shall be kept in a clean, safe and well-maintained condition and be of a presentable appearance.
10. The consent holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and with a current MOT Certificate, (if applicable).
11. If a trailer (and not a motorised vehicle), is parked on the highway, it must be road worthy and be in a suitable condition to be moved at any time.
12. The unit/vehicles must not obstruct the safe passage of users of the footway/carriage way, including sightlines and vehicle movements must be carried out legally not present a risk to people and structures.

13. If a consent holder or operator/assistant is requested to move the unit/vehicle by an authorised Council Officer or Police Officer, they shall immediately comply with the request.
14. Consent holders shall have and maintain an insurance policy to the satisfaction of the Council and proof of cover must be produced on request.
15. The consent holder shall comply with all statutes, statutory instruments and byelaws currently in force. Holders must pay particular attention to the requirements of the Health & Safety at Work etc. Act, 1974, the Food Safety Act 1990 and all subsequent regulations including the Food Safety and Hygiene (England) Regulations 2013. Advice on these requirements is available from the Food and Safety Team.
16. All food businesses must be registered as a food business with the local authority where the unit/stall is kept overnight and be able to demonstrate registration, e.g. by written confirmation from the relevant local authority if outside Surrey Heath or by providing a copy of the latest inspection letter or report. Any changes in registration details must be notified to the relevant local authority.
17. Traders handling open high-risk food must have adequate hand washing facilities that include a supply of running water.
18. All handlers of open high risk should hold a current Level 2 Award in Food Safety in Catering accredited by a recognised training body or equivalent
19. All food businesses must achieve and maintain at least a Food Hygiene Rating of '3 – Generally Satisfactory'. The Rating must be displayed prominently on the stall/vehicle. Where a rating below 3 is obtained, the operator has 3 months to obtain a re-rating of 3 or above. If after 3 months an improvement to 3 or above rating has not occurred, then the business should immediately cease trading until satisfactory remedies have been put in place to the satisfaction of the Council.
20. Where participation in the Eat Out Eat Well- healthy eating scheme, formed part of the application submission, then the operator must ensure it continues to satisfy the requirements of the scheme for the duration for the consent has been issued.
21. The consent holder must take reasonable precautions to prevent the risk of fire.
22. Reasonable steps must be taken to ensure gas safety where gas appliances are in use. Appliances must be maintained and serviced as per manufacturer's instructions and appliances and systems must be checked for safety by a competent Gas Safe engineer qualified to inspect catering LPG appliances at least annually. Any faults or concerns must be appropriately investigated and made safe by a competent Gas Safe engineer before use.
23. All hot food vans/trailers are required to carry an appropriate first aid kit for the activities that are to be undertaken and have the means to contact the emergency services if necessary.
24. The consent holder shall not be the cause of any nuisance or disturbance to any other user of the highway, the occupier of any land or building or the Council. Consent holders shall have special regard to, and must take action to prevent, excessive noise and odour.

Generators in particular need to be properly sited, sound proofed and ventilated so as not to cause disturbance and traders must not use loudspeakers/play loud music.

25. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of their trade waste in an appropriate manner. Trade waste must be stored appropriately and be disposed of by a licensed waste carrier. No water or waste material shall be discharged on to the highway or any adjacent property. Proof of waste transfers certificates must be made available to an authorised officer on request, and without undue delay.

26. The consent holder shall take reasonable steps to ensure that litter arising from their own trade is minimised as far as possible, for example by making a bin available for customers to use, and litter picking any litter from the site, associated with the business activity.

27. The street surface must be left in a clean condition after trading and the trader will be liable for any permanent damage/discoloration of the surface.

28. For food traders all packaging and utensils for use by customers shall be made of biodegradable or recyclable materials, with the items being recycled rather than entering mixed waste.

Additional Conditions Applicable to Special Events/Markets

1. All stalls to be issued with a number that must be displayed on the stall.
2. The consent holder should keep records of each stall holder present on the market, to include the stall holder's pitch number, name and company name, their address, vehicle registration, brief description of products offered and a contact telephone number. This must be produced on request to the Council.

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Annex 2 - List of Street Trader Consents (as at 03.10.22)

Street trader	Location	Type	Trading Days/Times
Permanent traders			
Big Chef	Wilton Road Camberley layby AM	Hot Breakfast roll/Burgers	Mon to Sun 06:00-15:30
Baris Otun Adam's Kebab	Wilton Road Camberley layby PM	Kebab and burger van	Sun to Tues 17.00 – 01.00 and Weds to Sat 17.00 – 03.00
Golds Star	Trafalgar Way, Camberley	Kebab and burger van	Mon to Sat 07.00 – 15.00
Roadside Kitchen	American Golf, I London Road, Camberely, car park	Kebab and burger van	Mon to Sun 11.00 –23.00
TC Event Catering	Laser House car park Doman Road, Camberley	Hot Breakfast roll/Burgers	Mon to Fri 07.00 -18.00
Rustic Bro pizza	Hen and Chickens, car park Guildford Road, Bisley	Pizza	1 day a week 17.00 -20.30
Nelly's Potato Hut	Knoll Walk, Camberley	Jacket potatoes, salads and toasties	Mon, Tues, Thurs & Fri 09.00 -17.00 (3 month trial from 03/10/22)
Nelly's Doughnuts	Bowling Club car park, Old Dean, Camberley	Doughnuts, sweets, hotdogs and nachos	Twice a month Sat or Sun 12.00 – 20.00
Mr Emments Fruit and Veg	Site 1 Princess Way, Camberley	Fruit and Veg	Tues - Sat 9.30-17.30
Hardwicke	110a Frimley Road, Camberley	Fruit and Veg	Tue - Sat 8.00 -16.00
Little Red Trading	Site 2 Park Street, Camberley	Chinese tea, Chinese tea pots and tea cups and moxa	Tue - Sat 9.30- 17.30
Collective Camberley	Town Centre	Farmers Markets/Events	Various dates
Regular ad-hoc traders			
Bagshot Big Bash	High Street, The Square, Bagshot	Fayre style stalls	2-3 events a year
Riverford Organic	Park Street, Camberley	Fruit and Veg stall	6 days a year

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Annex 3 List of stakeholders to be consulted on draft Street Trading Policy

- Surrey Police – Road Safety and Traffic Management
- Surrey County Council Highways
- Surrey Fire and Rescue Service
- Licensing Committee
- Surrey Heath BC Members
- Parish Councils
- Collectively Camberley
- Local Business Groups
- Local businesses via the Council's electronic newsletter
- Local Resident Groups
- All current street traders operating in the Borough
- Relevant Services within the Council including Environmental Health and Licensing, Investment and Development, Corporate Enforcement, Leisure and Planning.
- The general public by use of the Councils consultation webpage and social media.

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Annex 4 - Draft Notice of Intention to Pass a Resolution on Street Trading and Designation of Consent and Prohibited Streets

RESOLUTION ON STREET TRADING

This resolution was signed by the Strategic Director – Environment and Community on the *(date)* and will come into effect on the *(date)*

"Pursuant to the Local Government (Miscellaneous Provisions) Act 1982, the Council:

- a) designates as prohibited streets, those streets listed in Annex A to this document, including all, roads, footways, and areas open as a matter of fact to the public without payment within a distance of 50 metres from the centre of those streets which are part of the public highway.
 - b) designates as consent streets,
 - i. All forecourts, car parks and other areas adjacent to the streets listed in Annex A to this document open, as a matter of fact to the public without payment, for a distance of 50 metres from the centre of those streets, which are not part of the public highway.
- and
- ii. All other existing streets and new streets thereafter not designated as prohibited streets, including all forecourts, roads, footways, or other areas adjacent to those streets and open, as a matter of fact to the public without payment, for a distance of 50 metres from the centre of those streets."

ANNEX A - *list of prohibited street.*

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Surrey Heath Borough Council
Licensing Committee
Date of Meeting 19th October 2022

Review of Private Hire Operator Licensing Fees 2023-2024

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

Summary and purpose

To approve the revised fees for Private Hire Operator (PHO) licence fees to recover the full cost of administering the licences and carrying out the necessary audits of operators to check compliance with the new requirements set out in the Statutory Taxi and Private Hire Vehicle Standards issued by the Department for Transport July 2020 (DfT).

Recommendation

The Committee is asked to RESOLVE that the proposed revised fees for Private Hire Operator (PHO) in Annex A to this report be recommended for consideration by the Strategic Director Environment & Community in consultation with the Strategic Director Finance and the Finance Portfolio Holder prior to public consultation.

1. Background and Supporting Information

- 1.1. Surrey Heath Borough Council through its Licensing team is responsible for licensing Taxis and PH drivers, vehicles, and operators.
- 1.2. In December the committee resolved that the PHO 5-year licence fees should be reviewed further once the true cost of administering and monitoring these licences was known.
- 1.3. The Local Government (Miscellaneous Provisions) Act 1976 (the Act) S70(1) states 'district and borough councils may charge such fees for the grant of vehicle and operators' licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part'.
- 1.4. Section 70 of the Act also sets out the steps that must be followed when reviewing and varying fees. Fees may be challenged by Judicial Review, and it is therefore important that the fee setting process is fair, open and transparent.

- 1.5. In calculating the cost to the Council and the proposed PHO licence fees for 2023/24, the methodology reported to the Committee at the July 2021 meeting has again been followed. The methodology takes into account the relevant legislative requirements and the Local Government Guidance on local fee setting 'Open for Business'.
- 1.6. Time recorded audits of operators at their premises have been carried out by officers to ensure that the estimated time in monitoring compliance with licence conditions and the new DfT 'Statutory Standards' are accurately reflected in the calculations.
- 1.7. An example of the audit check list can be found at Annex B which incorporates the required additional checks on the operator's business partners and staff. These include checks on; criminal records, immigration status, sub-contracting records and policies/procedures.
- 1.8. The opportunity has also been taken to review the current fee for a one-year PHO licence for more than one vehicle, to take account of the cost of the compliance audits now required for these operators.
- 1.9. The Council currently licences 36 PHO as shown in table 1 below:

Table 1

Private Hire Operator Licence – more than 1 vehicle (1 Year)	14
Private Hire Operator Licence – more than 1 vehicle (5 years)	0
Private Hire Operators Licence - 1 vehicle (1 Year)	21
Private Hire Operators Licence - 1 vehicle (5 Years)	1

2. Proposal and Alternative Options

- 2.1. The current PHO fees and the proposed fees are shown in Annex A.
- 2.2. Following the review, the proposed fee for a one year PHO licence for more than one vehicle has increased to cover the cost of the required compliance audits. The proposed fee for a five year PHO licence for more than one vehicle has decreased as the current fee did not offer any cost advantage to the operator and did not reflect the saving to the Council of issuing a 5 year rather than an annual licence. The proposed fee reduction may encourage uptake of the 5 year licence option, which currently is very limited.
- 2.3. The review has confirmed that the fees for a one year and 5 year PHO licences for one vehicle are set at an appropriate cost recovery level and it is proposed that these will remain the same, as additional checks for one vehicle operators licence are not required, there are no partners, office staff and no sub-contracting.
- 2.4. If the proposed 2023/24 revised PHO licence fees are agreed by the Committee the Strategic Director Environment and Community will be asked to approve, in

consultation with the Finance Portfolio holder and Strategic Director Finance and Customer Service, the proposed fees in accordance with our Constitution and Financial Regulations.

- 2.5. Once approved a notice must be placed in a local paper asking for any comments and all existing PHO licence holders will be consulted. The results of the consultation will be reported to the Licensing Committee at the February meeting for approval.
- 2.6. The alternative option is to leave the fees as they currently stand. This would not recover the Council's costs in administering and monitoring PHO licences and would not enable PHOs to get the savings from the revised 5 year licence fee.

3. Contribution to the Council's Five Year Strategy

- 3.1. Setting fees based on cost recovery supports the Council's 2022-2027 Five Year Strategy with regard to Economy and an Effective and responsive Council.

4. Resource Implications

- 4.1. There are no significant resource implications attached to this proposal.
- 4.2. The proposed revised fees, based on cost recovery, would generate an income in line with the current budget estimates for taxi licensing, 2023/24 assuming the existing level of activity. The demand for licences will vary over time.

Table 1

Licence Type	Existing	Proposed
Private Hire Operator Licence – more than 1 vehicle (1 Year)	(14) £1960	£3080
Private Hire Operator Licence – more than 1 vehicle (5 years)	0	0
Private Hire Operators Licence - 1 vehicle (1 Year)	(21) £2373	£2373
Private Hire Operators Licence - 1 vehicle (5 Years)	(1) £425	£425
Total	£4758	£5878

- 4.3. It is intended that fee levels will be kept under review to ensure the council recovers the costs of administering licences

5. Section 151 Officer Comments:

- 5.1 No direct impact.

6. Legal and Governance Issues

- 6.1 The Act allows district and borough councils to recover the costs of issuing and administering licences for the Taxi and PH trade.

7. Monitoring Officer Comments:

7.1 No direct impact.

8. Other Considerations and Impacts

8.1 No direct impact.

9. Environment and Climate Change

9.1 No direct impact.

10 Equalities and Human Rights

10.1 No direct impact.

11 Risk Management

11.1 The Act sets out the legal process we are required to follow when varying Taxi and PH licence fees, we have followed this process closely to minimise any risk to the Council.

12 Community Engagement

12.1 The community, including the Taxi and PH trade, will be given an opportunity to comment on the proposed changes to the Taxi and PH licensing fees and charges during a public consultation.

Annexes

Annex A – Current and Proposed Private Hire Operator Licensing Fees

Annex B – Operators Audit Check List

Background Papers

Statutory Taxi and Private Hire Vehicle Standards issued by the Department for Transport July 2020

Local Government Association - Open for business-LGA guidance on locally set licence fees

Surrey Heath –Hackney Carriage (Taxi) and Private Hire Licensing Policy 2021-2026

Annex A

Current and Proposed Private Hire Operator Licensing Fees

Licence Description	Existing	Proposed
Private Hire Operator Licence – more than 1 vehicle (1 Year)	£140	£220
Private Hire Operator Licence – more than 1 vehicle (5 years)	£1075	£865
Private Hire Operators Licence - 1 vehicle (1 Year)	£113	£113
Private Hire Operators Licence - 1 vehicle (5 Years)	£425	£425

Annex B

Operators Audit Check List

Criminality checks for Private Hire Vehicle Operators

1. Private Hire Operator if not already a licensed driver – must produce a basic DBS certificate and register the certificate with the DBS update service
2. If the operator's licence is a company or partnership, the partners and company directors must also provide a basic DBS certificate
3. Operator and business partners must prove right to work in the UK
4. Private Hire Operator must provide HMRC 9 digit code to ensure a check can be made that they are registered for tax
5. If the operating base is open to the public – valid certificate of public liability insurance
6. Trading name and any advertising must comply with the policy on trading names, not similar to a private hire business already licensed by the Council or include and reference to 'taxis' or words with a similar meaning
7. Only one trading name per PHO licence, if another trading name is required another PHO licence is required and records must be kept separately
8. Is registered with Companies House
9. Any changes in directors or partners must be notified to the licensing authority
10. Employers liability insurance – office staff

Booking and dispatch staff

11. The operator must have a record of booking and dispatch staff and evidence that a basic DBS certificate has been seen for each employee within a calendar year of renewal
12. All booking and dispatch staff must have the right to work in the UK and evidence a check has been made
13. Employees must be required (as part of an employment contract) to inform the operator of any new convictions within 7 days of convictions/cautions/warnings/reprimands/arrests/current investigations/pending criminal and civil proceedings

Record Keeping - Journeys

14. A record must be kept of each journey, the record should show:-
 - a. Passenger name
 - b. The time of the request
 - c. Pick up point
 - d. Destination
 - e. Driver's name
 - f. Driver's licence number
 - g. Vehicle registration
 - h. Name of person making the booking

- i. Name of person dispatching the vehicle
 - j. Sub-contractor if used
 - k. When was customer informed that a sub-contractor will be used
15. Records should be kept for a minimum of 6 months and securely disposed in line with current data protection legislation

Record Keeping

16. Records for each driver and each vehicle to show that they have the required valid licence in place, monthly compliance checks to ensure valid, MOT/Road Tax/Insurance
- a. Failure to ensure that appropriate checks are carried out may call into question the operator's fitness and proprietary
 - b. Failure to take appropriate action in relation to a breach of licence conditions or operator processes may call into question the operator's fitness and proprietary
17. Staff training records to include;
- a. Data protection
 - b. Emergency procedures
 - c. Break down procedures
 - d. Operators tariff
 - e. Pick up and drop off procedures
 - f. Customer complaints
 - g. Lost property
 - h. Young and vulnerable customers
 - i. equalities
18. Sub-contracting records;
- a. When was the customer informed
 - b. Price
 - c. If using Taxi make sure the fare does not exceed the metered fare if starting and ending in the borough
 - d. Similar standards as those expected of Surrey Heath PHO
19. If the operator is outsourcing booking and dispatch functions, comparable protections must be applied to the company to which the work has been outsourced. A similar policy regarding DBS checks and reporting convictions/cautions/warnings/reprimands/arrests/current investigations/pending criminal and civil proceedings.
20. Complaint recording and procedure to resolve
21. Report key events within 48 hours (events that may affect the safety of the public) including suspension/revocation by another Licensing Authority

Policies & Procedures

22. The operator must have a policy when employing ex-offenders and provide the policy to the local authority
23. If a drivers employment is terminated operator must notify Licensing Team with full disclosure in writing within 48 hours
24. Data protection procedure

25. Driver risk assessment – to prevent drivers from working long hours
26. Driver welfare policy

Surrey Heath Borough Council
Licensing Committee
19th October 2022

Licensing Act 2003 – Summary of Decisions

Strategic Director/Head of Service	Nick Steevens
Report Author:	Paula Barnshaw – Senior Licensing Officer
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

- 1.1 Details of decisions taken under delegated powers in relation to applications, representations etc., have to be reported to the Licensing Committee in accordance with the provisions of the Licensing Act 2003.
- 1.2 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 licenses, club premises certificates and personal licenses where no representations have been received from responsible authorities or interested parties.
- 1.3 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.
- 1.4 When representations have been received, powers are delegated to the Licensing subcommittee to determine the licence following consideration of these representations.
- 1.5 A summary of 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.

2. Proposal and Alternative Options

2.1 It is proposed that the Committee notes the report.

3. Contribution to the Council's Five Year Strategy

3.1 No matters arising

4. Resource Implications

4.1 No specific resource implications arising as a result of this report.

5. Section 151 Officer Comments:

5.1 No matters arising.

6. Legal and Governance Issues

6.1 No Legal and Governance issues arising as a result of this report.

7. Monitoring Officer Comments:

7.1 No matters arising.

8. Other Considerations and Impacts

Environment and Climate Change

8.1 No matters arising.

Equalities and Human Rights

8.2 No matters arising.

Risk Management

8.3 No matters arising.

Community Engagement

8.4 No matters arising.

Annexes

Annex A – Summary of Decisions made under the Licensing Act 2003

Background Papers

No matters arising.

Annex A

Summary of Decision made under the Licensing Act 2003 01/02/2022 – 31/08/2022

New Personal Licence	19
Variation to a Personal Licence	4
Temporary Event Notice	127
New Premises Licence	9
Variation to a Premises Licence	11
Premises Licence Transfer	2
New Club Premises Certificate	0
Transfer Club Premises Certificate	0

New premises:

1. The Bee
2. Tangled Hair Studio
3. Pride in Surrey
4. Roost Bagshot
5. Burger Plus
6. George Arthur Butchers Ltd
7. Next Retail Ltd
8. Windlesham and Chobham United Football Club

Surrey Heath Borough Council
Licensing Committee
19 October 2022

Work Programme 2022/23

Strategic Director Nick Steevens – Strategic Director for Environment & Community

Key Decision: No

Wards Affected: n/a

Summary and purpose

To agree the work programme for the remainder of the 2022/23 municipal year.

Recommendation

The Committee is advised to RESOLVE that the work programme for the remainder of the 2022/23 municipal year be agreed, as set out at Annex A.

1. Background and Supporting Information

1.1 At each meeting the Committee will consider the work programme, be advised of updates and agree amendments as appropriate.

1.2 Meetings have been scheduled for the 2022/23 municipal year as follows:

- 15 February 2023

2. Proposal and Alternative Options

2.1 It is proposed that the Committee considers the list of topics listed in Annex A of the work programme and makes such amendments as appropriate.

Annexes

Annex A –Work Programme for 2022/23

**Licensing Committee
2022/23 Work Programme**

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>Street Trading Policy</p> <p>To approve the draft Street Trading Policy (post consultation)</p>
	5.	<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>

To be scheduled: no items identified.