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Thursday, 18 August 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 **Tuesday, 30 August 2022 at 6.00 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 - 6
	To confirm and sign the minutes of the meeting held on 15 June 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	Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022 Pavement Licence Fees	7 - 10

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**Minutes of a Meeting of the Licensing
Committee held at Council Chamber,
Surrey Heath House on 15 June 2022**

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

+ Cllr Dan Adams	+ Cllr Mark 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, Rebecca Batten, Nathita Fleet
Eddie Scott, Frances Soper and Nick Steevens

1/L Minutes of the Previous Meeting

The minutes of the meeting held on 16 February 2022 were confirmed and signed by the Chairman.

2/L Declarations of Interest

Councillor Robin Perry declared a non-pecuniary interest relating to minute 4/L as he was a member of the Roundtable 41 club.

3/L Food Safety and Health and Safety Service Plan

The Committee considered a report containing the combined draft Food Safety and Health and Safety Service Plan for 2022/23.

The Food Standards Agency (FSA) required all local authorities to have a Food Safety Service Plan which set out how national priorities and standards in respect of food safety would be addressed and delivered at a local level. Under the same guise, the Council was 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 .

It was reported that there were 706 food businesses in Surrey Heath which were subject to inspection by the Council's food safety service. Over the course of 2021/22, the Council's Food and Safety Team had carried out 526 on-site food safety interventions, investigated 60 complaints about food and investigated 15 complaints specifically in respect of poor hygiene in food premises.

During 21/22 from the 435 routine inspections which took place in the borough, 98% of food businesses received a food hygiene rating of at least 3 (Satisfactory), 4 (Good) or 5 (Very Good) with 78% having achieved the highest rating of 5.

It was noted that from 19 July 2021 most of the specific Covid-19 business restrictions were removed. However, employers continued to be required under the Health and Safety at Work Act to control risk by review of 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'.

Emanating from the end of the pandemic, the Environmental Health Team had also worked with 81 different public events to ensure adequate health and safety provision and with various multi-agency Safety Advisory Groups (SAG).

The Committee commended the work of the officers to deliver such a comprehensive service over the course of a particularly difficult year.

RESOLVED that the Food Safety and Health and Safety Service Plan 2022/23, attached as Annex A to the report, be approved.

4/L Street Collections Policy

The Committee considered a report and associated annex with outlined proposed revisions and updates to the Council's Street Collections Policy.

The proposed revised policy had been updated in the following respects:

- The removal of the need for a street collection permit on private land where access was restricted;
- Additional guidance on the information required to obtain a permit by charities which weren't registered with the Charity Commission;
- Removal of the clause in the policy that required schedule form of statement for a collection which was nil, future collections would be refused.

Local authorities were unable to charge a fee for the issue of a street collection permit, so there was a cost to the Council in provision of the service. The revised policy proposed to remove the need for charities to obtain a permit for collections on privately owned land which would reduce the number of street collections permits that the Council had to process. This enabled resources to be deployed onto other statutory licensing work.

The Committee's attention was also drawn towards the dispensations given to 2 charitable organisations in addition to the British Legion Poppy Appeal which were entitled to have more than one collection per year in the same area. It was noted that formerly Surrey Border Lions also received such dispensation but ceased to exist from December 2021.

It was noted by the Committee that a significant proportion of on street collections now took place in the form of card payment. Members were concerned that card payments could be made under the guise of donation to a charity, but in fact went

to a fraudulent group or individual. It was confirmed under the existing provision that charities were required to include card and cheque donations in collection reports, as it was covered under 'other items', on the schedule form of statement. However concerns still remained in respect of ownership of card machines and further clarity sought in respect of reporting. It was agreed that further investigation to the issue would be undertaken by Officers and reported back to the Committee.

RESOLVED that

- I. the revised Street Collections Policy, as per Annex A of the Agenda Report, be adopted; and**
- II. The Strategic Director - Environment & Community be asked to investigate and report back to the Committee in respect of the potential card handling issue.**

5/L Pavement Licensing

Members received a verbal update on the implications of the Levelling Up and Regeneration Bill with regard to Pavement Licences.

The Business and Planning Act came into force July 2020. The Act made it easier for businesses serving food and drink to seat customers outdoors through temporary changes to planning procedures and alcohol licensing during the Coronavirus pandemic. The Act also temporarily transferred the authority to grant pavement licences for tables and chairs from Surrey County Council Highways to the Borough Council. The Act was amended in July 2021 to continue these arrangements and the current pavement licences issued under the Act were set to expire on 30 September 2022. In March 2021 the Licensing Committee resolved to waive the discretionary licence application fee of £100 originally set by the Council, to support local businesses.

The Levelling Up and Regeneration Bill proposed to make permanent the transfer of the authority to grant pavement licences from Surrey County Council to the Borough Council, with some slight amendments.

These changes included the amendment of the fee councils could charge applicants; and would increase it from a discretionary maximum of £100 to a maximum of £350 for premises which already held a pavement licence, and a maximum of £500 for new applicants.

Other changes included the extension of the public consultation and duration periods, the insertion of new enforcement powers where premises weren't abiding by set pavement licence conditions and a discretionary ability to extend the maximum duration of a pavement licence to two years.

It was noted that the Bill will have its second reading on 8 June 2022 and is not expected to become an Act until after the existing Pavement Licences expire on 30 September 2022. In the meantime it is understood that temporary regulations will extend these licences by one year to September 2023.

It is proposed that that officers will report to a future Licensing Committee when the new legislation is enacted to confirm the new arrangements, with recommendations as to the duration of licences and level of the licence fees.

RESOLVED that the report be noted.

6/L Licensing Act 2003 - Summary of Decisions

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

It was noted that a significant volume of Temporary Event Notices issued since the last meeting of the Committee could be attributed to the platinum jubilee weekend.

It was requested by Members that for future Committee meetings it would be informative and helpful for the location of the granted licences to be listed as part of the report. This specifically related to the recently granted premises licences.

7/L Committee Work Programme

The Committee considered and noted its work programme for the rest of the 22/23 municipal year.

Chairman

Surrey Heath Borough Council
Licensing Committee
30th August 2022

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

Strategic Director: Nick Steevens – Strategic Director of Environment & Community
Report Author: Paula Barnshaw – Senior Licensing Officer
Key Decision: No
Wards Affected: All

Summary and purpose

In July 2020 the Business and Planning Act 2020 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 (“a pavement licence”), up until the end of September 2021 and the Licensing Committee set the maximum allowable discretionary application fee of £100. In March 2021, the Committee resolved to waive the licence fee to help support businesses during the coronavirus pandemic. The temporary pavement licence provisions were extended by the Government in July 2021 for a further year and the Committee again resolved to waive the £100 fee until the expiry of the licences on 30 September 2022

The 22nd July 2022 Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022 have extended the pavement licence provisions for a further year to 30th September 2023, after which time it is anticipated that proposals in the Levelling Up and Regeneration Bill to make permanent the transfer of the authority to grant pavement licences from Surrey County Council to the Borough Council, will take effect.

The purpose of this report is to ask the Committee to consider whether the £100 fee should continue to be waived for applications for pavement licences which will now run from 1st October 2022 until 30th September 2023.

Recommendation

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

1. Background and Supporting Information

- 1.1 In response to the coronavirus pandemic, the Business and Planning Act 2020 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 (“a pavement licence”) up until the end of September 2021. On 24th March 2021 the Licensing Committee resolved to waive the £100 fee that had been set for a licence.
- 1.2 On the 20th of July 2021 the Business and Planning Act 2020 (Pavement Licence) (Coronavirus) (Amendment) Regulations 2021 extended the pavement licence provisions to 30 September 2022 and businesses were able to apply to the Council for a further year’s licence and the Committee again resolved to continue to waive the fee.
- 1.3 On the 22nd July 2022 the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022, extended the pavement licence provisions for a further year to 30th September 2023.
- 1.4 There are currently 16 businesses that hold pavement licences, and it is anticipated that there will be similar demand for a further one year licence.
- 1.5 When these licences expire at the end of September 2023 it is anticipated that the new proposals in the Levelling Up and Regeneration Bill will take effect, which would make permanent the transfer of pavement licensing from Surrey County Council to the Borough Council. At the July 2022 meeting the Committee were briefed on these new proposals which would enable the Council to charge a maximum application fee of £350 for premises which already hold a pavement licence, and £500 for new applicants and set a maximum duration of a pavement licence of 2 years. The Committee will receive a report at a future meeting regarding these new provisions, with recommendations as to the duration of licences and level of the licence fees when the Bill is enacted.

2. Proposal and Alternative Options

- 2.1 Option 1 - To continue to waive the £100 discretionary pavement licence fee until further review by the Licensing Committee.
- 2.2 Option 2 - To charge the £100 discretionary fee for pavement licence applications for the period from 1st October 2022 to 30 September 2023.

3. Contribution to the Council’s Five Year Strategy

- 3.1 Supporting businesses by continuing to waive the fee for a further year would contribute to the Economy and Efficient & Responsive priorities in the Council’s Five Year Strategy.

4. Resource Implications

- 4.1 Option 1 - The costs of processing the pavement licence applications will continue to be met from within the existing Licensing Services budget.
- 4.2 Option 2 – the fee income received would contribute to the cost of processing the pavement licence applications – estimated income £1,600.

5. Section 151 Officer Comments:

- 5.1 No matters arising.

6. Legal and Governance Issues

- 6.1 Under the Business and Planning Act 2020 businesses selling food or drink must obtain authorisation from the Council for a pavement licence allowing the placement of furniture such as tables and chairs on the highway adjacent to their premises.

7. Monitoring Officer Comments:

- 7.1 No matters arising

8. Other Considerations and Impacts

Environment and Climate Change

- 8.1 No direct impact.

Equalities and Human Rights

- 8.2 No direct impact.

Risk Management

- 8.3 Licensing will continue to monitor and respond to any complaints relating to placement of furniture on the highway.

Community Engagement

- 8.4 None.

Annexes

None.

Background Papers

The Business and Planning Act 2020
The Levelling Up and Regeneration Bill

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