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Monday, 5 June 2023

To: The Members of the **Licensing Committee**
(Councillors: Valerie White (Chair), Rob Lee (Vice Chair), Louise Ashbery, Kel Finan-Cooke, Shaun Garrett, Gordon, Nirmal Kang, Ying Perrett, Jonathan Quin, Bob Raikes, John Skipper and Pat Tedder)

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.

Substitutes: Councillors

Dear Councillor,

A meeting of the **Licensing Committee** will be held at Council Chamber, Surrey Heath House, Knoll Road, Camberley, GU15 3HD on **Wednesday, 14 June 2023 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 - 8

To confirm and sign the minutes of the meeting held on February 15 2023.

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 and Safety Service Plan	9 - 30
5	Pavement Licence Report	31 - 34
6	Licensing Act 2003 - Summary of Decisions	35 - 36

**Minutes of a Meeting of the Licensing
Committee held at Council Chamber,
Surrey Heath House on 15 February
2023**

+ 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: Frances Soper, Paula Barnshaw, Rebecca Batten and Ben Hemming

15/L Minutes

The minutes of the meeting held on 19 October 2022 were confirmed and signed by the Chairman.

16/L Private Hire Operators Licence Fee Review (post-consultation)

The Committee were updated on the proposed Private Hire Operators (PHOs) Licence Fee revision, as provisioned by the Local Government Miscellaneous Provisions Act 1976.

In October 2022, the Committee considered proposed fees and charges for private hire operator licences for more than one vehicle. The Committee resolved that a public consultation could begin, and two queries were raised unrelated to the revised fees.

The revised fees shall be adopted from 1st April 2023. The proposed revised fees generated an income in line with budgetary estimates, assuming that the level of licensable activity remained at its current level.

Members queried the revised cost of the Private Hire Operating Licence for 5 years, totalling £865. The Committee were informed that a methodology was applied to all fees and charges, which was based on the amount of time required to carry out all licensing checks.

RESOLVED that the proposed private hire operator fees as shown in Annex A be recommended for approval by the Strategic Director for Environment and Community, the Strategic Director for Finance and the Finance Portfolio holder for adoption from 1 April 2023.

17/L Taxi Licensing Convictions Policy

Members were updated on the review of the Taxi Licensing Convictions Policy. The Hackney Carriage and Private Hire Licensing Policy was adopted from August 2021. This policy included the relevance of convictions and other related information. In July 2020, the Department for Transport (DfT) had published the Statutory Taxi and Private Hire Vehicle Standards under the Policing and Crime Act 2017, and the assessment of convictions formed part of this statutory guidance.

A comparison had been made between the DfT's Assessment of Previous Convictions and Surrey Heath's existing Relevance of Convictions Policy. This led to new guidance being drafted. If approved, the guidance would be named the Taxi and Private Hire Licensing Assessment of Previous Convictions. The national assessment of previous convictions aimed to ensure there was a consistent approach to assessing both new and renewal applicant drivers.

Following discussion, a number of points were raised by Members:

- The use of "obstruction" in section 8.2 of the report was clarified as obstruction of the Police/Justice.
- Gendered terms regarding private hire operators should be reviewed.
- Officers reviewed section 17 of the report regarding the use of non-conviction information, and the policy should be cross referenced with DfT guidance.
- Acquittals were only taken into account for serious offences.
- Complaints from the public, as set out by the DfT guidance should be clarified in the Council's own policy. The nature of complaints was taken into account.
- Information from the Police and DBS made up the majority of the information used to grant and revoke licences, but other sources were used. If revoked or rejected, a licensee/applicant was able to appeal the decision to the Magistrates Court.

RESOLVED that the Taxi and Private Hire Assessment of Previous Convictions, as set out at Annex A to the agenda report, be approved, subject to amendments to Sections 8.2 and 17 to be approved by the the Licensing Committee Chairman.

18/L Street Trading Report

Members received a report that sought approval for the post-consultation Street Trading Policy, to take affect from 1 April 2023, having previously approved a draft policy at the previous meeting of the Licensing Committee. The purpose of the Policy was to set out how the Council would consider applications for street trading consents, with the objective of encouraging street trading. The Policy was widely consulted on, through the Council website and Social Medias in addition to direct consultation with a number of stakeholders as listed in Annex 3 of the report.

Amendments to the draft policy had been made in response to representations received. These related to highway safety, including illuminated signage,

clarification of the arrangements for consulting on applications, considering alternative town centre sites in future and the coordinating of street trading on market days.

The Committee was also asked to approve a new street trading designation resolution, increasing the Council's control on street trading in the Borough by making all streets not listed as consent streets as prohibited streets. The revised list of prohibited streets removed The Square Bagshot, Dean Parade and Heather Ridge Arcade from the prohibited list.

Following discussion, a number of issues were raised by Members are were as follows:

- The Council cannot issue consents to applicants under the age of 17 due to legislative restrictions.
- Social Media and other public sources of information aside from local newspapers should be used to give public notice. Publication in a local paper is a legal requirement.

RESOLVED that

- (i) the revised draft Street Trading policy at Annex 1 is approved to take effect from 1st April 2023; and**
- (ii) the revised street designation resolution contained in the public notice shown at Annex 2 to the agenda report be approved to take effect from 1st April 2023 and the approval be publicised by means of a further public notice for 2 consecutive weeks in a local newspaper.**

19/L Verbal Annual Update on work of EH & Licensing Service

The Committee received the Annual Update on the work undertaken by the Environmental Health and Licensing teams over the last year. The work was related to a wide range of statutory functions primarily aimed at protecting public health and safety, environmental control, prevention of crime and disorder and protecting the vulnerable. Following the removal of the team's COVID Business Restriction Enforcement and Contact Tracing duties in 2022, work was refocused on core areas.

Licensing and Environmental Health officers were responsible for consenting and licensing a wide range of activities, and enquiries and complaints were responded to by officers. Multi-agency enforcement initiatives were completed with the Police, including the evening alcohol test purchase operation in October 2022. Two licensed businesses failed the test and follow up actions had been taken. Work had continued to update Licensing Policies.

The Food and Health & Safety work of the team was included in the service plan considered by the Committee in June 2022. The priorities of the plan for 2022/23 were focused on the areas of greatest risk. The largest part of food safety work relates to the Food Inspection Programme for the Borough's 700 businesses, which was in line the requirements of the Food Standard Agency. Hygiene

standards for food businesses remained high, and customer satisfaction levels of those receiving inspections was 100%.

Formal action was taken as a last resort, but there had been a voluntary closure due to a pest infestation at one premises and Hygiene Improvement Notices served on other premises where contraventions had been found. A Hygiene Emergency Prohibition Notice had been served on a premises found to be the source of a food poisoning outbreak. Investigations were ongoing, and possible further legal action was under consideration. The Environmental Health team also acted on national food hygiene issues, including the possible salmonella contamination of confectionary. The team had carried out 40 visits to retailers to ensure the affected batches were removed from sale.

The Team had also been successful in a bid to receive funding from the Food Standard Agency (FSA) to gather information on imported foods for sale in the Borough. A programme of imported food sampling was being carried with findings being fed back to the FSA to inform importation policy and Trading Standards for follow up regarding labelling and composition contraventions.

A Gas Safety project had been carried out, reviewing the safety of gas appliances in smaller independent catering establishments, resulting in 30 formal notices being served in relation to unsafe appliances.

All skin piercing activity was being reviewed to ensure the registration were held by businesses and letters were sent to relevant premises determine the services offered.

A project to begin in March 2023 was planned to assess the electrical safety of hospitality premises with outdoor seating. The team was also heavily involved in relation to safety at public events and granting associated road closures, including the Platinum Jubilee and Surrey Pride event.

The Pollution Team were able to resolve most complaints informally, but nuisance abatement and community protection notices could be served. The team was also responsible for assessing contaminated land sites, responding to planning consultations, land search enquiries and carrying out routine air quality monitoring.

The Environmental Health and Licensing Teams were thanked for their work and the Committee noted the update.

20/L Licensing Act 2003 - Summary of Decisions

The Committee received details of the decisions taken under delegated powers in respect of licence applications. The following was a summary of licensing decisions made between 1 September 2022 and 31 January 2023:

- 10 New Personal Licenses
- 9 Variations of Personal Licenses
- 67 Temporary Event Notices
- 1 New Premises Licence

- 29 Variations to Premises Licence
- 9 Premises Licence Transfers

Members noted the report.

21/L Draft 2023/24 Work Programme

Members discussed the inclusion of Licensing Training for new Members in the New Members Training Programme, and an online training session was planned for June 2023.

Chairman

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Surrey Heath Borough Council
Licensing Committee
14th June 2023

Draft Food Safety and Health & Safety Service Plan 2023/24

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 (FSA) 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 2023/24 for approval.

Recommendation

The Committee/Council is advised to RESOLVE that

- (i) the Food Safety and Health & Safety Service Plan 2023/24 attached at Annex A to this report be approved and adopted.

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 performing their enforcement duties.
- 1.5 The Surrey Heath draft Food Safety and Health and Safety Service Plan for 2023/24 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, how it 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 2023/24 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 2023/24.

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 2023/24, 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 will 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 No direct impacts.

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 considered 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 2023/24

Appendix 1 – FHRS Breakdown

Background Papers

None

**FOOD SAFETY AND HEALTH & SAFETY
SERVICE PLAN 2023-24
ENVIRONMENTAL HEALTH
ENVIRONMENT AND COMMUNITY
SURREY HEATH BOROUGH COUNCIL**

Contents

Section		Page Number
1	Service Aims and Objectives	2
2	Background	3
3	Service Delivery	6
4	Resources	11
5	Quality Assessment	13
6	Review 2022/23	13
7	Service Priorities for 2023/24	14

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, how it is provided and the means for monitoring and reviewing the service against set standards, including a review of performance in 2022/23.

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 2023/24.

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: % of high-risk (i.e. risk category A, B and non-compliant C) food premises inspections due, that were completed within 28 days. Target 98%

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

6.1 Surrey Heath covers 95.05 square kilometres in Northwest Surrey and has a population of 90,500 (2021). 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 2023 there are 704 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	13
Importers/Exporters	2
Manufacturers/Packers	14
Restaurants/Café/Canteen	126
Pubs/Clubs	49
Take Away	66
Hotel/Guest House	8
Other caterers	176
Caring establishment	84
School	38
Retailers	112
Mobile Food Unit	13
Total	704

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. Officers are currently working with 2 further businesses who wish to apply for approval, which are a cold store and a meat product producer.

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 Where contraventions of legislation are identified there is a graduated approach to enforcement with formal action in most cases a last resort where informal approaches have failed. 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.

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 2023 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	15
C	Every 18 months	122
D	Every 2 years	264
E	Alternative enforcement every 3 years – visit or self-assessment questionnaire	302

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 2023/24 are listed in Table 3 below.

Table 3 Food Inspections Due in 2023/2024

Risk Category	Number of Inspections due
A	2
B	14
C	49
D	157
E	63
Total	285

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 £195.00 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 2022/23 the team completed 433 food safety interventions made up of programmed food hygiene inspections/audits, revisits and sampling, advisory and information and intelligence gathering visits. 92 new food business registrations were received. 286 warning notices were issued to businesses and 7 Hygiene Improvement Notices were served requiring the implementation of an adequate documented food safety management system, staff training, provision of an adequate supply of hot water for handwashing, structural repairs and 4 premises closed voluntarily due to evidence of rodent infestations. 9 applications for a food hygiene re-rating re-inspection were received from businesses having carried out the required works and all achieved an improved food hygiene rating. No appeal against the ratings awarded by officers, were received.

12.1.7 Following the investigation of a large food poisoning outbreak in November 2022 at a local restaurant, a Hygiene Emergency Prohibition Notice was served which closed the premises due to the imminent risk to health and legal proceedings are currently under way for prosecution of a number of breaches of food safety legislation.

12.2 Food Complaints

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

12.2.2 In 2022/23 35 complaints were received from the public about food and 17 about poor hygiene in food premises.

12.3 Food 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 2022/23 the service took part in national and regional sampling programmes, including hygiene in takeaway sandwich and salad bars; sandwich, salad or component ingredients; ready to eat plant based (vegan) meat, fish and dairy substitutes; and ready to eat (RTE) hot or cold smoked fish.

12.3.3 25 samples were sent for microbiological analysis from 10 premises and 5 samples (20%) were found to be bacteriologically unsatisfactory. This was followed 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 2022/23

Food Sampling 2022/23		
	Microbiological contamination	
	Samples taken	Unsatisfactory results*
Egg and egg products	1	0
Meat, game, poultry	3	1
Fish and shellfish	3	0
Fridge door handle	5	0
Material in contact with food - chopping board swab	5	0
Cloth	4	4
Other (Plant based vegan products)	4	0
Total	25	5

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

12.3.4 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, 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 2022/23 the Council was notified of 125 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 alerts to officers for information to visiting premises and removing products from sale.

12.5.3 In 2022/23 there were 109 reported incidents by the FSA, including alerts for action in relation to potential salmonella in Kinder Eggs and food safety concerns relating to imported pork products from Romania.

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 premises types 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 those risks. 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 12) 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 2022/23 313 proactive health and safety at work interventions were carried out including visits and letters to businesses.

13.1.5 Skin piercing activities are regulated by the service under the Local Government (Miscellaneous Provisions) Act 1982 with 23 new skin piercing practitioners and 7 new skin piercing premises applying to be registered in 2022/23.

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 2022/23 24 complaints/requests 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 2022/23 36 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 2022/23 the service responded to 27 food safety enquiries and 19 health & safety enquiries.

14.2 Advice is also made available to businesses via the Council's Investment & Development team, local business associations, the Council's website/social media 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 complaints.

15.4 Approximately 10 days per year is currently spent on this activity and it is anticipated that there will be similar demand in 2023/24.

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 2023/24

17.1 The allocated budget for the food safety and health & safety services, including salaries, support services, equipment, etc. is £276,040.

18.0 Staffing Allocation

18.1 Currently there are 6 officers authorised and competent in all aspects of the service. The time allocated to food safety equates to a total of 2.70 FTE officer time and there is an additional 0.2 FTE administrative support. The time allocated to health & safety equates to a total of 1.5 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 LAs 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

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.

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), 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 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
- 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 2022/23

21.1 In 2022/23 the service was able to deliver the priority work identified by the FSA and the HSE. Interventions were focused on those businesses and incidents that present the greatest risk.

21.2 The Service Plan food safety targets were met in 2022/23 with 100% of those inspections due in 2022/23 being 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).

21.3 Business satisfaction following food safety and health & safety visits was high with survey results for 2022/23 showing that 100% of businesses had felt that they were treated fairly, the visit was helpful and the officer was knowledgeable, polite and courteous.

21.4 Officers successfully secured grant funding from the FSA for imported food work in 2022/23. 31 relevant businesses were visited to gather intelligence on imported food sold in the Borough and 10 were identified as having concerns regarding products with incorrect labelling format e.g. allergens not correctly emphasised in the list of ingredients, no labelling in English, no importer details and products containing prohibited substances. The retailers were asked to remove the products from sale and referred to Trading Standards who enforce labelling legislation. Imported food sampling was also carried out, with 4 samples of rice and tea sent for pesticide analysis from 3 premises. 1 result came back unsatisfactory and was reported back to the FSA.

21.5 In 2022/23 work continued with public event organisers and other regulatory partners (Police, Surrey County Council Highways, Fire & Rescue, Emergency Planning & Southeast Coast Ambulance Service) to ensure event safety. Surrey Heath Safety Advisory Group worked with 24 event organisers to ensure that suitable and sufficient safety controls were put in place e.g. Queen's Jubilee event at Frimley Lodge Park, Pride Surrey event in Camberley, Windlesham Pram Race, Run Frimley 10k, 5k and 2k.

21.6 A proactive gas safety project was carried out in 2022/23 regarding commercial cooking equipment in independent catering businesses in the Borough. 184 businesses were written to asking for evidence of current gas safety certification for their gas appliances. 14 follow up site visits were carried out where certificates were not forthcoming and 19 Improvement Notices and 13 Prohibition Notices were served under HSWA to ensure unsafe appliances were taken out of use and the necessary improvements carried out. The project also identified a number of gas engineers operating locally who did not have the necessary accreditation for gas safety work on catering equipment and these were referred to Gas Safe for appropriate follow up.

21.7 Work on updating the Council's skin piercing register took place in 2022/23 which resulted in an additional 4 premises and 19 practitioners being identified and registered. The Government's proposal to introduce wider licensing of cosmetic procedures by LAs will be kept under review.

Section 7 - Service Priorities 2023/24

22.0 In 2023/24 the food safety service will continue to be delivered in accordance with the FSA Food Law Code of Practice and the associated Food Law Practice Guidance and Framework Agreement.

22.1 The work programme for 2023/24 aims to have carried out 100% of inspections due in 2023/24 by the end of March 2024 and 98 % of high-risk (i.e. risk category A, B and non-compliant C) food premises inspections completed within 28 days of being due and also 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 12). This will include continuing to focus on safety locally with regard to inflatable amusement devices, animal visitor attractions to control ill health arising from animal contact, trampoline parks and gas safety. A new proactive safety initiative is planned in 2023/34 looking at electrical safety in hospitality settings.

22.4 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.

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Appendix 1 Surrey Heath Food Hygiene Ratings Breakdown

FHRS rating	Rest./ Cafe/ Canteen	Hotel/ Guest House	Small Retailer	Super/ Hyper market	Caring Premises	Rest./ Caterer Other	Distributors / Transporters	Pub/ Club	Retailer - Other	Take- Away	School/ College	Mobile Food Unit	Manuf./ Packers	Import/ Export	Primary Producers	Total
5 - Very good	71.1%	100.0%	64.6%	100.0%	90.7%	91.3%	76.9%	79.6%	96.7%	51.6%	80.0%	76.9%	78.6%	100.0%	100.0%	79.8%
4 - Good	18.2%	0.0%	18.5%	0.0%	8.0%	7.6%	7.7%	14.3%	3.3%	24.2%	15.6%	23.1%	0.0%	0.0%	0.0%	12.6%
3 - Generally satisfactory	9.1%	0.0%	15.4%	0.0%	1.3%	1.2%	0.0%	6.1%	0.0%	17.7%	4.4%	0.0%	0.0%	0.0%	0.0%	5.8%
2 - Improvement required	1.7%	0.0%	1.5%	0.0%	0.0%	0.0%	15.4%	0.0%	0.0%	1.6%	0.0%	0.0%	14.3%	0.0%	0.0%	1.2%
1 - Major improvement required	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	4.8%	0.0%	0.0%	7.1%	0.0%	0.0%	0.6%
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%	98.5%	100.0%	100.0%	100.0%	84.6%	100.0%	100.0%	93.5%	100.0%	100.0%	78.6%	100.0%	100.0%	98.3%

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Surrey Heath Borough Council
Licensing Committee
14 June 2023

Pavement Licence Regime

Strategic Director/Head of Service	Nick Steevens
Report Author:	Paula Barnshaw – Senior Licensing Officer
Key Decision:	Yes
Wards Affected:	All

Summary and purpose

The purpose of this report is to inform members of the status of the Levelling Up and Regeneration Bill with regard to Pavement Licences and the extension of the current provisions, and seek to reinstate fees for Pavement Licence applications from 1 October 2023.

Recommendation

The Committee is advised to RESOLVE that:

- (i) The fee for applications for a Pavement Licence be reinstated under the provisions of the Business and Planning Act 2020 from 1 October 2023 subject to enabling legislation.

1. Background and Supporting Information

- 1.1 The Covid-19 pandemic affected businesses across the economy causing many to cease trading for several months while others significantly modified their operations.
- 1.2 On 22 July 2020 The Business and Planning Act 2020 (the Act) received Royal Assent.
- 1.3 The Act made it easier for premises serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors through temporary changes to local pavement licensing provisions making the Borough Council the licensing authority rather than Surrey County Council.
- 1.4 Due to the unprecedented and prolonged restrictions of the Covid 19 pandemic the Business and Planning Act 2020 provisions were extended in 2021 and 2022.

- 1.5 The fee for new pavement licences was set by this committee on 14 July 2020 in the report titled Business and Planning Act 2019-2021: Licensing Implications.
- 1.6 On 24 March 2021 the Licensing Committee resolved to waive the discretionary licence fee of £100 for all new pavement licence applications made under the Act, to further aid business recovery the fee was again waived 2022.
- 1.7 Businesses have benefitted from free pavement licences from it's introduction in 2020 to 30 September 2023.
- 1.8 It is proposed that the charge for all pavement licence applications is reinstated at £100 for licences running from 1 October 2023 to 30 September 2024.
- 1.9 On 11 May 2022 the Levelling Up and Regeneration Bill 2022-23 (Levelling Up) was published which contained proposals to make the temporary pavement licensing changes in the Act permanent, transferring authority to grant pavement licences from Surrey County Council to the Borough Council.
- 1.10 The Levelling Up bill is unlikely to complete its passage through parliament before the end of September 2023 and the Department for Levelling Up, Housing and Communities (DLUHC) will shortly be laying regulations to extend the current temporary pavement licence measures beyond 1 October 2023 until 30 September 2024.
- 1.11 It was anticipated that Levelling Up would be in place before the current pavement licence provisions expire and fees set for new and renewed pavement licence applications by the committee. The suggested fees within levelling up are £500 for new applications and £350 for renewal applications.
- 1.12 Levelling Up is expected to be enacted before 30 September 2024 and a further report will be forthcoming to seek approval from the committee for the level of licence fee and the duration of licence.

2. Reasons for Recommendation

- 2.1 The authority currently receives no fee for the administration of pavement licences and it is proposed to reinstate the maximum fee permitted under the Act to cover part of the administration costs of the regime.
- 2.2 Currently 17 pavement licences have been issued and these expire 30 September 2023.

3. Proposal and Alternative Options

- 3.1 The fee continues to be waived to support local businesses until further review by the Licensing Committee.

4. Contribution to the Council's Five Year Strategy

- 4.1 The Pavement Licence regime helps to support local businesses, permitting tables and chairs to be placed on the highway safely, and providing an attractive café culture to the town and villages.

5. Resource Implications

- 5.1 The maximum fee set by the Act is £100. Levelling Up proposes an initial application fee of £500 and renewal application £350, this is considered to be a realistic assessment of the actual costs incurred by the Council in administering these licences.

6. Section 151 Officer Comments:

- 6.1 The additional income generated will contribute to the Council's base budget review.

7. Legal and Governance Issues

- 7.1 The Council is responsible for issuing Pavement Licences allowing businesses to place table and chairs on the highway under the Business and Planning Act 2020 part 1.

8. Monitoring Officer Comments:

- 8.1 None.

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 enforce the Pavement Licence regime. Businesses must provide evidence of public liability insurance.

Community Engagement

- 9.4 There is a seven day public consultation, notices are posted at the premises, the Council's public notice web page and shared on social media. Councillors are notified of each application within their ward.

Annexes

None.

Background Papers

None.

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Surrey Heath Borough Council
Licensing Committee
14th June 2023

Summary of Decisions

Strategic Director/Head of Service	Nick Steevens
Report Author:	Paula Barnshaw
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:

- (i) Note this report.

1. Background and Supporting Information

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

2. Current Position

- 2.1 In accordance with the provisions of the Licensing Act 2003 powers have been delegated to the Executive Head of Community and to the 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 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.

- 2.3 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 Decision made under Licensing Act 2003

01/02/2023 – 31/05/2023

New Personal Licence	9
Variation to a Personal Licence	5
Temporary Event Notice	69
New Premises Licence	8
Variation to a Premises Licence	18
Premises Licence Transfer	4
New Club Premises Certificate	0
Transfer Club Premises Certificate	0

New premises:

Café De Ville, 143 Frimley Road

Violet Place (Retirement Living), Bagshot

Chobham RFC, Chobham Recreation Ground

Chobham RFC, Windsor Road, Chobham

Café Bistro, Camberley

Blue India, Chobham

Lightwater Country Park Café, Lightwater

Frimley Lodge Park Café, Frimley Green

Background Papers

None