

**Minutes of a Meeting of the Licensing
Committee held at Council Chamber,
Surrey Heath House, Knoll Road,
Camberley, GU15 3HD on 7 February
2024**

- + Cllr Valerie White (Chair)
- Cllr Ying Perrett (Vice Chair)

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| - Cllr Alan Ashbery | + Cllr Jacques Olmo |
| + Cllr Kel Finan-Cooke | + Cllr Jonathan Quin |
| + Cllr Mark Gordon | + Cllr Bob Raikes |
| + Cllr Julie Hoad | + Cllr Pat Tedder |
| + Cllr Nirmal Kang | * Cllr Richard Wilson |
| * Cllr Sarbie Kang | |

+ Present

- Apologies for absence presented
- * In attendance virtually but did not vote

In Attendance: Frances Soper, Paula Barnshaw, Nick Steevens, James Hall and Rachel Whillis.

29/L Minutes of the Previous Meeting

It was noted that the minutes of the meeting held on 14 June 2023 circulated as a part of the agenda contained errors in reflecting the attendees of the meeting. The Chair confirmed that the errors had been spotted and that a corrected version of the minutes was to be signed.

The corrected minutes of the meeting held on 14 June 2023 were confirmed and signed by the Chair.

30/L Public Question Time

No questions from the public had been received ahead of the meeting.

31/L Cumulative Impact Assessment Response to Consultation

Members were updated on the response to a public consultation regarding the Cumulative Impact Assessment. As a part of the Licensing Policy approved by the Committee on 07 April 2021, a Cumulative Impact Assessment (CIA) for a defined area of Camberley was necessary to promote licensing objectives, in light of evidence provided by the Police in relation to crime and disorder in Camberley town centre. As required by the statutory licensing guidance, a three yearly review was carried out.

The review included an extensive public consultation with 1,100 letters and emails issued and the consultation being promoted on social media and the councils website. 6 responses were received and no further evidence in support of the retention of the CIA was received from the police. It was the recommendation of

Officers that a statement was to be released that would confirm following the statutory consultation, there was no longer a need for a CIA.

If the CIA was to be removed then future applications would continue to be determined on their own merits and must demonstrate no adverse impact on the licensing objectives to be granted. The Licensing Team would continue to monitor compliance with licence conditions, and other measures remained to control drinking in the town centre, including the Public Space Protection Order (PSPO) which would be enforced by the police.

A question was asked regarding why the CIA was established in the first place. It was confirmed that the police had requested the CIA be established following evidence provided to the Committee of alcohol related crimes in Camberley Town Centre, for 24 hours of the day not just for the night time economy. Several members voiced concern that only 6 responses had been received in the public consultation.

Members noted that no alternative option was provided and that the only recommendation was to end the CIA. It was confirmed that without any evidence received from the Police that such a measure was required, there was no legal basis to continue the CIA. It was recognised that the lack of evidence was due to both a reduced issue of alcohol related crime in the town centre and under resourcing within the police. It was also confirmed that the police still had the opportunity to comment or object to any applications received outside of the CIA.

RESOLVED that

- (i) the Council as licensing authority publishes a statement that having consulted with the statutory list of consultees and wider, that it is no longer of the opinion that there is a need for a Cumulative Impact Assessment (CIA) in the Surrey Heath BC Licensing Policy (2021); and**
- (ii) The CIA cease to apply from the end of the 3-year life of the assessment on 6 April 2024.**

32/L Pavement Licence Update

The Committee was updated on the impacts of the Levelling Up and Regeneration Act 2023 on the Business and Planning Act 2020 and the resulting effect on pavement licences. The Act had made the temporary pavement licence provision introduced during the Covid-19 pandemic a permanent borough council function.

Officers were seeking approval for setting the fees for new pavement licence applications at £500 and renewals at £350 to ensure full cost recovery. It was also requested that the licence duration be increased from 1 year to 2 years.

It was recognised that, at its previous meeting, the Committee had established exemptions for charities or community interest groups seeking a pavement licence. It was confirmed that no such organisations had yet applied for a pavement licence.

A question was asked if the cost of the licence could be paid on a monthly or quarterly basis. It was confirmed that the legislation required the fee to be paid upfront. It was also recognised that such a licence would effectively double trading space which would double the potential income received. A follow up question raised concern at unsuccessful applications losing the money paid upfront if rejected, but officers clarified that engagement is had with any applicant to ensure the application is fit for purpose. No application for a pavement licence had been rejected since 2020.

RESOLVED that the fee for applications for a Pavement Licence be increased under the provisions of the Business and Planning Act 2020 (as amended by the Levelling-up and Regeneration Act 2023 (Schedule 22)), from 1 October 2024 and the licence period increase to 2 years.

Note: Councillor Mark Gordon declared that a business opposite his own had been granted a pavement licence, which would have had an impact on the level of trade his business saw.

33/L Licensing and Environmental Health Team Annual Verbal Update

The Committee received the annual update on work undertaken by the Licensing and Environmental Health teams over the last year. This work related to a variety of statutory functions aimed at protecting public health and safety, environmental control, prevention of crime and disorder and protecting the vulnerable.

Multi-agency enforcement initiatives were completed with the Police, Fire Service and Trading Standards, with six undertaken in 2023. These targeted non-compliance with taxi driver and vehicle licensing requirements and underage sale of alcohol. One Hackney Carriage licence was revoked due to an altercation with another driver in the town centre with no appeal against the decision received.

The Licensing Sub Committee had met in July 2023 to review a premises licence for a club in the Old Dean at the request of the Police, following a serious violent incident. The Sub Committee had suspended the club premises certificate for 28 days and required the club to improve staff training and review club policies. Enhanced conditions were added to the licence regarding alcohol sales, CCTV, door staff, Pubwatch membership and closer control of guests at the club.

As discussed earlier in the meeting, a review of the Cumulative Impact Assessment had been undertaken in the year, as well as a review of the Pavement Licence. The annual Food Safety and Health & Safety Service Plan would be presented to the committee in June 2024, with the priorities in the plan concentrating on the greatest risks in the field.

The Council's Proactive Food Inspection Programme and the Health and Safety Intervention Programme are in line with the Food Standard Agency and Health and Safety Executive requirements. 700 food businesses operate in the borough and 97.5% held a rating of 'satisfactory' or higher. Of the businesses who received

food and safety visits from officers, 100% reported that they felt they had been treated fairly and that the officer visiting was polite, helpful and knowledgeable.

When contraventions of food legislation were identified a graduated approach was adopted, with formal action taken as a last resort. 2023 saw a voluntary closure of a business in Windlesham due to a mouse infestation. Four businesses were served hygiene and improvement notices due to poor staff training and pest proofing, inadequate food safety management systems, poor cleanliness and damaged food preparation services.

An emergency closure of a restaurant in Bagshot took place in 2022 which led to a successful prosecution in 2023 for food and hygiene offences. The business was fined £25,000 and ordered to pay a victim surcharge of £2,000 and costs of £14,000. The premises was closely monitored following the incident and the business is now under new ownership and compliant with required standards.

The Food Safety team carried out a proactive programme of food sampling in line with the UK Health Security Agency national food sampling programmes. Following the successful application of grant funding from the Food Standard Agency the team has undertaken a program of imported food sampling. The team was engaged in 11 Primary Authority Partnership schemes, where an authority works with a company with outlets across the country. 2023 saw the introduction of a charge service to provide food export certificate attestation at the request of a food exporter based in the borough, which has increased income generation for the council.

The Food team had also worked with the Surrey County Council Public Health team to pilot an 'Eat Out Eat Well' award for businesses offering healthier options on their menus. The first two awards had been made to Frimley Lodge Park Café and the Lightwater Country Park Café which helped to contribute to the Council's ongoing Whole Systems Approach to Obesity work.

The Health and Safety team had been involved in a major electrical safety project to improve electrical safety in the outside seating areas of local hospitality premises. 80 local pubs, restaurants and cafes were contacted asking to ensure outdoor equipment was appropriate for outdoor use, installed by a competent person and subject to regular checks. Businesses were asked to provide a copy of their electrical installation condition report and Officers were in the process of visiting those who had not complied with that request. The team had also been involved in the safe delivery of public events such as the Camberley Car Show, Frimley Green Carnival and various coronation events, with multi-agency safety advisory groups being convened accordingly.

The Environmental Health team served five formal notices in year following resident complaints, regarding construction site noise complaints and pest problems. The team oversaw air quality monitoring with diffusion tubes at 51 sites across the borough measuring nitrogen dioxide. Following a successful Department for Environment, Food and Rural Affairs (DEFRA) grant application a portable air quality monitor was purchased which has been deployed at sites to raise issues of air quality in the borough.

The Environmental Control Team provided a number of services in the borough including the permitting of prescribed pollutant processes, responses to land search enquiries, responses to planning, licensing and vehicle operator consultations, assessing the health implications of contaminated land sites, stray dog collection kennelling and pest control treatments to residents. The team oversaw a contract to provide an out of hours noise service, but this service contract was to end in March 2024 following the base budget review as the service was subject to low use.

A question was raised, asking where responsibility lay for 'dark kitchens', kitchens not operating in a restaurant but presenting as a restaurant on online food delivery platforms. The concern was that such kitchens operating outside of the borough that could deliver food into Surrey Heath and it was asked if the committee had any grounds to combat this. It was confirmed that premises outside the borough would be the responsibility of the relevant external local authority, but that any establishment needed to be compliant with regulations and that complaints raised by customers would be taken seriously. It was also recognised that online platforms require takeaways to hold at least a 'satisfactory' rating which has led to an increase of ratings in the sector.

A follow up question was asked, if businesses who were rated as 'satisfactory' for food hygiene were encouraged to improve upon this rating. The Committee was informed that the scheme did not seek to push premises beyond being compliant but that many businesses sought to have a higher rating to appeal to customers and that a re-rating scheme was in place for businesses looking to move up the scale and advice given by officers on how to achieve a higher rating.

The Committee noted the update.

34/L Licensing Sub Committee Minutes

The minutes of the meeting held on 04 July 2023 were confirmed and signed by the Chair.

35/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 confirmed to the Committee that licences related to alcohol and the consumption of alcohol would not apply to a premises selling methanol in a hardware store. It was also confirmed that the storage of flammable liquids is not a safety measure assessed by the Committee.

The Committee noted the summary.

36/L Work Programme

Members noted the work programme.

Chairman