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Tuesday, 30 January 2024

To: The Members of the **Licensing Committee**  
(Councillors: Valerie White (Chair), Ying Perrett (Vice Chair), Alan Ashbery, Kel Finan-Cooke, Gordon, Julie Hoad, Nirmal Kang, Jacques Olmo, Jonathan Quin, Bob Raikes 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.**

Dear Councillor,

A meeting of the **Licensing Committee** will be held at Council Chamber, Surrey Heath House, Knoll Road, Camberley, GU15 3HD on **Wednesday, 7 February 2024 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

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## AGENDA

	<b>Pages</b>
	<b>Part 1 (Public)</b>
<b>1 Apologies for Absence</b>	
<b>2 Minutes of the Previous Meeting</b>	<b>3 - 6</b>
To confirm and sign the minutes of the meeting held on 14 June 2023 (copy attached).	
<b>3 Declarations of Interest</b>	
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 Public Question Time**

To answer any questions received in accordance with Part 4, Section E of the Constitution.

**5 Cumulative Impact Assessment Response to Consultation 7 - 20**

**6 Pavement Licence Update 21 - 24**

**7 Licensing and Environmental Health Team Annual Verbal Update**

**8 Licensing Sub Committee Minutes 25 - 30**

To receive and sign the minutes of the Licensing Sub Committee meetings which have taken place since the last meeting of the Committee:

Licensing Sub Committee – Tuesday 4 July 2023

**9 Licensing Act 2003 - Summary of Decisions 31 - 34**

**10 Work Programme 35 - 36**

**Minutes of a Meeting of the Licensing  
Committee held at Council Chamber,  
Surrey Heath House, Knoll Road,  
Camberley, GU15 3HD on 14 June 2023**

+ Cllr Valerie White (Chair)  
+ Cllr Rob Lee (Vice Chair)

+ Cllr Louise Ashbery	+ Cllr Jonathan Quin
+ Cllr Kel Finan-Cooke	Cllr Bob Raikes
- Cllr Mark Gordon	- Cllr John Skipper
+ Cllr Nirmal Kang	+ Cllr Pat Tedder
+ Cllr Ying Perrett	+ Cllr Kevin Thompson

+ Present

- Apologies for absence presented

Officers Present: Nathita Fleet, Frances Soper, Paula Barnshaw and Nick Steevens

**22/L Apologies for Absence**

Apologies for absence were received from Councillors Skipper and Gordon.

**23/L Minutes**

The minutes of the meeting held on 15 February 2023 were confirmed and signed by the Chair.

**24/L Declarations of Interest**

There were no declarations of interest.

**25/L Food and Safety Service Plan**

The Committee were presented with the Food and Safety and Health and Safety Service Plan 2023/24 Report and asked to approve the service plan for 2023/24. The Plan contributed to the 5 Year Strategy and the Councils 2023/24 Annual Plan.

The FSA (Food Standards Agency) mandated Local Authorities to have food safety service plans, ensuring adherence to national standards. Approval from the member forum was advised for transparency and accountability. LAs (Local Authorities) and the HSE (Health and Safety England) enforced health and safety laws, with the Council responsible for making enforcement arrangements.

In Surrey Heath, the food safety service is responsible for the inspection of 704 food businesses, remaining static compared to the previous year (706 22/23). This was due to an increase in home-based businesses during the lockdown (19/20: 624 premises).

In 2022/23, the Food and Safety Team:

1. Conducted 433 visits to food premises, including programmed inspections and advisory, sampling, and intelligence gathering visits.
2. 98% of food premises achieved a Food Hygiene Rating of 3, 4, or 5 (Satisfactory, Good, or Very Good).
3. Investigated 52 complaints about food or food premises and handled 125 cases of foodborne infectious diseases.
4. Took 25 food samples for laboratory analysis for bacterial standards.
5. Served 7 formal notices for hygiene improvements under the Food Safety Act.
6. Closed a restaurant following a significant food poisoning outbreak, with a pending prosecution for a hygiene offences.
7. Obtained £10,000 in imported food grant funding from the FSA and conducted checks on imported food, identifying non-compliance with labelling regulations and the presence of pesticides and banned substances.

The headlines for the Health and Safety (H&S) service are as follows:

1. The Council enforces H&S for approximately 1400 businesses in the Borough, covering offices, retail, hospitality, and leisure services.
2. The H&S service provided compliance advice, investigated complaints and accidents, conducted proactive visits, and took necessary enforcement action.
3. Resources were focused on high-risk activities with poor control measures, aligning with HSE requirements.
4. In 2022/23, the Health and Safety Team:
  - Conducted 313 interventions, including handling 24 complaints/enquiries and 36 workplace accident notifications.
  - Implemented a proactive gas safety enforcement initiative in catering premises, contacting 184 businesses, issuing 32 formal notices for unsafe appliances and unqualified engineers.
  - Collaborated with event organizers for 24 public events, ensuring effective risk management and chairing multi-agency Safety Advisory Group meetings for larger events.
5. Priority work in 2023/24 focuses on high-risk areas outlined in the HSE National Code, including electrical safety in hospitality settings, inflatable amusement device usage, and attractions involving animal contact.

Members discussed how the plan supported local businesses, and the process of improving businesses who had low FSA scores. Businesses that fell short were provided with guidelines on how to meet requirements and a timeline for doing so. Re-visits were carried out to ensure compliance and these visits would be an opportunity for businesses to request help with meeting requirements. Further visits to improve the Food Hygiene Rating were subject to a fee of £195.

Businesses were not obligated to display to consumers their Food Hygiene Rating and were not required to self-report violations of Food Safety regulations but some premises had contacted the Council for advice.

**RESOLVED that the Food Safety and Health and Safety 2023/24 Service Plan be approved.**

## **26/L Pavement Licence Report**

Members received the Pavement Licensing Report, addressing the expiration of existing Pavement Licences in the Borough on September 30, 2023. The licensing system aimed to facilitate outdoor seating for hospitality venues on safe highways.

Plans were underway to permanently transfer Pavement Licences from Surrey County Council to Surrey Heath Borough Council following enactment of the Business and Planning Act.

Through the pandemic, the £100 fee for Pavement Licences was waived. It was proposed to reinstate the fee for new applications from October 1, 2023, to September 30, 2024.

Key points discussed included:

1. The consideration of waived fees for charities and CICs.
2. The cost of administering a Pavement Licence was estimated to be £500.
3. Encouraging a more vibrant culture in Surrey Heath through increased Pavement Licences could have increased footfall.
4. It was agreed that the £100 fee was acceptable for commercial businesses.
5. A further report would be brought to the Committee once the Levelling Up Bill was passed to agree the structure and duration of Licences.
6. Pavement Licences run from the 1st October to 30<sup>th</sup> September, and businesses would need to re-apply yearly.

**RESOLVED that the Fee for applications for a Pavement Licence be reinstated under the provisions of the Business and Planning Act 2020 from 1 October 2023 with the exception of Community Interest Companies and Charitable Organisations.**

## **27/L Licensing Act 2003 - Summary of Decisions**

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

Members discussed the number of Temporary Event Notices that could be applied for.

The Committee noted the summary.

## **28/L Licensing Committee Work Programme 2023/24**

Members noted the work programme.

Chair

**Surrey Heath Borough Council**  
**Licensing Committee**  
**7 February 2024**

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**Cumulative Impact Assessment Review**

<b>Strategic Director/Head of Service</b>	Nick Steevens
<b>Report Author:</b>	Paula Barnshaw – Senior Licensing Officer
<b>Wards Affected:</b>	Town

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**Summary and purpose**

To inform Members of the outcome of the review of the Council’s Cumulative Impact Assessment (CIA) statement within the current Licensing Policy and to recommend that the Committee resolves that 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 CIA in Camberley.

**Recommendation**

The Committee is advised to RESOLVE 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.

**1. Background and Supporting Information**

1.1 The Licensing Act 2003 (the Act) governs the sale and supply of alcohol in England and Wales. The Act has four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

1.2 Under the Act, licensing authorities have responsibility for issuing premises licences and club premises certificates.

- 1.3 Section 5 of the 2003 Act requires a licensing authority to publish a statement of its licensing policy at least every five years. This sets out how the authority intends to operate and promote the licensing objectives in their area. It must be published before the authority conducts any function in respect of individual applications and notices made under the terms of the 2003 Act. Before determining its policy, an authority must consult the following responsible authorities:
- the chief officer of police for the area.
  - the fire and rescue authority for the area.
  - each local authority's Director of Public Health in England or Local Health Board in Wales.
  - persons/bodies representative of local premises licence holders.
  - persons/bodies representative of local club premises certificate holders.
  - persons/bodies representative of local personal licence holders.
  - persons/bodies representative of businesses and residents in its area.
- 1.4 Where there is evidence that the cumulative impact of licensed premises may have a negative impact on the promotion of the licensing objectives, the licensing authority may include within its licensing policy a Cumulative Impact Assessment (CIA) statement. The evidence of cumulative impact must relate to the problems identified in the specific area to be covered by the CIA. The statement would advise that it would be likely that granting further premises and/or club premises certificates in the CIA area would be inconsistent with an authority's duty to promote the licensing objectives.
- 1.5 The existence of a CIA does not however change the way that licensing decisions are made. Applications for new licences or variations to existing licences in a CIA area must still be considered on an individual basis. Applications that are unlikely to add to the cumulative impact on the licensing objectives should still be granted.
- 1.6 Licensing authorities must review any CIA within three years and in doing so, it must consult again with the persons listed in 1.3. If, after consultation, an authority no longer holds the opinion that a CIA is necessary, it must publish a statement making clear that any reference to the CIA in its licensing policy statement no longer applies. Reference to the CIA within the licensing policy statement should be removed at the earliest opportunity.
- 1.7 If an authority's opinion remains that a CIA is necessary, it must revise the CIA setting out why this is the case.

## **2. Surrey Heath BC Licensing Policy and Cumulative Impact assessment**

- 2.1 The Council's current [Licensing Policy](#) was approved by the Licensing Committee on 22/02/2021 and must be reviewed after 5 years. At the time the policy was approved the Council was of the opinion that a Cumulative Impact Assessment (CIA) for a defined area of Camberley was necessary to promote the licensing objectives, in light of evidence from the Police in relation to crime and disorder in Camberley town centre. The CIA statement is attached at Annex A.



- 2.2 As required by the revised guidance issued under section 182 of the Licensing Act 2003 (December 2023), a three yearly review of the Council's CIA has been conducted, including an extensive eight-week consultation exercise with statutory consultees and wider. A list of consultees is provided at Annex B.
- 2.3 A total 1,100 letters and emails were sent, and the consultation was publicised via social media and the Council's web site.
- 2.4 Six responses were received, these have been anonymised and can be viewed Annex C. No formal response was received from the Police, although the Police Licensing Officer advised officers that the Police did not see the need to retain the CIA.

### **3. Recommendation**

- 3.1 It's recommended that the Committee resolve 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).
- 3.2 Evidence of cumulative impact of licensed premises on the promotion of the licensing objectives needs to relate to problems identified in the specific area covered by the CIA. Having consulted with the statutory agencies who hold the relevant local information in relation to crime and disorder, anti-social behaviour, alcohol related hospital attendance/admissions, noise complaints in the CIA area, no evidence has been forthcoming as part of the consultation process that would support the retention of the CIA.
- 3.3 The three consultation responses received from residents do not relate directly to the issue of cumulative impact of licensed premises in the town centre on the licensing objectives, covering other concerns i.e. disturbance from fast food delivery vehicles; the lack of shops; a desire to have no late opening premises in the town centre due to residents in the area.
- 3.4 The two responses from a local business and The Square highlight concerns about the regulation of existing licensed premises and the behaviour of the public when intoxicated. Whilst these concerns are relevant, they do not on their own amount to sufficient evidence to support the retention of the CIA and other controls are available. The regulation of licensed premises and drinking in public places is the responsibility of the Council and the Police, out of hours monitoring visits to check compliance with licensing conditions and laws relating to the sale of alcohol regularly take place. Both agencies also actively work to promote the licensing objectives with the licensed trade through the monthly Town Centre Pub Watch meetings. There is currently a [Public Space Protection Order](#) in place for Camberley town which gives the Council and Police additional powers to tackle issues of anti-social behaviour through action such as dispersal, fines and the removal of alcohol from street drinkers.
- 3.5 The consultation response received from the Councillor questions whether the balance of licensed premises in the town is right and seeks feedback from the Police on this point, however, the Police have not expressed any concerns. During the time that the current CIA has been in place the number of new

businesses looking to open that require a licence to sell alcohol has been limited and these predominantly relate to retail premises that do not have drinking on the premises or late-night opening. The number of vertical drinking establishments has decreased due to the economic downturn. Vertical drinking establishments are premises used exclusively for the sale and consumption of alcohol, and have little or no seating for customers.

- 3.6 Regardless of the existence of a CIA, all applications for new licences or variations to existing licences must be considered on an individual basis with a view to what is appropriate for the promotion of the licensing objectives. As part of the licence application the applicant must state how they will promote the licensing objectives in an operating schedule, and this will form the basis of the conditions attached to the licence if granted. The responsible authorities listed at 1.3, are consulted on all new and variation applications and have the opportunity to ask for additional conditions to be applied or may object to a licence being granted. Once granted anyone may ask for a licence to be reviewed where there is evidence that the licensing conditions are being breached or the licensing objectives are being negatively impacted. Where there are objections to an application from anyone or a call for review of a licence a licensing sub-committee would determine these cases.

#### **4. Proposal and Alternative Options**

- 4.1 It is proposed that 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). The CIA will cease to apply from the end of the three-year life of the assessment on 6 April 2024. Reference to the CIA within the licensing policy statement will be removed at the earliest opportunity.
- 4.2 There is no alternative option, there is insufficient evidence to support retention of the CIA at this time. However, this will be kept under review and a new assessment undertaken should evidence show there is a need in the future.
- 4.3 This evidence would need to relate to particular problems in the specific area to be covered by the CIA. Robust evidence from the responsible authorities would be required relating to crime and disorder, anti-social behaviour, health related statistics, noise and litter complaints.

#### **5. Contribution to the Council's Five-Year Strategy**

- 5.1 The Council's Licensing Policy contributes to all the priority areas identified in the Five-Year Strategy – Environment, Health & Quality of Life, Economy, and Effective & Responsive Council.

#### **6. Resource Implications**

- 6.1 There are no resource implications.

**7. Section 151 Officer Comments:**

7.1 There are no additional budgetary implications arising from this report.

**8. Legal and Governance Issues**

8.1 Licensing authorities must review any CIA within three years and in consultation with the statutory consultees. If, after consultation, an authority no longer holds the opinion that a CIA is necessary, it must publish a statement making clear that any reference to the CIA in its licensing policy statement no longer applies.

**9. Monitoring Officer Comments:**

9.1 No comment.

**10. Other Considerations and Impacts**

**Environment and Climate Change**

10.1 There are no implications.

**Equalities and Human Rights**

10.2 The review process involved extensive consultation and has considered the feedback provided by all sectors of the community.

**Risk Management**

10.3 Failure to review the CIA and to retain it without sufficient evidence could lead to legal challenge of the Council's Licensing Policy. If a need is identified in future for a CIA, the Licensing Policy can be reviewed in this respect.

**11. Community Engagement**

11.1 The review of the CIA was subject to extensive consultation as detailed in the report.

**Annexes**

Annex A – Cumulative Impact Policy taken from the SOLP 2021-2026

Annex B – List of consultees

Annex C – Anonymised responses

**Background Papers**

Revised Guidance under Section 182 of the Licensing Act 2003 (December 2023)

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### **Cumulative Impact 2021-2024 - Special Policy**

38.1. The Council will apply a special policy relating to cumulative impact as provided for by the guidance issued by the Home Office to the area of Camberley town centre bordered by High Street, Pembroke Broadway, Park Street and London Road (as shown on the attached plan). This area has been extended to encompass Southwell Park Road up to Southern Road and Lower Charles Street, back to the London Road, including the Atrium and surrounding premises.

This area has been identified as being under stress because the cumulative impact of the concentration of late night and drink led premises in this area has led to serious problems of crime, disorder and/or public nuisance.

38.2. The evidence for this special policy is set out on the Licensing Act 2003, webpage.

38.3. This special policy creates a rebuttable presumption that applications within the town centre area for new premises licences or club premises certificates or material variations will normally be refused, if relevant representations are received about the cumulative impact on the licensing objectives, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced.

38.4. For the purposes of this special policy material variation shall be a modification to the structure or use of the licensed premises which would be likely to exacerbate crime and disorder problems arising from the cumulative impact of licensed premises within the town centre area.

38.5. Applicants will need to address the special policy issues in their operating schedules in order to rebut such a presumption.

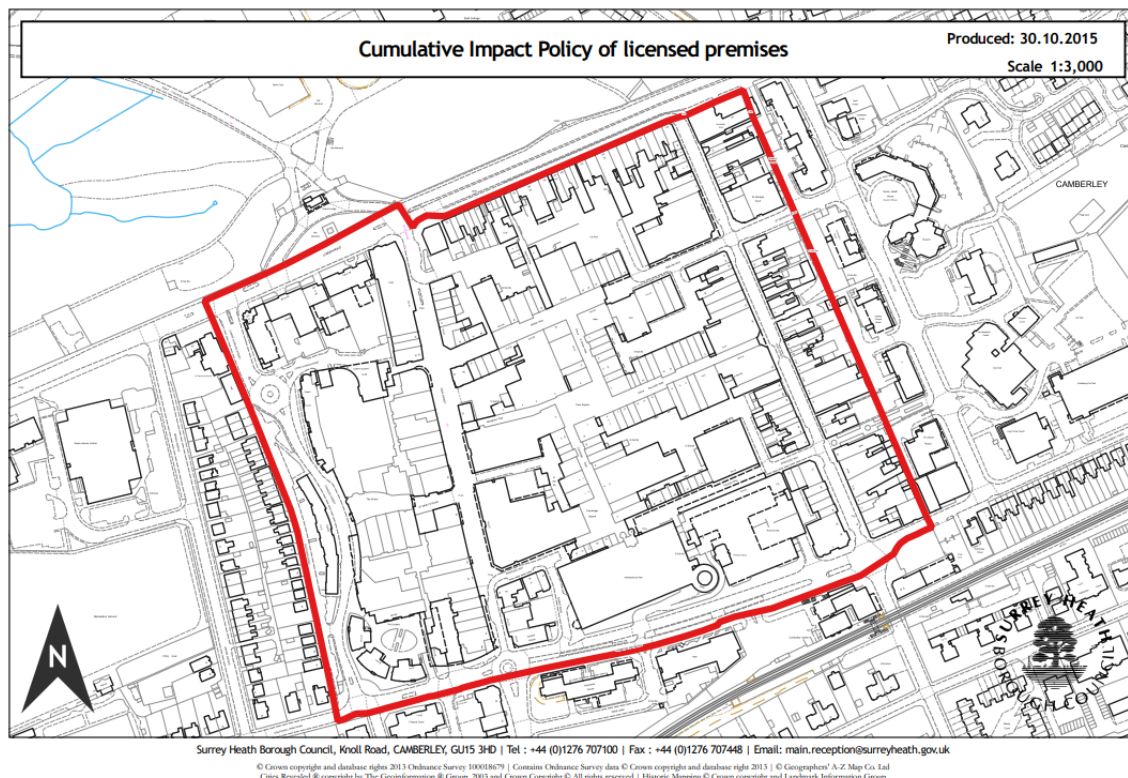
38.6. Despite the presumption against grant, responsible authorities and any other persons will still need to make a relevant representation before the Council may lawfully consider giving effect to its special policy i.e. if no representation is received, the application must be granted (subject to such conditions that are consistent with the operating schedule and any mandatory conditions required by the Act). However, responsible authorities or any other persons can make written representation maintaining that it is appropriate to refuse the application for the promotion of the crime and disorder objective and referring to information which had been before the Council when it developed its statement of licensing policy.

38.7. The absence of a special policy in relation to any other area of the Borough does not prevent any responsible authority or any other person making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

38.8. The Council will regularly review any special saturation policies to see whether they are still needed or should be expanded.

38.9. The Council will not take 'need' (of the commercial demand for premises offering a particular type of licensable activity) into account when considering an application, as this is a matter for the market. However, the impact on the promotion of the licensing objectives of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and disorder outside and some distance from the premises. This is described as the 'cumulative impact', and is a proper matter for consideration by the Council.

38.10. Special cumulative policy map



38.11. The Council will not use this policy solely:

- as grounds for revoking a licence or certificate when representations are received about problems with an existing licensed premises (after a licence or certificate has been granted or varied, a complaint relating to a general (crime or disorder or nuisance) situation in a town centre would not generally be regarded as a relevant representation if it cannot be positively tied or linked by a causal connection to particular premises), or
  - to refuse applications to vary an existing licence or certificate except where the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits of a premise, and are strictly necessary for the promotion of the licensing objectives.
- 38.12. The Council recognises that there are other mechanisms both within and outside of licensing regime that are available for addressing the impact of unlawful and anti-social behaviour and nuisance once consumers are away from the premises e.g.

- positive measures to provide a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council
- the provision of CCTV surveillance in the town centre, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- powers to designate parts of the Borough as places where alcohol may not be consumed publicly
- police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- the confiscation of alcohol from adults and children in designated areas e.g. use of the powers of confiscation contained in the Confiscation of Alcohol (Young Persons) Act 1997
- police powers to close down instantly for up to 24 hours any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance the power of police, other responsible authorities, including the Licensing Authority or any other person to seek a review of the licence or certificate in question

- Public Space Protection Orders which can be used by a Council to restrict the consumption of alcohol in a public place.

38.13. The Council will address these issues in line with the strategic objectives for crime and disorder reduction within the Borough.

Review date: October 2020 as part of consultation on Statement of Licensing Policy 2021-2026.

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List of responsible authorities and other persons asked to comment on the consultation

- the Chief Constable of Police
- Police Licensing Officer
- Surrey Fire and Rescue
- Surrey Heath Business Development
- Child Protection
- Surrey Heath Environmental Health
- Trading Standards
- Surrey Heath Clinical Commissioning Group
- North West Surrey Clinical Commissioning Group
- Home Office
- Ward Councillors
- Parish Councillors
- Business Improvement District
- The SQ Management
- NHS Liaison Officer
- Health Protection Team
- premises licence holders
- personal licence holders
- club premises certificate holders
- businesses and residents of the borough

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## Surrey Heath Borough Council – Cumulative Impact Assessment Review Response 2023

Stakeholders	Response
The SQ	<p>In order to keep the equilibrium of a welcoming town centre that is also pleasant for residents to live in and be able to sleep at night, I would want to see the current CIA area retained going forward. An expansion of overnight revelling activity or opportunity will incur greater costs for morning street cleaning, a higher risk of building and amenity damage, and an unpleasant quality of life for residents in the town centre who are disturbed by loud and noisy behaviours. This will deflect future residents from remaining in the town centre with a negative effect on morning, daytime, evening and weekends economies and town centre reputation.</p>
Local Business	<p>My business has suffered a lot to the point where families tell us they no longer wish to come to this side of Park Street after 7pm as they are afraid what their kids will see.</p> <p>The behaviour of drunken people at our side is horrendous. People vomiting, hen parties getting well out of hand with condoms being thrown, blow up dolls being carried out, sexual acts being performed and fights where the police turn up after the fact. The licensing authority does not police the licensed areas and only come after an incident occurs. There are no checks undertaken during the afternoons and evenings when most issues occur. This cheap and nasty behaviour of drunken people is having a very back affect on Children and families who do not wish to come to our area after 7pm for the fear of having to bump into drunk people.</p> <p>By all means give out licenses, but you must police the license conditions and must protect children and families who do not wish to be exposed to such drunk people. I appreciate my comments will not make any difference at all, however atleast they will have to be recorded and can be disclosed to support a FOI when things get seriously out of hand in Camberley.</p>
Resident	<p>The pubs and clubs are bringing trouble makers into the city centre, you see it on most weekends, Camberley becomes a no-go area of a late evening, I would not let me teenage daughters go there, no way. We should not have late bars/clubs in the centre, especially when you are building so many flats for retirees, so no TRU, no other late licences (after 11pm?), that's when the problems arrive</p>
Councillor	<p>I think we should renew the CIA and specifically look to see if we have the balance right based on feedback from Police in particular. My hypothesis is the number of licences and hours open are too much for the area, specifically off-licenses without security etc.</p>
Resident	<p>My vote is to keep it in place. Camberley is no longer a shopping destination, its just full of pubs and restaurants, all of which sell alcohol. With this infrastructure, in a mostly pedestrianised area, of course there will continue to be issues.</p>
Resident	<p>I would like to comment on how the incessant and increasingly annoying Food Delivery scooters &amp; cars are continually blocking access to residential areas of Camberley, with specific mention of the access to the flats in Admiral House in Upper Charles Street. They completely ignore the double yellow lines and block to entrance gate to the flat Carpark. Traffic wardens rarely check the area and it's particularly bad in the evenings when they know there's no wardens around.</p>
Environmental Control	<p>On behalf of Environmental Health, I welcome the opportunity to provide feedback on the proposal to remove the Cumulative Impact Assessment (CIA) in place for a defined area of Camberley Town centre as part of its Statement of Licensing Policy.</p> <p>The purpose of the CIA is to help the Council control the licences that it grants in a defined area within Camberley Town Centre, where there is evidence to show that the number or density of licensed premises is having a cumulative impact that may be contributing to problems that are undermining the licensing objectives. The most relevant licensing objective for Environmental Health is the Prevention of Public Nuisance. The following representation therefore only relates to this objective.</p> <p>EH do not have any evidence to support the renewal of the CIA within Camberley Town Centre. There is no supporting evidence to suggest that by SHBC enacting this policy, it has influenced the number of noise/nuisance complaints from licensed premises.</p>

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**Surrey Heath Borough Council**  
**Licensing Committee**  
**7 February 2024**

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**Pavement Licence Update**

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

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### **Summary and purpose**

The purpose of this report is to brief members on the changes the Levelling Up and Regeneration Act 2023 (LU Act 2023) have made to the Business and Planning Act 2020 (BPA 2020) with regard to the provisions for Pavement Licences and to propose fees for new and renewal Pavement Licence applications and to propose that the duration of the licences be to be 2 years.

### **Recommendation**

The Committee is advised to RESOLVE 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, as set out in 2.2 and 2.3.

#### **1. Background and Supporting Information**

- 1.1 The BPA 2020 sought to assist the hospitality industry recover from the first Covid 19 'lockdown' by making it easier for premises serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors through temporary changes to planning and alcohol licensing. The legislation was introduced with an end date of 30 September 2021.
- 1.2 The Act made it quicker and cheaper to apply for a pavement licence from Surrey Heath Borough Council temporarily replacing the Tables and Chairs licence previously issued by Surrey County Council.

- 1.3 Due to the unprecedented and prolonged restrictions of the Covid 19 pandemic the BPA 2020 provisions were extended with further statutory instruments extending the provisions in 2021, 2022 and 2023, pending the creation of a permanent Pavement Licensing regime under the Levelling Up and Regeneration Bill.
- 1.4 On 26 October 2023 the LU Act 2023 gained Royal Assent and Schedule 22 makes the provisions in the BPA 2020 permanent, it also made other provisions relating to pavement licences.
- 1.5 The new provisions include permitting pavement licences to be renewed, with an increase in fees up to a maximum of £350 for a renewal and £500 for a new application and extending the currency of the licence to a maximum of 2 years.
- 1.6 The public consultation period and the period for determining licences increases from 7 to 14 days.

## **2. Reasons for Recommendation**

- 2.1 All current pavement licences issued will expire 30 September 2024, the new provisions will start 1 October 2024.
- 2.2 The application fee for a Pavement Licence is capped at £100 under the BPA 2020. This does not cover the full costs of administering pavement licensing and it is proposed to increase the fee to the maximum permitted under the LU Act 2023 to ensure full cost recovery i.e. £350 for a renewal and £500 for a new application.
- 2.3 Under the BPA 2020 the maximum duration of the licence was 1 year. It is proposed to increase this to the maximum permitted under the LU Act 2023 to 2 years. By increasing the duration of the licence this will reduce the burden on businesses and the licensing team.
- 2.4 A total of 13 pavement licences were issued for the period 01/10/2023-30/09/2024.

## **3. Alternative Option**

- 3.1 The alternative is to charge a lower fee, but this would not achieve full cost recovery.
- 3.2 The duration of the licence could remain at 1 year, but this would increase the burden on businesses to renew annually and increase administration for the Council.

## **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. This contributes to the Council's Environment, Economy and Health & Quality of Life strategic priorities.

## **5. Resource Implications**

- 5.1 Setting the fees at the maximum allowed and for a 2 year duration will enable the Council to fully recover the cost of administering the licences with no additional resource implications.

## **6. Section 151 Officer Comments:**

- 6.1 Waiting for comments.

## **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 BPA 2020 as amended by the LU Act 2023.

## **8. Monitoring Officer Comments:**

- 8.1 Waiting for comments.

## **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 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**

Business and Planning Act 2020

Levelling-up and Regeneration Act 2023



## Surrey Heath Borough Council

### Licensing Committee

7 February 2024

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#### Licensing Sub-Committee Minutes

**Head of Service** Gavin Ramtohal  
**Report Author:** Eddie Scott- Senior Democratic Services Officer  
**Wards Affected:** Old Dean

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#### Summary and purpose

To receive and sign the minutes of any Licensing Sub-Committee hearings held since the Committee's last meeting.

#### Recommendation

The Committee is advised to RESOLVE that the minutes of the Licensing Sub Committee held on 4 July 2023 be agreed and the Chair of the Committee authorised to sign the minutes.

#### 1. Background and Supporting Information

- 1.1 In accordance with the provisions of Licensing Act 2003, when representation have been received on an application powers are delegated to the Licensing Sub Committee to determine the licence following consideration of these representations.
- 1.2 Since the Committee's last meeting on 24 March 2021, one Licensing Sub Committee has been held on 4 July 2023: Club Premises Certificate SHBCCP-0520C - Old Dean Bowling Club, Old Dean Recreation Ground, Wimbledon Road, Camberley, Surrey GU15 4AY
- 1.3 The minutes of the Licensing Sub Committee meetings listed at paragraph 1.2 are attached as Annex A.
- 1.4 The Licensing Committee, at its meeting 21 September 2005, resolved that the Chair of the Licensing Committee would be authorised to sign the approved minutes of any Licensing Sub Committee meetings. Minute 009/L refers.

**Annexes**

Licensing Sub Committee Minutes – 4 July 2024

**Background Papers**

None

**Minutes of a Meeting of the Licensing  
Sub Committee held at Council  
Chamber, Surrey Heath House, Knoll  
Road, Camberley, GU15 3HD on 4 July  
2023**

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Cllr Mark Gordon  
Cllr Bob Raikes

+ Cllr Valerie White  
Cllr Kel Finan-Cooke

+ Present

- Apologies for absence presented

Substitutes: Cllr Kel Finan-Cooke

In Attendance:

Rebecca Batten, Solicitor, Surrey Heath Borough Council (SHBC)  
Paula Barnshaw, Senior Licensing Officer  
Rab Carnie, Licensing Officer, Surrey Police,  
R. Christie, Old Dean Bowling Club Committee  
Shaun Garrett, Borough Councillor  
Paul Gibbons, Old Dean Bowling Club Management Committee  
Trefor Hogg, Surrey County Councillor  
Peter Savill, Legal Representative, Surrey Police  
Frances Soper, Environmental Health and Licensing Manager, SHBC  
Eddie Scott, Democratic Services Officer, SHBC  
Denise Reynolds, Licensing Administrator, SHBC  
Wendy Thayer, Old Dean Bowling Club Management Committee  
Chris Turner, Old Dean Bowling Club Management Committee

**1/LS Election of Chair**

Councillor Mark Gordon nominated Councillor Valerie White as Chair for the Committee. Councillor Bob Raikes seconded the nomination. As there were no further nominations, Councillor Valerie White was elected Chair for the Meeting.

**Councillor Valerie White in the Chair**

**2/LS Declarations of Interest**

It was noted for the record that Councillor Mark Gordon was the Designated premises supervisor ( DPS ) for Kings Arms Bagshot and was the General Manager for Greene King which held various premises Licences within the borough.

**3/LS Licensing Sub Committee Procedure**

The Committee and others present at the meeting noted the Licensing Sub Committee Procedure as contained in the agenda reports pack.

**4/LS Application to review Club Premises Certificate SHBCCP-0520C - Old Dean Bowling Club, Old Dean Recreation Ground, Wimbledon Road, Camberley, Surrey GU15 4AY**

The Committee, noted the formal application for the review of a Club Premises Certificate under the Licensing Act 2003, included in the agenda pack.

The review application reported on a large violent public disorder incident, which had occurred inside and outside the premises and resulted in people being injured, 7 arrests and a number of Police Officers being assaulted. The event had been seen to have clearly been in conflict with all 4 Licensing Objectives: the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

It was reported at the hearing by the applicant to review the licence, that following intelligence, the Police Licensing Officer and the Council's Senior Licensing Officer had previously met with the Chair of the Old Dean Bowling Club, in order to remind him that under the club's Club Premises Certificate, private parties and events were not allowed. At the meeting, it was advised that if the club wanted to continue to hold private functions, it would be advisable to apply for a Premises Licence. Moreover, the review applicant, advised the Committee that following the incident on 14 April 2023, despite a further meeting between the Police Licensing Officer and the Chair of the Bowling Club Committee, the Chair of the Committee openly shared with the Police Licensing Officer that the club had continued to flout the limits of its Club Premises Certificate.

The Sub-Committee also acknowledged a total of 18 representations, which were included in the agenda reports pack and had been received from various Bowling Club Members and local County and Borough Councillors. However, it was acknowledged by the Committee that a number of representations took into account factors which did not fall under any of the 4 Licensing Objectives contained under the Licensing Act 2003. In addition, a written representation to the Committee was also submitted by the licence holder.

In reaching their decision, the Sub Committee felt that the severity of the incident on 14 April 2023, and its exemplification of the premises' negative impact on the 4 Licensing objectives warranted the suspension of the Club Premises Certificate for a minimum of 28 days. The Committee felt that the suspension of the licence would allow time and club resource to be dedicated to making the relevant changes for the premises to be in accordance with a number of new proposed conditions.

The Sub-Committee noted Surrey Police's proposed conditions contained in its review application and felt that they were equitable and reasonable in order to promote the Licensing Objectives. However, it was felt that the prevention of crime and disorder could be achieved by the deployment of 2 in-house SIA-trained door supervisors, rather than externally sourced staff.

During their deliberations, the Sub-Committee considered what further conditions needed to be imposed, in addition to those proposed by Surrey Police, in order to meet the 4 Licensing Objectives. It was felt, that in light of the evidence presented at the hearing, the following additional conditions needed to be imposed:

- A signing in book would be in use at all times and records kept of members and guests attending the premises.
- The club agreed to join and be an active member in a local pub watch scheme.
- Only children accompanied by an adult will be allowed into the licensed premises. Children will be supervised by an adult at all times. No children under the age of 12 were to be allowed on the premises after 9pm.
- All staff who served alcohol should receive suitable training including refresher training in relation to 'Challenge 25' proof of age policy which should be applied to the premises. This training should be carried out every 6 months by a certified training body and a written record of the training shall be kept. Every person who completed the training shall sign and date the written record and this record shall be countersigned by the club chairman or by a person who held a personal licence who was also a committee member.

The Sub-Committee also agreed to amend the Police-proposed condition 10 to instead stipulate that the club must put two members through the SIA certification course so that they can undertake a risk assessment prior to all functions that took place between 9pm and 11pm and to perform the role of door supervisor if deemed necessary by the risk assessment.

On balance the Sub-Committee felt that suspension of the Club Premises Certificate for a minimum of 28 days would allow time for the imposed conditions to be implemented on reopening for alcohol sales; and would allow for the external training of staff and implementation of new policies.

The Committee also remarked that it felt that the Old Dean Bowling Club's Committee needed to take responsibility for the club's licensable activities and stressed that the whole Committee should maintain oversight. Moreover, the Sub-Committee encouraged the Club to accelerate its plans to apply for a Premises Licence and it expected such application would be determined at a Licensing-Sub Committee meeting.

**RESOLVED that**

- I. the Club Premises Certificate in respect of Old Dean Bowling Club, Old Dean Recreation Ground, Wimbledon Road, Camberley, GU15 4AY be suspended for a minimum of 28 days; and**
- II. the proposed conditions, as detailed in review application, be imposed, as amended and added to as outlined above.**

Chair

## Surrey Heath Borough Council

### Licensing Committee

7 February 2024

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### Licensing Act 2003 – Summary of Decisions

**Head of Service** Nick Steevens – Strategic Director of Environment and Community  
**Report Author:** Paula Barnshaw – Senior Licensing Officer  
**Wards Affected:** All

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#### 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, 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 Strategic Director - Environment and Community and to the Senior Licensing Officer to determine applications for premises licences, club premises certificates and personal licences where no representations have been received from responsible authorities or interested parties.

2.2 If representations are received, consideration has to be given as to whether such representations are relevant, are not vexatious or frivolous and have been submitted in accordance with statutory requirements.

- 2.3 When representations have been received powers are delegated to the Licensing subcommittee to determine the licence following consideration of these representations.
- 2.4 A summary of the decisions that have been taken in respect of applications that have been considered and determined since the last meeting of the committee is attached at Annex A. These details are submitted for information only and do not require ratification by the committee.

### **Annexes**

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

### **Background Papers**

None



## Summary of Decision made under the Licensing Act 2003

### 01/06/2023 – 31/12/2023

New Personal Licence	33
Variation to a Personal Licence	8
Temporary Event Notice	111
New Premises Licence	7
Variation to a Premises Licence	49
Premises Licence Transfer	12
New Club Premises Certificate	1
Transfer Club Premises Certificate	0

#### List of new premises:

Asda, Deepcut

AV Fruit & Veg, Park Street

The Golden Bull, Park Street (was Bills)

Everest World Foods, Princess Way (was Halfords)

Momo Station, Frimley (Ancient Raj split into 2 premises)

B & M Retail, Princess Way (was BHS)

Hullabaloo, Obelisk Way (was Argos)

Bagshot and Crawley Rise Tennis Club

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**Surrey Heath Borough Council**  
**Licensing Committee**  
**7 February 2024**

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**Work Programme 2024/25**

**Head of Service** Gavin Ramtohal – Head of Legal & Democratic Services  
**Report Author:** James Hall – Democratic Services Officer  
**Key Decision:** No  
**Wards Affected:** n/a

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**Summary and purpose**

To agree the work programme for the 2024/25 municipal year.

**Recommendation**

The Committee is advised to RESOLVE that the work programme for the 2024/25 municipal year, as set out at Annex A to this report, be agreed.

**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 2024/25 municipal year as follows:
- 12 June 2024
  - 16 October 2024
  - 5 February 2025

**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 2024/25

**Licensing Committee  
2024/25 Work Programme**

<b>Date</b>		<b>Topic</b>
<b>12 June 2024</b>	1.	<b>Food Safety and Health &amp; Safety Service Plan 2024/25</b>
	2.	<b>Summary of Decisions</b> To report decisions that have been taken in respect of licence applications that have been dealt with under delegated powers.
<b>16 October 2024</b>	1.	<b>Summary of Decisions</b> To report decisions that have been taken in respect of licence applications that have been dealt with under delegated powers.
	2.	<b>Gambling Act 2005 statement of principles</b> Seek permission to consult on the revised and updated statement of principles in line with newest guidance from the Gambling Commission.
<b>5 February 2025</b>	1.	<b>Licensing and Environmental Health Teams Annual Update</b>
	2.	<b>Summary of Decisions</b> To report decisions that have been taken in respect of licence applications that have been dealt with under delegated powers.
	3.	<b>Gambling Act 2005 statement of principles</b> Adopt the revised and updated statement of principles in line with newest guidance from the Gambling Commission.

To be scheduled:

Licensing Statement of Policy – due in April 2026

Gambling Statement of Policy – due in March 2025