Minutes of a Meeting of the Licensing Committee held at Council Chamber, Surrey Heath House, Knoll Road, Camberley, GU15 3HD on 29 July 2020

+ Cllr Rodney Bates (Chairman)
+ Cllr Vivienne Chapman (Vice Chairman)

-	Cllr Dan Adams	+	Cllr David Mansfield
+	Cllr Peter Barnett	+	Cllr John Skipper
+	Cllr Richard Brooks	+	Cllr Pat Tedder
-	Cllr Paul Deach	+	Cllr Helen Whitcroft
+	Cllr Ben Leach	+	Cllr Valerie White
+	Cllr David Lewis		

+ Present
- Apologies for absence presented

Members in Attendance: Cllr Cliff Betton and Cllr Alan McClafferty

Officers Present: Paula Barnshaw, Nathita Fleet, Helen Lolley, Tim Pashen, Eddie Scott and Frances Soper

1/L Minutes of the Previous Meeting

The minutes of the meeting held on 11 March 2020 were confirmed and signed by the Chairman.

2/L Food Safety Service Plan 2020-21

The Committee was informed that the Food Standards agency required all food authorities to have a Food Safety Service Plan to ensure that national priorities and standards were addressed and delivered locally.

The number of food businesses which were 'broadly compliant' remained high at 96.4%.This figure had increased in the previous few years from a base of 87% in 2009/10. Officers continued to work with the businesses which were not broadly compliant in order to ensure that they improved their standards.

The report set out the performance of the food safety service team during 2019/20, including inspections, complaint investigations and sampling activities. The plan also provided information on expected demands on the service during 2020/21 including the impact of Covid-19 on the Food Safety Service.

It was stated when a food premise opened in the Borough it was required to be inspected by the Council's environmental health team within 28 days from being registered. The business was then given its food hygiene rating accordingly.

RESOLVED that the Food Safety Service Plan 2019/2020, as set out in the agenda papers be agreed.

3/L Health and Safety Service Plan 2020- 2021

Under the Health and Safety at Work etc. Act 1974, local authorities were responsible for health and safety enforcement within their area of responsibility, which included a diverse range of premises. Pursuant to the "National Local Authority Enforcement Code" produced by the Health and Safety Executive (HSE), a Surrey Heath Health and Safety Service Plan had been developed.

The Environmental Health Team carried out planned risk based inspections of businesses to ensure they complied with health and safety legislation, and took appropriate enforcement as necessary. These inspections occurred at a frequency determined by the national code of practice and in accordance with HSE guidance. The Council's performance was subject to scrutiny by the HSE and the Council was required to complete an annual return of health and safety enforcement activity.

It was noted that in 2020/21 the Council intended to continue to provide a high-quality health and safety service. This would include advising new and existing businesses on compliance, investigating complaints and accidents, taking enforcement action where necessary and participating in proactive health and safety campaigns.

RESOLVED that the Surrey Heath Health and Safety Service Plan 2019/2020, as set out in the agenda papers, be approved.

4/L Hackney Carriages and Private Vehicle - Age of Vehicles Guidance

The Committee considered a report outlining the options in respect of the relaxation of the current guidelines relating to the age limits on vehicles submitted for licensing as Hackney Carriages and Private Hire Vehicles. It was noted a review of the guidelines was heard by the Licensing Committee at the request of Councillor John Skipper.

As it stood no vehicle could be licensed after the sixth anniversary of the car being registered by the DVLA or from its date of manufacture in the case of cars, which were first registered overseas.

In addition vehicles which were registered for more than 3 years with the DVLA at the time of being presented for licensing or, in the case of a car which had been first registered overseas, was more than three years old would also be unable to be licensed.

It was acknowledged that whilst it appeared that Surrey Heath maybe out of line with the guidelines and policies adopted by neighbouring local authorities in relation to the age of vehicles, the necessity to consider the overall picture including the conditions attached to Licences needed to be recognised.

RESOLVED that

I. **A temporary one year exemption to the current 6 year vehicle age limit rule be applied;**

II. **and the Licensing Committee receives a detailed report in order to conduct a full review of the current guidelines/ policies relating to Taxi Licensing within the next 12 months.**

5/L Business and Planning Act 2019-2021: Licensing Implications

The Licensing Committee considered a report detailing the implications of the Business and Planning Act 2020 which received Royal Assent on the 22nd July and proposed delegated powers to enable licensing provisions in respect of street pavement licenses and automatic off sales entitlement.

The act introduced a new, temporary, fast-track process for businesses to obtain a pavement licence, from the Council for the placement of furniture such as tables and chairs on the pavement outside premises. It was envisaged that a license would enable the maximisation of a premise's capacity whilst still allowing adherence to social distancing guidelines.

It was acknowledged that the Council was required to determine applications made in accordance with the Act and that the determination of the applications would be best delegated to the Executive Head of Community. In addition it was noted that the committee were required to make a decision in order to create a suitable appeals process for the decisions made by the Executive Head of Community in respect of the granting of pavement licenses.

RESOLVED that

I. **authority be delegated to the Executive Head of Community to determine any application for a pavement licence made in accordance with the Business and Planning Act 2020;**
II. **authority be delegated to the Executive Heads of Community with regards to the remaining licensing provisions in the Act;**
III. **enforcement powers in respect of the act be delegated to the Executive Head of Community in consultation with the Executive Heads of Transformation and Regulatory where required;**
IV. **the fee for the Pavement Licence be set at £100;**
V. **the Guidance to Businesses, as published as a supplement to the agenda papers, be noted;**
VI. **appeals in respect of the determination of applications, be conducted and determined by the Head of Legal Services in consultation with the Chairman and Vice Chairman of the Licensing Committee and one other Licensing Committee Member;**
VII. **and the final details of the appeals process be delegated to the Executive Head of Community in consultation with the Chairman and Vice Chairman of the Licensing Committee.**

6/L Licensing Act 2003 - Summary of Decisions

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

7/L Reporting of Urgent Action

The Licensing Committee noted Urgent Action which had been taken in accordance with the Scheme of Delegation of Functions to Officers.

RESOLVED to note the urgent action taken under the Scheme of Delegation of Functions to Officers.

8/L Licensing Sub Committee Minutes

The Committee noted that the Chairman would sign the minutes of the Licensing Sub Committee meetings which had taken place since the previous meeting.

9/L Committee Work Programme

It was acknowledged that Members were able to request items to be added to the Licensing Committee's work programme; including the review of guidelines and policies as undertaken at minute 4/L.

RESOLVED to note the Committee's Work Programme

Chairman