

**Minutes of a Meeting of the Licensing
Committee held at Council Chamber,
Surrey Heath House, Knoll Road,
Camberley, GU15 3HD on 16 February
2022**

+ Cllr Rodney Bates (Chairman)
+ Cllr Dan Adams (Vice Chairman)

+ Cllr Peter Barnett	+ Cllr David Mansfield *
+ Cllr Richard Brooks *	+ Cllr John Skipper
+ Cllr Paul Deach	+ Cllr Pat Tedder
+ Cllr Tim FitzGerald *	+ Cllr Helen Whitcroft *
+ Cllr Shaun Garrett	+ Cllr Valerie White
+ Cllr David Lewis	

+ Present

- Apologies for absence presented

* Committee Member in attendance virtually.

Officers Present: Paula Barnshaw, Rebecca Batten, Helen Lolley,
Frances Soper and Nick Steevens

19/L Minutes of the Previous Meeting

The minutes of the meeting held on 15 December 2022 were confirmed and signed by the Chairman.

20/L Gambling Act 2005- Draft revised Statement of Principles 2022-2025

The Committee was reminded that the Council, as a licensing authority, had a duty to undertake various regulatory functions imposed by the provisions of the Gambling Act 2005 and before exercising these functions it must first adopt a Statement of Policy indicating how the functions would be exercised. This Statement required review every 3 years from date of adoption.

At its meeting on 20 October 2021 the Committee had considered a draft revised statement. The draft Statement had subsequently been subject to a public consultation, which had taken place between 8 November and 19 December.

The Committee was informed that the draft statement of principles incorporated amendments which were included as a result of the Gambling Commission's Guidance to licensing authorities, which was last published in April 2021.

It was noted that once approved the Council was required to publish a notice of its intention to publish a new Statement of Policy. The policy would then come into effect four weeks later.

The Committee raised grievances that the Council, as the Licensing Authority, did not have powers to enforce the barring of local individuals from gambling premises, where it had ascertained that they were struggling with a gambling problem. Whilst it was acknowledged that in such a scenario the Council could redirect the individual to services such as the National Gambling Helpline, the Committee agreed that the Council should lobby the borough's Member of Parliament to devolve greater powers to local authorities to deal with such cases. Whilst the Committee noted that it was not within the Committee's terms of reference to enter into the Council's policy on such national issues, it resolved to note its desire for a letter to be written, in consultation with the Chairman and Vice-Chairman of the Licensing Committee, to the local Member of Parliament detailing the raised concerns.

RESOLVED that

- I. full Council be recommended that the revised Statement of Principles 2022-2025 (SoP) in relation to exercising functions under the Gambling Act 2005 be adopted; and;**
- II. support for the writing of a letter to the Rt Hon Michael Gove MP, to lobby for greater devolved powers to combat problem-gambling, be noted.**

21/L Hackney Carriage (Taxi) and Private Hire (PH) Licensing fees and charges

As the relevant licensing authority, Surrey Heath Borough Council was responsible for the licensing of taxis and private hire drivers, vehicles and operators. The Local Government (Miscellaneous Provisions) Act 1976 included provisions that allowed district and borough councils to recover such fees as they consider reasonable with a view to recovering the costs of the issuing and administration of drivers' licences for both taxis and private hire vehicles (Section 53(2)). Furthermore, Section 70 of the Act allowed the same for vehicle and operators' licences.

'A district [or borough] council may charge such fees for the grant of vehicle and operator licences sufficient in the aggregate to cover in whole or in part –

- The reasonable cost of carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed
- The reasonable cost of providing hackney carriage stands, and
- Any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.'

The proposed updated fees were considered by the Licensing Committee at its meeting on 15th December 2021, and it was recommended that the proposed fees be approved by the Strategic Director-Environment and Community in consultation with the Strategic Director-Finance and the Finance Portfolio Holder. Subsequently as required by the Local Government (Miscellaneous Provisions) Act 1976, the Council had placed a notice in the local press. Following the statutory 'notice

period', the Council had received two further representations from Members of the Taxi and Private Hire trade.

The Committee noted that whilst the additional representations requested the reconsideration of the increased fee for the permanent transfer of a vehicle licence, it was noted that the current £50 fee did not currently cover the cost of the administration of the transfer. Furthermore, it could in fact be perceived that the Council was currently de facto subsidising permanent licence transfers.

RESOLVED that the proposed revised Taxi and PH fees and charges as per Annex A of the agenda reports pack, be recommended for approval by the Strategic Director - Environment and Community in consultation with the Strategic Director-Finance and the Finance Portfolio Holder.

22/L Hackney Carriage (Taxi) Fares

The Committee considered a report setting out proposals to update the Taxi Fare Chart for the hire of Hackney Carriages in Surrey Heath.

Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 (the Act) provided that a district or borough council may set local taxi fares for journeys within its area by means of a table or scheme of fares.

The current fares were set in 2012 and a revised fare chart had been proposed following review of the proposed fares at its meeting in October 2021. Following the meeting the proposed fares had been subject to public consultation by way of an advert in the local media and through the Council's social media channels. On 30 December 2021 the Council received a representation from a member of the trade, which resulted in some additional information in respect of the price per mile being added to the Fare Chart and a decision to restart the consultation process. A further representation from the same member of the trade was received on 4 January 2022, which was appended to the agenda report, but had not resulted in any proposed changes to the fare chart.

Members were reassured that the Council conducted a measured mile meter check in order to ensure accurate fares were paid by customers. Moreover, in acknowledgement of rising fuel prices, it was noted that the existing fare chart was last adopted in 2012 and lasted 10 years; increases in fuel prices and other charges would be monitored and further reviews of the fares would take place if required.

The proposed fare chart was the maximum fare which could be charged by the trade.

RESOLVED that the revised Fare Chart, as per Annex A of the agenda reports pack, be approved for introduction from 1st April 2022.

23/L Verbal Update – Tax Conditionality Checks from 4th April 2022

Members received a verbal update in respect of the new taxi and private Hire tax conditionality checks, which had resulted from the recent Finance Act 2021 (Schedule 33).

The act introduced additional checks, which would form a part of applications to renew licences for taxi and private hire drivers, private hire vehicle (PHV) operators and scrap metal dealers in England and Wales.

The new measures aimed to uncover and discourage the hidden economy, which consisted of individuals and businesses with sources of taxable income that were entirely hidden from Her Majesty's Revenue and Customs (HMRC).

From 4 April 2022, licence applicants would have to complete a 'tax check' and licensing bodies would need to confirm that the applicant has completed the check.

A tax check would be conducted for renewed applications in England and Wales for licences to:

- drive taxis and Private Hire Vehicles
- operate a Private Hire business
- carry on the business of a scrap metal dealer on a site
- carry on business as a mobile collector of scrap metal

On application for the renewal of a licence, the local authority would have to obtain confirmation from HMRC that the applicant had completed the check before being able to consider their renewed licence application.

Once the 9 digit number had been provided a simple check on the HMRC website would give the Council confirmation that the applicant has registered for tax or not. If the applicant did not register for tax, the licence would not be renewed.

In preparation for the new requirements, the Council had notified all drivers and operators by means of a newsletter in October and January that they should register for tax before renewal of their licence after 4th April 2022. First-time applicants would not have to complete the check.

RESOLVED that the update be noted.

24/L Environmental Health and Licensing Teams Update

The Committee received an update on the work undertaken by the Environmental Health and Licensing team during the 21/22 municipal year.

The work of the Environmental Health and Licensing team continued to provide services relating to the Council's statutory responsibilities which were primarily aimed at protecting public health & safety, environmental control, prevention of crime and disorder and protecting the vulnerable. Across the service officers were responsible for the licensing of a range of activities with approximately 900 active licences, registrations and consents currently active within Surrey Heath.

Animal activity premises licensing

There were currently 40 animal activity premises licences within the borough including riding establishments, animal boarders/day care, dog breeders, pet sales and the performance and exhibition of animals. Depending on the risk rating of the premises a licence would run for 1 to 3 years in accordance with Department for Environment, Food and Rural Affairs (DEFRA) statutory guidance. A vet was also required to accompany the officer on visits to riding establishments and dog breeders. Enquiries and complaints relating to these licensed activities were responded to by officers and premises visits were carried out as required including out of hours visits.

Covid-19

Covid-19 continued to be a significant area of additional work across Environmental Health (EH) & Licensing providing support and guidance to businesses and event organisers on compliance with Covid risk assessments and controls, including the introduction of covid passes.

In conjunction with Economic Development a survey asked businesses what help they required with Covid risk assessments and as a result the offer of one to one coaching had been made to businesses on carrying out effective risk assessments for their workplaces.

Furthermore, in 21/22 officers had been carrying out face-to-face Covid contact tracing visits to residents who had failed to engage with the Contact Tracing Service. In total 120 visits had been carried out by officers to date including at weekends.

Food Safety and Health and Safety

The food safety and health and safety work of the team was reported to this Committee in the annual service plans in October.

Following the approval of the Food Safety and the Health and Safety Service Plans, the identified priorities for 21/22 had been followed with a focus on activities which were of a greater risk. Following the easing of Covid-related restrictions, investigations had now been undertaken in response to complaints and food poisoning & workplace accident notifications. Food hygiene standards in food businesses remained high with 97.4% of food businesses rated satisfactory, good or very good and customer satisfaction levels with those who received food and safety visits was high. 95% of businesses had reported that they had been treated fairly and 98%: that the officer was polite, helpful and knowledgeable. Where contraventions were identified there was a graduated approach to enforcement with formal action as a last resort.

Pollution Control

Complaints about noise, light, smoke, rubbish & pest infestations continued to be a large area of work with approximately 400 complaints per year investigated by officers.

Work continued to be undertaken to assess contaminated land sites and responded to land search enquiries and planning and licensing consultations on likely polluting impacts. Officers also carried out routine air quality monitoring and

carried out the environmental permitting of 24 prescribed polluting processes including: Dry Cleaners ; Petrol stations ; Pet Food Manufacturer ; Mobile Crusher ; Vehicle refinishers.

Following questions and comments by Members, it was reaffirmed that following an inspection, poor food hygiene provision or found infestations would be reflected in a premise's food hygiene rating. If a prosecution was pursued, the process would take place in the public domain and publicity would be sought in order to deter poor compliance by other premises. It was noted that in future Ward Members would be notified of formal action against food premises, in their wards, following food safety inspections.

The Committee were advised that face to face contact tracing took place when positive Covid-19 cases couldn't be contacted electronically or via the telephone by the national track and trace service or by Surrey County Council by electronic means.

Members also acknowledged that the Council licensed 2 dog breeders within the borough under the animal activity licensing regulations. During the pandemic it had become harder to identify commercial breeders amongst the backdrop of large volumes of puppy sales. However, Members were advised that dog-walking was not a licensable activity.

Members thanked the Licensing and Environmental Health teams for their continued valuable work; especially under the difficult circumstances of the pandemic.

RESOLVED that the update be noted

25/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 were also advised of a proposal to relax licensing hours in England and Wales as part of the celebration of her majesty's platinum jubilee. On the 2nd, 3rd and 4th of June licensing hours would be extended to include the hours of 11pm to 1am for the sale of alcohol for consumption on the premises and for the provision of regulated entertainment in licensed premises. Existing conditions to licences would continue to apply for the additional hours.

Furthermore, the Committee were advised that the Council had included additional information on its website in respect of how to hold a street party to mark the weekend; including how to apply for a temporary road closure. It was noted that any event which would include the sale of alcohol would require a temporary event notice.

26/L 2022-23 Licensing Committee Work Programme

The Committee noted its proposed Work Programme for the forthcoming municipal year.

Chairman

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