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23rd July 2003

TO THE MEMBERS OF SPELTHORNE BOROUGH COUNCIL

## **SUMMONS TO MEETING**

You are hereby summoned to attend the **Meeting of Spelthorne Borough Council to be held in the Council Chamber, Council Offices, Knowle Green, Staines on Thursday 31st July 2003, beginning at 7.30pm**, for the purpose of transacting the business specified in the Agenda **set out on the next page**.

KAREN SATTERFORD  
*Chief Executive*

**EMERGENCY PROCEDURE:** - In the event of an emergency the building must be evacuated. All Members and Officers should assemble on the Green adjacent to Broome Lodge, Staines. Members of the Public present should accompany the Officers to this point and remain there until the Senior Officer present has accounted for all persons known to be on the premises. **[THE LIFT MUST NOT BE USED]**

## **PUBLIC SPEAKING AT COUNCIL MEETINGS**

### **(1) Question Time**

Public "Question Time" is now nearer to the start of the Council meetings. This is an opportunity for any person to ask the Leader of the Council a question about matters in which the Council has powers or duties or issues which affect the Borough.

### **(2) Petitions**

The Council has a procedure to enable petitions to be presented formally at Council meetings and for the person presenting the petition to address the Council for a maximum of three minutes about it.

### **(3) Representations on Recommendations**

When the Council is considering a recommendation made to it by the Executive or a Committee, any resident can put forward views on the issues involved by making representations to the Council for a maximum of three minutes before the Council discusses the recommendation and makes a decision.

**Anyone wishing to (1) ask a question, (2) present a petition, or (3) make representations on a recommendation, must notify the Chief Executive's office before Noon on the day of the meeting.**

## A G E N D A

1. APOLOGIES FOR ABSENCE

2. MINUTES

To confirm as a correct record the Minutes of the Meeting held on 26th June 2003.  
**(Attached at [APPENDIX 1](#) [pages 3 to 5] )**

3. DISCLOSURES OF INTEREST

To receive any disclosures of interest from Members in accordance with the Council's Code of Conduct for Members.

4. ANNOUNCEMENTS FROM THE MAYOR OR THE LEADER

5. QUESTIONS FROM MEMBERS OF THE PUBLIC

The Leader or his nominee to answer any questions raised by members of the public (*provided questions have been submitted in writing to the Chief Executive's office before Noon on the day of the meeting*).

6. PETITIONS

To receive any petitions submitted to the Council.

7. REPORT FROM THE LEADER OF THE COUNCIL

To receive a report from the Leader of the Council on the work of the Executive.  
**(Attached at [APPENDIX 2](#) [pages 6 to 8] )**

8. REPORTS FROM THE CHAIRMEN OF THE PLANNING AND STANDARDS COMMITTEES

To receive reports from the Chairmen of the Planning and Standards Committees on the work of their Committees. **(Attached at APPENDICES [3](#) and [4](#)) [pages 9 to 11] )**

9. QUESTIONS ON WARD ISSUES

The Leader or his nominee to answer any questions from Members on issues in their Ward. (*provided questions have been submitted in writing to the Chief Executive's office before Noon on the day of the meeting*).

10. GENERAL QUESTIONS

The Leader or his nominee or relevant Committee Chairman to answer any questions from Members on matters affecting the Borough or for which their committee has responsibility (*provided questions have been submitted in writing to the Chief Executive's office before Noon on the day of the meeting*).

11. LICENSING REFORMS - LICENSING ACT 2003 – PROPOSED CHANGES TO THE SIZE OF MEMBERSHIP AND TERMS OF REFERENCE OF THE LICENSING COMMITTEE  
**(Attached at [APPENDIX 5](#) [pages 12 to 14] )**

The Council is asked to consider the attached report of the Strategic Director (Support), approved by the Management Team, and agree the following recommendations:-

- (a) Endorse the proposals for increasing the size of the Licensing Committee to 15 Members with appropriate political balance.

- (b) Agree to amend the terms of reference for the Licensing Committee so that its responsibilities include “all functions relating to any Licensing requirement for which the Council has been granted jurisdiction under any legislation”.
- (c) Agree ongoing Member training on licensing issues, noting the cost can be met for this financial year from the Members’ Training Budget.

12. APPOINTMENTS TO OUTSIDE BODIES

**Spelthorne Infant and Nursery School, Chertsey Road, Ashford Common**

To note that the term of office of the Council’s existing representative, Barbara Wolff, on the Governing Body of Spelthorne Infant and Nursery School expires on 7th September 2003. The Clerk to the Governing Body advises that Barbara Wolff has indicated her willingness to serve for a further term of 4 years until 6th September 2007.

13. URGENT BUSINESS

To consider any urgent business.

14. EXEMPT BUSINESS

To answer any questions which relate to exempt business.

## MINUTES OF THE COUNCIL MEETING HELD ON 26TH JUNE 2003

### BOROUGH OF SPELTHORNE

#### 1. AT THE MEETING OF THE COUNCIL OF THE BOROUGH OF SPELTHORNE, HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, KNOWLE GREEN, STAINES ON THURSDAY 26TH JUNE, 2003 AT 7.30PM

Amos Mrs P C	Forsbrey G E	Paton J M
Ayers F	Fullbrook J	Pinkerton J D
Bain Miss M	Hirst A P	Ponton Mrs J E
Beardsmore I J	Hyams Mrs M	Royer M R
Bhadye S	Jaffer H R	Searancke E J
Bouquet M L	James P R	Sider R W
Ceaser G S (Mayor)	Langridge-John Mrs J B	Spencer Mrs C L
Colinson-Crawford R B	Leighton Mrs V J	Strong C V
Culnane E K	Madams Mrs M J	Trussler G F (Deputy Mayor)
Davies F (Leader)	O'Hara E	Wood-Dow Mrs J M
D'Sa R V	Packman J D (Deputy Leader)	

G S Ceaser, Mayor, in the Chair

#### 2. 159/03 APOLOGIES

Apologies for absence were received from Councillors K Chouhan, Mrs D L Grant, S B S Lorch, Mrs I Napper, Mrs J E Pinkerton, Mrs D Turner and Mrs P Weston.

#### 3. 160/03 MINUTES

**RESOLVED** that the Minutes of the annual meeting held on 13th May 2003 be approved as a correct record, subject to the name of "Jeannette" in minute 112/03 being substituted for the name of "Jean".

#### 4. 161/03 DISCLOSURES OF INTEREST

Councillor H. R. Jaffer disclosed a personal interest in Planning Applications numbered 00297 and 00298 of the Planning Committee meeting held on 25th June 2003.

#### 5. 162/03 ANNOUNCEMENTS BY THE MAYOR, THE LEADER AND THE CHIEF EXECUTIVE

##### (a) Announcements by The Mayor

##### Penrose Club

The Mayor announced that the Penrose Club, which was heavily reliant on volunteer support and catered for the social needs of around 80 members who met at their premises in Ashford, had been awarded the prestigious Queens Golden Jubilee award by the Lord Lieutenant of Surrey at a ceremony at County Hall on 18th June.

##### Spelthorne Fun Day

The Mayor reminded Members of the Spelthorne Fun Day on 13th July, and asked that anyone wishing to volunteer their help contact him.

## **(b) Announcements by The Leader**

The Leader announced that both the Sunbury and Spelthorne Leisure Centres had been awarded the "QUEST" accreditation which was a UK industry quality standard for sports and leisure.

On behalf of the Council he congratulated both staff and management of the Leisure Centres and asked that this be passed on.

## **(c) Announcements by Chief Executive**

### **Open Evening**

The Chief Executive reminded Members that as part of their induction programme there would be an open evening at the Knowle Green Offices on 17th July for all Members, which offered an opportunity to meet staff and find out about key areas of the Council's work.

### **IDEA Peer Review**

She also reminded Members that as part of the first stage of the Comprehensive Performance Assessment there would be an IDEA Peer Review from 21st to 23rd July.

## **163/03 RECOMMENDATIONS OF THE EXECUTIVE**

### **Affordable Housing Policy**

The Council considered a recommendation from the Executive on a formal alteration to Policies H5 and H6 of the Local Plan and agreement to the provision of draft Supplementary Planning Guidance on Affordable Housing.

**RESOLVED** that the Council: -

- (a) Note the extent and outcome of the pre-deposit consultations on Policies H5 and H6 and the consequent amendment to Policy H6 and agree that a statement on pre-deposit consultation be published.
- (b) Agree the draft Supplementary Planning Guidance on Affordable Housing for public consultation at the same time as the first Deposit stage for the proposed Local Plan alterations.
- (c) Agree the draft Local Plan alterations to Policies H5 and H6 as set out in Appendix A and that:
  - (i) A Certificate of Conformity of the changes with the Surrey Structure Plan be sought from Surrey County Council.
  - (ii) Subject to satisfactory issue of a Certificate, the proposed Local Plan alterations be placed on first Deposit.
- (d) Agree that the draft alterations to Policies H5 and H6 of the Local Plan and the Supplementary Planning Guidance be used in determining all new relevant planning applications submitted after the date of the Executive [i.e. 27th May 2003].
- (e) Agree that the Technical Background document be published at the same time as the draft Local Plan alteration and the draft SPG.

### **Spelthorne Best Value Performance Plan 2003-2004**

The Council considered a recommendation from the Executive on the Council's Best Value Performance Plan for 2003-2004.

**RESOLVED** that the Council note the key priorities for the Council listed in the Spelthorne Best Value Performance Plan 2003/2004 and approve the plan for immediate adoption.

### **Statement of Accounts for 2002/2003**

The Council considered a recommendation from the Executive on the Council's Financial Statement of Accounts for 2002/2003.

**RESOLVED** that the Council approve the Council's Statement of Accounts for 2002/2003 and agree that these Accounts be signed by the Leader of the Council.

**6. 164/03 REPORT FROM THE LEADER OF THE COUNCIL**

The Leader of the Council, Councillor F. Davies, presented his report which outlined the various matters the Executive had dealt with since the last Council meeting.

**7. 165/03 IMPROVEMENT AND DEVELOPMENT COMMITTEE**

The Chairman of the Improvement and Development Committee, Councillor A. P. Hirst, presented his report which outlined the matters the Committee had dealt with since the last Council meeting.

**8. 166/03 PERFORMANCE MANAGEMENT AND REVIEW COMMITTEE**

The Chairman of the Performance Management and Review Committee, Councillor Mrs M. Hyams, presented her report which outlined the matters the Committee had dealt with since the last Council meeting.

**167/03 PLANNING COMMITTEE**

The Chairman of the Planning Committee, Councillor E. O'Hara, presented his report which outlined the matters the Committee had dealt with since the last Council meeting.

**9. 168/03 LICENSING COMMITTEE**

The Chairman of the Licensing Committee, Councillor R. W. Sider, presented his report which outlined the matters the Committee had dealt with since the last Council meeting.

**169/03 APPOINTMENTS TO OUTSIDE BODIES**

**(1) Laleham Charities – Laleham Village Hall and Laleham Recreation Ground**

**RESOLVED** that Mr Alexander Jones be appointed as a Representative Trustee of Laleham Charities - Laleham Village Hall and Laleham Recreation Ground, until 26th June 2007.

**(2) Sunbury Welfare Trust**

**RESOLVED** that The Rev, David McDougall, vicar at St. Saviour's Church, Sunbury, be appointed to serve as the Nominative Trustee of the Sunbury Welfare Trust until 26th June 2007.

## REPORT OF THE LEADER OF THE COUNCIL ON THE WORK OF THE EXECUTIVE

The Executive has met once since my previous report to the Council. This report is an overview of the main items considered on 24th June and 22nd July 2003 and is a brief summary of some of the significant issues we have been discussing.

### STAINES TOWN CENTRE ISSUES

**Staines Town Centre Strategy** – We have noted a report on progress on evaluating development opportunities and formulating a long-term strategy for Staines Town Centre, involving a number of sites, including the Elmsleigh Centre and the area to the South and West, the Bus Station, Tothill Multi-Storey Car Park, the Library area, Bridge Street Car Park and Knowle Green. A further report on possible developments will be made to the Executive before the end of 2003.

**Staines Town Centre Strategy Retail Study** – We have agreed that a retail study of the Borough, focusing firstly on Staines Town Centre, be undertaken this financial year with surveys in late September/early October 2003 at a likely cost of between £31,000 and £34,000. We have also agreed that the costs be met by £10,000 from the Planning Budget, £3,000 from the Planning Delivery Grant and the balance from the New Schemes Fund.

### LEISURE, PARKS AND OPEN SPACES AND RECREATION ISSUES

**Proposed Capital Projects at Spelthorne and Sunbury Leisure Centres** - We have approved an allocation from the Capital Programme of £250,000 for these Capital Works at the two Leisure Centres, including Brymors carrying out the work on the poolside showers and Focus FM to carrying out the energy efficient work. We have agreed that the savings from the Minor Works Programme for automatic doors at Sunbury Leisure Centre will be utilised for new automatic doors at Spelthorne Leisure Centre.

**Spelthorne Parks and Open Spaces Strategy 2003-2008** – We have adopted the draft Parks and Open Spaces Strategy 2003-2008 for final consultation with the Community, including an amendment to the tennis fees as reported. We have endorsed the delegation to the Strategic Director (Community), in consultation with the relevant Portfolio Holders (Councillors Forsbrey, Packman and Mrs. Grant), of authority to approve the allocation of Informal Recreation Scheme funding for facilities for young people and have agreed that these 3 Portfolio Holders be involved in the approval of the type of equipment to be purchased.

**Open Space Audit** – We have endorsed the approach on the Open Space Audit to date and have agreed that the Audit be utilised to develop the draft Parks and Open Spaces Strategy further for future consultation. Once the consultation has taken place, a detailed action plan will be identified by the Officers with costs and alternative funding opportunities and will be reported to the Executive for consideration.

### COMMUNITY SAFETY ISSUES

#### **Crime and Disorder Reduction Strategy 2002 to 2005 - Annual Report 2002-2003 -**

We have noted the Crime and Disorder Reduction Strategy draft Annual Report for 2002-2003 reviewing the 3 year Strategy for the period 2002 to 2005, subject to a further report from the Officers on: (1) comparisons with local authorities outside Surrey, but in the same “family” Group as Spelthorne; (2) details of the crime reduction schemes being led by Surrey County Council and the Surrey Police, both programmed and future; and (3) confirmation that the Crime and Disorder Reduction Partnership Board is aware of the performance targets not being met, but is confident that changes being made to the headline targets will bring about an improvement in performance.

Members will be aware from the item in the recent Members’ Information Bulletin that a Members’ Seminar with a presentation by the Surrey Police on issues in relation to their policing of the Borough will be held in the Council Chamber at Knowle Green at 7.00pm on Wednesday, 3rd September 2003.

**Security in Parks – Parks Police Community Support Officers** – We have agreed the immediate implementation of the Security in Parks scheme utilising the 4 Parks Police Community Support Officers

to patrol our parks, with the Council funding 49% and Surrey Police 51% of the costs involved on an ongoing basis and that a review of the scheme be carried out after the first 3 months of operation.

## **CORPORATE ISSUES**

**Child Protection Policy and Procedure for the Council** – We have approved a Child Protection Policy and Procedure for the Council and agreed that Human Resources commence arrangements for training sessions and Criminal Records Bureau (CRB) checks of identified Officers who have contact with children and young people. We have also agreed that relevant Heads of Service be designated as the Officers responsible for making contact with Social Services and for making decisions and referrals under the Child Protection Policy and Procedure.

In addition, we have agreed an amendment to the criteria against which the Council will consider future grant applications to include a condition that the applicants must confirm that their organisation has an up-to-date Child Protection Policy in operation and, if not, the acceptance by them of an undertaking to work with the Council to have such a policy put in place as a condition of any grant awarded.

**People Strategy 2003-2006** – We have approved the draft People Strategy 2003 – 2006; including the addition to the Strategy of the further information presented by the Officers on the management actions being undertaken to address issues arising from the staff focus groups. We have also agreed a further pilot for Spelthorne Pay in 2004 being undertaken on the basis of the Programme reported.

## **ENVIRONMENT ISSUES**

**Flood Risk Action Group** - We have appointed two Council Member representatives to represent Spelthorne on the Flood Risk Action Group – River Thames, Wraysbury to Teddington (FRAG), along with the Strategic Director (Community) as the Officer representative.

**Best Value Review – Clean, Green, Safe and Active** - We have approved the improvement plan arising from the Best Value Review - Clean, Green, Safe and Active. The range of issues and services under review included, **Clean** - Waste Management (Refuse Collection Recycling and waste minimisation), Abandoned Vehicles, Fly Tipping and Graffiti; **Green** –Parks and Open Spaces, Grounds Maintenance, Pollution; **Safe** – Community Safety, Anti-Social Behaviour and Vandalism; and **Active** – Use of facilities provided and in particular activities to engage younger people.

**Night Flight Restrictions at Heathrow, Gatwick, and Stansted Airports – Department for Transport (DfT) Consultation 2003** – We have endorsed the response made to the Department for Transport (DfT) Consultation Paper by the Officers, in consultation with the Portfolio Holder for Environment and Planning, in order to meet the DfT deadline of 11th July 2003. The consultation paper explains why the Government thinks it appropriate to extend the present night flight restriction regime at the three airports for a further year until 31st October 2005. It also seeks views on some aspects of night flights policy to include in the main consultation in 2005. Spelthorne's response covers answers on the proposal to 'roll over' the current arrangements for a year and to the questions for the future consultation.

## **FINANCIAL ASSISTANCE TO LOCAL ORGANISATIONS**

**Grant Applications** - We have awarded a grant of £20,000 from the Good Causes Fund to the Shepperton Playgroup to support the refurbishment of the Shepperton Red Cross Building and to ensure the facility is accessible by the Hope Club and other specialist users.

We have awarded a grant of £5,000 from the Good Causes Fund to the Spelthorne Community Learning Partnership for the purchase of a mobile construction van/bus, subject to an annual report of achievements and an agreement on targets, to ensure the Partnership's project meets the needs of the Council.

## **HIGHWAYS ISSUES**

**Car Park Fees and Charges** - We have approved revised car parking charges for the Council's car parks in Staines Town Centre for implementation from August 2003 and no objections have been received following consultation.



Councillor Frank Davies  
*Leader of the Council*

**31st July, 2003**

## REPORT OF THE CHAIRMAN ON THE WORK OF THE PLANNING COMMITTEE

The Planning Committee has met only once since my report was considered at the previous Council meeting. This report therefore gives an overview of the key applications considered by the Planning Committee at its meeting on 25 June 2003. It also gives a brief update on other related matters.

1. The Planning Committee on 25 June 2003 dealt with 15 items in total including the confirmation of two Tree Preservation Orders.

Public speaking took place on 5 of the items, with a total of 4 people taking the opportunity to address the Committee as part of the Council's public speaking arrangements (Note: one member of the public spoke on two separate but adjacent applications).

The most notable items on the agenda related to:-

- (a) The approval of 8 affordable dwellings plus a re-built Church building at Ashford Methodist Church, Clarendon Road, Ashford.
- (b) The approval of a 2,500 sq. m office building at Skylink House, Stanwell Moor Road, Stanwell.
- (c) The refusal of permissions for 9 flats at 1<sup>st</sup>/2<sup>nd</sup> floor level at the junction of High Street/South Street, Staines.
- (d) The refusal of the additional flats in the enlarged roof space at 134 Feltham Road, Ashford.

### Other matters of interest

- (i) Performance figures for Development Control

The Government's Best Value Performance Indicator targets for processing planning applications are as follows:-

- (a) 60% of all "major" commercial/residential applications to be dealt with within 13 weeks.
- (b) 65% of all "minor" commercial/residential applications to be dealt with within 8 weeks.
- (c) 80% of all "other" applications to be dealt with within 8 weeks.

This set of three targets was introduced for the first time in April 2002. Spelthorne's performance for the first full year ie 2002/03 was as follows.

"Major" applications 33%  
"Minor" applications 50%  
"Other" applications 84%

In the light of the new Scheme of Delegation that was agreed at the Planning Committee in March, combined with the additional resources approved by Executive (also in March), it is anticipated that the out-turn figures during 2003-04 will improve. In this respect it is already worth noting our performance for the quarter April to June was:-

	Major		Minor		Other	
April	100%	)	65%	)	92%	)
May	0%	) 33%	84%	) 74%	86%	) 90%
June	0%	)	73%	)	93%	)

In view of the above, we have successfully met two of the three BVPI's for the first quarter of 2003/04.

## **REPORT OF THE CHAIRMAN ON THE WORK OF THE STANDARDS COMMITTEE**

**The Standards Committee has met once since the last Council meeting and this report gives an overview of the key issues considered by the Committee.**

### **1. THE COMMITTEE'S ROLE**

- 1.1. As this was the first meeting of the committee following the Borough Election in May, the Committee had a useful discussion on its role and functions. One issue, which will be coming forward shortly, will be to agree the format of a questionnaire on ethical issues. It is intended to send this questionnaire to all members and senior officers to help the Committee assess the Council's approach/understanding of ethical issue and future training needs.

### **2. ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT**

- 2.1 The Committee noted that the delayed Section 66 Regulations had come into force on 30<sup>th</sup> June 2003. These regulations would enabled the Standards Board's Ethical Standards Officers to refer their report, following investigation of an allegation of a breach of the Council's Code of Conduct by a Member, to the Standards Committee to consider at local level. The committee would need to reach a determination on whether the Code had been breached and, if so, consider what was an appropriate penalty.
- 2.2. The Committee felt that before any local procedure was adopted for considering and dealing with such reports, it needed to consider the guidance notes being prepared by the Standards Board. These had not been released at the time of the meeting but are now available and copies will be sent to the members of the committee in the near future
- 2.3. At the request of the Committee arrangements have been made for a special meeting to take place on 6<sup>th</sup> August 2003 to consider the position further.
- 2.4. The Committee noted that the second set of regulations, which will require Monitoring Officers to organise investigations and reports on allegations of the Code following the decision of an Ethical Standards Officers that the allegation should be dealt with at a local level, would not be laid before parliament until the autumn.

**Murray Litvak - Chairman of the Standards Committee**

**31st July, 2003**

## LICENSING REFORMS – LICENSING ACT 2003

### RESOLUTION REQUIRED

#### Report of the Strategic Director (Support)

#### 1. PURPOSE OF REPORT

- 1.1 To report on the new Licensing Act 2003, its implications for the Council and the changes required to the Council's Licensing Committee and functions.
- 1.2 These reforms will impact on three of the Council's key priorities, being Engaging younger people, making Spelthorne safer and Making Spelthorne a better place. These priorities along with Government Guidance will form a key part of the Council's Licensing Policy.

#### 2. BACKGROUND

- 2.1 Members will be aware of the proposed changes to Liquor Licensing, food and entertainment regulation by incorporating all these activities under a single licensing authority. Under this new legislation local authorities will be responsible for administering the new and comprehensive regime.
- 2.2 A brief summary of the new proposals and how they are likely to be administered is being prepared for Members. This report concentrates on the changes required to the Council's decision making process, the formulation of the Council's Licensing Policy and the necessary practical changes to our existing committee structure. A later report from the Head of Environmental Health will deal with proposed changes to administering the function under the Environmental Health service and new Licensing procedures.

#### 3. PROPOSALS

- 3.1 The Act became law on 10 July 2003 with the first implementation date expected between January and March 2004. This first phase requires each local authority to prepare its Licensing Policy for the area by the implementation date. Whilst it is necessary to work with surrounding boroughs in Surrey to develop a comprehensive policy, the policy will be limited to ensuring the Government's key objectives are promoted fairly in terms of balancing the needs of the public with the requirements of the trade. The policy needs to be unique to the Spelthorne area.
- 3.2 The government's licensing objectives are:-
  - (a) the prevention of crime and disorder,
  - (b) public safety,
  - (c) prevention of public nuisance, and
  - (d) protection of children from harm.
- 3.3 These compliment most of the Council own key priorities and objectives for which the Council has either developed or is developing policies. There will be guidance from government, which will need to be observed when developing a Licensing policy for Spelthorne. It is hoped that the licensing policy can promote and not conflict with our existing policies on these issues.
- 3.4 The Head of Environmental Health and Building Control, in consultation with Legal Services, will be responsible for producing the Policy in line with guidance and our objectives and consulting with all relevant stakeholders.
- 3.5 The Policy needs to be developed closely with Legal Services prior to being placed before Members, in view of strong concerns that the greatest issue for local authorities in the first phase of implementation will be defending challenges by way of judicial review to any approved policy.
- 3.6 A first draft of the policy will need to be developed by the beginning of September to go to the Licensing Committee on 10th September 2003. Consultation will follow for a suggested period of two months and a revised policy taking account of the responses to the consultation will be placed before the Licensing Committee on 3rd December 2003.
- 3.7 To ensure that the Council is ready to approve new policies and process licensing applications from 1st January 2004, it is essential to set up the appropriate committee arrangements now. The Act requires that each Council establish a licensing committee consisting of at least 10, but

no more than 15 members. Sub-Committees may then be established consisting of no more than three members of the Licensing Committee. These Sub-Committees can be given delegated authority by the Licensing Committee to decide applications on its behalf. In view of the number of applications likely to be placed before the Committee, it is recommended that the Licensing Committee should be expanded from 7 to 15 Members and that the Sub-Committee arrangement should be adopted. The Committee can then develop appropriate Sub-Committee and Officer delegations in due course.

- 3.8 Experts in the field have stressed the likely need for committees to sit far more frequently and for longer to deal with the influx of applications, particularly in the first six to ten months after applications can be made. Committees will also need to be prepared to sit during the day, as licensing justices do currently. The initial proposal is to arrange for two committee meetings per month, one of which should take place during the day.
- 3.9 To accommodate the additional administrative procedures in both Committee Services and Legal Services, adequate resources, particularly for the support of the Committee Services section, will be essential to ensure the smooth running of this new committee regime. A further report will be made to the Management Team on this.
- 3.10 Full training of Members of the Licensing Committee will also be essential. Members will be acting in a quasi-judicial role adhering to the Licensing objectives and the Council's policy document. It is important that Members are aware of the law, the changes to the current system and their responsibilities as members of the Committee. It is proposed to arrange Member training between September and March to prepare Members for their new role. In addition, refresher training will need to be scheduled into Member Training on an annual basis. It is felt that the cost of the initial training can be met from the Members' Training Budget.
- 3.11 The second implementation date will see the new system fully in force. It has been said that this date is likely to be 6 months after the first implementation date and the effects of the second phase will be reported to the Management Team and Members when the full guidance is available.

#### **4. OPTIONS**

- 4.1 Whilst there are various groups which are meeting to discuss the Licensing arrangements for Surrey generally, I believe it is important to ensure that our decision making process and revised committee structure for this function is put in place now to be ready to deal with formulating the new policy and handling the new applications.
- 4.2 To effect the necessary changes, the Constitution needs to be amended to provide the Licensing Committee with the appropriate jurisdiction to deal with this legislation and the membership will need to be increased to 15 Members with an appropriate political balance. The suggested amendments to the Constitution of this Committee are set out in the recommendation in paragraph 7 below.
- 4.3 The alternative is to wait, but previous experience with implementing the taxi licensing for Spelthorne suggests that it is better to be ready well in advance of the implementation date, as the likely influx of applications which a new function brings can be overwhelming.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 Most leading experts on the new Licensing reforms have already stressed that the new licensing function is unlikely to be self financing and we are waiting to receive the final government guidance on the cost implications.
- 5.2 Additional resources will be needed particularly in Committee Services and a further report will be made as the position becomes clearer.

#### **6. LEGAL IMPLICATIONS/OTHER CONSIDERATIONS**

- 6.1 It is essential that the Council is ready to meet the licensing demands in the new year as there are time limits within which applications must be processed. Failure by the Council to comply with the time limits will result in a Licence being deemed to be granted under the new legislation.
- 6.2 The Licensing Policy needs to be developed taking into account Government Guidance, all our relevant policies and ensuring that any restrictions set by the policy are capable of being properly justified in Spelthorne, otherwise we will be susceptible to legal challenge by way of judicial review. Any challenge is to the High Court and therefore the cost implications will be high.

## **7. RECOMMENDATION**

### **7.1 That the Council:-**

- (a) Endorse the proposals for increasing the size of the Licensing Committee to 15 Members with appropriate political balance.**
- (b) Agree to amend the terms of reference for the Licensing Committee so that its responsibilities include “all functions relating to any Licensing requirement for which the Council has been granted jurisdiction under any legislation”.**
- (c) Agree ongoing Member training on licensing issues, noting the cost can be met for this financial year from the Members’ Training Budget.**

**Contact: Karen Whelan, Head of Legal Services on Tel: 01784 446227 or  
e-mail: [k.Whelan@spelthorne.gov.uk](mailto:k.Whelan@spelthorne.gov.uk)**

**Portfolio Holder: Councillor Ed Searancke**

**Background Papers: The Licensing Bill 2003**