

**Roberto Tambini  
Chief Executive**

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**11 July 2007**

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 19 JULY 2007 beginning at 7.30pm**, for the purpose of transacting the business specified in the Agenda **set out on the next page**.

ROBERTO TAMBINI  
*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 IN PERSON AT COUNCIL MEETINGS**

**[Please Telephone: Richard Powell (01784) 446240 or e-mail: [r.powell@spelthorne.gov.uk](mailto:r.powell@spelthorne.gov.uk)]**

**(1) Public Question Time**

Public "Question Time" is near the start of Council meetings. This is an opportunity for any person to ask the Leader of the Council, or his nominee, a question about matters in which the Council has powers or duties or about issues that 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.

**(3) Representations on Recommendations**

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

**Anyone wishing (1) to ask a question at "Public Question Time", (2) to present and speak to a petition, or (3) make verbal representations on a recommendation, must notify the Chief Executive's office by 12noon three working days prior to the day of the Council meeting [i.e. 12noon on the preceding Monday for a Council meeting on a Thursday.] .**

## A G E N D A

1. APOLOGIES FOR ABSENCE

To receive any apologies for non-attendance.

2. MINUTES – 21 JUNE 2007  
**[Pages 4 to 9]**

To confirm as a correct record the Minutes of the Council Meeting held on 21 June 2007.

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

To receive any announcements from the Mayor.

5. ANNOUNCEMENTS FROM THE LEADER

To receive any announcements from the Leader.

6. ANNOUNCEMENTS FROM THE CHIEF EXECUTIVE

To receive any announcements from the Chief Executive.

7. QUESTIONS FROM MEMBERS OF THE PUBLIC

The Leader or his nominee to answer any questions raised by members of the public *[providing notice has been given in accordance with the procedures laid down in the Council's Constitution]*.

8. PETITIONS

(a) Under Standing Order 15.2, Sandra Collins of 5 Meadhurst Park, Sunbury-on-Thames has given notice that she wishes to present to the Mayor a Petition opposing the introduction of an Alternate Weekly Collection system for Refuse and Recycling. Under Standing Order 15.3, she has also given notice that she wishes to address the Council about the Petition for up to three minutes.

(b) To receive any other Petitions submitted to the Council by the deadline laid down in Standing Order 15.2.

*[Notice of petitions and persons wishing to speak to the Council on them must be given in accordance with the procedures laid down in the Council's Constitution].*

9. RECOMMENDATIONS OF THE EXECUTIVE  
**[Page 9a]**

To consider the recommendations of the Executive on **The Licensing Act 2003 – Draft Statement of Licensing Policy 2008-2011 for Consultation**.

*[A copy of the Draft Statement of Licensing Policy 2008-2011 will be circulated to Members under separate cover.]*

Note: Members of the public may make representations in person not exceeding 3 minutes on individual recommendations before they are discussed *[providing notice has been given in accordance with the procedures laid down in the Council's Constitution]*.

10. RECOMMENDATIONS OF THE AUDIT COMMITTEE  
**[Page 10]**

To consider the recommendations of the Audit Committee on **Audit Committee - Terms of Reference – Approval of Statement of Accounts.**

11. RECOMMENDATIONS OF THE STANDARDS COMMITTEE  
**[Pages 11 to 22]**

To consider the recommendations of the Standards Committee on **(1) Independent Member Appointments and (2) New Model Code of Conduct.**

12. NOMINATION FOR THE APPOINTMENT OF AN HONORARY FREEMAN OF THE BOROUGH

The Council is asked to resolve, as follows:-

- (a) To nominate former Borough Councillor Gerry Ceaser for appointment as an Honorary Freeman of the Borough.

**Proposed by the Leader of the Council: Councillor John Packman.  
Seconded by the Deputy Leader of the Council: Councillor Richard Smith-Ainsley.  
Endorsed by: Councillor Robin Sider.**

- (b) That a Special Meeting of the Council be held at 7.30pm on Tuesday 23 October 2007 for the formal appointment of former Borough Councillor Gerry Ceaser as an Honorary Freeman of the Borough pursuant to the powers vested in the Borough Council by virtue of Section 249 of the Local Government Act 1972.

13. REPORT FROM THE LEADER OF THE COUNCIL  
**[Pages 22a to 22b]**

To receive the report from the Leader of the Council on the work of the Executive.

14. REPORT FROM THE CHAIRMAN OF THE IMPROVEMENT AND DEVELOPMENT COMMITTEE  
**[Pages 23 to 24]**

To receive the report from the Chairman of the Improvement and Development Committee on the work of her Committee.

15. REPORT FROM THE CHAIRMAN OF THE LICENSING COMMITTEE  
**[Page 25]**

To receive the report from the Chairman of the Licensing Committee on the work of his Committee.

16. REPORT FROM THE CHAIRMAN OF THE PLANNING COMMITTEE  
**[Pages 26 to 27]**

To receive the report from the Chairman of the Planning Committee on the work of his Committee.

17. REPORT FROM THE CHAIRMAN OF THE STANDARDS COMMITTEE  
**[Page 28]**

To receive the report from the Chairman of the Standards Committee on the work of his Committee.

18. QUESTIONS ON WARD ISSUES

The Leader or his nominee to answer any questions from Members on issues in their Ward, *[providing notice has been given in accordance with the procedures laid down in the Council's Constitution]*.

19. GENERAL QUESTIONS

- (a) 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,
- (b) Under Standing Order 14.1, Councillor Robin Sider has given notice that he wishes to ask the Leader, or his nominee, the following General Question:

“Can the Strategic Director (Community) assure me that this Council will pursue every avenue to prosecute each and every person found to be ‘ Fly Tipping’ in the Borough, irrespective of the amount of such fly tipping involved?”

*[providing notice has been given in accordance with the procedures laid down in the Council's Constitution]*.

20. URGENT BUSINESS

To consider any urgent business.

**MINUTES OF THE COUNCIL MEETING HELD ON 21 JUNE 2007  
BOROUGH OF SPELTHORNE**

**AT THE MEETING OF THE SPELTHORNE BOROUGH COUNCIL HELD IN THE COUNCIL  
CHAMBER, COUNCIL OFFICES, KNOWLE GREEN, STAINES ON THURSDAY 21 JUNE AT  
7.30PM**

Ayers F.	Dunn S.A.	O'Hara E.
Beardsmore I.J.	Flurry K.E.	Packman J.D.
Bell E.M.	Forsbrey G. E.	Pinkerton J.D.
Bhadye S. (Deputy Mayor)	Grant Mrs D.L.	Pinkerton Mrs J.M.
Bouquet M. L.	Hirst A. P. (Mayor)	Rough Mrs M.W.
Broom P.A.	Hyams N.A.	Sider R. W.
Budd S.E.W.	Jaffer H.R.	Smith-Ainsley R.A.
Colison-Crawford R.B.	Leighton Mrs V.J.	Spencer Mrs C.L.
Collis M.J.	McShane D.L.	Strong C.V.
Crabb T.W.	Napper Mrs I.	Trussler G.F.
Davis C.A.	Nichols Mrs C.E.	Weston Mrs P.
	Nichols L.E.	

Councillor A.P. Hirst, The Mayor, in the Chair

**202/07 APOLOGIES**

Apologies for absence were received from Councillors C.D.G. Kuun, M.T. Royer and H.A. Thomson and from Mr M. Litvak and Mr T. Davies.

**203/07 MINUTES**

**RESOLVED** that the Minutes of the meeting held on 24 May 2007 be approved as a correct record.

**204/07 SOUTH EAST EMPLOYERS CHARTER FOR MEMBER DEVELOPMENT**

The Mayor, Councillor A.P. Hirst, called upon the Leader, Councillor J.D. Packman, the Leader of the Minority Group, Councillor C.V. Strong and the Chief Executive, to re-sign the Statement of the Council's Commitment to the South East Employers Charter for Member Development. This was then signed in the presence of the Council.

**205/07 ANNOUNCEMENTS FROM THE MAYOR**

**Civic Service**

The Mayor reminded Members of the Civic Service to be held on Sunday 8 July 2007 at St Andrew's Church, Upper Halliford and asked them to respond to the invitations that had been sent out.

**Golf Day**

The Mayor reminded Members of the Golf Day to be held at Ashford Manor Golf Course on 2 August 2007. For those who did not play golf there would be a dinner on that evening which they were welcome to attend. Proceeds would be going to the Mayor's Charity Fund.

**Council v Staff Bowls Match**

The Mayor announced that a bowls match against the staff was being arranged for later in the year and urged Members to start practising now for what would be an enjoyable evening.

## **206/07 ANNOUNCEMENTS FROM THE CHIEF EXECUTIVE**

The Chief Executive announced that Trevor Davies, the independent Vice-Chairman of the Council's Standards Committee, had stood down from his appointment as he had taken up a position with Woking Borough Council and this disqualified him from serving on this Council.

The process to advertise for a replacement would commence shortly.

## **207/07 ANNOUNCEMENTS FROM THE LEADER**

The Leader, Councillor J.D. Packman, expressed his regret at the news that Trevor Davies had to stand down. He had voluntarily served on the Standards Committee since 2005 and it would be a loss to an important part of the Council's safeguards. He paid tribute to his work that had included an active part in the Council's Planning Code and Complaints' procedure. He had a memento to present, which would be passed on to Mr Davies.

## **208/07 DRAFT CALENDAR OF MEETINGS 2008**

The Council considered the recommendation of the Executive on a draft Calendar of Meetings for 2008, covering the 12 months period from 1 January 2008 to 31 December 2008. A revised draft Calendar was circulated at the Council meeting.

**RESOLVED** that the revised draft Calendar of Meetings for 2008, covering the 12 months period from 1 January 2008 to 31 December 2008, be approved.

## **209/07 OUTTURN AND STATEMENT OF ACCOUNTS 2006/2007**

The Council considered the recommendation of the Audit Committee on the Outturn and Statement of Accounts 2006/2007. A copy of the Draft Statement of Accounts 2006/2007 had been circulated to all Members of the Council under separate cover.

**RESOLVED** that the Statement of Accounts 2006/2007 be approved and that they be signed by the Leader of the Council and by the Chief Financial Officer [i.e. the Strategic Director (Support)].

## **210/07 CHANGE TO THE COUNCIL'S CRITERIA FOR THE APPOINTMENT OF HONORARY ALDERMEN**

The Council considered the report of the Strategic Director (Support) on a change to the Council's criteria for the appointment of Honorary Aldermen.

The change to the Council's criteria for the appointment of Honorary Aldermen was opposed by the minority party.

**RESOLVED** that a change to the Council's criteria for the appointment of Honorary Aldermen, by the deletion of the Borough residency requirement [i.e. existing "clause (b)"], to enable a nominee who no longer lives in the Borough to be considered for appointment as an Honorary Alderman, be approved.

## **211/07 NOMINATION FOR THE APPOINTMENT OF AN HONORARY ALDERMAN OF THE BOROUGH**

The Leader of the Council, Councillor J.D. Packman, proposed and the Deputy Leader, Councillor R.A. Smith-Ainsley seconded the nomination of former Borough Councillor, Frank Davies for appointment as an Honorary Alderman of the Borough.

### **RESOLVED**

- (a) That former Borough Councillor Frank Davies be nominated for appointment as an Honorary Alderman of the Borough.
- (b) That a Special Meeting of the Council be held on Thursday 26 July 2007 for the formal appointment of former Borough Councillor Frank Davies as an Honorary Alderman of the Borough.

## **212/07 REPORT FROM THE LEADER OF THE COUNCIL**

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

## **213/07 REPORT FROM THE CHAIRMAN OF THE AUDIT COMMITTEE**

The Chairman of the Audit Committee, Councillor J.D. Pinkerton, presented his report, which outlined the matters the Committee had dealt with since the last Council meeting.

## **214/07 REPORT FROM THE CHAIRMAN OF THE PERFORMANCE MANAGEMENT AND REVIEW COMMITTEE**

The Chairman of the Performance Management and Review Committee, Councillor F. Ayers, presented his report, which outlined the matters the Committee had dealt with since the last Council meeting.

## **215/07 REPORT FROM THE CHAIRMAN OF THE 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.

## **216/07 MOTIONS**

Under Standing Order 16, Councillor C.V. Strong proposed and Councillor E. M. Bell seconded the following motion:

“This Council notes the prolonged level of poor service the Borough of Spelthorne has received from the County Highways Authority.

Council resolves to deplore the poor service level and calls upon the County Highways Authority, as a matter of urgency, to present to the Borough of Spelthorne a detailed scheme for improving the maintenance services it is providing.”

Under Standing Order 18.6 (i), the Leader, Councillor J.D. Packman proposed and the Deputy Leader, Councillor R.A. Smith-Ainsley seconded the following amendment to the above Motion:

“This Council resolves to refer the matter of highways maintenance improvement to the Surrey County Council Local Committee in Spelthorne for consideration, being the appropriate local forum for dealing with this issue on behalf of the County Highways Authority.”

In accordance with Standing Order 21.4, a request was made by the Leader of the Council, Councillor J.D. Packman, for the voting on the above matter to be recorded. The vote was as follows:

FOR (34)	Councillors F. Ayers, Miss M. Bain, I.J. Beardsmore, E.M. Bell, S. Bhadye, M.L. Bouquet, P.A. Broom, S.E.W. Budd, R.B. Colison-Crawford, M.J. Collis, T.W. Crabb, C.A. Davis, Mrs S.A. Dunn, K.E. Flurry, G.E. Forsbrey, Mrs D.L. Grant, A.P. Hirst, Mrs N.A. Hyams, H.R. Jaffer, Mrs V.J. Leighton, D.L. McShane, Mrs I. Napper, Mrs C.E. Nichols, L.E. Nichols, E. O'Hara, J.D. Packman, Mrs J.M. Pinkerton, J.D. Pinkerton, M.W. Rough, R.W. Sider, Mrs C.L. Spencer, C.V. Strong, G.F. Trussler and Mrs P. Weston
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The amendment was carried.

The amendment was then put as the substantive motion and again carried.

**RESOLVED** to refer the matter of highways maintenance improvement to the Surrey County Council Local Committee in Spelthorne for consideration, being the appropriate local forum for dealing with this issue on behalf of the County Highways Authority.

## **217/07 GENERAL QUESTIONS**

The Mayor referred to the new Constitution and to Standing Order 14, which permitted Members to ask general questions. He stated that by inference the interpretation of this Standing Order meant that Members were only permitted to ask one question. However, on this particular occasion only, he was prepared to exercise his discretion and to allow Members to ask the questions which they had submitted in writing by the new deadline of 12 Noon three clear days prior to the Council meeting.

### **Under Standing Order 14, Councillor C.V. Strong asked the following questions:**

**Q1.** "How many extra support staff will be employed for the roll-out of the Alternate Weekly Collection?"

### **The Leader, Councillor J.D. Packman, responded as follows:**

"Within Customer Services 5 extra temporary staff have been appointed to provide coverage until Christmas 2007. One staff member has also been assigned to Environment Services as project support officer and liaison with schools."

Councillor Strong then exercised his right under Standing Order 14.2 to ask a supplementary question which sought to establish when the numbers of support staff had been revised.

Councillor Packman responded that staffing levels reflected the response to the changing requirements of the scheme as it had evolved and been developed further.

**Q2.** "Who approved the bringing forward of the commencement date of the Alternate Weekly Collection to September 24th?"

### **The Leader, Councillor J.D. Packman, responded as follows:**

"This issue was discussed at length by the Programme Board as the original proposal for the end of October was thought to be too close to Christmas to allow the scheme to bed in before then. Furthermore, having a longer four week roll out from September through to October enables manageable zones, which should help to spread any customer issues. The date was, therefore, moved forward to Sept 24 to allow time for the new system to settle in prior to Christmas. The final approval for the AWC roll-out will take place at the July Executive meeting."

Councillor C.V. Strong then exercised his right under Standing Order 14.2 to ask a supplementary question seeking an assurance that the decision of the Executive would be placed before Council as a recommendation.

Councillor J.D. Packman responded that the responsibility and the decision was a matter for Executive.

### **Under Standing Order 14, Councillor I.J. Beardsmore asked the following questions:**

**Q1.** "When are the special meetings on the way forward of the recycling scheme going to be held?"

### **The Leader, Councillor J.D. Packman, responded as follows:**

"The Waste Seminar is taking place on 9 July 2007 at 7.00pm in the Council Chamber."

**Q2.** "It was agreed that only the right environmental message should be concentrated on. What is meant by the 'right' environmental message?"



**The Leader, Councillor J.D. Packman, responded as follows:**

"We need to ensure that residents are aware of these issues in relation to waste collection and disposal, rather than focusing on recycling targets alone. Through both our work and joint work with Surrey we hope to ensure that residents start to understand the waste hierarchy. However, this Council maintains the national environmental message to "Reduce, Re-Use, Recycle".

Councillor I.J. Beardsmore then exercised his right under Standing Order 14.2 to ask a supplementary question about the measures to be taken on the right messages if residents find waste rotting in bins during summer months.

Councillor J.D. Packman responded that he would ask the Officers to give him a detailed reply.

**Under Standing Order 14, Councillor Mrs C.E. Nichols asked the following question:**

"Now that the Council's trial of the new bins at selected properties has finished, what trials will the Council be running over the crucial summer period? Is the Council considering trialling a complete ward before rolling out the alternate weekly collection to the whole Borough?"

**The Leader, Councillor J.D. Packman, responded as follows:**

"There will be no trials over the summer period. I presume this question relates to food waste. We have taken note of reactions in other Boroughs and Districts and will ensure that appropriate guidance is given. In all these areas common sense advice about food waste disposal have prevented problems. The trials also have a considerable cost associated with them and, therefore, the trial will not be continuing.

Additionally, please rest assured that the Portfolio lead for the Environment – Councillor G.E. Forsbrey and senior staff are working closely with other Surrey districts on the whole issue of collecting kitchen waste.

As and when facilities exist for North Surrey districts to dispose of food waste, Spelthorne will be well placed to consider swift introduction of such schemes as will be appropriate."

Councillor Mrs C. E. Nichols then exercised her right under Standing Order 14.2 to ask a supplementary question about the timescale for the introduction of food waste collection.

Councillor J.D. Packman stated that he did not have any information on this matter.

**Under Standing Order 14, Councillor L.E. Nichols asked the following question:**

"The air quality in some areas of the Borough is very poor and below expected standards, especially around Sunbury Cross. Why have the published air quality statistics presented on the Council website not been updated since September 2006? When will the up to date statistics be published?"

**The Leader, Councillor J.D. Packman, responded as follows:**

"Spelthorne currently monitors airborne nitrogen dioxide levels in 38 locations in the Borough, including several in the Sunbury Cross area.

We currently have a problem with the link between our air quality results spreadsheet and the Council's website. Consequently the results table on our website has not been updated correctly. This problem is currently under investigation and will be resolved as soon as possible.

We are also currently experiencing a delay in receiving the results from the contractor we use to analyse the tubes. Despite submitting tubes to the contractor on a monthly basis we have only received ratified data up until the end of December 2006. It is understood that other local authorities are experiencing similar problems and we are pursuing this matter with the contractor. As soon as the outstanding results become available we will update our website accordingly.

We will be unable to provide any results for the monitoring location in The Parade, Sunbury Cross for the period October 2006 to January 2007. This is due to the fact that, the lamp-post used to mount the tube at this location has been removed. Consequently we have had to identify a new monitoring location in this area which has been in use since February 2007.

The majority of airborne nitrogen dioxide in the Sunbury Cross area is due to traffic related pollution. Although nitrogen dioxide levels are elevated in some areas of the Borough, levels are beginning to fall in a number of locations, presumably due to the use of cleaner, more efficient vehicles. The higher levels of nitrogen dioxide found at our monitoring point in The Parade, Sunbury Cross are due to the fact that this is a roadside monitoring location, and would not be representative of the levels of pollutants that people would experience throughout the day."

Councillor Nichols then exercised his right under Standing Order 14.2 to ask a supplementary question which indicated that the answer given was not dissimilar to the answers given to questions raised at the last two area forums.

Councillor Packman gave an assurance that the Council would play its part in combating pollution.

## RECOMMENDATIONS OF THE EXECUTIVE

### 1. THE LICENSING ACT 2003 – DRAFT STATEMENT OF LICENSING POLICY 2008-2011 FOR CONSULTATION

1.1 The Executive have considered a report seeking Members' approval to consult on the Council's draft Statement of Licensing Policy 2008 – 2011. This Statement of Licensing Policy provides a clear framework to promote the four licensing objectives of preventing crime and disorder, public safety, prevention of public nuisance and protecting children from harm within the Borough.

1.2 The draft policy differs from the existing one in the following main ways:

It has been condensed to about half the size of the current policy by taking out any unnecessary repetition and any matters that are procedural rather than a matter of policy.

More specific information has been included on non-standard hours in licences' Operating Schedules, such as bank holidays, saints' day celebrations, etc. (paragraph 14.4, page 11 of the policy).

The cumulative impact section in the policy has been simplified to remove any confusion about the Council's position on this issue. It is proposed that detailed information on the criteria needed to adopt such a policy is contained in an annex to the policy (paragraph 13, page 9 of the policy).

The review process has been given more prominence and examples given as to the matters that may lead to applications for review by responsible authorities and interested parties (mentioned throughout the policy).

More information on Temporary Event Notices (TENS) has been included due to practical experiences of sections of the licensed trade and community organisations being caught out on the "ten day rule" (paragraph 6, page 7 of the policy).

More information has been included on the impact on the public nuisance objective, because of the potential effect of the noise, litter and the impending smoke-free legislation on neighbouring residents to licensed businesses (paragraph 20.3, pages 16 and 17 of the policy).

1.3 The Chairman and Vice-Chairman of this Council's Licensing Committee have been consulted on the proposed draft policy and have given it their approval.

**1.4 The Executive recommend that the Council adopt for Consultation the draft Policy Statement at Appendices A and B to these recommendations, in accordance with the following timetable: start of consultation of the draft policy – 20 July 2007; end of consultation period – 10 October 2007; report back to Executive with recommended final policy – 6 November 2007; report to Full Council to approve final policy – 13 December 2007; publish final policy – 17 December 2007.**

Councillor John Packman  
*Leader of the Council*

19 July 2007



## **APPENDIX A**

### **SPELTHORNE BOROUGH COUNCIL**

#### **STATEMENT OF LICENSING POLICY 2008 – 2011**

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## **1.0 Introduction**

Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of policy every three years. This document is intended to meet the Council's obligations under that Section.

This statement provides information for existing licence holders, those wishing to apply for various licences under the Act, and for residents who may have views about applications. It also gives information on the various processes under the Act. However, separate guidance and information are available on request (see **Annex 2** for contact details).

## **2.0 The Spelthorne Area**

Spelthorne Borough Council is located 15 miles west of central London and sits in the far north west corner of Surrey, close to the boundary of Berkshire. The Borough is also bordered by the London Boroughs of Hillingdon, Hounslow and Richmond. The Borough is 45% urban and the remainder protected as Green Belt.

Spelthorne's resident population was 90,390 by the end of 2001, based on the 2001 census. The main centres of population are the towns of Staines, Ashford, Sunbury, Shepperton and Stanwell.

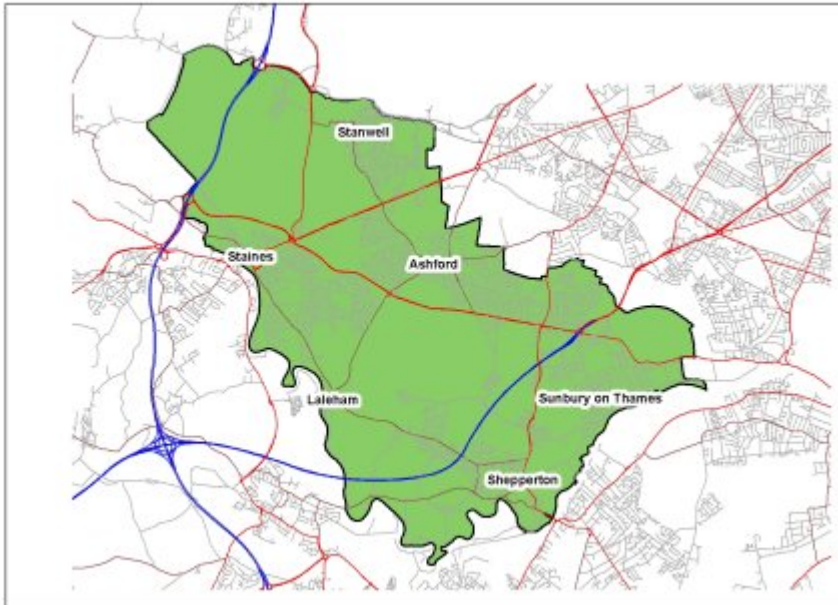
The population is predominantly white with ethnic groups making up 5.7% of the population, compared with the national average (9.1%). This figure is based on the 2001 census.

The local economy includes manufacturing and service industries, research, agriculture, the professions and many administration sites. In fact 20% of all commercial or industrial property in the county is located in the Borough, including the headquarters of national and international companies such as BP. Shepperton Film Studios and Kempton Park Racecourse are also located within the Borough. Heathrow, the busiest international airport in the world, lies on the Borough's northern edge and inevitably has a major impact on the area both economically (13% of Spelthorne's economically active population work there) as well as environmentally.

Transport links in the area are mainly good but traffic can get very congested. The busiest section of the M25 passes through the western part of the Borough while the M3 starts in the south of Spelthorne at Sunbury Cross. Bus and rail links to London are good, but poor to the rest of Surrey.

Spelthorne is home to a wide variety of licensed premises and has approximately 93 pubs/bars, 28 members' clubs, 88 shops selling alcohol, 42 restaurants and 41 "other" – including late night takeaways and community halls.

## 2.1 MAP OF THE BOROUGH



## 3.0 LICENSING OBJECTIVES AND LICENSABLE ACTIVITIES

Section 4 of the Licensing Act requires the Licensing Authority to carry out its licensing functions with a view to promoting the **Licensing Objectives**, which are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

Decision making will be based on these licensing objectives, this policy document and any guidance issued from time to time by the Secretary of State.

The policy relates to all “licensable activities” as defined by the act, namely:-

- Retail sale of alcohol
- Supply of alcohol to club members
- Provision of ‘regulated entertainment’ (listed below) – to the public, to club members or with a view to profit
  - A performance of a play
  - An exhibition of a film
  - An indoor sporting event
  - Boxing or wrestling entertainment
  - A performance of live music
  - Any playing of recorded music
  - A performance of dance



- Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance
- Provision of facilities for dancing, making music or entertainment of a similar description
- The supply of hot food and/or drink from any premises between 11pm and 5am

#### **4.0 PREMISES LICENCES AND CLUB PREMISES LICENCES**

Premises licences are needed for any business that involves the use of a premises for the licensable activities outlined above. "Premises" does not necessarily have to be a building. If public access to the premises will be restricted to members and guests, a club premises certificate may be obtained.

The "operating schedule" is a key part of the application as it outlines what measures the applicant will put in place to promote the licensing objectives outlined above. These steps will become licence conditions. Applications must also contain details of the types of licensable activities, operating hours, and a plan of the premises.

Premises licences are not renewed annually but a statutory annual fee is payable.

#### **5.0 PERSONAL LICENCES**

A personal licence authorises the holder to sell alcohol, or authorise the sale of alcohol, in a premises that has a premises licence or other relevant authorisation such as a Temporary Event Notice (see below).

Applicants must be over 18, must not have forfeited a personal licence within five years of the application, and have a relevant licensing qualification. The application must be accompanied by a criminal record check that is less than one month old. A conviction for a relevant offence or foreign offence would have to be notified to Surrey Police and they would have an opportunity to object to the personal licence being issued on crime and disorder grounds. A police objection would normally lead to the application being decided by a licensing sub committee. A conviction will not be taken into account if it is "spent" for the purposes of the Rehabilitation of Offenders Act 1974.

Applicants must apply to the Licensing Authority where they live rather than where they work.

Personal licences are valid for 10 years. The Licensing Authority will stay the same even if the holder moves out of the Borough. The personal licence holder must notify changes of name or address to the Licensing Authority and there is a statutory fee payable.

## **6.0 TEMPORARY EVENT NOTICES**

Temporary Event Notices (TENs) can be given for small-scale licensable events. TENs may cover a wide range of activities such as permitting the sale of alcohol from a beer tent at a school fete or for a school play, to a pub who want to extend their permitted licensing hours and/or want to have a live music event not permitted by their premises licence.

The notice must be served at least 10 working days before the event, not including the date of the event itself or the date it is served. If a notice is not served in time then the event is unauthorised so it important that these are served in plenty of time. A preference would be at least six weeks before the event.

Late notices cannot, under any circumstances, be accepted by the authority.

There are strict limits on how many notices can be served in a calendar year. The Licensing Authority must serve a "counter-notice" if the number of notices and other limitations are exceeded.

The Police can object to a Temporary Events Notice on the grounds of crime and disorder or insist on certain conditions.

Guidance and further details on the application process are available separately.

## **7.0 CONDITIONS**

Measures offered by applicants on their operating schedule will become licence conditions. They must be measurable and the meaning must be clear and unambiguous. The authority may therefore alter the wording of a condition to achieve this. The context or meaning of the condition will not be changed.

The Licensing Authority may only attach conditions to a premises licence where "relevant representations" have been received. Relevant representations are those that relate to the licensing objectives, are about the particular application and relate to the premises, and are made by people or businesses that are permitted by the Act to make representations.

Conditions will only be attached to a licence where they are necessary for the promotion of one or more of the licensing objectives. They will focus on matters that are within the control of individual licensees and that are relevant to the type of premises and licensable activities that take place.

When considering conditions, the Licensing Authority will take into account the direct impact of the activities taking place at licensed premises on

members of the public living, working or engaged in normal activity in the area concerned.

Standard conditions will not be attached to premises licences.

### **7.1 Authorisation of Sales**

There is a mandatory condition on all premises licences that permit the sale of alcohol for consumption on the premises that all such sales must be authorised by a person who holds a personal licence. It is strongly recommended that this authorisation be given in writing and that this written authorisation be available for inspection by police or licensing officers.

## **8.0 ADMINISTRATION AND DECISION MAKING**

This Policy has been decided upon by the full Council. The Licensing Committee will consist of fifteen Members of the Council. If there are relevant representations against an application, the Licensing Authority will try to resolve issues between applicants and those making representations to try to reach agreement so that a hearing is not necessary. Where relevant representations have been made and not subsequently withdrawn, applications will be heard by a sub-committee of three members drawn from the Licensing Committee.

The circumstances in which licensing decisions may be delegated to an officer are set out in **Annex 3**.

## **9.0 CONSULTATION**

[A paragraph shall be inserted here on the consultation process when this has been completed]

## **10.0 FUNDAMENTAL PRINCIPLES**

It is recognised that licensing law is not the only means of controlling general anti-social behaviour, whether alcohol-related or not. However, licensing plays an important part in managing the night-time economy, particularly in town centres and any other identified “high risk” areas.

This authority recognises that individuals or businesses

- have the right to apply under the Act for a variety of permissions and have any such application considered on its individual merits
- have the right to make representations on an application or to seek a review of a licence or certificate where they are able to do so under the Act.

The authority has a duty to prevent crime and disorder under Section 17 of the Crime and Disorder Act 1998 and are committed to working closely with Surrey Police, other agencies, local residents and businesses to achieve this.

The authority will act in accordance with the relevant race equality legislation and the values, principles and standards set out in the Race Equality Scheme.

The Human Rights Act 1998 makes it unlawful for a local authority to act in a way that is incompatible with a convention right. The authority will have regard to the Human Rights Act when undertaking licensing functions, particularly the following relevant provisions:

- Article 6 – everyone is entitled to a fair and public hearing within a reasonable time, by an independent and impartial tribunal established by law
- Article 8 – everyone has the right to respect for his home and private and family life
- Article 1 of the first protocol – every person is entitled to the peaceful enjoyment of his or her possessions.

## **11.0 PROCEDURAL MATTERS**

Comprehensive guidance is available for applicants. Incomplete or unclear applications will not be automatically returned where simple administrative adjustments can easily be made. Guidance is equally available to residents or businesses that are interested in making representations or exploring the review process

There is also a facility to make applications on line via [http://www.spelthorne.gov.uk/business\\_and\\_advice/licensing/wrk\\_licensing\\_online\\_licensing.htm](http://www.spelthorne.gov.uk/business_and_advice/licensing/wrk_licensing_online_licensing.htm)

Currently applicants will still have to copy their applications to all of the responsible authorities by post. However this will be kept under review and efforts made to automate the process where this complies with the law.

## **12.0 PUBLIC RECORDS**

The authority has a web based public access facility for viewing licensing applications. Current applications can also be commented on electronically. This can be accessed via [http://phoenix.spelthorne.gov.uk/publicaccess/li/li\\_home.aspx](http://phoenix.spelthorne.gov.uk/publicaccess/li/li_home.aspx)

## **13.0 CUMULATIVE IMPACT**

“Cumulative impact” is the combined effect of a number of licensed premises in a particular area. Licensing authorities can adopt a special policy of refusing or restricting new licences on the grounds of the cumulative impact

that licensed premises may have in a particular area. The licensing authority must have evidence to support the need for such a policy.

Spelthorne does not currently have such a policy for any part of the Borough but shall keep this under review.

Any responsible authority or interested party can still make representations on the grounds of cumulative impact. However there must be a link between the perceived or actual problems and the premises concerned.

A separate document detailing the steps that must be taken before a cumulative impact policy is introduced is available at **Annex 4**

## **14.0 LICENSING HOURS**

### **14.1 General**

Longer licensing hours can help to avoid the concentration of customers leaving premises at the same time, leading to friction at late night food outlets, taxi ranks and other sources of transport. It is also recognised that licensing hours should not restrict the development of safe evening and night-time entertainments that are important for investment and employment locally. However, providing consumers with greater choice and flexibility must always be balanced carefully against the rights of local residents to peace and quiet.

There is no general presumption in Spelthorne in favour of lengthening licensing hours: the overriding principle will be the promotion of the four licensing objectives.

Stricter measures for controlling noise are likely to be sought for late licences, particularly in residential areas or where there has been a history of noise complaints. Please also see measures outlined under the “Public Nuisance” heading below.

Consideration will always be given to the individual merits of any application.

### **14.2 Shops, stores and supermarkets**

Shops, stores and supermarkets will generally be permitted to sell alcohol during the normal hours they open for shopping. However, there may be very good reasons for restricting those hours. For example, a limitation on the hours that alcohol can be sold may be appropriate, following police representations, for shops known to be the focus of disorder and disturbance, or where youths gather and behave anti-socially.

### **14.3 Late night takeaways**

Applications for premises offering late night take away food and drink will be considered on their individual merits. However, such premises can be the focus of disorder with large numbers of people gathering there after other licensed premises have closed. The density and closing times of other licensed premises in the vicinity will therefore be taken into

consideration. Applicants for late night takeaways in Staines Town Centre will also be encouraged to include the provision of CCTV and use of town centre radios on their operating schedules.

#### **14.4 Non-standard hours**

It is recognised that businesses may wish to apply for non-standard hours for Bank Holidays, Christmas Eve or Saints days. However, any additional days should be clearly identified in their licence operating schedules with dates and times so that proper consideration can be made of their impact on the licensing objectives and so that the licence is clear and unambiguous in this respect.

#### **15.0 ENFORCEMENT**

The licensing authority recognises that most businesses and individuals want to comply with the law. We will actively seek to help businesses and others meet their legal obligations without unnecessary expense, while taking firm action against those who flout the law or act irresponsibly, including prosecution where appropriate.

Protocols are in place for the targeting of agreed problem and high-risk premises, with a lighter touch being applied to those premises shown to be well managed and maintained.

In practice, regular joint visits are undertaken with partners such as the Police, Environmental Health, Fire and Trading Standards Officers. These include visits outside normal office hours. Pre-arranged inspections will normally take place to premises that have been the subject of complaints, or where there has been a variation of Designated Premises Supervisor or in the conditions of the licence. Other factors that will determine the frequency of inspections include the location of the premises, the type of customers or activities, and confidence in the management.

It is expected that, in general, action will increasingly be taken against “problem” premises through the review process. Where prosecution is considered to be necessary, the key principles of consistency, transparency and proportionality will be maintained.

#### **16.0 THE REVIEW PROCESS**

Local residents and businesses that live near licensed premises have the power to apply for a licence to be called in for review if the premises are causing problems and failing in terms of the licensing objectives. “Responsible Authorities” such as the Police, Environmental Health or Trading Standards can also call licences in for review. A review can be requested at any time, however the government guidance recommends that not more than one review in twelve months should be allowed on similar grounds unless there

are compelling circumstances. Review applications cannot be made anonymously.

A review application needs to be in writing on the statutory form. There will need to be clear and factual evidence to support the application and this should show that incidents are not isolated and that there is a direct link with the premises. Grounds for review must also be based on one or more of the licensing objectives.

## **17.0 RELATIONSHIP WITH OTHER LEGISLATION**

The licensing authority recognises the need to avoid duplication with other legislation and will only seek to attach conditions to premises licences and club premises certificates where these are considered necessary for the promotion of the licensing objectives and are not already provided for in any other legislation.

## **18.0 PLANNING AND BUILDING CONTROL**

Planning, Building Control and licensing regimes will be properly separated to avoid duplication and inefficiency. Licensing applications cannot be a re-run of the planning application as different considerations will apply. However, the granting of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control consent where appropriate.

There are circumstances when as a condition of planning consent a closing time has been set that may be different to the licensing hours. In these circumstances the applicant must close at the earlier time.

## **19.0 INTEGRATING STRATEGIES**

There are a number of other council and government policies and strategies that are relevant to licensing. Where possible, the licensing authority will aim to integrate its licensing policy with these.

Examples of council strategies relevant to licensing include:

- crime and disorder reduction strategies.
- leisure and cultural strategies.
- transportation and planning strategies.

Examples of government strategies relevant to licensing include:

- Safer clubbing (The Safer Clubbing Checklist for club owners, managers and event promoters is available on request.
- National alcohol harm reduction strategy (March 2004).

- Home Office Action Plan for tackling alcohol related crime, nuisance and disorder.
- Local Authorities Coordinators of Regulatory Services (LACORS)/Trading Standards Institute (TSI) Code of best practice on test purchasing.

## 20.0 THE LICENSING OBJECTIVES – OPERATING SCHEDULES

Applicants should complete risk assessments, which can then be used to form the basis of the operating schedule. Measures that are outlined in operating schedules become licence conditions. Failure to comply with licence conditions can lead to formal enforcement action or an application for a review of the licence. Guidance is offered below as to possible control measures that may assist applicants in completing operating schedules. These measures are not exhaustive and may relate to more than one licensing objective. Applicants are also advised to seek advice from the relevant agencies before submitting their applications.

### 20.1 CRIME AND DISORDER

[Paragraphs with up to date alcohol related crime stats in Spelthorne to be inserted here].

What applicants include on their operating schedules will depend on the type of premises, the location, and the proposed activities.

Premises that are mainly concerned with the sale of alcohol for consumption on the premises (**pubs, bars, proprietary clubs**) will need to address the risks to crime and disorder with measures in their operating schedules to:

- Prevent disorder on the premises
- Prevent drunkenness
- Prevent under age sales of alcohol
- Ensure customers enter and leave in an orderly manner
- Exclude illegal drugs
- Exclude offensive weapons

Examples include:-

- Active membership of pubwatch schemes
- Use of licensed door supervisors
- Physical security features e.g. use of shatterproof drinking glasses
- Information on amount of seating to be provided
- Training given to staff in crime prevention measures
- Use of town centre radios (Staines Town Centre) to enable licensed premises to communicate to each other and police
- Search procedures



- Measures to prevent the use or supply of illegal drugs
- Details of CCTV video cameras
- Following the British Beer and Pub Association code of practice on irresponsible drinks promotions.

This list is not exhaustive and will not suit all applications so applicants should seek advice from Surrey Police before preparing their operating schedules

It is recognised that **late night takeaways** can be the focus of anti-social behaviour and in Staines Town Centre the use of CCTV and the town centre radio scheme may be considered necessary to address this.

**Shops and off licences** applying to sell alcohol will need to address the risks to crime and disorder with measures in their operating schedules. Examples include:-

- That there will be regular staff training in relation to sale of alcohol to under age people and that training record shall be kept.
- Proof of age schemes
- All refusals to be recorded on a refused sale register sheet or a refusals book.
- Use of Electronic Point Of Sale (EPOS) system to remind staff via a suitable visual prompt or audible warning. Alternatively stickers can be used over certain products to remind cashiers to check the customer's age.
- Posters showing age limits should be displayed along with a statement regarding the refusal of such sales.
- That a personal licence holder will be on duty at high risk times such as outside school hours and during the evenings

This list is not exhaustive and applicants should seek advice from Surrey Trading Standards or Surrey Police before preparing their operating schedules

### **20.1.1 Reviews in connection with crime**

A review of the licence may be sought where:

- A serious crime has occurred at, or can be linked to a particular premises
- There have been prosecutions or penalty notices served for underage sales
- There have been incidents which raise concerns that the premises are not being properly managed
- There have been breaches of the terms or conditions of the licence
- There have been repeated complaints from the public.

### **20.1.2 Working with other agencies to prevent crime and disorder**

Current arrangements for partnership working and exchange of information between the relevant enforcement agencies will continue. In particular, the

Licensing Authority shall work closely with Police and Trading Standards Officers with regard to under age sales of alcohol.

The Violent Crime Reduction Act 2006 inserts Section 147A into the Licensing Act 2003. Section 147A creates the new offence of selling alcohol to a child three times or more during a consecutive three month period. The new penalties created by this offence are:

- The magistrates' court may order the premises licence to be suspended for maximum 3 months
- Trading standards or police may order a temporary (48hours) premises closure notice prohibiting sale of alcohol
- maximum £10,000 fine

Selling alcohol to under 18s can also result in

- £80 fixed Penalty Notice, or
- Prosecution with a fine of up to £5,000
- Revocation of a premises licence
- Revocation of a personal licence

## **20.2 PUBLIC SAFETY**

The public safety objective is about ensuring the physical safety both of performers and people attending licensed premises. The risk to public safety will vary according to the type of premises and the activities that take place there. Most risks will be adequately covered by other legislation such as the Health and Safety at Work etc. Act 1974 or fire safety legislation. However other laws may not cover risks that are associated with particular types of activities or entertainment and will therefore need to be addressed in preparing licence applications.

Examples will include

- The provision of a suitable Residual Current Device (RCD) protection of electricity supplies to entertainers' equipment, including microphones, when regulated entertainment is organised on site
- Setting maximum numbers of people allowed (and use of clickers or counting machines when capacity levels are expected to be high)
- Steps to ensure that electrical and gas installations are in good order and maintained by suitably qualified people on a regular basis

Applicants are advised to seek advice from the Environmental Health and Building Control Services (as the enforcement authority for Health and Safety at Work) and Surrey Fire and Rescue Service before preparing their operating schedules for the public safety objective.

## **20.2.1 Reviews in relation to public safety**

### **Fire Safety**

Although existing fire safety legislation can be used to restrict or prohibit the use of premises where there is a fire safety risk, application for the review of a premises licence may be considered in the following circumstances:

- Where it is considered that the management had failed to maintain the appropriate level of fire safety provision
- Failure to comply with a fire related enforcement notice
- Following the outcome of any investigation and inspection of a fire occurring within a premises

### **Health and Safety**

Although existing health and safety legislation will primarily be used it may be necessary to apply for the review of a premises licence in the following circumstances:

- Serious or regular contraventions of health and safety legislation
- Failure to comply with Improvement or Prohibition Notices
- Service of a Prohibition Notice where a significant risk to public safety exists
- Prosecution for failure to comply with health and safety legislation

## **20.3 PUBLIC NUISANCE**

Licensed premises can have a significant impact on communities from noise, litter, light, odour and anti-social behaviour.

### **20.3.1 Noise**

Operating schedules must contain sufficient information for officers to form a view as to whether noise from licensable activities is likely to cause a problem to people living nearby. Applicants need to provide details of proposed noise control measures, particularly if premises are in residential areas where regulated entertainment is being applied for late at night, or where there is a history of noise complaints. The licensing authority will normally apply stricter conditions in these circumstances where relevant representations have been received. Whilst each application will be considered on its individual merits it should be noted that restricting the hours of regulated entertainment may be necessary to prevent public nuisance.

Measures could include

- A simple requirement to keep doors and windows at the premises closed
- Limiting amplified music to a particular area of the building
- Moving location and direction of speakers away from external walls or walls that abut private premises

- Installation of acoustic curtains, seals to doorways, rubber speaker mounts
- Require that licensee monitor to ensure that music is not audible above background levels at the nearest noise sensitive location (i.e. private or commercial premises)
- Noise limiters on amplification equipment (if proportionate to the premises – noise limiters are expensive and are likely to be a burden for smaller premises)
- Prominent clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly
- The placing of bottles and cans into bins outside the premises to take place at times that will minimise disturbance to nearby premises

### **20.3.2 Smokefree**

From 1 July 2007 it was illegal to smoke in enclosed public buildings and workplaces in England. Customers who want to smoke will therefore have to do so outside licensed premises. Applicants will need to address the potential for public nuisance from this activity.

### **20.3.3 Odours**

Conditions may be necessary to ensure that that licensed premises are properly vented to prevent odours causing a nuisance to people who live or work nearby.

### **20.3.4 Litter**

Late night takeaways are encouraged to include on their operating schedules assurances that the area around the premises will be kept clear of litter.

### **20.3.5 Reviews in connection with Public Nuisance**

An application for review may be considered where

- Complaints have been received that have been substantiated by investigating officers
- Breaches of licence conditions in respect of public nuisance have been identified
- Action is being considered under the Environmental Protection Act 1990, the Noise Act 1996 or section 40 of the Anti-Social Behaviour Act 2003

## **20.4 PROTECTION OF CHILDREN FROM HARM**

There are a great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, cafes, take-aways, community halls and schools, all of which will have different risks to children. The general relaxation that gives children greater access to licensed premises is a positive step, which aims to promote more family friendly premises. However the risk of harm to children is equal in

importance to the other licensing objectives and applicants must include in their operating schedules the steps they propose to take to prevent moral, physical, or psychological harm to children.

Where alcohol is to be sold, applicants must include details of the measures they propose to prevent the supply of alcohol to children. It is expected that:-

- in addition to requiring passports or photo driving licences, a proof of age scheme approved and accredited by PASS e.g. Citizencard, Connexions Card, Portman Card will be in operation.
- staff will receive regular and adequate training on the law and practice relating to age restricted sales (including challenging purchasers, checking identification), such training to be properly documented and records made available for inspection.
- registers of refused sales will be maintained and made available for inspection
- Applicants must indicate whether they are signatories to the Portman Group Code of Practice.

Applicants needing advice on how to avoid age-restricted sales should contact Surrey Trading Standards Service (contact details at **Annex 2**) before preparing their operating schedules.

There are certain restrictions in the Act relating to the presence of children on licensed premises. In the case of premises, which are used “exclusively or primarily” for the supply of alcohol for consumption on those premises, it is an offence to allow anyone under the age of 16 to be on such premises unless they are accompanied by an adult.

Where the consumption of alcohol takes place but is not the exclusive or primary activity at a particular venue, those under 16 are not allowed on the premises between midnight and 05.00 unless an adult accompanies them.

The licensing authority will not seek to further limit the access of children to any premises unless it receives representations to that effect based on concerns about physical, moral, or psychological harm to children. The following are examples of premises that will raise particular concern:-

- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
- Where proof of age schemes are not used
- Where there is a known association with drug taking or dealing
- Where there is a strong element of gambling on the premises
- Where “adult” entertainment is being proposed.

#### **20.4.1 Children and film exhibitions**

The licensing authority will expect applicants to explain in their operating schedules how they will restrict children from viewing age-restricted films. It is

a mandatory condition on all premises licences that permit the exhibition of films that admission of children must be restricted in accordance with any recommendation by the relevant film classification body. Films are classified according to the recommendations of the British Board of Film Classification ('BBFC') or the Council.

#### **20.4.2 Children and public entertainment**

Where a large number of children are expected to attend regulated entertainment (e.g. theatre production or film shows), the Licensing Authority would normally expect the applicant to demonstrate, in their operating schedules, the arrangements they intend to put into place in order to ensure their safety, examples could include:-

- that children performing at premises such as theatres or concert halls are kept under adult supervision at all times, including transfer from stage to dressing room.
- that children can be accounted for at all times, in case of evacuation or emergency.
- that an adult member of staff be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof
- if necessary, no standing to be permitted in any part of the auditorium during the performance
- that all staff employed to supervise children should be subject to an enhanced Criminal Records Bureau (CRB) check. Where relevant, unspent convictions are found the licensee should not employ such a person.

#### **20.4.3 Reviews in connection with protection of children from harm**

An application for review may be considered where

- There have been underage sales or underage drinking taking place
- Breaches of licence conditions in respect of protection of children have taken place
- Complaints have been received that have been substantiated by investigating officers

## **Annex 1 Table of Consultees**

To be inserted

## **Annex 2 – List of useful references and contacts**

### **Spelthorne Borough Council**

#### **Licensing Team**

Council Offices  
Knowle Green  
Staines  
Middlesex  
TW18 1XB

Tel:01784 451499 (Switchboard)  
Minicom:01784 446423  
Fax:01784 446482  
E-mail: [enquiries@spelthorne.gov.uk](mailto:enquiries@spelthorne.gov.uk)  
<http://www.spelthorne.gov.uk>

Environmental Health and Building Control Services  
Tel: 01784 446291  
Fax: 01784 446437  
E-mail: [environmental.health.commercial@spelthorne.gov.uk](mailto:environmental.health.commercial@spelthorne.gov.uk)

Planning Enquiries  
Tel: 01784 451499  
E-Mail: [planning.development.control@spelthorne.gov.uk](mailto:planning.development.control@spelthorne.gov.uk)

(Arrangements for those with special needs e.g. large type, audio information, information in other languages)

#### **Surrey Police Divisional Headquarters**

Staines  
22 Kingston Road  
Staines  
Middlesex  
TW18 4LQ

Tel: 01784 450261 (Surrey Police Switchboard)  
Minicom:01483 539999

**Ashford**  
55-57 Church Road

Ashford  
Middlesex  
TW15 2TY  
Tel:01784 450261 (Surrey Police Switchboard)  
Minicom:01483 539999

**Sunbury**

69 Staines Road East  
Sunbury-on-Thames  
Middlesex  
TW16 5AA

Tel:01932 765555 (Surrey Police Switchboard)  
Minicom:01483 539999

<http://www.surreypolice.org.uk>

**Surrey Fire & Rescue Services**

Walton Fire Safety  
Fire Station  
Hersham Road  
Walton-on-Thames  
Surrey  
KT12 1RZ

Tel:xxxxxxxxxxx (General enquiries)  
Minicom:xxxxxxxxxxx

[www.surrey-fire.gov.uk](http://www.surrey-fire.gov.uk)

**Surrey Social Services**

Child Protection & Independent Review Unit  
Fairmount House  
Bull Hill  
Kingston Road  
Leatherhead  
Surrey  
KT22 7AH

Tel:xxxxxxxxxxxxxxxxxxxxx

**Surrey Trading Standards Service**

Mid Surrey Area Office  
Bay Tree Avenue  
Kingston Road  
Leatherhead  
Surrey  
KT22 7SY



General Enquiries – 01372 371700  
Consumer Advice - 01372 371717  
Business Advice – 01372 371737

Email: [trading.standards@surreycc.gov.uk](mailto:trading.standards@surreycc.gov.uk)

**British Institute of Inn keeping (BII)**

Wessex House, 80 Park Street, Camberley, Surrey  
Tel: 01276 684449  
[www.bii.org.uk](http://www.bii.org.uk)

**British Beer & Pub Association (BBPA)**

Market Towers, 9 Elms Lane, London, SW8 5NQ  
Tel: 020 7627 9191  
[www.beerandpub.com](http://www.beerandpub.com)

**Bar, Entertainment & Dance Association (BEDA)**

5 Waterloo Road, Stockport, Cheshire, SK1 3BD  
Tel: 0161 429 0012  
[www.beda.org.uk](http://www.beda.org.uk)

**Association of Licensed Multiple Retailers (ALMR)**

3<sup>rd</sup> Floor, International House, High Street, Ealing, London, W5 5DB  
Tel: 020 8579 2080  
[www.almr.org.uk](http://www.almr.org.uk)

**Association of Convenience Stores**

17 Farnborough Street, Farnborough, Hampshire, GU14 8AG  
Tel: 01252 515001  
[www.thelocalshop.com](http://www.thelocalshop.com)

**Portman Group**

7-10 Chandos Street, Cavendish Square, London, W1G 9DQ  
Tel: 020 7907 3700  
[www.portmangroup.org.uk](http://www.portmangroup.org.uk)

**Citizenscard**

P.O. Box 1221, Newcastle-under-Lyme, ST50US  
Tel: 01782 741982  
[www.citizenscard.com](http://www.citizenscard.com)

**Connexions Card**

Tel: 0808 172 3333  
[www.connexionscard.com](http://www.connexionscard.com)

**Other useful information**

Licensing Act 2003

<http://www.legislation.hmso.gov.uk/acts/acts2003/20030017.htm>

Explanatory notes to accompany Licensing Act 2003

<http://www.legislation.hmso.gov.uk/acts/en/2003en17.htm>

## **Publications**

The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) ('The Purple Book') ISBN 0 7176 2453 6

Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X

5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 0 7176 15804

The Guide to Safety at Sports Grounds (The Stationery Office, 1997) ('The Green Guide') ISBN 0 11 300095 2

Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through [www.streetartsnetwork.org](http://www.streetartsnetwork.org)



### Annex 3 – Delegation of licensing functions

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COMMITTEE</b>	<i>SUB-COMMITTEE</i>	<i>OFFICERS</i>
Application for personal licence		If an objection Made by police	If no objection made by police
Application for personal licence, with unspent convictions		All cases	
Application for premises licence/club premises Certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/ club registration Certificate		If a relevant representation made	If no relevant representation made
Application to vary designated personal licence holder		If a police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for Interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises Registration		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police representation to a temporary event notices		All cases	

## **Annex 4 – Criteria for applying cumulative impact policy**

If such a policy is to be included the following steps must be followed:

- Identification of concern about crime and disorder or public nuisance
- Consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises, and if so identifying the area from which problems are arising and the boundaries of that area, or that the risk factors are such that the area is reaching a point where a cumulative impact is imminent
- Consultation with persons/ bodies set out in s5(3) of Act as part of general consultation required in respect of the whole statement of licensing policy
- Subject to that consultation, inclusion of a special policy about future premises licences or club premises certificate applications from that area within the terms of the DCMS guidance within the statement of licensing policy
- Publication of the special policy as part of the statement of licensing policy
- Once adopted, a special policy creates a rebuttable presumption that applications for new premises licences or club premises certificates or material variations will normally be refused, if relevant representations are received to that effect, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced.
- Applicants would need to address the special policy issues in their operating schedules in order to rebut such a presumption
- Policy must stress that the presumption against grant does not relieve responsible authorities or interested parties of the need to make a relevant representation before the Licensing Authority 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 interested parties can make written representation maintaining that it is necessary to refuse the application for the promotion of crime and disorder and referring to information which had been before the Licensing Authority when it developed its statement of licensing policy

- The absence of a special policy does not prevent any responsible authority or interested party 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
- The Licensing Authority must regularly review any special saturation policies to see whether they are still needed or should be expanded
- Must be a clear statement regarding the difference between commercial need and the cumulative impact of premises within an area e.g.

‘The Licensing Authority will not take ‘need’ (i.e. the commercial demand for premises offering a particular type of licensable activity) into account when considering an application, as this is a matter for planning control and 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 Licensing Authority.’)

- Policy must not impose quotas – based on either the number of premises or the capacity of those premises – that restrict the consideration of any application on its individual merits or which seek to impose trading hours in particular areas

LICENSING ACT 2003

DRAFT STATEMENT  
OF POLICY



CONSULTATION RESPONSE

Q1 Your Name.

Q2 Address.

Q3 Name of organisation  
(if replying on behalf of  
an organisation or  
association).

*Data Protection Act 1998: Spelthorne Borough Council will act as Data Controller in respect of your personal data held. We will process the personal data you have provided only for the purpose of determining the Statement of Policy.*

Q4 One of the aims in revising the policy was to simplify the language and remove unnecessary repetition and jargon. Do you feel this has been achieved?

Yes  No

If not, please comment on areas for improvement.

## APPENDIX B

- Q5 Bearing in mind the main functions of the Council and the licensing principles as stated in paragraph 3 (page 5) do you consider the draft policy is a balanced one? Yes  No

If not, please comment on areas for improvement

- Q6 **Licensing hours (Para 14 p10)**

The draft policy has made it clear that, whilst each application shall be considered on its merits, there is no general presumption in favour of later hours. There is also more information on what we would expect of applicants asking for “blanket” non standard hours based on our experience of the Act so far.

Yes  No

Do you feel this is the right approach?

If not, please comment on areas for improvement

- Q7 **Cumulative Impact (Para 13 p9)**

The cumulative impact section in the policy has been simplified to remove any confusion about the Council’s position on this issue. We are proposing that detailed information on the steps needed to adopt such a policy is contained in an annex to the policy.

Yes  No

Do you think this is the right approach?



## APPENDIX B

If not, what alternative approach would you suggest?

**Q8 Other Council Strategies (Para 19 p12)**

The current policy included a lot of detail of other Council strategies. This detail has been removed as in our view it is only necessary to show that in principle, and as far as is possible, strategies will be integrated where these have an impact on licensing

Yes  No

Do you agree with this general approach or do you think more detail on other strategies is needed?

Please comment below

**Q9 Review process (mentioned throughout document)**

The review process was untested when the original policy was written and therefore has very little mention. As the review process is integral to the Act it has been given more prominence in the draft and examples have been included of matters that may lead to applications for reviews.

Is this the right approach? Yes  No

If not please comment on any areas that you would like to see added or deleted

## APPENDIX B

### Q10 **Enforcement (Para 15 p11)**

The section on enforcement has been revised to show how it is working in practice. Yes  No

Is this the right approach?

If not, please comment below.

### Q11 **Temporary Event Notices (Para 6 p7)**

More information on Temporary Event Notices (TENS) has been included due to practical experience of the licensed trade and community organisations being caught out by the “ten day rule” (Application not received within the timescales permitted by the Act are not authorised). Yes  No

Is this a good idea?

If not, please comment on areas for improvement

## APPENDIX B

### Q12 **Smoke free legislation (Para 20.3 p17)**

A paragraph on the smoke free legislation has been added in that it has the potential to increase noise and litter in the vicinity of licensed premises.

Yes

No

Do you think this is appropriate?

If not, please comment below

### Q13 **Public Records (para 12 p9)**

A section has been added on the systems that enable them to view and make applications on line, a facility not available when the original policy was drafted

Yes

No

Is it a good idea to include this in the policy?

If not, please comment below

### Q14 **Off licence trade (para 20.1 p14)**

## APPENDIX B

Further guidance has been included specific to the off licence trade informed by Surrey Trading Standards materials and new powers under the Violent Crime Reduction Act for persistent sales of alcohol to under 18s has been added.

Is this comprehensive enough?

Yes

No

Please add any comments below

### **General**

If you have any other comments or suggestions regarding the Draft Policy we would be pleased to receive them below. Please feel free to use extra pages if necessary.

## RECOMMENDATIONS OF THE AUDIT COMMITTEE

### 1. **AUDIT COMMITTEE - TERMS OF REFERENCE - APPROVAL OF STATEMENT OF ACCOUNTS**

- 1.1. The Audit Committee has been advised that under the Accounts and Audit Regulations 2003, the Council is required to formally approve the Statement of Accounts by 30th June each year.
- 2.2 Under the Accounts and Audit Regulations 2003 10 (3) (a), the statement of accounts as required by regulation 7(1) or regulation 7(6), as the case may be, shall be approved by a resolution of a committee of the relevant body or otherwise by a resolution of the members of the body meeting as a whole, such approval to take place as soon as reasonably practicable and in any event before the 30th June immediately following the end of a year.
- 2.3 In the past there has not been an Audit Committee and therefore there has not been an appropriate committee of the Council to approve the Statement of Accounts. It is suggested that in light of 10 (3) of the Accounts and Audit Regulations, that the remit and terms of reference of the Audit Committee be amended to enable it as an appropriate committee of the Authority to approve the annual Statement of Accounts.
- 2.4 **The Audit Committee recommend to the Council that the Audit Committee's terms of reference, within the Council's Constitution, be changed to allow the Committee in future to approve the annual Statement of Accounts.**

Councillor Jack Pinkerton  
*Chairman of the Audit Committee*

19 July 2007

**RECOMMENDATIONS OF THE STANDARDS COMMITTEE**

**1. INDEPENDENT MEMBER APPOINTMENTS**

- 1.1 The Committee considered arrangements for the appointment of an independent non elected member to the Standards Committee, to replace Mr Trevor Davies who was required to stand down from this position following his appointment with Woking Borough Council, which disqualified him from serving on this council.
- 1.2 In considering the arrangement the committee had regard to the requirements of the various regulations that needed to be met on appointments of independent members of a standards committee including establishing a selection panel.
- 1.3 The committee noted that it had previously been agreed that the period of appointment for independent members would be staggered to allow continuity/retention of experience and expertise amongst the independent members. Therefore the committee supported an initial term of office for a two year period to expire at the Council AGM in May 2009 and reconsider at that time a further appointment for a four year term.
- 1.4 The committee supported the placing of an advert in the local newspapers, and on the Council's website inviting applications to serve as an independent member and act as vice chairman of the committee with a view to an appointment being made with effect from the Council meeting taking place on 18 October 2007. Unfortunately due to the timescale it would not be possible to promote the position through the Council's Borough Bulletin. The committee discussed other ways of promoting the position through the local press either by issuing press releases or for an independent member to be interviewed by the local press to give an insight into the work of an independent member.
- 1.5 The committee in noting that no remuneration was paid to independent members felt that consideration needed to be given to ensure that any out of pocket expenses incurred whilst attending meetings and training events should be paid such as child care. The committee have asked the Monitoring Officer to look at this aspect.

**1.6 RECOMMENDATION**

**1.7 The Standards Committee recommend to the Council:**

- (a) **That the arrangements proposed for the advertising and selection of Independent non elected Members of the Standards Committee as outlined in the report of the Monitoring Officer including the person specification be approved.**
- (b) **That a Selection Panel of four members, comprising the two Group Leaders or their nominated representatives, one further member nominated by the Conservative Group Leader, and the Chairman of the Standards Committee assisted by the Monitoring Officer, be appointed to consider any applications received and make recommendations on appointment to the Council; and**
- (c) **That one Independent Member be appointed to replace Mr Trevor Davies for a term to expire at the Annual General Meeting in 2009.**

## **2. NEW MODEL CODE OF CONDUCT**

- 2.1 The Committee considered the new model code of conduct for Members and co-opted Members published by the Department for Communities and Local Government. The adoption of such a code is an important part of the requirements of the ethical framework established under the Local Government Act 2000, and a local code **must** include the provisions contained in the model code of conduct set out in regulations made under the Act.
- 2.2 The committee felt that by implementing the new code from 1 October 2007 this would allow sufficient time for guidance to be published by the Standards Board and to ensure training of all members had been arranged. The training would be undertaken on 19 and 27 September 2007.
- 2.3 The model Code proposed is divided into three parts. The first part sets out general standards of behaviour to be followed, the second sets out how members' should deal with situations where they have personal interests in relation to Council business, and the third requires certain personal interests to be registered in a public register and gifts and hospitality received above a certain level to be recorded. A breakdown of the provisions of the Code is attached as [Appendix 1](#) and [General Principles](#), to this recommendation
- 2.4 **RECOMMENDATION**
- 2.5 **The Standards Committee recommend the Council to adopt the new Model Code of Conduct from the 1 October 2007 in the form attached at [appendix 2](#); and**
- 2.6 **The Standards Committee asks that all Members undergo training on the new Code of Conduct or if unable to do so to give an undertaking to read and fully understand the requirements of the code and this be actioned through Group Leaders.**

Murray Litvak  
*Chairman of the Standards Committee*

**19 July 2007**

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

This is my second report as Leader and since taking on that office the Executive has met twice. This report is an overview of some of the issues we have discussed at our meeting on 17 July 2007.

We have made a recommendation to the Council on one matter that appears separately on this Agenda.

### **1. Treasury Management Annual Report 2006/2007 and Members' Seminar on Financial Issues**

We have considered the recommendations of the Performance Management and Review Committee on the Treasury Management Annual Report 2006/2007 and a proposed Members' Seminar on Financial Issues.

We have agreed to note the contents of the Treasury Management Annual Report 2006/2007. We have further agreed that a Members' Seminar on Financial Issues be held for all Members and that an appropriate date be arranged for this.

### **2. Management Committee of Mediation North Surrey**

We have appointed Councillor Miss Bain to serve as the Council's representative on the Management Committee of Mediation North Surrey.

This appointment of a Council Member to serve on the Management Committee will help to ensure that the Mediation North Surrey Service will deliver effective and quality mediation services for the benefit of residents of Spelthorne.

### **3. Appointment of Voluntary Action in Spelthorne [VAIS] Trustee**

We have endorsed the appointment of Councillor Trussler to serve as the Council's representative Trustee on Voluntary Action in Spelthorne [VAIS].

This appointment of a Council Member to serve as a Council Trustee on VAIS will help to ensure that the various voluntary organisations within VAIS will continue to deliver effective and quality services for the benefit of the residents of Spelthorne.

### **4. Delivery of Savings built into 2007-2008 Revenue Budget**

We have noted a report summarising the extent to which the delivery of the savings built into the original 2007-2008 currently appear, at this early stage of the financial year, to be on track.

We have agreed that the implications will be considered as part of the process of developing the forward outline budget and the revised budget.



**5. Report on the Planning White Paper**

We have considered a report updating Members on the suggested changes being put forward by Government in the Planning White Paper and other consultation papers.

We have authorised the Head of Planning and Housing Strategy to send a robust response to the Government proposals in the Planning White Paper and other consultation papers, based on both the draft response at Appendix A to the Executive report and on the comments set out in paragraphs 4.9 - 4.12 to that Executive report.

**6. Spelthorne Emergency Response Plan and Business Continuity**

We have considered a report updating Members on the revised emergency response plan and the internal business continuity plan.

The plans have been updated in accordance with the requirements of the Civil Contingencies Act 2004 (CCA) and the Surrey County Council's Contingency Planning Unit agreed format.

The Council has a duty to those living and working within the Borough, to ensure their safety and welfare in the event of an emergency or major incident.

I am pleased to be able to advise that updated copies of the Emergency Response Plan will be available for all Members at the conclusion of this Council meeting.

**7. Sunbury Leisure Centre – Wet-Side Changing Rooms Refurbishment / Leisure Centres Capital Improvement Works**

We have agreed that the approved capital works are re-prioritised to progress the refurbishment of the wet side changing at Sunbury Leisure Centre during the School Summer Holidays [estimated to cost about £160,000], to be met from the current savings within the Council's Capital Programme.

We have also endorsed the decision to carry out health and safety works to the roof at Spelthorne Leisure Centre at a cost of £110,000 to be met from capital funding approved in 2006 for capital improvements to the Leisure Centre.

Councillor John Packman  
*Leader of the Council*

**19 July 2007**

## **REPORT OF THE CHAIRMAN ON THE WORK OF THE IMPROVEMENT AND DEVELOPMENT COMMITTEE**

The Improvement & Development Committee met on 28 June 2007 and considered the following items of business:

### **OVERVIEW AND SCRUTINY PROCEDURE RULES AND THE ROLE OF THE COMMITTEE**

The Committee were given a brief presentation on the role of the Committee and the Overview and Scrutiny procedure rules.

### **OUTCOMES OF RECOMMENDATIONS TO EXECUTIVE**

The outcomes of recommendations of this Committee from its April 2007 meeting on the draft revised Housing Strategy Action Plans 2007-2009, the Leisure and Culture Strategy 2007-2012 and a procedure for the submission of written recommendations, to Executive on 17 April 2007 were reported and noted.

### **WORK PROGRAMME 2007/08**

#### **Task Groups**

##### Outline Budget Strategy

Councillors C. Kuun, Mrs C. Nichols and C.A. Davis were appointed to serve on the Outline Budget Strategy Task Group together with 3 members from the Performance Management and Review Committee.

##### Grants

Councillors R.B. Colison-Crawford, M.J. Collis, N.A. Hyams, H.R. Jaffer and Mrs M.W. Rough were appointed to serve on the Grants Task Group, which would recommence work from September 2007.

##### Waste Management

The Committee appointed Councillors M.J. Collis, C.A. Davis, Mrs C. Nichols, Mrs M.W. Rough, Mrs P. Weston and Councillor G.F. Trussler who was co-opted as he had previous experience, to serve on the Waste Management Task Group.

##### Best Value Business Improvement Panel

Councillors Miss M.M. Bain, Mrs E.M. Bell, M.J. Collis, Mrs J. Pinkerton and Mrs P. Weston were appointed to serve on the Best Value Business Improvement Panel.

##### ICT Outsourcing Contract

The Committee deferred appointment to the ICT Outsourcing Contract Task Group until its April 2008 meeting.

##### Environment/Street Scene Enforcement

Due to staffing difficulties and the roll out of AWC, the Committee deferred consideration of the Environment/Street Scene Enforcement Task Group until the Head of Communications and Community Safety had reported to the October 2007 meeting of the Committee.

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### **Work Programme**

The Committee considered and agreed its work programme for 2007/08, with the inclusion of a report on the revised Crime and Disorder Strategy at its October 2007 meeting and a presentation on the Grounds Maintenance Contract at its January 2008 meeting. A Task Group would be appointed to look at this topic, following the presentation.

Councillor Mrs Patricia Weston

*Chairman of the Improvement and Development Committee*

**19 July 2007**

**REPORT OF THE CHAIRMAN OF THE LICENSING  
COMMITTEE**

There have been five meetings of Licensing Sub-Committees on 21, 27 and 28 June and 2 and 4 July 2007 which considered the following items of business:

**21 June - Application for a Personal Licence**

A Sub-Committee considered and refused an application for a Personal Licence.

**27 June – Review of a Premises Licence**

A Sub-Committee adjourned a review of the Premises licence, called by Surrey Police, in respect of the Garibaldi Public House, High Street, Staines, until 25 July, in order to obtain further information and details of incidents which had occurred on the premises.

**28 June – Application for a Variation to a Premises Licence**

A Sub-Committee adjourned a Hearing of an application to vary a Premises Licence, at the George Public House, High Street, Staines, until 23 July, in order to allow the applicants to update their CCTV System to meet the requirements of Surrey Police. If the Police and applicants reached agreement the Sub-Committee decided that the adjourned Hearing could be dispensed with.

**2 July – Review of a Premises Licence**

A Sub-Committee heard an application for a Review by Surrey County Council Trading Standards on the grounds of protection of children from harm and revoked the Premises licence of the Esso Shepperton Service Station.

**4 July – Application for a Premises Licence**

A Sub-Committee considered and granted a Premises licence in respect of Dream Express, 129 Groveley Road, Sunbury.

Councillor Robin Sider  
*Chairman of the Licensing Committee*

**19 July 2007**

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

The Planning Committee has met once since the previous report was prepared for the Council meeting. This report therefore gives an overview of the key applications considered by the Planning Committee at its meeting on 20 June 2007.

1. The Planning Committee meeting on **20 June 2007** dealt with 7 items in total.

Public speaking took place on three items with three people taking the opportunity to address the Committee.

The most notable items on the agenda were:

- (a) the refusal of planning permission for the demolition of existing bungalow and erection of two buildings incorporating ten flats at 402a Staines Road West, Ashford
- (b) subject to no material representations being received by 5 July, to refuse planning permission for the erection of a new educational centre building and additional mobile home at the Swan Sanctuary, Shepperton.
- © approval for the demolition of existing buildings and erection of a part 2.5 storey and part 3.5 storey building to provide 14 flats and a new retail unit at the former Dairy site, Church Road, Ashford.

### 2. Other matters of interest

- (a) Performance figures for speed of determining planning applications:

	<b>Major applications (BVPI Target) (60% in 13 wks)</b>	<b>Minor applications (BVPI Target) (70% in 8 wks)</b>	<b>Other applications (BVPI Target) (85% in 8 wks)</b>
<b>2006</b>			
June	100%	71%	84%
July	0%	73%	89%
August	50%	81%	83%
September	71%	46%	84%
October	100%	71%	86%
November	80%	77%	86%
December	100%	71%	90%
<b>2007</b>			
January	100%	65%	80%
February	0% (no decision)	64%	86%
March	33%	75%	79%

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April	100%	84%	93%
May	100%	77%	95%
June	40%	58%	90%

- (b) Planning training for new members to the Council was held on 21 May and covered the existing Local Plan, the emerging Local Development Framework and development control functions. Further specific training on the implications of implementing the new policies in the Local Development Framework is being held on 30 July to ensure members of the planning committee in particular are fully up to speed. These policies will be used for development control purposes from 1 August 2007.
- (c) The submission version of the Core Strategy and Policies DPD, plus the Site Allocations DPD was submitted to GOSE on 14 June 2007. The two stage Examination process is not due to start until the end of 2007.

Councillor John O'Hara  
*Chairman of the Planning Committee*

**19 July 2007**

## **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. NEW MODEL CODE OF CONDUCT**

- 1.1 The recommendations from this committee on the adoption of a new model code of conduct for members were considered earlier this evening.
- 1.2 In support of the new code the committee discussed the arrangements being made for members to receive training which will take place on 19 and 27 September 2007. The events would be interactive with use of case scenarios. The committee hope that all members acknowledge the importance of attending such an event and will be able to find the time to attend.
- 1.3 The Committee believe it is important that all members take an open and commonsense approach to meeting the requirements of the code, remembering that its whole purpose is to ensure transparency and increase public confidence in the Council as a whole.
- 1.4 I would remind members that following the elections in May all members signed a declaration of acceptance of office which included an undertaking that the member would, in performing his/her functions, observe the authority's code of conduct. Therefore following the adoption of the new code members would automatically be obliged to act in accordance with its provisions.
- 1.5 To assist members with the changes the committee asked that a quick guide outlining the changes to the code be made available at this council meeting with a full explanation of the changes being given at the training events. This information is attached to the recommendation on the adoption of the new model code of conduct considered earlier this evening.

### **2. INDEPENDENT MEMBER APPOINTMENT**

- 2.1 The recommendations from this committee on the processes to be followed for the appointment of a new independent member were considered earlier this evening.

### **3. ANNUAL LETTER - LOCAL GOVERNMENT OMBUDSMAN**

- 3.1 The committee discussed with the Monitoring Officer the Annual Letter from the Local Government Ombudsman, which provided statistical information and summarised the complaints received about this authority. The Committee noted the good track record of the Council in dealing with complaints.

Murray Litvak  
*Chairman of the Standards Committee*

**19 July 2007**