



Waverley Borough Council
Council Offices, The Burys,
Godalming, Surrey
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To: All Members of the LICENSING AND
REGULATORY COMMITTEE
(Other Members for Information)

When calling please ask for:
Maureen Brown, Democratic Services Officer
Policy and Governance
E-mail: maureen.brown@waverley.gov.uk
Direct line: 01483 523225
Calls may be recorded for training or monitoring
Date: 7 July 2015

Membership of the Licensing and Regulatory Committee

Cllr Simon Inchbald (Chairman)	Cllr Mike Hodge
Cllr Patricia Ellis (Vice Chairman)	Cllr Peter Isherwood
Cllr Maurice Byham	Cllr Anna James
Cllr Kevin Deanus	Cllr Carole King
Cllr John Fraser	Cllr Libby Piper
Cllr Tony Gordon-Smith	Cllr Bob Upton

Substitutes

Cllr Chris Storey	Cllr John Williamson
Cllr Nick Williams	

Dear Councillors

A meeting of the LICENSING AND REGULATORY COMMITTEE will be held as follows:

DATE: THURSDAY, 16 JULY 2015
TIME: 10.00 AM
PLACE: COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS,
GODALMING

The Agenda for the meeting is set out below.

Yours sincerely

ROBIN TAYLOR
Head of Policy and Governance

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NOTE FOR MEMBERS

Members are reminded that contact officers are shown at the end of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

AGENDA

1. **APPOINTMENT OF CHAIRMAN**

To confirm the appointment of Cllr Simon Inchbald as Chairman of the Licensing and Regulatory Committee for the Council Year 2015/16.

2. **APPOINTMENT OF VICE-CHAIRMAN**

To confirm the appointment of Cllr Patricia Ellis as Vice-Chairman of the Licensing and Regulatory Committee for the Council Year 2015/16.

3. **MINUTES**

To receive the minutes of the meeting held on 19 March 2015 (to be laid on the table half an hour before the meeting).

4. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

To receive apologies for absence and to report any substitutions.

5. **DECLARATIONS OF INTEREST**

To receive from members declarations of interest in relation to any items included on the agenda for this meeting, in accordance with the Waverley Code of Local Government Conduct.

6. **QUESTIONS**

The Chairman to respond to any questions received from members of the public in accordance with Procedure Rule 10.

7. **ACTION AUTHORISED**

To receive any action taken by the Executive Director after consultation with the Chairman and Vice-Chairman since the last meeting.

LICENSING ACT 2003 ITEMS

There are no items for discussion under this heading.

OTHER LICENSING ITEMS

8. **BRIDGE STREET, GODALMING - CONFIRMATION OF CONSENT** (Pages 5 - 8)

The designation of Bridge Street, Godalming as a Consent Street is subject to a Notice of Intention which expired on 30 June 2015. No objections have been received and the Licensing and Regulatory Committee is requested to confirm the designation.

Recommendation

It is recommended to the Council that:

1. **pursuant to paragraph 2(1) of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, the following street in the Borough of Waverley be designated as a Consent Street: Bridge Street, Godalming (from the junction with The Burys to the north and Wharf Street and High Street to the south); and**
2. **a public notice confirming this decision and specifying the commencement date of 28 August 2015 be published accordingly.**

9. **DECISION-MAKING PROTOCOL FOR SCRAP METAL DEALERS LICENSING** (Pages 9 - 16)

The proposed protocol formalises the decision-making process for Scrap Metal Licence applications and identifies the steps to take where decisions may be contentious. This protocol will need to be ratified as an Executive function.

Recommendation

That the Waverley Borough Council Decision-Making Protocol for Scrap Metal Dealers Licensing be recommended to the Executive for endorsement.

10. **PROPOSED AMENDMENTS TO WAVERLEY BOROUGH COUNCIL STREET COLLECTION GUIDELINES** (Pages 17 - 22)

The purpose of the report is to enable the Council to consider proposed amendments to the Street Collection guidelines against which applications for such collections will be considered. The Council's Street Collection guidelines were originally approved on 13 February 2002 and amended on 27 May 2010.

Recommendation

It is recommended that the Licensing and Regulatory Committee considers the proposed amendments to the Guidelines for the Grant of Street Collections in Waverley and makes the appropriate recommendation to the Council.

11. MINUTES OF THE MEETINGS OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE (Pages 23 - 34)

To receive the Minutes of the Meetings of the Licensing (General Purposes) Sub-Committee held on 19 March and 22 June 2015.

Recommendation

It is recommended that the Minutes of the Meetings of the Licensing (General Purposes) Sub-Committee held on 19 March and 22 June 2015 be noted.

12. MINUTES OF THE MEETINGS OF THE LICENSING ACT 2003 SUB-COMMITTEES (Pages 35 - 42)

To receive the Minutes of the Meetings of Licensing Sub-Committee A held on 30 March 2015 and of Licensing Sub-Committee B held on 13 April 2015.

Recommendation

It is recommended that the Minutes of the Meetings of the Licensing Act 2003 Sub-Committee A held on 30 March 2015 and Sub-Committee B held on 13 April 2015 be noted.

13. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation on the motion of the Chairman:-

Recommendation

That pursuant to Procedure Rule 20 and in accordance with Section 100B(5) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in the appropriate paragraph(s) of the revised Part 1 of Schedule 12A to the Act (to be identified, as necessary, at the meeting).

14. LEGAL ADVICE

To consider any legal advice relating to any items in the agenda.

**For further information or assistance, please telephone
Maureen Brown, Democratic Services Officer, on 01483 523225 or by
email at maureen.brown@waverley.gov.uk**

WAVERLEY BOROUGH COUNCIL

LICENSING AND REGULATORY COMMITTEE - 16 JULY 2015

Title:

BRIDGE STREET, GODALMING – CONFIRMATION OF CONSENT

[Wards Affected: All]

Summary and purpose

The designation of Bridge Street, Godalming as a Consent Street is subject to a Notice of Intention which expired on 30 June 2015. No objections have been received and the Licensing and Regulatory Committee is requested to confirm the designation.

How this report relates to the Council's Corporate Priorities:

Environment – Street trading sites with active Consents are subject to periodic inspections and detailed record-keeping

Value for money – the designation of Bridge Street gives flexibility to the Godalming Town Council's monthly Farmers' Markets and potentially reduces the number of street closures required for High Street, Godalming.

Financial Implications

Fees from licensing and regulation should not, as a general rule, generate income for the Council. It is normal practice for administering authorities to cover the costs of providing a licensing and registration service by means of set fees which are periodically reviewed. The current fees for Street Trading include an allowance for the decision-making processes; policy allows for refunds for unsuccessful applications.

Legal Implications

Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 allow a local authority to control street trading by designating streets within its area as 'prohibited', 'consent' or 'licence' streets. In order to exercise such control, a local authority must resolve to adopt these legislative powers. The Council adopted these powers on 22 October 1991 (Council Minute 44 – 22/10/91), and at the same meeting designated a number of streets in the Borough under the above designations. Those designations were amended on 24 November 2003, and were further amended on 1 December 2006 and 27 July 2009.

Paragraph 2 of Schedule 4 of the 1982 Act sets out the process for passing a resolution designating the Borough's streets. Failure to follow the correct procedure could lead to a challenge by way of Judicial Review. The process is set out within the report. There is no statutory right of appeal against the Council's decision, except for any Judicial Review application referred to above. If the correct procedure were followed the risk of such an application would be low.

Introduction

1. This Committee, at its meeting on 19 March 2015, supported a request from Godalming Town Council to recommend the designation of Bridge Street, Godalming as a Consent Street for street trading purposes. This was endorsed at the Council meeting of 14 April 2015.
2. Under the Local Government (Miscellaneous Provisions) Act 1982, a Notice of Intention was issued on 2 June 2015 informing of the intention to pass a resolution to designate Bridge Street. The Notice was served, as required, on the Highways Authority and the Police.
3. The Notice of Intention stated: NOTICE IS HEREBY GIVEN that Waverley Borough Council's Licensing and Regulatory Committee, at its meeting on Thursday 16 July 2015, intends to pass a resolution in the terms of the following draft resolution:-
"RESOLVED that pursuant to paragraph 2(1) of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, the following street in the Borough of Waverley be designated as a Consent Street: Bridge Street, Godalming (from the junction of The Burys to the north and Wharf Street and High Street to the south)."
4. If so resolved, a further public notice confirming the resolution and the date of effect must be published for two consecutive weeks in a local newspaper, giving a minimum of 28 days' notice. Assuming the process continues smoothly, the commencement date would be 28 August 2015.
5. The Notice of Intention allowed for representations to be received up to 30 June 2015. The only representations received are from the Highways Authority and the Police.
6. The Highways response was received on 3 June 2015. They commented that they can "see there is room fronting the Waitrose car park and [are] happy with the designation on the basis SCC Highways will be able to comment on individual applications as they come forward". Confirmation of this part of the process was sent to Highways by return.
7. The Police response was received on 4 June 2015, raising no objections.

Conclusion

8. There have been no contrary responses and designating Bridge Street as a Consent Street will give greater flexibility to the Farmers' Markets in Godalming.

Recommendation

It is recommended to the Council that:

1. pursuant to paragraph 2(1) of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, the following street in the Borough of Waverley be designated as a Consent Street: Bridge Street, Godalming (from the junction with The Burys to the north and Wharf Street and High Street to the south); and

2. a public notice confirming this decision and specifying the commencement date of 28 August 2015 be published accordingly.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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WAVERLEY BOROUGH COUNCIL

LICENSING AND REGULATORY COMMITTEE - 16 JULY 2015

Title:

DECISION-MAKING PROTOCOL FOR SCRAP METAL DEALERS LICENSING

[Portfolio Holder: Cllr Simon Thornton]

[Wards Affected: All]

Summary and purpose:

The proposed protocol formalises the decision-making process for Scrap Metal Licence applications and identifies the steps to take where decisions may be contentious. This protocol will need to be ratified as an Executive function.

How this report relates to the Council's Corporate Priorities:

Environment – Licensed sites are subject to periodic inspections and detailed record-keeping

Value for money – the scrap metal licensing regime works to tackle metal theft, an area of crime which has often affected, amongst others, railways, churches and war memorials

Financial Implications:

Income from licensing and regulation should not, as a general rule, generate income for the Council. It is normal practice for administering authorities to cover the costs of providing a licensing and registration service by means of set fees which are periodically reviewed. The current fees for scrap metal licences include an allowance for the decision-making processes.

Legal Implications:

Any decision-making protocol needs to be developed taking into account any relevant government guidance, any other relevant Council policies and by ensuring that any restrictions set by the protocol are capable of being properly justified, otherwise the Council would be susceptible to legal challenge by way of Judicial Review. Any such challenge would be to the High Court and therefore the cost implications would be high.

Introduction

1. There are a small number of businesses in Waverley that deal with scrap metal and they are required to hold a licence. To reduce the potential for metal theft, fraud and money laundering, changes to the licensing, record keeping and payments processes were introduced by the Scrap Metal Dealers Act 2013 and associated Regulations and Guidance.

2. Most applications are straightforward and the Council's Scheme of Delegation provides for Scrap Metal Dealer licences to be determined by the Environmental Health Manager.
3. However, representations may be made by applicants who disagree with certain determinations and the Head of Environmental Services is delegated to consider written and oral representations and to exercise powers to grant/refuse applications and revoke/vary licences following such considerations.
4. The attached document: *Scrap Metal Dealer Licences – Waverley Borough Council Decision-making Protocol (Annexe 1)* makes clear what the process is when determining an application or when dealing with representations.
5. Other Surrey authorities have been contacted to compare relevant procedures but none have, to-date, published a similar document. Examples of current good practice in England & Wales have been reviewed in the preparation of the Waverley protocol.

Conclusion

6. The decision-making protocol reflects good practice and ensures the process in Waverley is fair, reasonable and open to scrutiny.

Recommendation

That the Waverley Borough Council Decision-Making Protocol for Scrap Metal Dealers Licensing be recommended to the Executive for endorsement.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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Waverley Borough Council

Decision-making Protocol for Scrap Metal Dealers

[MONTH] 2015

1. Introduction

- 1.1. The Scrap Metal Dealers Act 2013 (the 2013 Act) introduced a new licensing regime which replaced two registration systems – those for scrap metal dealers found under the Scrap Metal Dealers Act 1964 and for Motor Salvage Operators under the Vehicles (Crime) Act 2001.
- 1.2. The 2013 Act was introduced in response to a number of factors, including the rising impacts of metal theft which adversely affected communities, businesses and councils and led to costs of millions of pounds a year.
- 1.3. Every scrap metal dealer is now required to have a licence, and operating without one is a criminal offence. Under the new legislation the definition of scrap metal dealers is extended and some businesses that did not previously need to be registered now require a licence to operate.
- 1.4. The 2013 Act and subsequent Regulations define scrap metal dealing and the licensing regime as a whole, including assessing the suitability of applicants¹. Local Authorities have the responsibility to administer and enforce Scrap Metal Dealer licensing and may set fees locally to recover the costs of doing so. Local Authorities are also responsible for the initial stages of the regime's appeals procedure.
- 1.5. This Protocol, "Waverley Borough Council Decision-making Protocol for Scrap Metal Dealers", gives guidance and advice on local practices and procedures relating to an applicant's right to make representations that arises if the Council proposes to refuse an application, renewal or variation or where a licence is proposed to be revoked.

2. Scrap Metal Dealers' Licences

- 2.1. In order for anyone to operate a business as a scrap metal dealer they must have a licence. Licences last for three years. Dealing in scrap metal without a licence is a criminal offence. There are two types of licence specified:

¹ Home Office: Scrap Metal Dealers Act 2013 – Determining suitability to hold a scrap metal dealer's licence, October 2013

2.1.1. Site Licence; all sites where a licensee carries on business as a scrap metal dealer have to be identified, and a site manager has to be named for each site. This licence allows the licensee to transport scrap metal to and from those sites from any local authority area.

2.1.2. Collector's Licence; this allows the licensee to operate as a collector in the area of the issuing local authority – i.e. travelling from door-to-door to collect items of scrap. It does not allow the collector to operate in any other local authority area, so a separate licence has to be obtained for each area in which the collector wishes to operate. The licence does not authorise the licensee to operate a site; to do so they will need a site licence from the relevant local authority.

2.2. It should be noted that a dealer can only hold one type of licence in any one local authority area. S2(9) of the 2013 Act prevents holding both a site and collector's licence from the same council.

2.3. The definitions of scrap metal dealer, site, collector and scrap metal are contained in the 2013 Act. Regulations and Guidance have been produced² and Waverley Council will give appropriate weight to these or subsequent guidance and, if deviating from them, will give reasons for so doing.

3. Considerations

3.1. The regime specifies the steps taken in the application process and what shall or may be taken into account by the Licensing Authority when dealing with an application or assessing suitability.

3.2. The Council's Scheme of Delegation in relation to this function is summarised in the table at Appx.1. Routine determinations are delegated to the Environmental Health and Representations arising out of proposals to refuse, etc. are the responsibility of the Head of Environmental Services.

3.3. Proposed refusal of an application – a licence application may be for a new licence, a renewal or to vary from one type to another. Section 3 of the 2013 Act deals with relevant information and paragraph 7 of Schedule 1 specifies the process to be followed where refusal is proposed.

3.3.1. In summary³ if a local council proposes to refuse an application, it must give the applicant notice of the proposed decision. The applicant has 14 days in which to make representations. When the local council has made

² E.g. LGA Guide to the Scrap Metal Dealers Act 2013 (revision 5), August 2013

³ Home Office, Scrap Metal Dealers Act 2013 – Supplementary guidance, October 2013

a final decision, it provides a notice of the decision with reasons. The applicant then has 21 days in which to appeal to a magistrates' court.

3.3.2. Reasons for refusal may include:

- whether the applicant is a suitable person to carry on a business as a scrap metal dealer
- whether the applicant or site manager has been convicted of a relevant offence or been the subject of relevant enforcement action
- any previous refusal of a licence application or renewal
- refusal of a relevant environmental permit
- revocation of a scrap metal licence
- whether the applicant has demonstrated that there will be adequate procedures in place to ensure the provisions of the Act are complied with
- any other information which the Licensing Authority considers relevant

3.4. Proposal to revoke or vary a licence – section 4 of the 2013 Act deals with revocations (and variations arising out of relevant convictions) and paragraph 7 of Schedule 1 specifies the processes to be followed.

3.4.1. In summary, the process is the same as at 3.3.1. above

3.4.2. Licences can be revoked by the Council for the following reasons:

- it is satisfied that the licensee does not carry on business at any of the sites identified in the licence
- that a site manager named in the licence does not act as a site manager at any of the sites identified in the licence
- it is no longer satisfied that the licensee is a suitable person to carry on business as a scrap metal dealer (considerations as listed at 3.3.2.)

4. Decision-making in Waverley

4.1. When determining applications or considering the continuity of existing licences the case-officer will ensure that all relevant information is gathered. This includes anything further the Council considers to be relevant once a valid application has been made.

4.2. Determinations of suitability will have regard, but not exclusively, to the relevant guidance (as at footnote 1 above).

4.3. Tacit consent should not apply in relation to scrap metal dealer licence applications as there is an overriding public interest in ensuring that the suitability of applicants is assessed before the licence is issued. However, where the results are non-contentious the application will normally be granted.

- 4.4.** Information likely to lead to a proposal to revoke a licence, will normally be shared with the licence-holder prior to any decision - in order to provide them with an opportunity to refute, etc. the evidence.
- 4.5.** Contentious applications and evidence likely to lead to a revocation will be discussed with the case-officer's line manager. The resultant recommendation will be passed to the Environmental Health Manager (or in their absence the Deputy Environmental Health Manager) for a final decision. The details of the case will not be shared with the Head of Service (Environmental Services) in case either the applicant or licence-holder decides to make a representation.
- 4.6.** Any decision falling under 3.3 or 3.4 above will engage the process detailed in Schedule 1 of the 2013 Act. Representations arising out of this process will be dealt with as detailed below.

5. Representations

- 5.1.** The Notice issued to the licence-holder or applicant will specify a period within which they must either make representations about the proposal or inform the council that they wish to do so.
- 5.2.** The Council will allow a reasonable period if the latter applies – this will normally be 10 working days beginning with the date on which the notification from the applicant or licence-holder is received by the Council. The Council may refuse the application or revoke or vary the licence if they fail to make representations within that period.
- 5.3.** The recipient of the Notice at 5.1 may notify the council that they wish to make oral representations. In such cases they will be given the opportunity to be heard by the delegated officer (currently Head of Environmental Services). A meeting will be arranged in order to facilitate this as soon as practicable but with at least 10 working days' notice given to the person making representations. They may choose to waive this period in order to allow for an earlier, mutually convenient, meeting.
- 5.4.** The Notice at 5.1 will contain reasons for the proposed decision. The delegated officer will consider any written or oral representations against the criteria contained in the Notice or in light of any other information considered to be relevant. A decision should be made as soon as possible thereafter.
- 5.5.** Where oral representations are made the applicant or licence-holder may request to be accompanied by another person and this should normally be

allowed. Where appropriate, the delegated officer may require other officers, including for legal advice, to be present throughout the meeting or at any point during the meeting.

5.6. Where the decision is grant the licence or to vary it from one type to the other, the licence will be issued as soon as is practicable and, in any case, within 10 working days.

5.7. Where the decision is to refuse, revoke or vary due to relevant convictions a notice will be sent to the relevant person setting out the decision and reasons for it together with details of any rights of appeal. This notice will be provided as soon as practicable and, in any case, within 10 working days of the decision.

DRAFT

APPENDIX 1

Table of relevant delegated powers

Item	Considerations	Environmental Health Manager or nominated officer	Head of Environmental Services	Committee
Approval of Decision-making protocol	Scrap Metal Dealers Act 2013 and associated regulations / guidance	X	X	Yes – Executive function
Application for Site Licence or Collector's Licence. Application to vary from Site to Collector's (& vice-versa)	Scrap Metal Dealers Act 2013, associated regulations / guidance and Waverley Protocol	Yes – if non-contentious	Yes – if representations	X
Revocation of Licence. Varying licence due to relevant convictions	Scrap Metal Dealers Act 2013, associated regulations / guidance and Waverley Protocol	Yes – if non-contentious	Yes – if representations	X
Closure Orders	Scrap Metal Dealers Act 2013 and associated regulations / guidance	Yes – in conjunction with legal services	X	X

WAVERLEY BOROUGH COUNCIL

LICENSING AND REGULATORY COMMITTEE – 16 JULY 2015

Title:

PROPOSED AMENDMENTS TO WAVERLEY BOROUGH COUNCIL STREET COLLECTION GUIDELINES

[Wards Affected: All]

Summary and Purpose

The purpose of this report is to enable the Council to consider proposed amendments to the Street Collection guidelines against which applications for such collections will be considered. The Council's Street Collection guidelines were originally approved on 13 February 2002 and amended on 27 May 2010.

How this report relates to the Council's Corporate Priorities:

This report relates to improving lives in the Borough.

Equality and Diversity Implications:

There are no equality implications

Environment and Climate Change Implications:

There are no Environmental and Climate change implications in this report.

Resource/Value for Money Implications

There are no immediate resource implications in this report.

Legal implications:

Guidelines assist an applicant in assessing whether an application is likely to be granted, guide those who determine applications and reduce potential for legal challenge.

Introduction

- 1 Waverley Borough Council regulates charitable collections in the street. The Council has delegated to its officers the authority to consider and determine applications for street collections, subject to its guidelines, a copy of the current guidelines with proposed amendments added in red are attached at Annexe 1.
2. The first of these guidelines states:

The Council will usually permit four collections only per year by any individual or organisation applying.

3. The Licensing (General Purposes) Sub-Committee interprets and applies policy and may deviate from policy in exceptional circumstances/ for compelling reasons.
4. Having received an application from 'Go-Godalming' to collect at the Bandstand on fourteen separate occasions, officers requested that the Licensing (General Purposes) Sub-Committee sitting on Monday 22 June 2015 consider the application.
5. The series of events that gave rise to the 'Go-Godalming' application that were considered by the Sub-Committee on the 22 June 2015 were a repeat of similar annual programmes which have been held for each of the last nine years. The Sub-Committee felt that they could not be described as exceptional. The Sub-Committee felt that it did not have the power to sanction what had become a routine exception to policy. If such an extensive series of events were to be authorised, the Committee felt that this could only be done following an amendment to the policy and the Committee would therefore ask the Licensing and Regulatory Committee to consider making a recommendation to the Council that the policy be amended.
6. The decision of the Sub-Committee was as follows:-

“The Sub-Committee RESOLVED to grant permission for the next three concerts on 28 June, 5 and 19 July. The Sub-Committee gave conditional approval to the following dates 26 July, 9, 16, 23 and 30 August and 6 and 13 September subject to them being consistent with an amended Policy by the Council. However, if the amended policy required changes to printed promotional material, the Sub-Committee would grant exemption for this year only.”
7. The recommended amendments to the policy would be to add an additional guideline, No.14, which would state:
 14. In the event that a collection is requested for a series of community events (between 5 and 20 events) that take place in a public place, other than in the town or village centre, the Head of Policy and Governance in consultation with the Chairman and Vice-Chairman of the Licensing and Regulatory Committee, will be authorised to issue street collection permits, subject to the following conditions being met:-
 - The primary purpose of the series of events is to provide entertainment for the community. The collection of funds shall be incidental to the event.
 - Collections made should be to contribute to the cost of staging the event and/or to raise funds for charitable purposes (incidental to the event)
 - The organiser of the events cannot include, as part of the costs of staging the event, a payment in any form to him or herself other than to pay for specific costs incurred in relation to the event, supported by documentary evidence

- All applications for collections are to be submitted at least one month in advance of the first event in the series taking place
- All promotional material shall display a prominent statement that people attending will be invited to make a donation, and if relevant, to name the charity or charities which will benefit from the funds
- Collectors must remain stationary at the entrances or exits and must not move amongst those attending the event.

And to add the following additional wording to the first guideline;

“If you are organising a series of community events, please refer to guideline 14 to see if your events meet the criteria for issuing additional collections”;

And to amend one word in Guidelines 12 and 13 so that wording is consistent.

Conclusion

8. The Committee is asked to consider the proposed amendments to the Street Collection guidelines (Annexe 1) and make its recommendations to the Council that the guidelines be amended.

Recommendation

It is recommended that the Licensing and Regulatory Committee considers the proposed amendments to the Guidelines for the Grant of Street Collections in Waverley and makes the appropriate recommendation to the Council.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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WAVERLEY BOROUGH COUNCIL

GUIDELINES FOR THE GRANT OF STREET COLLECTIONS IN WAVERLEY

The Council has delegated to its officers the authority to consider and determine applications for street collections, subject to the guidelines set out below. Any person who is dissatisfied with the outcome of an application for a street collection permit, may request that the application be considered formally by the Licensing and Regulatory Committee.

1. The Council will usually permit four collections only per year by any individual or organisation applying. **"If you are organising a series of community events, please refer to guideline 14 to see if your events meet the criteria for issuing additional collections"**.
2. The Council will only issue permits to an individual or organisation which provides adequate information so that the application can be considered properly. This may include any information which might lawfully be requested by the Council in addition to that given on the application form.
3. The Council will not issue permits to an individual or organisation whose aims do not appear to be charitable or of a closely allied nature. Where there is any doubt about the aims of the collecting body, it may be asked to provide further evidence to clarify that doubt.
4. The Council will not issue further permits to an individual or organisation whose collectors are paid more than it considers to be "reasonable expenses".
5. The Council will not normally issue further permits to an individual or organisation that has cancelled a street collection in Waverley at short notice (less than one week), on more than one occasion in the last three years.
6. The Council will not normally issue permits to an individual or organisation that has held an unlawful street or house to house collection within its area, or that of another Local Authority.
7. The Council will take into account any decision by another Local Authority to refuse permission for the individual or organisation in question to hold a street or house to house collection, and the reasons for it.
8. The Council will not normally issue further permits to an individual or organisation who has broken the Street Collections Regulations set by this Council, or those of another Local Authority within the last five years, or where it is reasonably suspected that the individual or organisation might do so.

9. The Council will not normally issue permits to an individual or organisation who has previously submitted a returns form for a collection which has taken place in the Borough showing that no money was received.
10. The Council will take into account information or advice supplied by the Police or other relevant body in deciding whether to grant a permit.
11. The Council's officers are not authorised to grant a permit to an individual or organisation where a previous application has been considered and refused by the Licensing/Licensing and Regulatory Committee.
12. The Council will not normally permit **issue** an application for a street collection where an application from the applicant/organisation has been refused by the Council's Licensing/Licensing and Regulatory Committee in the preceding **two** years.
13. The Council will not normally permit **issue** an application for a Street Collection where the aims and objects of the collection are unlikely to benefit local people specifically, or as the reasonably foreseeable consequences of more widespread activities.
14. In the event that a collection is requested for a series of community events (between 5 and 20 events) that take place in a public place, other than in the town or village centre, the Head of Policy and Governance in consultation with the Chairman and Vice-Chairman of the Licensing and Regulatory Committee, will be authorised to issue street collection permits, subject to the following conditions being met:-
 - The primary purpose of the series of events is to provide entertainment for the community. The collection of funds shall be incidental to the event.
 - Collections made should be to contribute to the cost of staging the event and/or to raise funds for charitable purposes (incidental to the event)
 - The organiser of the events can not include, as part of the costs of staging the event, a payment in any form to him or herself other than to pay for specific costs incurred in relation to the event, supported by documentary evidence
 - All applications for collections are to be submitted at least one month in advance of the first event in the series taking place
 - All promotional material shall display a prominent statement that people attending will be invited to make a donation, and if relevant, to name the charity or charities which will benefit from the funds
 - Collectors must remain stationary at the entrances or exits and must not move amongst those attending the event.

Note: Where an applicant is dissatisfied with the proposed refusal of an application for a street collection, he/she may request that the application is brought before the Licensing and Regulatory Committee for determination

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE
19 MARCH 2015

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE
16 JULY 2015

(To be read in conjunction with the Agenda for the Meeting)

Present

Cllr Simon Inchbald (Chairman)
Cllr Patricia Ellis (Vice Chairman)
Cllr Maurice Byham

Cllr Tony Gordon-Smith
Cllr Carole King

26 MINUTES (Agenda item 1)

The Minutes of the Meeting held on 29 January 2015 were confirmed and signed.

27 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (Agenda item 2)

There were no apologies for absence.

28 DECLARATIONS OF INTEREST (Agenda item 3)

Councillor Carole King declared an interest in Agenda Item 8, left the room during the discussion and did not participate in the debate.

PART I - RECOMMENDATIONS TO THE COMMITTEE

There were no matters falling within this category.

PART II - MATTERS OF REPORT

The background papers relating to the following items are as set out in the reports included in the original agenda papers.

29 APPLICATION FOR EXEMPTION FROM PRIVATE HIRE PLATE DISPLAY
(Agenda item 5)

The Sub-Committee duly considered a request from Mr Steve Hurren for an application for a Private Hire Vehicle licence to be exempt from the requirement to display a private hire licence plate on any occasion when the vehicle, a Mercedes E350 Cdi Avantgarde Auto, was used for chauffeur purposes.

The Sub-Committee heard that Mr Hurren would be working with Westbury Cars offering a chauffeur driven private hire service and that he had corporate clients and senior personnel who wished to be driven in a car that did not display a licence plate.

Mr Hurren had supplied a letter from a client explaining that their clients required a degree of privacy and preferred to use a chauffeur type service. A letter had also been received from Mr Colin Gardner of Westbury Cars supporting the application.

Following questions by the Sub-Committee and responses from Mr Hurren the Sub-Committee WITHDREW at 10.25 am.

Following the Sub-Committee's deliberation the meeting RESUMED at 10.35 am. The Council's Legal Adviser had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

RESOLVED that, Mr Hurren be granted the request for exemption to display a private hire licence plate on any occasion when the vehicle is used for chauffeur purposes in respect of his vehicle, Private Hire Plate no. 321. The exemption only operates until further notice and the Council reserves the right to reconsider the exemption should circumstances arise which warrant doing so.

30 APPLICATION FOR EXEMPTION FROM PRIVATE HIRE PLATE DISPLAY
(Agenda item 6)

The Sub-Committee duly considered a request for exemption for two vehicles from the requirement to display a private hire licence plate on any occasion when the vehicles are used for chauffeur purposes, as submitted by Ms Lumb.

The Sub-Committee heard that the applicant was seeking exemption for a new business concept called Driving Miss Daisy. The business offered a community companion service whereby clients can book the vehicle for shopping trips, medical appointments, afterschool activities and the like. They would be a pre-booked service and if required would stay with the customer and help with shopping or wait for an appointment to finish.

Members supported the business concept but were concerned that a car clearly offering a community service would not appear to be licenced and therefore would not have the security that was offered by a visible licence plate.

The applicant said that they had undertaken a lot of market research and had found out that the elderly in particular could be quite nervous of booking a taxi. All of their drivers would wear identity badges and the licence would be displayed inside the vehicle.

Members were still concerned over the lack of visible licence plates on the rear of the vehicles, but were somewhat reassured by the applicant agreeing to add a form of wording to their website and marketing literature that identified their vehicles as being licensed by their local authority.

Following further questions from the Sub-Committee and responses from the applicant the Sub-Committee WITHDREW at 11.22 am.

Following the Sub-Committee's deliberation the meeting RESUMED at 12.25 pm. The Council's Legal Adviser had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

RESOLVED that, in respect of each of the two vehicles, the details of which are to be provided to Mr Hughes, the Sub-Committee grants exemption from the requirement to display a private hire licence plate on any occasion when the vehicle is used for chauffeur purposes, the exemption only operates until further notice and the Council reserves the right to reconsider the exemption should circumstances arise which warrant doing so; and

1. the driver is wearing his/her Waverley licensed driver badge; and
2. above the contact number on the back of the vehicle the words "licensed vehicle" are displayed readable from a distance of 7 metres; and
3. the business website states that all vehicles are fully licensed with the relevant local authority; and
4. advertising flyers state licensed by "Waverley Borough Council."

31 EXCLUSION OF PRESS AND PUBLIC (Agenda item 7)

RESOLVED that, pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in paragraph 1 of the revised Part 1 of Schedule 12A to the Act in respect of the following item:

Information relating to any individual (paragraph 1)

32 REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (Agenda item 8)

The applicant attended the meeting to be interviewed by the Sub-Committee and to present his case. The applicant confirmed that the agenda papers had been received and understood.

The applicant made a statement regarding the issues in the report which had led to his application being referred to the Sub-Committee.

Following questions by the Sub-Committee regarding the driver's convictions and his current employment and consideration of the driver's responses the Sub-Committee WITHDREW at 12.59.

Following the Sub-Committee's deliberation the meeting RESUMED at 13.59. The Council's Legal Adviser had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

RESOLVED that, for the reasons given in the [Exempt] Annexe to these minutes, the applicant was not a fit and proper to hold a driver's licence and his licence was revoked.

33 APPLICATION FOR PRIVATE HIRE DRIVER'S LICENCE (Agenda item 9)

The applicant attended the meeting to be interviewed by the Sub-Committee and to present his case. The applicant confirmed that the agenda papers had been received and understood. The applicant was accompanied by a relative.

The applicant made a statement regarding his reasons for the offences shown on his Disclosure and Barring Certificate and the applicant's relative gave supporting details.

Following questions by the Sub-Committee and responses from the driver the Sub-Committee WITHDREW at 14.32.

Following the Sub-Committee's deliberation the meeting RESUMED AT 15.08. The Council's Legal adviser had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

RESOLVED that, for the reasons given in the [Exempt] Annexe to these minutes, the applicant was a fit and proper person to hold a driver's licence and was granted a Private Hire driver's licence, subject to the satisfactory outcome of the test specified in the [Exempt] Annexe.

34 APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (Agenda item 10)

The applicant attended the meeting to be interviewed by the Sub-Committee and to present his case. The applicant confirmed that the agenda papers had been received and understood.

Following questions by the Sub-Committee about his previous driving history and responses from the driver, the Sub-Committee WITHDREW at 15.40.

Following the Sub-Committee's deliberation the meeting RESUMED at 16.50. The Council's Legal Adviser had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

RESOLVED that, for the reasons given in the [Exempt] Annexe to these minutes, the applicant was not a fit and proper to hold a driver's licence and the application was refused.

35 LEGAL ADVICE (Agenda item 11)

The meeting commenced at 10.15 am and concluded at 4.53 pm

Chairman

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WAVERLEY BOROUGH COUNCILMINUTES OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE
22 JUNE 2015SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING
16 JULY 2015

(To be read in conjunction with the Agenda for the Meeting)

Present

Cllr Simon Inchbald (Chairman)
Cllr Patricia Ellis (Vice Chairman)

Cllr Anna James
Cllr Bob Upton

Cllr Maurice Byham (Substitute)

Apologies

Cllr Peter Isherwood

1. APPOINTMENT OF CHAIRMAN (Agenda item 1.)

Cllr Simon Inchbald was confirmed as Chairman of the Licensing (General Purposes) Sub-Committee for the Council year 2015/16.

2. APPOINTMENT OF VICE-CHAIRMAN (Agenda item 2.)

Cllr Patricia Ellis was confirmed as Vice-Chairman of the Licensing (General Purposes) Sub-Committee for the Council year 2015/16.

3. MINUTES (Agenda item 3.)

The Minutes of the Special Meeting held on 2 April 2015 were confirmed and signed.

4. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (Agenda item 4.)

An apology for absence had been received from Cllr Peter Isherwood. Cllr Maurice Byham attended as a substitute.

5. DECLARATIONS OF INTEREST (Agenda item 5.)

There were no interests declared under this heading.

PART I - RECOMMENDATIONS TO THE COMMITTEE

There were no matters falling within this category.

PART II - MATTERS OF REPORT

The background papers relating to the following items are as set out in the reports included in the original agenda papers.

6. APPLICATION FOR STREET TRADING PERMIT (Agenda item 7.)

An application for a street trading permit had been received for the Cranleigh Lions Carnival and Fund Day to be held on Saturday 27 June 2015. The last date for comments on the application was Wednesday 24 June 2015. The Sub-Committee was advised that no comments had been received and therefore there was no requirement for action from the Sub-Committee.

7. APPLICATION FOR STREET COLLECTION PERMIT - GO GODALMING (Agenda item 8.)

The Sub-Committee duly considered an application received for a street collection permit, the proceeds of which were intended to benefit Go Godalming in funding the running of concerts at the Bandstand, Godalming to entertain the community free of charge.

The Council regulates street collections and the Sub-Committee noted that any individual or organisation applying was usually permitted only four collections per year. The application before them requested street collection permits for a number in excess of that.

The Sub-Committee interprets policy and has the delegated power to deviate from policy when there were exceptional circumstances and compelling reasons to do so.

The series of events that gave rise to the application now under consideration were a repeat of similar annual programmes which had been held for each of the last nine years. They could not be described as exceptional. The Sub-Committee felt that it did not have the power to sanction what had become a routine exception to policy. If such an extensive series of events were to be authorised, the Committee felt that it could only be done following an amendment to the policy and the Sub-Committee would therefore ask the Licensing and Regulatory Committee to consider making a recommendation to the Council that the policy be amended.

The Sub-Committee recognised that the planned concerts were valuable community events and needed to be funded.

To comply with Waverley's Regulations (requirement for collector to occupy a stationary position), any collections should be on arrival or departure at the bandstand and not whilst attendees were seated. The Sub-Committee requested that the Go Godalming Website and other internet sites advertising the concerts would be amended to ensure that it was made clear there would be a collection taking place at each concert.

The Sub-Committee withdrew at 12.27pm to make their decision and returned at 13.32pm. During their deliberations the Council's Solicitor was asked to advise the Sub-Committee on the wording of their decision.

The Sub-Committee RESOLVED to grant permission for the next three concerts on 28 June, 5 and 19 July. The Sub-Committee gave conditional approval to the following dates 26 July, 9, 16,23 and 30 August and 6 and 13 September, subject to

them being consistent with an amended policy by the Council. However, if the amended policy required changes to printed promotional material, the Sub-Committee would grant exemption for this year only.

8. EXCLUSION OF PRESS AND PUBLIC (Agenda item 9.)

RESOLVED that, pursuant to Procedure Rule 20 and in accordance with Section 100B(5) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in paragraph 1 of the revised Part 1 of Schedule 12A to the Act, namely:-

Information relating to any individual (paragraph 1)

9. REVIEW OF HACKNEY DRIVER'S LICENCE WITH REFERENCE TO A SERIOUS INCIDENT (Agenda item 10.)

The driver attended the meeting to be interviewed by the Sub-Committee and to present his case.

Following questions by the Sub-Committee and responses from the driver the Sub-Committee withdrew at 14.40pm.

Following the Sub-Committee's deliberation the meeting resumed at 15.30pm. The Council's Solicitor had been asked to advise the Sub-Committee During their deliberation on the wording of their decision.

RESOLVED that Mr F S was a fit and proper person to hold a Hackney Carriage/Private Hire driver's licence for the reasons set out in the [Exempt] Annexe to these minutes.

The meeting commenced at 10.00 am and concluded at 3.42 pm

Chairman

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE A - 30 MARCH 2015

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING
16 JULY 2015

(To be read in conjunction with the Agenda for the Meeting)

Present

Cllr Simon Inchbald
Cllr Chris Storey

Cllr Brett Vorley

1. ELECTION OF CHAIRMAN (Agenda item 1.)

Cllr Simon Inchbald was elected Chairman for this meeting of Sub-Committee B.

2. DISCLOSURE OF INTERESTS (Agenda item 2.)

There were no interests declared.

PART I - RECOMMENDATIONS TO THE COMMITTEE

There were no matters falling within this category.

PART II - MATTERS OF REPORT

Background Papers

The background papers relating to the following report items in Part II are as specified in the agenda for the Committee.

3. LICENSING ACT 2003 - APPLICATION FOR VARIATION TO AN EXISTING PREMISES LICENCE - FRENHAM POND HOTEL, BACON LANE, CHURT, FARNHAM SURREY, GU10 2QD (Agenda item 3.)

The Applicant, their Counsel and Instructing Solicitor attended the meeting. The Applicant's Counsel advised that some complaints regarding planning constraints, disturbance to wildlife and financial/property issues were not covered by the Licensing Act and therefore could not be taken into consideration.

The Democratic Services Manager introduced the report and explained that this was an application to vary the original licence to which 18 valid representations had been received. Environmental Health had made a representation which had resulted in an amendment to the application.

Counsel to the applicant then outlined the work that had been undertaken to modernise and increase facilities at the Hotel, including groundwork to level an area of the Hotel grounds in order to accommodate a marquee for wedding functions. The marquee would have acoustic properties as far as possible and speakers relaying music would be directed away from the Hotel. External noise would be

monitored and only allowed up until 10pm. The Hotel anticipated that events in the marquee would only take place between May-September and be limited to 2 per month.

Following questions from the Sub-Committee the Applicant said that he had not received any formal complaints from local residents in 23 years. He had spoken in passing to a local resident who had made a passing comment about noise nuisance from fireworks, but had made no formal complaint. For safety reasons a double rope had been erected around the pond and staff would be on duty outside when events were taking place in the marquee.

The objectors present then made their representations. The Chairman advised the objectors that the concerns raised in the agenda papers had been noted by the Sub-Committee and asked whether there were any further issues or amplification they wished to make. Their main concern was regarding public nuisance and how noise could be regulated. Local residents said that they had been affected by noise from music and patrons leaving the premises on numerous occasions in the past and were not confident that the Hotel would be able to regulate noise, especially with staff who may be young and inexperienced. Another issue raised was non-communication with local residents; the Hotel had not informed their neighbours of their intention to make improvements, replace a large hedge with a wall nor that they had made an amendment to their application prior to the meeting. There was a litter problem with discarded rubbish along the lane and the front of neighbours property and significant noise and safety problem when guests left the Hotel late at night down a dark, narrow lane.

The Council's Solicitor advised that issues raised by the objectors had not been corroborated by complaints to the Police. Incidents that had taken place in the past was not evidence of what might occur in the future.

Counsel to the Applicant said that to allay the concerns of local residents the Applicant was prepared to accept Conditions to the licence regarding, among other things, maximum number of guests allowed at a function and the employment of SIA registered staff to contain guests when leaving. In the main the Applicant was receptive to Conditions being added to the licence that would help to allay residents' concerns.

The Sub-Committee then withdrew at 11.16 am.

Following the Sub-Committee's deliberation the meeting resumed at 12.50 pm. The Council's Solicitor had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

The Sub-Committee

RESOLVED that on the balance of probabilities and the evidence before them the application be granted subject to the Conditions set out below, which were to prevent public nuisance. The Sub-Committee advised that should there be any cause for concern in the future, legislation allowed for members of the community and responsible authorities to

contact their licensing authority with complaints over the operation of the premises, leading to a possible review of the licence.

1. All windows and doors to be kept closed after 22.00 hours during regulated entertainment events except for access and egress;
2. Notices to be prominently displayed asking guests to respect neighbours and leave the premises quietly;
3. Notices to be prominently displayed giving a contact telephone number of a member of staff in the event of an emergency/complaint;
4. At least 1 personal licence holder to be on duty on the premises at every event;
5. Events in the marquee are limited to 2 per calendar month, and limited to May to September;
6. No fireworks or Chinese lanterns allowed at any time;
7. On the morning following every event staff will litter-pick the grounds of the premises and immediate surrounding area;
8. Staff to patrol the grounds of the premises to ensure guests do not create a noise nuisance during events;
9. No glasses or opened bottles to be taken off the premises;
10. At marquee events exceeding 150 persons, two SIA registered security staff are to be employed between 21.30 and 23.00 hours;
11. ~~On any day, no more than one function running after 7pm to be held.~~

Amended Condition No.11 – agreed at the meeting with the Sub-Committee and the Applicant::

No more than 200 persons in attendance at non-restaurant functions on the hotel premises at any one time.

12. A rolling event notice to be posted on the Hotel's website so that local residents can be informed when events are about to take place, such notice to provide a contact telephone number of a member of staff in the event of an emergency/complaint;
13. Quarterly meetings to take place between Hotel management and local residents to enable discussion on issues arising, meetings to be arranged by the Hotel and advised to local residents;
14. All live/recorded music in the marquee to end by 22.00 hours .
15. Sale of alcohol in the marquee to end by 22.30 hours.

The Sub-Committee had considered the views of the objectors and the objectors' fears that public nuisance problems could arise. The Sub-Committee believed that the amended application, the Conditions agreed by the applicant with Environmental Health, the Conditions offered by the applicant at the hearing and those imposed by the Sub-Committee adequately addressed those concerns. They were designed to minimise the impact of the licence variation. The conditions also addressed the objections received relating to the other licensing objectives.

The meeting commenced at 10.00 am and concluded at 12.55 pm

Chairman

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE B - 13 APRIL 2015

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE
16 JULY 2015

(To be read in conjunction with the Agenda for the Meeting)

Present

Cllr Elizabeth Cable
Cllr Patricia Ellis

Cllr Peter Isherwood

Apologies

Cllr Andrew Wilson

1. ELECTION OF CHAIRMAN (Agenda item 1.)

Cllr Elizabeth Cable was elected Chairman for this meeting of Sub-Committee B.

2. MINUTES (Agenda item 2.)

The Minutes of the Meeting held on 19 January 2015 were confirmed and signed.

3. DISCLOSURE OF INTERESTS (Agenda item 3.)

No interests were declared.

4. LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE - TESCO, MEADOW, GODALMING GU7 3HY (Agenda item 4.)

Solicitors acting on behalf of Tesco Stores and the Store Manager for the new Tesco Godalming store attended the meeting. The Solicitor acting as spokesperson confirmed that the agenda papers had been received and understood.

Waverley Borough Council Environmental Health Officers were in attendance as Responsible Authority making objection to the application.

The Applicant's Solicitor summarised the application and said that the new store already had planning permission to trade from 0600-2300 hours and the application to sell alcohol corresponded to this time.

The Applicant's Solicitor told the Sub-Committee that there would be a limited range of alcohol and 95% of alcohol sales was linked to the purchase of other goods. The Company operated an 'Age 25' Policy and all new staff had to undertake training for the sale of alcohol that was refreshed throughout their employment. Processes were also in place at checkouts that prompted staff to check underage restrictions when alcohol was purchased. The Company would not tolerate antisocial behaviour and training was given in conflict management. CCTV would be present within the store, but unless requested by the Police would not be installed to record outside activity.

The Applicant's Solicitor brought attention to the fact that there had been no objection to the application from the Police and under the Licensing Act very good evidence had to be presented in order to impose restrictions to an application and that any complaints in the future could lead to a possible review of the licence. Some complaints received regarding traffic were not covered under the Licensing Act and came under the remit of public highways.

Responding to questions from the Sub-Committee the Applicant's Solicitor said that external CCTV could only be directed onto land belonging to the Company and not onto the highway. A cashpoint would not be available at the store and unless the Police had requested external CCTV there was not a requirement to install it outside the premises. Additionally, the voluntary restriction on the sale of alcohol that the Milford store had undertaken was not something that the Applicant's Solicitor could agree to without taking instructions from the Company Head Office.

Environmental Health Officers then outlined their objections which were based on the Licensing Objective relating to the Prevention of Nuisance. The store was immediately adjacent to residential properties and Environmental Health were concerned that Tesco Stores had not taken enough preventative measures to ensure that local residents were not disturbed by noise nuisance.

The Council's Solicitor advised the Sub-Committee that the Licensing Act allowed for conditions to be imposed to promote the prevention of public nuisance through representations based on evidence. The Applicant's Solicitor said that there should be very clear evidence on imposing restrictions and there was no evidence to suggest restricting the hours for the sale of alcohol would make any difference to the prevention of public nuisance.

Godalming Chamber of Commerce, speaking on behalf of other objectors, then gave reasons for their objections. Their main concerns were to prevent noise nuisance and suggested it could be appeased by a voluntary restriction to the hours for the sale of alcohol, CCTV monitoring the outside area to prevent consumption of alcohol and associated potential for crime and disorder and litter. The objectors would also feel reassured to learn there would be a manager on the premises at all times when alcohol was for sale.

The Chairman responded to reassure the objectors that should there be any cause for concern in the future a review of the licence could be called and all licensed premises had to be supervised by a Designated Premises Supervisor or responsible person nominated by the DPS.

Following summing up the Sub-Committee withdrew at 11.20am.

Following the Sub-Committee's deliberation the meeting resumed at 12.25pm. The Council's Solicitor had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

The Sub-Committee noted that representations had been received on the four Licensing Objectives and made the following observations:

The Sub-Committee had not received any evidence from the Police of any anti-social behaviour or issues of under-age drinking in the immediate area. Guidance states that licensing authorities should look to the police as the main source of advice on crime and disorder. The Sub-Committee recognised the fears of the local residents that these problems could arise, and the fears of residents and Environmental Health that noise problems could arise, but the Sub-Committee feels there is insufficient evidence to refuse the application or impose additional conditions.

On the balance of probabilities the Sub-Committee found that on the evidence before them the application could be granted.

Whilst the evidence did not support additional conditions being added by the Sub-Committee, the Sub-Committee strongly recommended that as mentioned at the meeting by the Solicitor representing Tesco Stores an arrangement is volunteered by Tesco to limit the sale of alcohol to 0700 – 2200 hours, and to introduce external area CCTV as a goodwill gesture and to address the deeply felt concerns of the local residents.

The Sub-Committee was conscious that should there be any cause for concern in the future, legislation allowed for members of the community and responsible authorities to contact their licensing authority and Environmental Health with complaints over the operation of the premises, leading to a possible review of the licence.

The Sub-Committee advised that any person who made relevant representation may appeal against the decision within 21 days of the date of notification by the licensing authority of the decision writing.

The meeting commenced at 10.00 am and concluded at 12.28 pm

Chairman

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