



RUNNYMEDE BOROUGH COUNCIL

LICENSING COMMITTEE

27 JANUARY 2005

APPENDICES

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RUNNYMEDE **BOROUGH COUNCIL**

LICENSING COMMITTEE

27 JANUARY 2005

APPENDIX 'A'

DRAFT REVENUE ESTIMATES 2005/06

LICENSING FUNCTIONS

ANNUAL ESTIMATES 2005/06

1. INTRODUCTION

- 1.1 The report sets out draft estimates for licensing and regulatory functions.

Format of Estimates

- 1.2 As well as the detailed financial estimates, information is given on the service levels and on stated policy aspirations. The aim is to allow Members and other users to compare the level of the budget to qualitative and quantitative output measures.

Council Policy

- 1.3 The Council approved the Financial Forecast for the following five years in October 2004. The Forecast is a key financial planning tool and it sets out the medium term financial strategy of the Council. The Forecast also sets out the financial impact of anticipated changes in budgetary provision at service level.

- 1.4 Members will be aware that the Council faces considerable financial challenges over the next few years. The financial strategy of the Council requires new savings of £964,000 a year being achieved by 2007/08. The Forecast also identifies further savings of £550,000 needed by 2007/08 to avoid the possibility of Council Tax capping. These savings targets are combined with stepped increases in Council Tax.

- 1.5 The Council resolved that Members would identify service areas that should be examined in detail with a view to achieving the savings target. Officers would then be instructed to bring forward reports on the service areas identified. These estimates have been compiled on the basis of approved policy only and do not speculate on further proposals that may be brought forward.

- 1.6 Tables set out in section 5 of this report identify additional spending commitments and new savings identified since the publication of the Forecast.

Staff Costs – Pensions

- 1.7 The Pension Fund actuary has completed his triennial review of the Pension Fund. A full report on the results of the review will be made to the Corporate Management Committee on 3 February. In summary, the Actuary has calculated that the ongoing employers contribution rate will increase to 12.5% of employee's pensionable pay from April 2005. The rate for the previous 3 years was 10.0%. This factor alone will increase the overall salary costs by 2.1%.

- 1.8 The 2005/06 estimates assume a local inflationary pay increase of 3% effective from July 2005. Taken with the additional cost of the employers pension contributions, this increases staff costs by 5.5%. Where appropriate allowance has also been made in the estimates for staff progression through the pay scales awarded via the performance related pay scheme. This means that for some services the cost of staffing in 2005/06 is substantially more than for 2004/05, even though there have been no changes in personnel or staff numbers.

Support Service Costs

- 1.9 The Best Value Accounting Code of Practice requires the cost of overheads to be allocated to those services that use that overhead. To fully comply with these accounting rules, new recharges for Runnymede On-Line (the Council's Website and Internal Intranet) and the Safer Runnymede CCTV equipment have been charged to services for the first time. These allocations do not increase the overall costs of the Council's services, as the corresponding service budgets will reduce by the total of allocations made.

2. REVISED ESTIMATES 2004/05

- 2.1 The revised estimates for 2004/05 have been prepared on a similar basis to the original estimates. The major income and expenditure variations on the original budget are listed below:

	£000
Original 2004/05 Budget	88
▪ Increase in Support Service costs	14
▪ Estimated increase in income	(14)
Other Net Changes	3
Revised 2004/05 Budget	91

3. DRAFT ESTIMATES FOR 2005/06

3.1 Basis of Estimates

The draft estimates are presented at estimated 2005/06 prices and, unless a different assumption is appropriate in specific cases, allow for anticipated general price inflation of 2.5% and pay inflation of 3%.

3.2 Alcohol & Public Entertainment Licences

The new Licensing Act has been the subject of many reports to both the Leisure and Environment Committee (L&E) and the Corporate Management Committee (CMC) over the last few years. The transfer of Licensing Responsibilities is now anticipated to commence on 7 February 2005. In accordance with the Financial Forecast income of £57,000 has been incorporated into the 2005/06 budget to reflect the anticipated number of liquor licence applications.

4. FEES AND CHARGES FOR 2005/06

4.1 Council Policy

As part of the resolutions that accompanied the approval of the Financial Forecast, the Council also required each Committee to consider increasing the contribution that users make to the cost of services (where it is lawful to do so) when undertaking their next review of fees and charges. The proposals in this section of the report are made in accordance with this resolution.

4.2 Alcohol & Public Entertainment Licences

Fees and Charges for the new liquor licensing regime are to be set by statute. Proposed fees and charges are currently the subject of a consultation document from the Department for Culture, Media and Sport. It is anticipated that the actual fee levels will be announced in late January 2005.

5. COMPARISON WITH THE FINANCIAL FORECAST

- 5.1 There have been no additional spending commitments or new savings identified since the publication of the Forecast:

- 5.2 The estimate submissions from all service committees will be used to update the Forecast so that Members can monitor progress and adjust the savings target as necessary. A report on this exercise will be made to the meeting of the Corporate Management Committee on 3 February 2005.

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ALCOHOL & PUBLIC ENTERTAINMENT LICENCES

BUDGET FOR THE YEAR ENDING 31st MARCH 2006

	<u>2003/04</u> Actual £	<u>2004/05</u> Estimate £	<u>2004/05</u> Probable £	<u>2005/06</u> Estimate £
<u>EXPENDITURE</u>				
<u>Employees</u>				
Salaries	30,600	60,100	60,100	71,600
Training and Recruitment	1,471	1,500	2,300	1,500
<u>Transport Related Expenditure</u>				
Travelling and Subsistence	2,102	4,100	4,200	2,800
<u>Supplies and Services</u>				
Furniture & Equipment	85	0	500	0
General Office Expenses	1,139	1,500	1,500	1,500
Communication and Computing	14,266	2,600	3,200	3,200
Consultants and Fees	663	1,000	1,200	1,000
<u>Support Services</u>				
Financial Services	1,050	2,500	2,500	3,500
Information Technology	3,800	4,300	7,400	8,600
Personnel Services	300	400	400	1,200
Office Accommodation	2,700	3,300	9,400	10,100
Legal and Admin Services	10,700	12,600	17,600	26,000
Technical Support Services	296	800	1,300	1,900
Gross Expenditure	69,172	94,700	111,600	132,900
<u>INCOME</u>				
Public Entertainment Licences	6,670	6,500	10,500	0
Combined Liquor & Entertainment Licences	0	0	10,000	63,500
Gross Income	6,670	6,500	20,500	63,500
Net Expenditure	62,502	88,200	91,100	69,400

ALCOHOL & PUBLIC ENTERTAINMENT LICENCES

SERVICE DESCRIPTION

Budget Manager:	Head of Environmental Protection - Mr D Speight
Service Function:	Licensing and monitoring the sale and supply of alcohol and the control of public entertainment.
Legal Status	Licensing Act 2003
Policy Objectives	To meet statutory responsibilities in a cost effective manner.

BUDGET VARIATIONS

	<u>2004/05</u> Probable £	<u>2005/06</u> Estimate £
2004/05 Original Estimate	88,200	88,200
Allowance For Inflation		3,700
<u>Employees</u>		
Increase in the amount of staff time involved in carrying out this service		8,500
<u>Support Services</u>		
Anticipated increase in Financial Services following introduction of liquor licensing		1,000
New Runnymede On-line recharge allocated to services	3,100	3,900
Increase in Office Accommodation recharge	6,100	6,800
Increase in the Legal Services recharge for the new liquor licensing regime	5,000	13,100
<u>Income</u>		
Increase in income from Public Entertainment Licences	(4,000)	
Estimated net increase in income following the introduction of the new licensing regime	(10,000)	(57,000)
Other Net Changes	2,700	1,200
2004/05 Probable Outturn	91,100	
2005/06 Estimate		69,400

SERVICE STATISTICS

	<u>2003/04</u> Actual	<u>2004/05</u> Estimate	<u>2004/05</u> Probable	<u>2005/06</u> Estimate
Premises licensed for Public Entertainment	42	41	40	45

FEES AND CHARGES

ALCOHOL & PUBLIC ENTERTAINMENT LICENCES

	2004/05 £	2005/06 £
<u>Public Entertainment Licence Fees</u>		
<u>Music, Singing and Dancing (Monday to Saturday)</u>		
Annual	300.00	320.00
Intermediate - per month up to the maximum for an Annual Licence	100.00	110.00
Transfer	90.00	95.00
Occasional	150.00	160.00
Good Friday	150.00	160.00
Occasional licence for an open air or tented event including amplified music and intended for 500 or more people (plus fees). At the discretion of the Director of Technical Services to set charge at an appropriate level	3,500.00	3,500.00
<u>Sunday Entertainment</u>		
Annual		
Sunday only	300.00	320.00
Combined with Annual MSD Licence (Additional charge)	200.00	210.00
Intermediate		
Sunday only - per month up to the maximum for an Annual Licence	130.00	130.00
Combined with Intermediate MSD licence - per month up to maximum for Annual Licence	90.00	95.00
Transfer	90.00	95.00
Occasional	150.00	155.00
<u>Indoor Sporting Events (Boxing etc.)</u>		
Annual	300.00	320.00
Intermediate - per month up to the maximum for an Annual Licence	100.00	105.00
Transfer	90.00	95.00
Occasional	190.00	200.00
<u>Stage Plays (Theatres Act)</u>		
Annual	300.00	320.00
Combined with Annual M.S.D Licence (Additional Charge)	200.00	210.00
Intermediate - per month up to the maximum for an Annual Licence	100.00	105.00
Transfer	90.00	95.00
Occasional	190.00	200.00
<u>Film Exhibition (Cinema Act)</u>		
Annual	300.00	320.00
Combined with Annual M.S.D Licence (Additional Charge)	200.00	210.00
Intermediate - per month up to the maximum for an Annual Licence	100.00	105.00
Transfer	90.00	95.00
<u>Children's Film Exhibition</u>		
Annual	180.00	200.00
Intermediate - per month up to the maximum for an Annual Licence	70.00	75.00
Transfer	90.00	95.00
<u>Certificate of Suitability</u>		
Annual fee	200.00	210.00

No fee shall be payable in respect of the above licences for an entertainment at a church hall, chapel hall or other similar building occupied in connection with a place of public religious worship, or at a village hall, parish or community hall or other similar building.

At the discretion of the Council no fee may be payable if the entertainment is of an educational or other like character or is given for charitable or other like purposes.

LICENSING SUB COMMITTEE-HEARING DATES

- Monday 21 March – Thursday 24 March- 10am-1pm and 2pm-5pm
- Tuesday 29 March – Friday 1 April – 10am-1pm and 2pm-5pm
- Monday 4 April - 2-5pm
- Wednesday 6 April – 10am-1pm
- Friday 8 April – 10am-1pm
- Monday 11 April – 2pm-5pm
- Wednesday 13 April – 10am-1pm
- Friday 15 April – 10am – 1pm
- Monday 18 April – 2-5pm
- Wednesday 20 April – 10am-1pm
- Friday 22 April – 10am – 1pm
- Monday 25 April – 2-5pm
- Wednesday 27 April – 10am-1pm
- Friday 29 April – 10am – 1pm
- Wednesday 4 May – 10am-1pm
- Friday 6 May – 10am – 1pm
- Monday 9 May – 2 – 5pm
- Wednesday 11 May – 10am-1pm
- Friday 13 May – 10am – 1pm
- Monday 16 May – 2-5pm
- Wednesday 18 May – 10am-1pm
- Friday 20 May – 10am-1pm
- Monday 23 May – 2-5pm
- Wednesday 25 May – 10am-1pm
- Friday 27 May – 10am-1pm
- Wednesday 1 June – 10am-1pm
- Friday 3 June – 10am – 1pm
- Monday 6 June – 2-5pm
- Wednesday 8 June – 10am-1pm
- Friday 10 June – 10am-1pm
- Monday 13 June – 2-5pm
- Wednesday 15 June – 10am-1pm
- Friday 17 June – 10am – 1pm
- Monday 20 June – 2-5pm
- Wednesday 22 June – 10am-1pm
- Friday 24 June – 10am-1pm
- Monday 27 June – 2-5pm
- Wednesday 29 June – 10am-1pm
- Friday 1 July – 10am-1pm
- Monday 4 July – 2-5pm
- Wednesday 6 July – 10am-1pm
- Friday 8 July – 10am-1pm
- Monday 11 July – 2-5pm
- Wednesday 13 July – 10am-1pm

- Friday 15 July – 10am-1pm
- Monday 18 July – 2-5pm
- Wednesday 20 July – 10am-1pm
- Friday 22 July – 10am-1pm
- Monday 25 July – 2-5pm
- Wednesday 27 July – 10am-1pm
- Friday 29 July – 10am-1pm

Runnymede Borough CouncilLICENSING SUB-COMMITTEE25 November 2004

Members of the Committee present: Councillors D.W. Parr (Chairman), Mrs. J. Norman (Vice-Chairman), A.J. Davis, P.A. Greenwood and B.J. Relph

Members of the Committee absent: None

MINUTES

The Minutes of the meeting of the Sub-Committee held on 26 October 2004 were confirmed and signed as a correct record.

DECLARATIONS OF INTEREST

Mr. B. Bennett advised that he had previously been involved in the preparation of the case for Runnymede Borough Council in the appeal by Mrs. Lowe, the Applicant's ex-wife, against a Noise Abatement Notice served on the premises.

APPLICATION FOR AN ANNUAL MUSIC, SINGING AND DANCING LICENCE - THE CRICKETERS PUBLIC HOUSE, 32 ROWTOWN, ADDLESTONE

The Committee received and considered an application for an Annual Public Entertainment Licence from Mr. P.R. Lowe in respect of "The Cricketers" Public House, 32 Rowtown, Addlestone, Surrey.

The Applicant, Mr. P. Lowe, attended in person with his Counsel Mr. Matthew Pascal. Two persons in support of his application were present and gave evidence.

Seven objectors to the application were also present and, with the agreement of the Sub-Committee Mr. B. Hamill, one of their number, spoke on their behalf.

Mr. Bennett explained the procedure that would be followed during the meeting.

The Applicant made his application through Counsel. Mr. Lowe explained that, due to matrimonial difficulties, he had been obliged to leave the premises in April 2003 and had not returned to them until 31 March 2004. During that period, his wife, Mrs. Lowe, had sole responsibility for the running of the premises.

Mr. Lowe then gave an explanation for the noise complaints that had occurred in April and July 2004. He advised that he had now fitted air conditioning to the premises and believed that this measure would reduce the necessity for the windows and doors to be opened. This should reduce the sources of noise emission. As regards the type and frequency of events should the Licence be granted, he envisaged that either discos or live music would be staged once or twice a week on Fridays and/or Saturdays. Events would cease at 11 p.m. Regarding car parking he believed that the facilities were adequate and only busy on Sunday afternoons every 5-6 weeks when there was a necessity for significant numbers of patrons to park on the public highway. In response to questions he confirmed that his application was restricted to the licensing of indoor areas only, on a twice weekly basis, with a limit of 130 persons attending.

He also confirmed that a few private parties had been held with admission by special invitation or ticket and on one occasion an Officer of the Council had gained admission and bought a drink. These events were typically birthday parties or marked special occasions such as Christmas Eve or New Year's Eve.

Members of the Sub-Committee then asked a number of questions relating to the premises. They were informed that the public house was built c1890 and was an established business. Concern was expressed with regard to the possibility of 130 persons being present since the applicant confirmed

that he had not yet carried out any risk assessments in relation to emergency situations including evacuation. The ability to monitor the actual numbers of patrons attending was also raised. No noise meters had yet been fitted since Mr. Lowe was awaiting the decision on this application before incurring further expenditure.

The Proper Officer then presented his report. An additional five letters in support of the application and three objecting to it were tabled and considered with those already before the Sub-Committee. The Police and Fire Authorities had been consulted and no adverse comments had been received.

Mr. Hamill then spoke on behalf of the objectors who raised the following points:

- 1) The Notice Of Application was wrongly displayed at first until corrective action was taken after intervention by the Council;
- 2) There was a discrepancy as to how many events per week would take place and whether the holding of "private parties" was a means of circumventing the licensing laws. The Objectors were fearful of the potential number of events that would actually be held with resulting disruption to them;
- 3) The Licence, if granted, would permit music for a twelve-hour period : 11 a.m. - 11 p.m. Possible disruption would continue for a further 35 minutes after last orders to allow patrons to finish their drinks and then leave the premises;
- 4) The public house was situated in a quiet residential area and the Objectors feared an increase in the disturbance from noise, vandalism including littering with broken bottles and with road safety also being compromised by increased numbers of cars being parked on the highway;
- 5) The acoustic properties of the premises were thought to be inherently poor being an older building with only part double-glazing;

In commenting on these objections the Applicant's witnesses spoke of the steps taken to involve the neighbours in events by means of personal invitations particularly mentioning a Jazz Band where residents of the retirement home adjacent to the premises had been invited with several attending and where there had been no complaints of noise. Mr. Lowe stated that he was a member of Pub-Watch, was taking active steps to prohibit drugs, under-age drinking and anti-social behaviour. It was noted, however, that the area was a "rat-run" for gangs of local youths and it was not certain how much anti-social behaviour was directly caused by patrons of the public house leaving the premises although one Objector spoke of a person leaving the public house garden and then urinating in a bush.

It was acknowledged by Mr. Hamill that the public house was well run and there was no objection to the on-licence. He confirmed that he had patronised the public house since the current Licensee had taken over but, he, together with the other Objectors, remained fearful of the potential disruption to the peaceful enjoyment of their property that was likely to be caused by the granting of this Licence. Noting that public houses must cause some disruption to their immediate neighbourhood the Applicant and Objectors disagreed as to what was an acceptable level.

Members established from questioning that the front of the building was not double-glazed and that this was a potential source for significant noise emissions. The position of the Objectors' properties in relation to "The Cricketers" public house was noted and Members discussed the roads, parking and traffic usage in the area.

In his closing statement Mr. Hamill for the Objectors summarised his earlier points and emphasised the fears of the potential disruption to the peaceful enjoyment of neighbouring properties as a direct result of the granting of the Licence. He commented, in response to a question, that it would be preferable for residents to be notified by the Council of such applications rather than to rely upon the display of statutory notices. The Sub-Committee asked the Officers to investigate this further.

Mr. Pascal for the Applicant spoke of the inevitable changes which happened to neighbourhoods during the passage of time and that there would always be some disruption arising from the location of a public house. He suggested that "The Cricketers" was a well run public house, and would not attract unduly large volumes of people should the Licence be granted since it was not situated in a town centre. Parking was adequate and the Licensee had taken steps to reduce noise emissions.

Mr. Lowe was also anxious to strike a balance between service to his customers and neighbourly relations with local residents.

The Applicant, Objectors and Council Officers with the exception of the Council's legal advisor then withdrew. After consideration the Sub-Committee -

RESOLVED that -

an Annual Music, Singing and Dancing Licence for The Cricketers Public House, 32 Rowtown, Addlestone, be granted initially for 6 months subject to the Regulations and General Conditions for the time being in force made by the Licensing Authority and with the following conditions as set out below:-

- i) The frequency of entertainments to be no more than twice a week finishing at 11 p.m. with the premises cleared by 11.30 p.m;**
- ii) The maximum number of persons permitted to be restricted to 80;**
- iii) The Applicant to display event dates in advance and to the front of premises;**
- iv) The Applicant to install a noise meter, as set out in the e-mail advice from Mr. M. Stigwood attached to the Agenda, within one month;**
- v) The Applicant to carry out a Risk Assessment for dealing with emergency situations and to submit the results to the Council's Head of Environmental Protection for evaluation and at his discretion the lifting of the cap on the number of persons that may be permitted but not to exceed 130;**
- vi) Provision of more signs asking patrons to leave the area quietly and to have regard for the peaceful enjoyment of neighbouring homes**

(The Applicant was reminded that Noise Abatement Notices were still in force relating to general noise and amplified music and breach of condition might result in a fine of up to £20,000).

Chairman

(The meeting ended at 1-10pm)