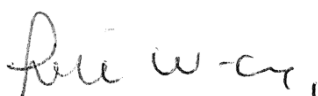


Date of issue: Wednesday, 9th October 2019

MEETING	LICENSING COMMITTEE (Councillors Davis (Chair), H Cheema, Anderson, Chaudhry, Dhaliwal, M Holledge, Mann, D Parmar, S Parmar, Sharif and Strutton)
DATE AND TIME:	THURSDAY, 17TH OCTOBER, 2019 AT 6.30 PM
VENUE:	COUNCIL CHAMBER - OBSERVATORY HOUSE, 25 WINDSOR ROAD, SL1 2EJ
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	SHABANA KAUSER 01753 787503

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



JOSIE WRAGG
Chief Executive

AGENDA

PART I

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
	Apologies for absence.		

CONSTITUTIONAL MATTERS

1. Declarations of Interest

All Members who believe they have a Disclosable Pecuniary or other Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 4 paragraph 4.6 of the Councillors' Code of Conduct, leave the meeting while the matter is discussed.



<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
2.	Guidance on Predetermination/ Predisposition - To Note	1 - 2	-
3.	Minutes of the Last Meeting held on 5th June 2019	3 - 4	-
4.	Licensing Sub Committee - Appointment of Designated Chair	5 - 6	All
LICENSING ISSUES			
5.	Licensing Pre Application Advice, Application Assistance and 'Check and Send Service'	7 - 26	All
6.	Members Attendance Record 2019/20	27 - 28	-
7.	Date of Next Meeting - 13th February 2020	-	-

Press and Public

You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Please contact the Democratic Services Officer shown above for further details.

The Council allows the filming, recording and photographing at its meetings that are open to the public. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings. Anyone proposing to film, record or take photographs of a meeting is requested to advise the Democratic Services Officer before the start of the meeting. Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non hand held devices, including tripods, will not be allowed unless this has been discussed with the Democratic Services Officer.

PREDETERMINATION/PREDISPOSITION - GUIDANCE

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially so in “quasi judicial” decisions in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

Predisposition

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased’. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

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Licensing Committee – Meeting held on Wednesday, 5th June, 2019.

Present:- Councillors Davis (Chair), H Cheema (Vice-Chair), Anderson, Bains, Chaudhry, Dhaliwal, M Holledge, Mann, D Parmar, S Parmar and Strutton.

Also present under Rule 30:- Councillor Basra.

PART 1

1. Declarations of Interest

None received.

2. Guidance on Predetermination/ Predisposition - To Note

Members confirmed that they had read and understood the guidance on predetermination and predisposition.

3. Minutes of the Last Meeting held on 27th March 2019

Resolved – That the minutes of the meeting held on 27th March 2019 be approved as a correct record.

4. Establishment of a Licensing Sub-Committee and Appointment of Designated Chairs

The Senior Democratic Services Officer introduced a report seeking nominations for the appointment of Designated Chairs to the Sub-Committee for the 2019/2020 municipal year.

It was confirmed that Members of the Sub-Committee were drawn from the membership of the Licensing Committee on a proportional basis (2 Labour, 1 Conservative). The Committee were advised that in the event that the Conservative Member was unavailable to attend a hearing, the Sub-Committee would comprise three Labour Members in order to ensure that statutory deadlines were met.

Resolved –

- a) That a Licensing Sub-Committee (drawn from the members of the Licensing Committee) be established as required on a proportional basis (2 Labour 1 Conservative) with terms of reference as set out in the Appendix to the report.
- (b) That Councillors Bains, Davis and S.Parmar be appointed to act as designated Chairs of the Sub-Committee for the 2019/2020 municipal year.

Licensing Committee - 05.06.19

- (c) In the event that the Conservative Councillor is unavailable, the Sub-Committee will comprise of three Labour Councillors.

5. Date of Next Meeting - 17th October 2019

The date of the next scheduled meeting was confirmed as 17th October 2019.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 6.34 pm)

SLOUGH BOROUGH COUNCIL

REPORT TO: Licensing Committee **DATE:** 17th October, 2019

CONTACT OFFICER: Shabana Kauser (Senior Democratic Services Officer)
(For all Enquiries) (01753) 787503

WARD(S): All

**PART I
FOR DECISION****LICENSING SUB-COMMITTEE - APPOINTMENT OF DESIGNATED CHAIR****1. Purpose of Report**

This report seeks approval for the appointment of a designated Chair to the Licensing Sub-Committee.

2. Recommendations

The Committee is requested to resolve that:

- a) A Labour Member be appointed to act as designated Chair of the Sub-Committee for the remainder of the 2019/2020 municipal year.
- b) That a Licensing Sub-Committee (drawn from the Members of the Licensing Committee) be established as required on a proportional basis (2 Labour and 1 Conservative or Independent Member)

3. Slough Joint Wellbeing Strategy Priorities

There are no implications.

4. Other Implications**(a) Financial**

There are no financial implications associated with this report at this stage.

(b) Human Rights Act and other Legal Implications

The relevant law in respect of this matter is set out in Sections 15-17 (inclusive) of the Local Government and Housing Act 1989 (the Act) and the Local Government (Committees and Political Groups) Regulations 1990 (as amended). Applying the basic principles of Sections 15-17 of the Act requires not all the seats on the Sub Committee to be allocated to the same political group. However as an alternative to applying the political proportionality rules the Committee is entitled under Section 17 of the Act to adopt different arrangements provided all of the members vote for/abstain from a proposal (ie: no member votes against).

(c) Workforce

None.

5. **Supporting Information**

- 5.1 Council meeting held on 26th September 2019 considered a report on revised proportionality and allocation of committee places following notice that Councillor Sharif was longer a member of the Labour Group.
- 5.2 At the meeting of the Licensing Committee held on 5th June 2019, Councillor Bains was appointed as one of three designated chair's of the Licensing Sub-Committee. However, changes to Committee places at the Council meeting in September 2019 included Councillor Bains appointment to the Executive, which meant that he was no longer a member on the Licensing Committee. Councillor Sharif replaced Councillor Bains on the Licensing Committee.
- 5.3 The Committee agreed at it's meeting in June 2019 to the appointment of designated Chairs of the Sub-Committee and that these Members would chair the meetings of the Sub-Committee on a rotational basis.
- 5.4 Members are reminded that meetings of the Sub-Committee are held during the day time and must be held within the statutory deadlines prescribed. There were 5 meetings of the Sub Committee convened in the 2018/19 municipal year.
- 5.5 The revised membership of the Licensing Committee for the 2019/20 Municipal Year comprises 9 Labour, 1 Conservative and 1 Independent Member. A Licensing Sub-Committee (drawn from the Members of the Licensing Committee) shall be established, where possible, on a proportional basis (2 Labour, 1 Conservative or Independent Member). In the event that the Conservative or Independent Member are not available, the Sub-Committee will comprise of three Labour Members.

6.0 **Conclusion**

The Committee is requested to appoint a Labour Member as designated Chair for the remainder of the 2019/2020 municipal year.

6. **Background Papers**

None.

SLOUGH BOROUGH COUNCIL

REPORT TO: Licensing Committee **DATE:** 17th October 2019

CONTACT OFFICER: Michael Sims - Licensing Manager
(For all Enquiries) (01753 477387)
 Ginny De Haan – Service Lead Regulatory Services
 (01753 477912)

WARD(S): ALL

PART I
FOR INFORMATION

LICENSING PRE-APPLICATION ADVICE, APPLICATION ASSISTANCE AND
'CHECK AND SEND SERVICE'

1. **Purpose of Report**

To inform Members of the introduction of a discretionary Licensing Pre-Application Advice, Application Assistance and 'Check and Send Service'.

2. **Recommendation/Proposed Action**

The Committee is requested:

(a) To note the introduction of the discretionary Licensing Pre-Application Advice, Application Assistance and 'Check and Send Service'.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

3a. **Slough Joint Wellbeing Strategy Priorities**

The report indirectly supports the strategic priorities and cross cutting themes as the discretionary service will improve licensing standards within the Borough and contribute to the economy in addition to ensuring public safety of our community and visitors.

3b. **Five Year Plan Outcomes**

The discretionary service will contribute to the Five Year Plan with the specific Outcomes of:

- Slough will be an attractive place where people choose to live, work and stay
- Slough will attract, retain and grow businesses and investment to provide opportunities for our residents

4. Other Implications

(a) Financial

Section 3 of the Localism Act 2011 enables local authorities to charge where the Council is providing a service relying on general power of competence. A charge can be made where the local authority is not under a duty to provide the service and the person has agreed to the service being provided. There is also a duty to ensure that taking one financial year with another, the income from charges does not exceed the costs of provision of the service, in other words the Council cannot make a profit from the charging for the service.

The Council has a discretion under the 'Act' not to charge for providing a service relying on the general power of competence but it is considered appropriate to charge a fee to cover the costs in providing the service because as a discretionary service it will require officer time that, if not charged for, would be costed into general licensing budget and thereby default be paid by all.

The fees for the discretionary service were set at £75 per hour and were approved by Cabinet on 17th June 2019 as part of the review of the Regulatory Services Fees increase and set as the same formula as already approved and used by SBC Trading Standards and Food and Safety Teams, which will ensure a consistency across the Consumer Protection Services and in the ongoing commercialisation of the services.

(b) Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
(a) To note the introduction of the discretionary Licensing Pre-Application Advice, Application Assistance and 'Check and Send Service'.	<p>The opportunities are that those persons taking up the option for the discretionary service will have a better understanding of the Licensing requirements which in turn will improve the operation of their business.</p> <p>The risk is that of a conflict with the same officer dealing with the pre-application assistance advice and determining the application.</p>	For the avoidance of doubt arrangements are in place to ensure a clear separation exists between officers who supply pre-application assistance and those who are responsible for the subsequent processing and/or determination of that application.

(c) Human Rights Act and Other Legal Implications

Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of a licence and shall not be deprived of the possession except in the public interest.

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

The legal implications under the Localism Act 2011 (the “**Act**”) are as follows:.

Section 1 of the Act contains the general power of competence (the “**general power**”) permitting the Council to do anything that individuals generally do, even if they are unlike anything other public bodies do or that the authority may do other than for this power. The generality of the general power is not limited by the existence of any other power of the authority which (to any extent) overlaps the general power.

Section 1(4) of the Act permits the Council to do something in any way, including a power to:

- a) do it anywhere in the United Kingdom or elsewhere,
- b) do it for a commercial purpose or otherwise for a charge, or without a charge; and
- c) do it for, or otherwise than for, the benefit of the authority, its area or persons resident or present in its area,

Section 3 of the Act applies limits on charging in exercise of the general power and states that:

- (1) Subsection (2) applies where—
 - (a) a local authority provides a service to a person otherwise than for a commercial purpose, and
 - (b) its providing the service to the person is done, or could be done, in exercise of the general power.
- (2) The general power confers power to charge the person for providing the service to the person only if—
 - (a) the service is not one that a statutory provision requires the authority to provide to the person,
 - (b) the person has agreed to its being provided, and
 - (c) ignoring this section and section 93 of the Local Government Act 2003, the authority does not have power to charge for providing the service.
- (3) The general power is subject to a duty to secure that, taking one financial year with another, the income from charges allowed by subsection (2) does not exceed the costs of provision.
- (4) The duty under subsection (3) applies separately in relation to each kind of service.

Section 4 applies limits on doing things for commercial purpose in exercise of the general power and states:

- (1) The general power confers power on a local authority to do things for a commercial purpose only if they are things which the authority may, in exercise of the general power, do otherwise than for a commercial purpose.
- (2) Where, in exercise of the general power, a local authority does things for a commercial purpose, the authority must do them through a company.

- (3) A local authority may not, in exercise of the general power, do things for a commercial purpose in relation to a person if a statutory provision requires the authority to do those things in relation to the person.

(d) Equalities Impact Assessment

An Equality Impact Assessment has not been carried out as this is a new discretionary service for any new applicant or current licence holder wishing to take up the service and does not have any potential to cause any negative or adverse impact or discriminate against any equality group.

5. Supporting Information

5.1 The Licensing Team deal with a wide range of licensable activities under a range of different legislation. In particular, the following applications are the most complex and time-consuming:

- Licensing Act 2003: Sale of alcohol, entertainment and the provision of late night refreshment (i.e. new premises, variations, transfers and changes of Designated Premises Supervisors)
- Gambling Act 2005: Gambling (i.e. new premises, variations, transfers)
- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, including, selling animals as pets, providing or arranging for the provision of boarding for cats or dogs, hiring out horses, breeding dogs, keeping or training animals for exhibition, dangerous wild animals and zoos.
- Sex establishments (Local Government (Miscellaneous Provisions) Act 1982)
- Acupuncture, tattooing, electrolysis, ear or body piercing (Local Government (Miscellaneous Provisions) Act 1982)
- Scrap metal dealers (Scrap Metal Dealers Act 2013)

5.2 Under licensing legislation, the licensing authority is both responsible for the administration and determination of applications.

5.3 Although there exists a statutory duty on the Council to administer applications, that duty does not extend to the provision of pre-submission/application advice and assistance.

5.4 In 2018 the Licensing Team received and processed 219 applications under the aforementioned legislation. The majority of the more time consuming applications were made under the Licensing Act 2003 and required some form of statutory consultation with Responsible Authorities.

5.5 The Licensing Team also process many more straightforward applications and notices. The discretionary pre-application advice service and fees only apply to those matters set out in Section 5.1 above. This is due to the fact that these applications are more complex in nature and as a consequence licensing officers can spend a considerable amount of time with applicants.

6. Reasons for the introduction of the service

- 6.1 The introduction of the discretionary services holds benefits for the Council. Assistance offered under the discretionary service will benefit businesses and residents in the Slough area.
- 6.2 From discussions with applicants, officers know that some are put off, for example, by the length of application forms and the amount of sometimes technical information required in submitting a completed application. Guidance notes and policies are publicly available to applicants on our website, but the prescribed application process is inherently complicated mainly because it is closely linked to the primary legislation and applicants do not always have time to consider the guidance that is available.
- 6.3 In addition, officers routinely reject incomplete or incorrectly served applications which are delayed or not resubmitted because applicants perceive the process to be too difficult and onerous.
- 6.4 Investment in the Borough is invariably affected by this because without the necessary licence, businesses cannot trade which has obvious implications in terms of inward investment, local economic growth and potentially deprives local communities of welcome amenities.
- 6.5 Conversely, less experienced operators can also submit very poorly thought through applications that result in poor business practice and compliance. In many cases this results in adverse impacts on community well-being, for example by causing public nuisance or attracting crime and disorder.
- 6.6 Where poor applications are submitted the Council is not empowered in itself to impose new conditions unless relevant representations are made. Conditions offered up by an applicant can be reworded to ensure they are clear, concise and enforceable but this can sometimes take up considerable amounts of staff time. It is likely many of the perceived obstacles and issues outlined above can be overcome with pre-submission advice and assistance.

7. Fees

- 7.1 The fees for the new service were set at £75 per hour and were approved by Cabinet on 17th June 2019 as part of the review of the Regulatory Services Fees increase and set as the same formula as already approved and used by SBC Trading Standards and Food and Safety Teams.

8. Purpose and Process

- 8.1 The purpose is that potential applicants or persons indicating an interest in applying for a licence will be given the opportunity to take advantage of officer assistance at the set discretionary fee.
- 8.2 The type of pre-application advice and assistance given will depend on the requirements of the applicant but examples of what the service may consist of include (not exhaustive):
 - Advice and assistance with completing the application forms;

- Advice on appropriate conditions taken from the pool of standard conditions or in consultation with responsible authorities and other statutory service areas and agencies;
 - Advice on drawing up plans and other technical documents to accompany the application in accordance with the relevant requirements,
 - Advice on nominating an appropriate designated premises supervisor,
 - Assistance with completing the statutory notices and advertising, and
 - On-site visit(s) to ensure plans are compliant with prescribed regulations and the appropriate statutory notices are correctly on display.
 - A 'Check Send' Service where application will be validated and distribute completed application form to Responsible Authorities.
- 8.3 The service will apply to those applications set out in Section 5.1 above. The scope of the service will be reviewed after 18 months to determine if there is any merit from a customer and authority perspective in extending the scheme, for example to include Personal licenses.
- 8.4 Applicants who decide not to take advantage of the proposed new process will still be signposted to the relevant guidance notes and policies. It is also important to ensure that the new process does not become overly bureaucratic. As a consequence, no fees will be charged for straightforward queries that can easily be dealt with over the phone or email and do not require significant officer time. Additionally, where the Council has the ability to set fees locally, these already include a provision for minor queries as part of the applications process.
- 8.5 A log will be kept detailing the amount of time spent on each application. If there is a major discrepancy between the time predicted and the actual time spent then a decision will be made as to whether to refund part of the fee. No extra charge will be made if additional time is spent, as an agreement would have been made prior to the advice being given.
- 8.6 The log will also assist in the monitoring of scheme uptake. A dedicated cost-accounting code will be used to clearly identify income arising from the scheme going forward.
- 8.7 An application form for applicants wishing to take advantage of the discretionary service is attached at **Appendix A**, and the Guidance and Terms and Conditions of the service is attached at **Appendix B**.
- 8.8 Members will note that the Guidance and Terms and Conditions clearly set out how the discretionary service will be provided to avoid any doubt. It will also be important to agree the likely assistance required in advance of advice being given in order to ensure everyone is clear on what has been agreed. The service will stop once an application is submitted.

9. **Separation of duties and monitoring**

- 9.1 It is anticipated that the majority of applicants wanting to use the pre-application advice service will want to submit applications under the Licensing Act 2003. As a result, Licensing Officers will only have delegated authority to determine unopposed applications i.e. those where no adverse relevant representations are received. Applications that are opposed have to be referred to a Licensing Sub-Committee for determination. As a result, it is not envisaged that the operation of

the new process would cause significant problems with the administration and determination process.

- 9.2 It will therefore be important that arrangements for clear separation exist between officers who supply pre-application assistance and those who are responsible for the subsequent processing and/or determination of that application.
- 9.3 It is therefore proposed that the officer involved with pre-application assistance and advice will not have any subsequent involvement with processing or determination of that individual application. This will help to ensure that a potential conflict can neither be seen nor occur, especially with those applications decided by officers under delegated authority.
- 9.4 There are considered to be sufficient staffing resources in place to accommodate the arrangement of the new discretionary service.
- 9.5 Around fifteen local authorities have been identified as having taken advantage of the provisions in legislation and introduced charging for discretionary pre-application advice in licensing services. Adopting such a scheme for Slough would therefore place the Council very much in the top percentage of local authorities nationally in this regard.
- 9.6 From available published sources it is apparent that the identified schemes in place currently have embedded successfully within routine service delivery locally. Cheltenham Borough Council for example have had a scheme in place since 2013 and reported within 12-months that around one in four relevant applicants took up their discretionary service for applications under the Licensing Act 2003.
- 9.7 The introduction of the discretionary fee will not affect the Council's statutory duties. Officers will still carry out their statutory functions of processing the licence application and fulfil their role as the Licensing Authority and this will not be included in the discretionary charges.
- 9.8 The Licensing Manager will be responsible for on-going performance and compliance management of the scheme.

10. Exemptions and Equality

- 10.1 Certain premises are exempt from statutory application fees and these are set out in the Licensing Act 2003 (Fees) Regulations 2005, as amended.
- 10.2 Where an application relates to the provision of regulated entertainment only (not alcohol) and that application is by or on behalf of an educational institution e.g. a school or college or a church hall, chapel hall or other similar building or a village hall, parish hall or community hall or other similar building, no fee is payable on application. Consequently it is proposed to extend this exemption and not charge for pre-application advice for these premises.

11. Comments of Other Committees

Cabinet on 17th June 2019:

After due consideration the Cabinet approved the fees as set out in the report i.e.

- (a) That the fee for the new provision of Pre-Application Advice, Application Assistance and a 'Check and Send' Service by the Licensing Team be set at a cost recovery rate of £75 per hour, in line with similar service fees.

12. Conclusion

The Committee is requested to note the introduction of the discretionary Licensing Pre-Application Advice, Application Assistance and 'Check and Send Service'.

13. Appendices Attached

- 'A' - Licensing Pre-Application Service application form
- 'B' - Licensing Pre-Application Guidance and Terms and Conditions

14. Background Papers

- 'A' - Localism Act 2011
<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
- 'B' - Various associated legislation.

APPENDIX A

PRE-APPLICATION ADVICE REQUEST FORM

To make a request for pre-application advice please complete this enquiry form. Please read this document carefully and provide as much information as possible.

It is also important that you read and understand the 'Pre-Application Guidance and Terms and Conditions', which are attached.

1) Type of application (please tick the relevant box)

- Alcohol, entertainment and late night refreshment
- Animal Welfare
- Gambling
- Scrap metal
- Sex establishments
- Acupuncture, tattooing, electrolysis, ear or body piercing

2) What level of service do you require? (for information about what each category may include, please see the Pre-Application Guidance and Terms and Conditions)

- Pre-application advice
- Application assistance
- Check and send service

3) Your details

Name: _____

Home address: _____

Tel No. _____ Email: _____

4) Business details

Business name: _____

Premises address: (including postcode)

5) Description of proposal: (please provide as much information as possible, including the specific type of application you wish to submit i.e. new premises / variation etc)

6) History

Have you previously contacted the licensing team about this (or a similar) proposal? Yes No

If yes, please give dates and the name of the officer involved (if known):

7) What we will do: (please note these are examples only and the specific services provided depend on the application type and the level of assistance requested)

- Assist with the application forms
- Assist with the content of notices
- Assist with completing the plan for the premises
- Offer advice and guidance on appropriate conditions, which may be taken from a standard pool of conditions, if applicable
- Consult with relevant Responsible Authorities in relation to possible conditions they believe may be appropriate
- Visit the site to ensure that plans are correct and that notices are placed in the correct location

8) Important information:

- The final decision on your application will be made by Officers under delegated powers or by Council Members at a Licensing Sub-Committee. Depending on the type of application, it may be subject to a statutory consultation period after submission. You should therefore be aware that the Council's officers are

unable to give any guarantees about the decision that will be made in relation to your application

- The Council will not deal with your request for advice until payment has been made
- The Council are not responsible for advertising your application (if required), this must be done by the applicant themselves
- The pre-application advice service will end once an application is submitted.
- A new officer (i.e. different from the officer providing pre-application advice) will deal with your application once it has been submitted.
- Information disclosed on this form may be provided to other departments within this authority, as well as other agencies and bodies for the purpose of preventing or detecting fraud or crime, the capture or prosecution of offenders and the assessment or collection of tax or duty.

9) Fees

The fee for the discretionary Licensing Pre-Application Advice Service has been set at £75.00 per hour to cover our costs without profit for the administration and delivery of the service.

10) Declaration

I confirm that I have read and understood the above information and the 'Pre-Application Guidance and Terms and Conditions'.

Date: _____

Signature: _____

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APPENDIX B

GUIDANCE

Slough Licensing Authority does not provide free pre-licence advice, however, we can help you with your licence applications we offer a pre-application advice service to support your licensing application(s) made for the following:

Alcohol, entertainment and late night refreshment
Animal Welfare
Gambling
Scrap metal dealers
Sex Establishment
Acupuncture, tattooing, electrolysis, ear or body piercing (special treatment licences)

The benefits of pre-application advice are that it can:

- Help you to anticipate and resolve any problems that could arise during the application process
- Save you time and money
- Ensure you have provided the right information to support your application before submitting it.

Please note that this is for Licensing Applications advice only. If you require advice regarding planning applications please visit the planning department's pages.

Our Pre-Application Advice Service:-

Offers advice and assistance with completing licensing applications with an aim to support your application before it is submitted to us for consideration.

The service can assist you with your application and that the licence you require is at the right level that you need. We can assist in minimising any problems you may encounter during the application process. We will ensure your documents, including the application are right. We will reduce administration burden and distribute copies to the Responsible Authorities for you.

Special Note: Using this pre-application service will not give applicants any exemptions from the licensing process. Our advice service cannot influence or prejudge the outcome to an application especially if it results in representations

being made, including from the Responsible Authorities such as the Licensing Authority, the Police, Fire Service,, Planning, etc, that necessitates a Licensing Sub-Committee hearing. However, it does ensure that your application will be processed promptly and that where appropriate the application contains all the information and conditions that the Council would expect to be in place to satisfy the Responsible Authorities.

Our 'Check and Send' Service: -

The process of applying for a premises licence under the Licensing Act 2003 is strictly defined by legislation and statutory guidance and can often be complex. This includes strict requirements to serve applications on a number of statutory Responsible Authorities depending on the type of application made. Failure to properly follow the appropriate legislation and guidance is likely to have the application declared invalid.

The 'Check and Send Service will offer applicants the opportunity to have their application validated by a Licensing Officer who will also distribute the application.

We will:-

- Meet with you to do a pre-submission validation check to make sure there are no errors or oversights that may invalidate your application.
- Distribute your completed application to the relevant Responsible Authorities.

Pre-application consultation: -

- Provide advice that will determine whether you require a licence and which licence(s) are required.
- Advice and assistance on completing the application form to help you gain an understanding of any issues that may arise from your application.
- Consider any appropriate conditions and/or comments that may be suggested by consultees or Responsible Authorities.
- Ensure the correct level of licensing for your business.
- Provide advice on the production of site plans that are required to accompany the application under the legislation and guidance.

Your application will be:

- Checked to ensure it is valid and completed correctly.
- Submitted on your behalf to the appropriate Responsible Authorities.

We will, where applicable:

- Provide you with an acceptance date to immediately commence the consultation Period.
- Assist you in the completion of the relevant statutory notices and advertisements for the public.
- Submit your application on your behalf to the Responsible Authorities.
- Serve the application on the existing Designated Premises Supervisor.

This service could save you time and money in application delays due to errors, resulting in the process re-starting.

We will make sure your application is correctly completed before it is submitted to the relevant authorities.

The cost of £75.00 per hour for this valuable quality service includes VAT and covers our costs without profit for the administration and delivery of the service.

If you would like to apply for Pre-Application advice please complete the Licensing Pre-Application Advice Request form. We will aim to contact you within 5 working days of receiving your application form to make an appointment to discuss your requirements and advise of the cost of the advice.

This is an impartial service and operates free from conflicts of interest and is non-profit. The pre-application advice service will end once an application is submitted and a different officer (i.e. different from the officer providing pre-application advice) will deal with your application once it has been submitted. Therefore, use of this service does not guarantee that the Licensing Authority will not make a formal representation in relation to any application.

This non-obligated service is not exclusive to Slough Borough Council Licensing Team and similar services are offered elsewhere.

TERMS AND CONDITIONS

1. The Pre-Application Service

1.1 The Licensing Service will:

- (a) Provide appropriate advice in order that the customer can determine which licence application/s, if any, are required;
- (b) Provide advice to ensure the customer applies for the correct level of licensing tailored to the needs of the business;
- (c) Where applicable, provide advice on drawing up plans to accompany the application in accordance with the relevant legislation and guidance.

2. The Application Assistance Service

2.1 The Council will:

- (a) Assist the applicant with completion of the statutory application forms;
- (b) Where applicable, assist the applicant with completion of the statutory public and press notices.

2.2 The Applicant;

- (a) Is responsible, where applicable, for ensuring the statutory notices are displayed on or at the premises in accordance with the legislation and guidance.
- (b) Is responsible, where applicable, for ensuring the press notice is published in a

newspaper with local circulation within 10 working days of the application being accepted.

- (d) Is responsible for providing copies of any documentation requested by the Council Officer within a reasonable time to facilitate the completion of the application;
- (e) Is responsible for keeping copies of any documents provided to the Council Officer.

3. The Check and Send Service

3.1 The Council will;

- (a) Meet with you to do a pre-submission validation check to ensure there are no errors or omissions that may result in an application being rejected as invalid. We will certify any photographs (if applicable) and distribute your application to consultees/Responsible Authorities (where applicable).
- (b) Check the application to ensure it is valid and has been correctly completed;
- (c) Provide the applicant with an acceptance date so that, where applicable, the statutory consultation period commences immediately from that date;
- (d) Where applicable, assist the applicant with completion of the statutory public notice and press notice, and provide you with the required:
 - i. Statutory public notice/s for display on the premises.
 - ii. Statutory press notice for the applicant to arrange to publish in a local newspaper.
- (f) Where applicable, facilitate the electronic submission of the application on behalf of the applicant to the relevant Responsible Authorities as defined in the Licensing Act 2003.

3.2 The Applicant:

- (a) Is responsible, where applicable, for ensuring the statutory notice is displayed on the business premises in accordance with the legislation and guidance.;
- (b) Is responsible, where applicable, for ensuring the press notice is published in a newspaper with local circulation within 10 working days of the application being accepted;
- (c) Is responsible for providing copies of any documentation requested by the Licensing Officer within a reasonable time to facilitate the completion of the application.

4. All Services

- 4.1 The Applicant will, where requested, prove their identity by providing the Council Officer with the relevant requested ID. This may also include proof of a position held within a company or organisation and/or authority to submit the application.
- 4.2 The Applicant is responsible for co-operating with the Council, providing documentation requested within a reasonable time and ensuring that all information provided to the Council Officer is accurate and true to the best of

their knowledge and belief. The Council provides these services based on the information provided. Any false declarations made by the Applicant may result in prosecution.

- 4.3 The Applicant is responsible for keeping copies of any documents provided to the Council Officer.
- 4.4 Approval of any licence application/s cannot be guaranteed. Any Responsible Authority and member of the public, a business, or other person may make representations in respect of certain applications and the application may be referred to the Licensing Sub-Committee for a decision.
- 4.5 The Council shall not be responsible for any delay incurred after the application has been submitted to the Responsible Authorities.
- 4.6 The Applicant should not rely on any information received as legal advice. Where the Applicant has any specific concerns or questions in respect of their application they should consider obtaining their own independent legal advice.
- 4.7 Using any of these services will not prejudice any future statutory inspection.
- 4.8 The Service is empowered to enforce a variety of civil and criminal statutes. It has a duty to investigate any allegations of breaches of such legislation and the provision of this service does not affect this duty in any way whatsoever.

5. The Fee

- 5.1 The Applicant shall pay the fee (incl. VAT) for each service required.
- 5.2 Payment of the fee shall be made in advance of any service being undertaken.
- 5.3 Payment for the fee shall be made by credit/debit card.
- 5.4 A log will be kept detailing the amount of time spent on each application. If there is a major discrepancy between the time predicted and the actual time spent then a decision will be made as to whether to refund part of the fee. No extra charge will be made if additional time is spent, as an agreement would have been made prior to the advice being given.
- 5.5 The Applicant will be required to pay any statutory licensing application fee and newspaper advertisement fees in addition to the fee for any of the additional services.

Disclaimer

The services are provided by members of the Licensing Team. The services do not prevent any of the Responsible Authorities and other persons submitting a representation to your application. The Council's Licensing Officers are unable to

give any guarantees about the decision that will be made on an application. An application that results in representations being received may be referred to the Licensing Sub Committee, where the application and the representations will be considered on their own merits and determined accordingly.

Data Protection

The Licensing Authority of the Slough Borough Council will be collecting this information for the purposes of applying for a licence.

The processing of this information is necessary for compliance with the legal obligations that the Licensing Authority is subject to.

Some of the data we will be collecting will be personal data about you. This will include amongst other things: name, residential address and date of birth. Additionally, we will be collecting details of business premises, type of business and accredited licensing qualification certificates.

We are required under any statute directive or local policy, governing body dictate to keep your information for as long as necessary to fulfil our legal obligations and responsibilities for which the information is used, after which time it will be destroyed.

The Council will not routinely share your information with any other organisation but we may on request, share certain information (subject to the General Data Protection Regulation 2018 and any Memoranda of Understanding) with relevant Responsible Authorities as defined in the Licensing Act 2003. We may also be obligated to share your personal details with other organisations for crime and taxation purposes including the prevention or detection of crime, the capture or prosecution of offenders; and the assessment or collection of tax or duty under the the Customs, VAT and Excise Regulations. We will not use your information for marketing purposes.

The Data Protection legislation gives you the right to apply for a copy of the information we hold about you. You can obtain this by making a 'Subject Access Request'.

For further information on making a Subject Access Request please use the below link.

<http://www.slough.gov.uk/downloads/SAR-request.pdf>

The accuracy of your information is important to us to be able to provide relevant services more quickly. We are working to make our record keeping more efficient. In the meantime, if you change your address or email address, or if any of your circumstances change or any of the other information we hold is inaccurate or out of date, please email us at: licensing@slough.gov.uk or write to us at:

The Licensing Team, Slough Borough Council, Landmark Place, High Street, Slough, SI1 1JL.

Your information choice and rights (Standard corporate wording) Information Commissioner's Office

The Information Commissioner is the UK's independent body set up to uphold information rights.

If you would like to know more about your rights under the Data Protection law, and what you should expect from us, visit the Information Commissioner's website at:

<https://ico.org.uk/>

If you have any concerns regarding our privacy practices or about exercising your Data Protection rights, you may contact the Information Commissioner's Office - Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Tel: 0303 123 1113 or 01625 545 745

Email: casework@ico.org.uk

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MEMBERS' ATTENDANCE RECORD 2019/20
LICENSING COMMITTEE

COUNCILLOR	05/06/19	17/10/19	13/02/20	25/03/20
Anderson	P			
B Bains *	P			
Chaudry	P			
H Cheema	P			
Davis	P			
Dhaliwal	P			
M Holledge	P			
Mann	P			
D Parmar	P			
S Parmar	P			
Sharif **				
Strutton	P			

P = Present for whole meeting
Ap = Apologies given

P* = Present for part of meeting
Ab = Absent, no apologies given

*Councillor Bains not a Member on the Committee from 26 September 2019

**Councillor Shaif appointed to the Committee from 26 September 2019.

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