

RELEVANT EXTRACTS FROM LICENSING POLICY STATEMENT**Paragraphs 18 - 48****PREMISES LICENCES****General**

18. A premises licence is required for any premises that are used for one or more licensable activity as defined in section 1 of the Act. Persons who may apply for these licences are defined in section 16 of the Act. Applications for licences have to be accompanied by the appropriate fee, a plan of the premises and an operating schedule in a form prescribed by the Secretary of State for Culture, Media and Sport or in statutory instruments. Fee details and prescribed forms for applications and plans maybe viewed on the Department of Culture, Media and Sport and the Council's websites or can be obtained from the Licensing Section of the Council.
19. Applicants will be required to advertise their applications in a prescribed form and in a manner that is likely to bring applications to the attention of the interested parties who are likely to be affected.

Risk Assessment – Policy

20. Some aspects of the operating schedule will therefore cover matters that would need to be addressed in a Risk Management Plan. Applicants for premises licences or for major variations of such licences are expected to conduct a thorough risk assessment with regard to the licensing objectives when preparing their applications. This risk assessment will indicate any necessary steps to be set out in an operating schedule to promote the four licensing objectives.
21. Risk assessments need to be comprehensive and address all relevant issues relating to the four licensing objectives. It may be of assistance in the application process if a copy of the assessment is provided to relevant bodies, such as the Police, the Fire Authority and Environmental Health.
22. The Council will develop guidance for applicants on how to carry out effective risk assessments.

Reasons

23. Risk assessment is an essential part of the application process that will enable applicants to develop effective operating schedules. The need for a risk assessment is made clear in the official guidance from the Secretary of State.

Operating Schedules

Policy in Relation to all Premises Where Alcohol is Supplied

20. The following paragraphs are intended give guidance to applicants on compiling operating schedules and it is not a requirement that all the matters that have been addressed should be included in an operating schedule. The Council as licensing authority will when considering any representations made in relation to operating schedules only have regard to whether all matters that are necessary to achieve or promote one or more of the licensing objectives have been included.
21. Applicants will be expected to demonstrate in their operating schedule how they intend to be good neighbours to residents and to other business interests in the area. In addition applicants will be expected to propose practical measures to prevent disturbance to local residents and to indicate what action will be taken to prevent or reduce noise emanating from the premises.
22. The complexity and detail required in the operating schedule will depend upon the nature and use of the premises. For premises such as a public house where public entertainment is not provided only a relatively simple document will be required. For a major public entertainment venue it will be expected that issues such as public safety and crime and disorder will be addressed in detail. The Council will provide advice on the drafting of operating schedules.
23. The Licensing Act 2003 and the official guidance issued by the Secretary of State for Culture, Media and Sport place a great onus on licence holders to identify and deal with the environmental and safety implications arising from the licensing of premises. This approach avoids the prescriptive application of rules and regulations and it is the intention that the promotion of the licensing objectives will be closely tailored to the requirements of particular premises and operations.
24. Reference to safety and public safety in this document includes fire safety, except where otherwise stated or indicated. The Council considers the safety of the public on licensed premises to be very important and will expect the operating schedule to address this issue.
25. The Council will not impose conditions, that duplicate the safety requirements of other legislation such as the Health and Safety at Work Act 1974 (see paragraph 30 below). In most cases compliance will be necessary in order to meet the public safety objective.
26. The most important legislation to which paragraph 29 applies is listed below, but the list is not exhaustive and applicants should ensure that all relevant health and safety legislation is complied with. The Council is the enforcing authority for these regulations, except where indicated and is able to provide advice on compliance, through the Environmental Health Service.

The Health and Safety at Work Act 1974

The Workplace (Health, Safety and Welfare) Regulations 1992

The Management of Health and Safety at Work Regulations 1999

The Lifting Operations and Lifting Equipment Regulations 1998 (applies to lifts)
The Provision and Use of Work Equipment Regulations 1999
The Electricity at Work Regulations 1989
The Fire Precautions (Workplace) Regulations 1997 (Enforced by the Fire Authority)
Current Building Regulations (Where new building, or structural alterations are involved)

27. Premises licence holders will be required to comply with the terms of the Disability Discrimination Act 1995, which came into effect in October 2004, and not to treat disabled people in a less advantageous way. The Council will, therefore, expect adequate provision to be made for disabled people in licensed premises.
28. The provision and maintenance of safe premises is considered fundamental to meeting the public safety objective. Applicants and licensees will therefore need to carefully consider how this will be achieved, taking into account the nature of the premises and the intended use. Applicants should refer to Annexes E and F of the guidance issued by the Department of Culture, Media and Sport, which provides a good overview of the measures that should be considered when preparing the operating schedule in relation to public safety.
29. The operation and management of the premises will also be critical to achieving the public safety objective and the Council will therefore expect this to be adequately addressed in the operating schedule. In particular the Council will expect the following to be addressed in premises licensed for public entertainment to be applied when public entertainment is taking place:
 - The maintenance of the premises and its systems and equipment with respect to safety
 - The development and implementation of safety procedures and safe working practices
 - Supervision, stewarding and security of the public, including the use of registered door supervisors, where appropriate.
 - The maximum numbers of patrons permitted on the premises (including where necessary limits in parts of premises, such as dance floors and bars) and how this will be controlled.
 - The prevention or control of illegal substances
30. Whether or not premises are likely to give rise to noise disturbance will depend on a number of factors including the size and nature of the venue, its location, the nature of the activities conducted, the nature of the clientele and the hours of operation.
31. For premises where noise disturbance is likely to occur, the Council will expect the operating schedule to address how it will be controlled. Applicants will need to take potential noise disturbance into account when considering their proposals for operating hours.
32. The Council may publish guidance to applicants containing advice on how to minimise noise disturbance from licensed premises. Such guidance will be in keeping with the principles laid down in this policy and with the official guidance from the Secretary of State. Where such guidance is published the Council recommends that

applicants have regard to it in the operation of premises and preparation of their operating schedule.

33. The use of illegal and contraband substances in licensed premises is a matter of concern to the Council and the police. Where the use of these substances is likely to occur the Council will expect the operating schedule to detail what arrangements will be made to identify customers carrying such substances and to control the use of these substances. This will probably include the use of equipment that can be used to locate drugs, closed circuit television and drug boxes that customers can use to dispose of drugs that they may be carrying. These problems are most likely to occur in such premises as night clubs or public houses where a large element of entertainment is provided.
34. The Surrey County Council Trading Standards Service and the Police enforce the legislation that imposes a lower age limit on customers purchasing alcohol and some other goods. Sales of such items to under-age customers are a matter of concern to both these organisations and the Council shares this concern.
35. Under previous legislation the Trading Standards Service and the Police have worked with licence holders, particularly in the off-licence trade, on how to set up systems to avoid sales taking place to under-age customers. The Trading Standard Service will, in response to complaints and local intelligence, continue to conduct regular covert test purchasing exercises. Both the Trading Standard Service and the Police believe there is a link between alcohol and a range of crime and disorder issues, and the Council will address these concerns.
36. In relation to the age limit on customers purchasing alcohol and some other goods, the Council will expect the operating schedule to show:-
 - The arrangements that will be made to ensure that staff serving alcohol and goods subject to these restrictions, have received adequate training on the law relating to this subject.
 - Details of training material that will be issued to staff and the means that will be used through appraisals and tests, to ensure that staff have an understanding of the material.
 - How records will be kept to show details of the training that has been given, the training material that has been issued and the appraisal meetings and tests that have taken place to ensure that staff are aware of the requirements. Licence holders will be expected to keep these records on the premises, possibly in an employer's personal file, and to make them available for inspection by Trading Standards Officers and the Police if required.
37. The training that is given, that will need to be refreshed periodically, will be expected to ensure that staff have a basic knowledge of :-
 - The licensing legislation.

- Methods of checking identification for proof of age such as, driving licences or passports.
 - How to confront customers whom staff believe to be under 18 years of age and to demonstrate that this is within their capabilities.
38. The operating schedule will be expected to show the arrangements that will be made at the point of sale to ensure that the sale is directly authorised by a person aged 18 years or over who has a command of the English language.
 39. Licence holders will be encouraged to keep registers of transactions that have not been completed, because the customer has not satisfied age restriction requirements.
 40. The Council will expect details of how these records will be kept to be included in the operating schedule to demonstrate that the responsibility for checking the age of customers is taken seriously. Refusal books should be kept on the licensed premises and be made available for inspection by the Council's Enforcement Officers, the Trading Standards Service or the Police. The refusals book should preferably give details of the name and age of the customer if possible and a description of the appearance of that person.
 41. The Council will also expect provision to be made for closed circuit colour television systems to be installed in premises to help prevent and combat the illegal sale of alcohol and some other goods to customer aged less than 18 years. Provision should also be made for periodic monitoring of the system or recording of images.
 42. Details of the means used to record sales, particularly in premises where alcohol is not the main product sold, should be included in the operating schedule. The Council will prefer the use of electronic systems that will sound a warning alarm if the age of the purchaser needs to be checked. It is felt that this would assist employees to be aware of when such checks should be undertaken.
 43. Details of any cigarette machines to be sited in the premises, particularly in pubs, restaurants and clubs, should be included in the schedule and, where possible, licence holders should have due regard to guidelines issued by the National Association of Cigarette Machine Operators. Cigarette machines should be sited in positions that are clearly visible to members of staff so that attempted purchases by young people can be observed.

Reasons

44. The operating schedule is intended to show how the licence holder will operate the premises to satisfy the licensing objectives. In this respect it is important that the applicant indicates how they intend to be good neighbours to residents and to other business interests in the area and the practical measures that will be taken to prevent disturbance to local residents and to reduce noise emanating from the premises. The restriction on selling alcohol to persons under the age of 18 needs to be enforced to protect children from harm and such restrictions are best enforced at the point of sale.

Paragraphs 54 - 64

Policy for Premises Where Alcohol will be Consumed and/or Where Entertainment will be Provided

54. The Council will expect the operating schedule to indicate the arrangements which will be made for managing and operating the premises in such a manner as to promote the safety of the public, to prevent public nuisance to people in the vicinity of the premises, to protect children attending the premises from harm and to minimise the risk of crime and disorder in and around the premises.
55. Proposals for reducing noise emanating from these premises may include keeping doors and windows closed, providing adequate mechanical ventilation, reducing sound levels in conjunction with a sound limiting device and installing sound proofing measures to contain sound and vibration.
56. The operating schedule will be expected to demonstrate how queues will be supervised. Persons responsible for controlling these queues will be expected to be registered as door supervisors and the operating schedule should indicate how clear instructions will be given to these supervisors as to their duties and responsibilities.
57. The operating schedule will need to give details of the supervisory arrangements within the premises for controlling, where necessary, both staff and patrons.
58. The operating schedule will also be expected to specify the supervisory arrangements which will be made for patrons leaving the premises particularly late at night or early in the morning or when a large number of patrons leave the premises at or about the same time. When appropriate, this should include:
 - assessing whether there is a problem and how best to deal with it;
 - erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors;
 - making loudspeaker announcements at the premises at appropriate times to the same effect;
 - instructing door staff to ask customers leaving the premises to leave the area quietly;
 - reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down;
 - ensuring the availability of licensed taxis, mini-cabs or appropriate public transport to take patrons away from the premises;
 - arranging for door supervisors, designated premises supervisors or a manager to patrol nearby streets in appropriate cases;
 - banning from the premises people who regularly leave in a noisy fashion;

- increasing outside lighting levels;
 - preventing patrons from using private forecourts for eating and drinking etc after 11 pm;
 - providing from time to time, as necessary, a layout plan showing the use that will be made of all areas within the premises; and
 - specifying access and egress routes and ensuring that such routes are used by patrons.
59. The Council will expect the premises to be constructed to the highest possible standards of safety and that the requirements of health and safety at work and fire safety legislation have been satisfied. The technical standards published by the District Surveyors' Association shall be addressed where appropriate.
60. The provision of adequate toilet facilities on licensed premises will be necessary to prevent public nuisance. The Council will therefore expect the operating schedule to specify the numbers of toilet facilities to be provided for patrons and their availability after closing time for patrons leaving the premises.
61. Operating schedules should include proposals to prevent crime and disorder. This is considered to be particularly important for premises remaining open late at night, or larger premises used for public entertainment such as a night club. Proposals could include providing close circuit television inside and outside the premises and metal detection and search facilities; instituting procedures for assessing and minimising risks associated with promotions and events such as happy hours and eating and drinking competitions; and measures to prevent the use of supply of illegal drugs. Other proposals might include employment of licensed door supervisors and appropriately trained staff and joining a pub watch scheme or similar organisation aimed at ensuring effective liaison with the local community.
62. Holders of premises licences will be expected to comply with the operating schedule once the licence has been granted and if there is any substantial departure from the terms of the operating schedule including not opening for the full hours permitted under the terms of the licence and as specified in the operating schedule, the Council will reserve the right to review the grant of the licence.

Reason

63. The Council takes the view that the matters set out above will need to be addressed to satisfy the statutory requirements as set out in sub-section 17(4) of the Licensing Act 2003 as all these matters are relevant to the promotion of the licensing objectives. The operating schedule will only have any value if the licence holder complies with that schedule and the Council therefore feel that it is appropriate to review licences where the licence holder has departed from the operating schedule to any significant degree.

64. The opening hours are also important and the Council believes that licence holders should comply with the opening hours as set out in the operating schedule as closing earlier than the times specified might have repercussions in relation to the opening hours of other licensed premises and transport facilities. The Council would not expect the licensing hours to be assessed on the basis that the maximum opening hours will be sought and merely held in reserve to be used as and when the licence holder considers them to be appropriate.

Paragraphs 72 - 96

Location of Premises, Licensing Hours and the Prevention of Nuisance

General

72. The effect of the Licensing Act 2003 is to bring to an end the existing outdated licensing regimes and to introduce a more responsive and flexible system. Many previous licensing requirements are being relaxed and one of the major changes has been to allow licensing authorities to determine the hours when premises may remain open without restricting local authorities discretion in this matter. As part of this it is felt that shops and public houses should generally be permitted to sell alcohol during the hours they intend to open.
73. The legislation is also intended to provide greater scope for the further development within communities of live music, dancing and theatre both in rural areas and in towns and cities. Licensing authorities will be expected to recognise and supplement the local authority's role in promoting these cultural benefits.

Policy

74. While recognising the benefits which could be derived from removing limits on opening hours which were previously in force, the Council also recognises that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. The nature of the activities taking place, the location of the premises, the impact on the neighbouring area and the management of the premises are also very relevant to this consideration. Without proper safeguards it is felt that the risk of residents being disturbed by noise emanating from premises and patrons leaving those premises will increase as the night progresses.
75. The Council will therefore endeavour to strike a fair balance between the needs of licence holders, the patrons of the licensed premises and the effect that those licensed premises will have on local residents particularly with regard to disturbance and noise.
76. Although applicants for premises licenses will be expected to address these matters in their operating schedule, the Council will consider limiting the number of licensed premises in more sensitive areas which are, for instance, almost entirely residential, and to restrict the hours of operation of those premises which are licensed.

Reason

77. The prevention of public nuisance is one of the four licensing objectives and the location of premises in relation to residential areas and in other sensitive places and the licensing hours for licensed premises are extremely relevant as to whether the licensable activities will cause a public nuisance.

Location and Impact of Activity

Policy

78. The Council will have particular regard to the impact on local residents of activities taking place at premises. In considering this matter, the Council will have to have regard to amongst other things, the level of impact that can arise from noise and vibration, litter, parking, people coming and going, crowds and queuing and whether any impact is particularly unacceptable late at night. Premises licence holders for premises remaining open after midnight, will be expected to provide facilities which are relevant to controlling noise and the patrons of those premises late at night.

Opening Hours

Policy

79. The times when licensed premises will be permitted to remain open will be decided on the merits of each application but licence holders will be expected to apply more stringent controls/procedures if the premises remain open after 11 p.m. The opening hours or premises should not exceed the hours specified on any relevant planning consent. Operating schedules for premises remaining open after 11pm will be expected to show
- the additional measures that will be taken by the licence holder/applicant to reduce noise and to monitor and control people entering and leaving the premises at a time when any disturbance caused is more invasive to residents. The level of these measures should be much higher for premises remaining open until late at night or into the early hours of the morning;
 - the sound attenuation measures for premises remaining open until midnight to reduce noise disturbance and where appropriate the monitoring arrangements for car parks close to residential areas to minimise disturbance caused by slamming doors, unruly behaviour in the car park or car lights shining in the windows of nearby houses;
 - the additional provision which will be made in premises remaining open after midnight for an entrance foyer, closed circuit television in the foyer, a cloakroom, structured seating, adequate air conditioning, a dance floor and supervision by registered door staff. Where appropriate a “wind down” period when music is played at a lower volume and at slower rhythm may also be appropriate;

- for premises remaining open beyond midnight much higher standards would be expected for premises classified as nightclubs together with provision for a club membership scheme or an entry charge; and
 - for premises remaining open beyond 2 a.m. an assessment of the effect that these later opening hours are likely to have on people living and working in the vicinity of the premises. As part of the consideration given to later opening hours the Council will expect account to be taken of the extent to which problems could be caused over a wider area beyond the confines of the premises by people leaving the premises. In this connection it may be appropriate for applicants/licence holders to give an appraisal of the wider consequences of granting later opening hours.
80. Much of the borough is very sensitive to the impact of licensed activities because it is either residential in character or close to residential areas. Many shopping areas are adjacent to residential areas, including flats above commercial premises. In addition the impact of traffic and parking related to licensed premises can be considerable. Even where a majority of customers arrive on foot or by public transport, the additional parking demand may be significant, especially where there are already a number of licensed premises.
81. Some commercial areas in the borough, such as parts of Frimley and Camberley, may be more suitable locations for licensed activities, especially for those which already have late opening hours or attract significant numbers of people. In town centres, the activities may help to bring vitality to the area after normal shopping hours. The ambient noise levels are also likely to be higher in the evening particularly when compared with predominantly residential areas so that additional noise may be less objectionable. Late at night however the impact of licensed activities is more likely to be objectionable to residents living close to a licensed activity. The ambient noise level will be lower so that noise disturbance from activities becomes relatively more noticeable.

Consideration of the impact of licensed activities

Policy

82. When considering whether any licensed activity should be permitted following the receipt of relevant representations, the Council as Licensing Authority will assess the likelihood of it causing unacceptable adverse impact by considering the following factors amongst other relevant matters:
- the type of use, the number of customers likely to attend the premises and the type of customers at the time of the application;
 - the proposed hours of operation;
 - the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by the customers;

- the means of access to and egress from the premises in relation to principal pedestrian routes;
- the level of likely car parking demand on surrounding residential streets and roads;
- the cumulative impact of licensed premises in an area;
- the scope for mitigating any impact;
- how often the activity occurs
- and, in considering any application which is already licensed, the Council will take into account any evidence:
- of past demonstrably adverse impact from the activity especially on local residents;
- that the activity has caused a demonstrably unacceptable level of car parking in surrounding streets or roads;
- that, if adverse impact has been caused, appropriate measures have been agreed and put into effect by the applicant to mitigate the adverse impact.

Reason

83. The prime purpose of this part of the policy is to achieve the licensing objective of preventing public nuisance. In furtherance of this aim the policy lists particular matters that the Council will take into account in considering whether a licensed activity is likely to cause an adverse impact, particularly to local residents.
84. The precise nature of the activity, especially for entertainment, will be a factor in considering the impact, principally in terms of the age and orderliness of the customers.
85. Levels of noise from licensed premises which may be acceptable at certain times of day may not be acceptable later in the evening or at night when ambient noise levels are much lower.
86. The Council's preference is to see licensed activities located in places where customers are not reliant on private car use, and can walk, cycle or use public transport. In town centres, a high use of public transport could be expected by the customers of licensed premises but, even there, car use is likely to increase when activities go on very late. There could consequently unacceptable parking and traffic in nearby residential areas.
87. The arrival, queuing and departure of customers should be confined to principal pedestrian routes as far as possible. It would be inappropriate, for instance, to have licensed activities which caused large numbers of people to move within a residential area as opposed to directly to and from nearby public transport services.

88. Car parking by customers of licensed activities can be a serious problem and the potential parking area for major entertainments can be substantial. This affects local residents in terms of noise and their ability to find a parking space, particularly after the hours when controlled parking zones are in operation. It can also affect the movement of essential traffic on primary routes and delay bus services. The Council will look at the area within which the impact could be experienced, in particular the likely distance at which most customers arriving by car would seek to park.
89. Stops must be identified to mitigate or to prevent any adverse impact and if such measures are reliable an activity may be licensed. In accordance with Government advice the decisions taken by the Council will focus on matters within the control of individual licensees and others granted relevant permissions and the steps they can take to achieve the licensing objectives. These matters will centre on the premises and places being used for licensable activities and the likely impact of those activities on members of public living or working in the area concerned.
90. In taking its decisions the Council accepts the difficulty a licence holder has in preventing anti-social behaviour by individuals once they are beyond the direct control of that licence holder. However, it will also take into account that the licensing objective of preventing public nuisance will not be achieved if patrons from licensed premises regularly engage in anti-social activities to the detriment of nearby residents or businesses. Furthermore it will also take into account its responsibility under the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder in the Borough.
91. The aim of the policy is to achieve a balanced approach to these difficult issues.

Saturation and Cumulative effect

General

92. In determining an application the authority will take into account, in the interests of public safety and the avoidance of nuisance, the cumulative effect that the existence of a saturation of premises in one area may have. A saturation of licensed premises and customers may have an adverse impact on the surrounding area beyond the control of individual licence holders.
93. Where the cumulative effect of many licensed premises within an area gives rise to problems of public disorder and nuisance in the surrounding area the Council may consider it inappropriate for any further licensed premises to be established in the area in the interests of public safety and the avoidance of nuisance.
94. The impacts associated with licences can accumulate where there are a number of activities within an area. In some places an additional activity may be unacceptable because of the cumulative effect of an area saturated with licensed premises. Only one such area is likely to be a problem in Surrey Heath and that is in the High Street area of Camberley.

Policy

95. The Council will in view of representations received be consulting appropriate bodies to establish whether to adopt a special policy of refusing new licences in any particular area. The Council as licensing authority when considering relevant representations in respect of new licence applications will have regard to the cumulative effect of the total number of licensed premises in the area.

Reason

96. The impact from licensed premises increases considerably in areas where there are concentrations of such premises. The adverse effects from licensed uses are particularly acute in Camberley Town Centre and this has been the subject of representations from the police.