



Licensing Act 2003, Section 5

STATEMENT OF LICENSING POLICY 2021- 2026



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Summary

This licensing policy has been determined by the Council for the five year period commencing 07/04/2021 with a view to promoting the four licensing objectives set out in section 4(2) of the Licensing Act, 2003.

These objectives are:

1. the prevention of crime and disorder;
2. public safety;
3. the prevention of public nuisance; and
4. The protection of children from harm.

In carrying out our licensing functions we will have regard to:

- This statement of licensing policy published under section 5 of the Licensing Act 2003 and
- Home Office Guidance issued under section 182 of the Licensing Act 2003 (as revised April 2018)

The Council as licensing authority when determining applications that have been the subject of representations will only refuse the grant of a licence or impose conditions if this is necessary to achieve or promote the licensing objectives.

During the five year period the policy will be kept under review and the Council will if necessary, after appropriate consultations, make such revisions to it as may be considered appropriate. Any amendments will be incorporated in the licensing statement after each review. The statement of licensing policy will be reviewed and published with amendments, if any, at least once every five years.



I. Introduction

- I.1. Surrey Heath is located in the northwest corner of Surrey and is home to over 89,000 people. Camberley Town Centre is the largest shopping and business area within the Borough and the largest cluster of entertainment venues is situated in the town including shopping facilities, restaurants, theatre, a multiscreen cinema and a ten pin bowling complex. Areas of the Borough remain undeveloped and parts are covered by 'Green Belt'. Most areas are primarily residential in nature but there are large tracts of heathland and open green spaces. The agriculture and farming element of the area is now virtually non-existent and areas formerly used for these purposes are now often used in connection with open air recreational activities. Licensable activities are often complementary to these recreational activities.
- I.2. There are approximately 250 public houses, restaurants, clubs, community centres and halls in the Borough where alcohol is sold or where entertainment is provided on a regular or occasional basis and there are retail outlets for the sale of alcohol. Under the terms of the Licensing Act, the retail sale of alcohol and the provision of regulated entertainment can only take place in suitable premises that have been licensed by the Council and the people operating and managing these premises must also hold appropriate licences.
- I.3. Surrey Heath Borough Council is the Licensing Authority pursuant to the Licensing Act 2003, being responsible for considering all applications for licensable activities, as defined in section 1 of the Act, within the Borough and determining licence applications in accordance with the provisions of the Act. The purpose of licensing is to regulate licensable activities in licensed premises, qualifying clubs and at temporary events.



1.4. The Council has had regard to the revised Home Office guidance issued under section 182 of the Licensing Act 2003 when formulating our policies.

1.5. The latest version of this guidance was published in April 2018.

1.6. In the interests of speed, efficiency and cost-effectiveness the Council has, where possible, delegated licensing decisions and functions to officers of the Council. No matters will be determined under delegated powers if the matter to be decided is controversial, nor if the interests of any person, body or organisation would be jeopardised in the absence of a hearing or the determination of the matter under delegated powers is precluded by law.

1.7. Reference is made in the policy to the current Covid-19 pandemic. Whilst we recognise that this will hopefully come to an end sometime in the future we acknowledge the impact this has had and continues to have on the work of the Council and in particular the Licensing Authority. We recognise the need to be flexible in our approach as the Government issues updated or new guidance in response to Covid-19.

1.8. All references to “the Act” in this document shall be deemed to mean “The Licensing Act 2003”. The Licensing Committee and Sub-Committee may both consider licence applications on behalf of the Council and where reference is made to the Sub-Committee undertaking a function, that function may be undertaken by the Licensing Committee. All references to guidance are reference to the Revised Guidance issued under Section 182 of the Act (April 2018) and references to premises also apply to club premises.



2. SCOPE OF THE STATEMENT OF LICENSING POLICY

2.1. The Licensing Act 2003 sets out the legal framework for the Licensing Authority to licence the following activities:

- Retail sale of alcohol
- The supply of alcohol by or on behalf of a club
- Regulated entertainment
- Late night refreshment

2.2. These activities are controlled through a system of:

- Premises licences
- Club premises certificates
- Personal licences
- Temporary event notices

2.3. For definitions of these activities and information on the different types of licences available further information may be found on the [Government website](#).

2.4. The Act requires the Licensing Authority to carry out its licensing functions to promote the licensing objectives. Surrey Heath Borough Council as the Licensing Authority takes its responsibilities under the Licensing Act seriously and will use all available powers to promote the four licensing objectives;

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.



2.5. Further detail and explanation of the [licensing objectives](#) may be found within the Revised Guidance which may be found on the Government website.

2.6. The Act requires the Licensing Authority to prepare and publish a statement of its licensing policy every five years. This Statement of Licensing Policy fulfils this requirement.

3. RESPONSIBLE AUTHORITIES (RA'S)

3.1. The Act sets out a requirement to consult a number of interested parties and responsible authorities on applications received under the Act. The Council will as required notify 'responsible authorities' of relevant applications made under the Act. The responsible authorities are entitled to make representations to the Licensing Authority in relation to the application for the grant, variation or review of a premises licence. All representations must be considered 'relevant' by the Licensing Authority and relate to one or more of the licensing objectives.

- For all premises, responsible authorities include:
- The Licensing Authority
- The Chief Officer of Police
- The local fire and rescue authority
- The relevant enforcing authority under The Health and Safety at Work etc. Act 1974
- Environmental Heath
- Planning
- Social Services- responsible for, or interested in, matters relating to the protection of children from harm
- The Director of Public Health
- Trading Standards; and



- Home Office Immigration Enforcement *(on behalf of the Secretary of State)

*The Immigration Act 2016 amended The Act with effect from 6 April 2017 so that an application made on or after that date by someone who is not entitled to work in the UK must be rejected.

The contact details for the Responsible Authorities are listed in Appendix B.

4. POLICY CONSULTATION

4.1. In determining this policy the Licensing Authority will undertake full, formal consultation with members of the public, community stakeholders, specific groups and individuals as listed in section 5(3) of the Licensing Act 2003.

These are;

- The Chief Officer of Surrey Police
- Surrey Fire & Rescue Authority
- Director of Public Health
- Persons / bodies representative of local premises licence holders
- Persons / bodies representative of local club premises certificate holders
- Persons / bodies representative of local personal licence holders
- Persons / bodies representative of businesses and residents in its area

4.2. In addition the Licensing Authority will consult with Surrey Trading Standards, Surrey Safeguarding Children Board, Surrey Heath Borough Council Environmental Health (Pollution Control), Surrey Heath Borough Council Environmental Health (Health & Safety) and Surrey Heath Borough Council Planning Department. The draft policy will also be published on [Surrey Heath Borough Council's website](#).



4.3. The views of all these bodies and the evidence presented will be given due weight in the determination of the final policy.

5. PARTNERSHIP WORKING AND INTEGRATING STRATEGIES

5.1. The revised Home Office Guidance issued under section 182 of The Act recommends that Statements of Licensing Policies (the Policy) should provide clear indications of how the licensing authority will secure the proper integration of its licensing policy with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and other relevant plans. While many local strategies are not directly related to the promotion of the licensing objectives, they indirectly impact upon them.

5.2. We will therefore in conjunction with Surrey's Licensing Forum endeavour to:

- Work with partner agencies that are involved either directly or indirectly in delivering the Policy, including responsible authorities, local businesses and the local community.
- Identify and galvanise new and existing opportunities to develop, strengthen and foster partnership in order to improve delivery of the Policy.
- Undertake consultation and communication on licensing issues with all licensees, communities and their representatives.
- Ensure pro-active enforcement in line with the council's Corporate Enforcement Policy in order to achieve the licensing objectives.
- Work to reduce crime and disorder where it exists in close proximity to licensed premises.

6. FUNDAMENTAL PRINCIPLES



- 6.1. This policy statement sets out a general approach to making licensing decisions and acknowledges the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits.
- 6.2. Similarly, this policy statement does not override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- 6.3. Licensing is about the control of licensed premises, qualifying clubs, temporary events and individuals within the terms of the Act. Any conditions or restrictions attached to a premises licence or club premises certificate will be focused on matters which are within the control of individual licensees.
- 6.4. These matters centre on the premises and places being used for licensable activities and any impact of those activities in the vicinity of those premises and places. The Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises, on members of the public living, working or engaged in normal activity in the area concerned.
- 6.5. Licensing law is not a mechanism for the general control of nuisance or anti-social behaviour by individuals once they are beyond the boundaries of the licensed premises.
- 6.6. The controls exercised through the provisions of the Act are however key aspects in the control of nuisance and antisocial behavior, where this behavior can be directly linked to the licensed premises, this forms part of the Council's holistic approach to licensing.
- 6.7. In addition, the Licensing Authority recognises that, apart from the licensing function, there are a number of other partnership mechanisms available for



addressing issues arising out of the operation of licensed premises. We will work closely with our partners to achieve the licensing objectives.

- 6.8. The Licensing Authority will, so far as possible, avoid duplication with other regulatory regimes and does not intend to use the Licensing Act to achieve outcomes that can be achieved by other legislation. It is important that we work together with other agencies to identify the most appropriate legislation in each case.
- 6.9. In particular, the licensing functions will be carried out separately from the Council's functions as the Planning Authority.
- 6.10. It will normally be expected that applications for premises licences in respect of permanent commercial premises should be from businesses with the appropriate planning consent for the activity concerned in place.
- 6.11. Where representations are made with respects to a particular application which relate to the licensing objectives, either from a Responsible Authority or from any interested other person, a hearing will be held at which the applicant and those making representation will have the opportunity to comment on the representations made.
- 6.12. In all cases, applicants and those making representations in respect of applications made to the Licensing Authority have a right of appeal to the Magistrates' Court against the decisions of the Licensing Authority. Any appeal must be lodged within 21 days of the date upon which written notice of the decision is given by the Licensing Authority.

7. HEALTH

- 7.1. Health leads have been given a role in the licensing process as a Responsible Authority creating a recognised role in considering and making representations to licensing applications on health grounds.



7.2. The Licensing Authority welcomed this change and the ongoing development of a multi-agency collaborative approach towards licensing matters, recognising the significant scope for participation to reduce alcohol related violence and harm, as well as promoting and advising on sensible drinking whilst providing evidence on the impact of alcohol outlet density and its effect on health, crime and children. We particularly recognise the importance of their involvement in relation to the current on-going situation with regards to Covid- 19.

7.3. The licensing process is focused on controlling the immediate harms associated with alcohol sales at particular premises, with all licensing decisions relating specifically to the premises in question and their promotion of the four statutory licensing objectives.

7.4. The Licensing Authority recognise that there is further development work being undertaken to maximise the use of health data in the licensing process by improving the collection and distribution of both data and intelligence from Surrey's NHS trust by relevant partners. This is recognised as a priority within Surrey's Substance Misuse Strategy and as a fundamental method of preventing escalating alcohol-related harm throughout Surrey. The Licensing Authority will consider health-related evidence that directly links to a premises after receiving representation(s) where it is considered to impact on one or more of the licensing objectives.

8. PREMISES LICENCES & CLUB PREMISES CERTIFICATES

8.1. A Premises Licence is required for the sale of alcohol, provision of regulated entertainment or the provision of late night refreshment (sale of hot food and drink to the public between 11.00 pm and 5.00 am).



8.2. Some activities carried out by clubs need to be licensed under the Act but generally clubs are treated differently to commercial premises.

8.3. In determining applications for Premises Licences and Club Premises Certificates the Licensing Authority will have regard to the guidance and any secondary legislation.

8.4. It is important that applications for Premises Licences and Club Premises Certificates properly address the four licensing objectives by providing as much detail as possible on the application form.

8.5. The application must be supported by a comprehensive operating schedule. This schedule must specify the steps which the applicant proposes to take in order to promote each of the licensing objectives.

8.6. A club is an organisation where members have joined together for a particular reason i.e. social, sporting or political and have combined to buy alcohol in bulk as members of the organisation for supply to their members. In order to apply for a Club Premises Certificate the club needs to be a 'Qualifying Club'.

8.7. A Qualifying Club;

- Has rules whereby membership is not instant. There must be a minimum of 2 days between applications for membership and admission which includes the privileges of membership (i.e. use of facilities and the consumption of alcohol)
- Has not less than 25 members
- Must be conducted in good faith and have full accountability to its members
- Must not supply alcohol to members, otherwise than by or on behalf of the club.

8.8. A Qualifying Club is entitled to certain benefits unlike a licensed premises;

- No need for Personal Licence Holders on the premises



- No need for Designated Premises Supervisors
- More limited rights of entry for the Police and other Authorised Persons (Licensing Officers) as the premises is considered private and not generally open to the public
- No instant closure powers by the Police for disorder or noise
- Permitted to sell hot food and drink between 11pm and 5am to members and their guests without the requirement for a licence.

8.9. Where applications for Premises Licences or Club Premises Certificates have attracted representations from a Responsible Authority or any other person, the application will be scheduled for a hearing before a Licensing Sub-Committee where the applicant and those making representations may be heard.

8.10. The Licensing Sub-Committee will give full and written reasons for the decision made for each application that proceeds to a hearing.

9. Application Consultation

9.1. The consultation process required for applications for Premises Licences, Club Premises Certificates and Full Variations of existing licences or certificates allows for representations to be made by various bodies and individuals. Responsibility for undertaking the advertisement of the application in accordance with the requirements lies with the applicant.

9.2. The Council will publish details of all new applications on its website, updated weekly, details can be found on our [Public Notice web page](#).

10. Making Representations

10.1. Representations about an application must be made in writing to the Council's Licensing Team within the time period prescribed. Written representations may include letters whether posted or faxed and emails.



Any representations received after the end of the public consultation period cannot legally be accepted, unless shown to have been submitted within the time limit.

- 10.2. When making a Representation the Council requests that a contact phone number and email address are provided. These help the Licensing Authority to quickly contact respondents if the details of the application are altered as a result of the representations received in connection with arrangements for the hearing.
- 10.3. Representations should contain;
- The name, full address & post code of the person making them.
 - The reasons for their representation and
 - Which of the four Licensing Objectives the representations relate to;
 - The prevention of crime and disorder
 - Public Nuisance
 - Public safety
 - Protection of children from harm
- 10.4. A representation would be ‘irrelevant’ if it is not about the likely effect of the grant of the application on the promotion of the licensing objectives. Irrelevant representations cannot be accepted.
- 10.5. A representation made by a person other than a Responsible Authority will not be accepted if the Licensing Authority decides that it is frivolous or vexatious.
- 10.6. Vexation may arise where, for example, there is a dispute between rival businesses, or a repetitive complaint from another person which has already been subject of investigation and no new evidence provided.
- 10.7. Frivolous representations would be categorised by a lack of seriousness.



- 10.8. Such judgments will be made by officers following such enquiries as may be necessary.
- 10.9. Where a representation is found to be irrelevant, vexatious or frivolous, the person making it will be informed in writing that the representation will be disregarded. All valid representations will form part of a committee report that will become a public document. It will be provided to the applicant, his agent and persons who have made representations as well as the Licensing Sub-Committee 10 days prior to the hearing.
- 10.10. Whilst representations may not be made anonymously, in exceptional circumstances, such as when the objector has a genuine and well-founded fear of intimidation or violence, some or all of the objectors personal details may be removed from the representation before it is given to the applicant.

Anyone making a representation will be given the opportunity to explain why they would like to remain anonymous. Each request for anonymity will be taken on its merits, where the request is denied they will then be given the option of withdrawing their representation. The decision to deny anonymity will be discussed with the case officer's line manager who will make the decision.

11. PERSONAL LICENCES

- 11.1. To sell alcohol in licensed premises at least one person needs to hold a 'Personal Licence' which has been granted by the Licensing Authority where they live. This requirement does not apply to 'qualifying clubs'.
- 11.2. Holders of a 'Personal Licence' must hold a recognised licensing qualification, be over 18 years of age and not have certain types of criminal conviction. Proof of a licensing qualification together with a Basic



Disclosure certificate less than two months old and endorsed photographs of the holder are required as part of an application for a Personal Licence.

- 11.3. Where an applicant is found to have an unspent conviction for a relevant offence as defined in the Act or for a foreign offence, the Licensing Authority will notify the police. Where the police do not object and the application otherwise meets the requirements the Licensing Authority must grant it. If the police do object, a hearing will be held before the Licensing Sub-Committee to determine the application.
- 11.4. The Policing and Crime Act 2017 gave Licensing Authorities the power to revoke or suspend personal licences, with effect from 6 April 2017. This is a discretionary power.
- 11.5. When the Licensing Authority has granted a Personal Licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, we may revoke the licence or suspend it for a period of up to six months.
- 11.6. In exercising its duties, the Council will normally seek to suspend or revoke a Personal Licence when it is made aware that a licence holder has been found guilty of a relevant offence, foreign offence or civil penalty for immigration matters.
- 11.7. Full details relating to [Personal Licence applications](#) can be found on the Government website.

12. FEES & CHARGES

- 12.1. [Licensing fees and charges](#) are set by Government and are the same across the Country. Full details can be found on the Home Office website.
- 12.2. Once granted, a Premises Licence or Club Premises Certificate does not expire but the licence holder is required to pay an annual fee. Failure to pay the annual fee within the prescribed time will result in the Licensing



Authority suspending the operation of the Premises Licence or Club Premises Certificate until all outstanding fees are paid.

12.3. Where the annual fee is paid the licence will remain in force even if the premises are not used for a licensable purpose.

12.4. Pre-application advice is available free of charge from the Council Licensing Team.

12.5. The service is available to assist applicants in preparing applications with a view to diminishing issues which may arise during the licence application process as a result of an incomplete or inadequately drafted application.

12.6. Applicants would be under no duty to use the Council's service, and the Licensing Authority cannot predetermine the outcome of any application submitted but can provide expert advice and highlight any potential issues and advise on how applications may be approached to comply with legal requirements and local Policy.

12.7. For details on the pre-application service, and fees please see the Council's website.

12.8. Applicants are advised that if applications are submitted incorrectly, applications will be rejected with applicants directed to re-apply, including paying the required fee.

13. VARIATIONS (FULL AND MINOR)

13.1. Both Premises Licences and Club Premises Certificates may be varied under the Act.

13.2. A minor variation is a simplified process with a set statutory fee applicable to all premises and clubs. There is a requirement to advertise the application by displaying a notice on the premises. Decisions on a minor



variation are delegated to officers and there is no right to a hearing. The Licensing Authority must consult all relevant Responsible Authorities on an application for a minor variation and take their views into account.

13.3. Minor variations are those which cannot adversely impact on the licensing objectives and generally fall into four categories which are:

- Minor changes to the structural layout which does not;
 - Increase the capacity for drinking (increasing floor area for patrons drinking etc.)
 - Affecting access or egress (blocking fire exits or escape routes)
 - Impede or remove noise reduction measures at the premises (removing acoustic lobbies etc.)
- Small adjustments to licensing hours
- Removal of out of date, irrelevant or unenforceable conditions or the addition of volunteered conditions
- Addition of a licensable activity where similar activities already exist.

13.4. Full guidance on [minor variation applications](#) can be found on the Government website.

13.5. Full variations follow the same procedure as that for a new Premises Licence with the need for advertisement on the premises and in the newspaper in addition to the statutory consultation.

13.6. The areas in which a premises licence may be varied include:

- Varying the hours during which a licensable activity is permitted
- Adding or removing licensable activities
- Amending, adding or removing conditions within a licence
- Altering any aspect of the layout of the premises which is shown on the plan.



13.7. Where the changes proposed are substantial or involve completely changing the nature of the business, it may be more appropriate to apply for a new premises licence. Advice may be sought from the licensing team in this instance.

14. TEMPORARY EVENT NOTICES

14.1. Anyone over the age of eighteen may serve the Licensing Authority with a Temporary Event Notice. This permits people to hold an event involving licensable activities without having to apply for a Premises Licence or Club Premises Certificate.

14.2. Applicants must provide a clear description of the area in which they propose to carry on licensable activities and must describe the event taking place at the premises for example, a wedding with a pay bar, the supply of alcohol at a particular event, a discotheque, the performance of a string quartet, a folk group or a rock band. This is not an exhaustive list.

14.3. Where applicants are uncertain whether or not the activities that they propose are licensable or require assistance with an application, they should contact the licensing team for further advice.

14.4. Temporary Event Notices may be obtained for:

- the sale of alcohol
- The provision of regulated entertainment
- The sale of hot food or drink between 11.00 pm and 5.00 am.

14.5. Part 16 of the Revised Guidance provides an overview of circumstances in which entertainment activities are not licensable.

14.6. We will have regard to these when considering applications for TENs. These changes were introduced by the Live Music Act 2012 which resulted in deregulatory changes that amended the Licensing Act 2003.



The Live Music Act 2012 deregulated the performance of live music between the hours of 08:00 and 23:00 to an audience of less than 500.

14.7. A Temporary Event Notice should be submitted to the Licensing Authority a minimum of 10 working days before the proposed event (Standard TENs), however a limited number of applications may be made giving no less than 5 working days' notice (Late TENs). If objections are received from either the police or Environmental Health a hearing will be held to decide whether the event can go ahead in the case of Standard TENs. Late TENs will not be valid following an objection and the event will not be able to go ahead.

14.8. There are certain limitations to Temporary Event Notices, current limits are listed below, (subject to change) for confirmation of limits please refer to the Government website;

- The maximum number of people attending must not exceed 499 at any one time
- The event cannot last longer than 168 hours
- No premises may host more than 15 events in a year
- The maximum number of days covered by Temporary Event Notices cannot exceed 21 days in a year
- A personal licence holder may apply for up to 50 temporary events with 10 of these being late
- Any other person may apply for 5 temporary events with 2 of those being late.

14.9. Further details and comprehensive guidance on [Temporary Event Notices](#) may be found on the Government website.

15. LICENSING HOURS

15.1. Many representations submitted in response to licensing applications for the sale of alcohol for consumption on premises relate to public



concern about the hours of operation proposed. The Licensing Authority recognises there is opportunity for significant detrimental impact for local residents where licensed premises operate late. It also recognises that longer licensing hours for the sale of alcohol may avoid large numbers of people leaving premises at the same time, which in turn may reduce disorder and disturbance.

- 15.2. Where representations are made against the grant of a new licence for the sale of alcohol for consumption off the premises such as shops, garages and supermarkets, the Licensing Authority may consider restricting those hours only where there are good and justifiable reasons for doing so and if this would promote the licensing objectives.

Currently all licensed premises are allowed off-sales by virtue of section 11 of the Business and Planning Act 2020. These are temporary arrangements which aim to boost the economy during the Covid-19 pandemic and are due to come to an end September 2021.

- 15.3. The Licensing Authority notes the guidance of the Secretary of State on hours of trading contained within the Revised Guidance which states that;

10.13 “The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.”



10.14 “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.”

10.15 “Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.”

- 15.4. The Licensing Authority can use powers to control the hours of operation of any licensed premises where it has received a representation against an application and there are reasonable and proportionate grounds to believe that if the licence was granted as applied for without restriction, nuisance, antisocial behaviour or crime and disorder might arise. Such situations are most likely to arise where licensed premises are located close to residential areas.
- 15.5. Where representations are received, the application will be referred to a Licensing Sub-Committee in accordance with the scheme of delegation included in this Policy. When hearing an application the Sub-Committee will seek information and assurances from the applicant that the four Licensing Objectives will not be undermined by the grant of the application. Where the Sub-Committee considers it appropriate to do so it may apply licensing conditions, including limiting the hours of operation.
- 15.6. Fixed trading hours within designated areas will not be considered as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, with the attendant concentration of disturbance and noise.
- 15.7. Not all regulated entertainment will be associated with the sale of alcohol. There may be licence applications when alcohol is not provided for



many reasons or in other circumstances it would be unnecessary or unlawful to have alcohol available, for example, events exclusively for children. In other circumstances regulated entertainment could finish earlier or later than the sale of alcohol.

15.8. The provision of Late Night Refreshment covers the supply of hot food or hot drink to members of the public at any time between the hours of 11.00pm and 5.00am. This includes takeaway food premises but also applies to restaurants and mobile vehicles.

15.9. In each case, the hours being sought for regulated entertainment or late night refreshment must be set out in the application and operating schedule. Where representations are received the Licensing Sub-Committee will consider each application, determining the hours of operation on its own merits taking into account the licensing objectives. We recognise that hours of operation may be restricted by separate legislation during the Covid-19 pandemic.

16. PROMOTING THE FOUR LICENSING OBJECTIVES

16.1. The promotion of the four objectives is fundamental to the Act. Every applicant for a Premises Licence must provide a fully completed and detailed operating schedule. This schedule must be in the prescribed format.

16.2. The most effective means for an applicant to assess what measures are needed to promote the licensing objectives is by risk assessment.

16.3. The operating schedule forms the basis of any conditions placed on a licence other than those which are mandatory. It provides valuable information to interested parties and Responsible Authorities assisting their assessment of the impact of the licensed activity on the licensing objectives



and provides information about how the applicant will address these issues. It is likely to form the basis of any decision to submit a representation against the application.

- 16.4. Providing as much information as possible in the operating schedule demonstrates that the applicant has seriously considered the issues, is aware of their duty to promote the licensing objectives at all times and is aware of how this may be best achieved.
- 16.5. The Licensing Authority considers the effective and responsible management of the premises, including instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of the licensing objectives. For this reason, these measures should be specifically considered, detailed and addressed within an applicant's operating schedule.

17. Prevention of Crime and Disorder

- 17.1. Licensed premises of any description, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people can be a source of crime and disorder. The Licensing Authority expect operating schedules to satisfactorily address these and any other potential issues, from the design of the premises through to the daily operation of the business.
- 17.2. Applicants are recommended to engage with and seek advice from the Police and other Responsible Authorities taking into account, as appropriate, local planning and transport policies in addition to tourism and crime prevention strategies when preparing their operating plans and schedules prior to submission.
- 17.3. When addressing crime and disorder, the applicant should identify any particular issues that are likely to adversely affect the promotion of the



crime and disorder objective before including in the operating schedule how they propose to mitigate those matters.

17.4. Where objections are received and the Licensing Sub-Committee considers it appropriate to do so, conditions may be attached to licences to prevent crime and disorder both inside and in the vicinity of the premises.

17.5. The Licensing Authority considers the orderly dispersal of customers from licensed premises to be an important factor in promoting the licensing objectives. In considering applications for the grant or variation of a licence, serious consideration will be given to the dispersal arrangements, the potential effect that granting the licence might have on dispersal arrangements from other licensed premises or the cumulative impact in the area.

17.6. Recognising that illegal drug use is not an issue in all licensed premises, the Licensing Authority is committed to the reduction and eradication of illegal drugs from licensed premises as part of its role promoting the prevention of crime and disorder licensing objective. All licence holders are expected to actively support this objective by the way they plan, manage and operate their premises.

17.7. Where relevant representations are received following an application for the grant or variation of a licence, conditions may be imposed to support the prevention of the sale, supply and use of drugs. In premises where drug misuse is problematic and where the police or others apply for a 'Review' of the licence, the Licensing Sub-Committee will consider this as serious criminal activity and give appropriate consideration to the options available, including the suspension or revocation of the licence in accordance with the Guidance. The Licensing Authority recognises that each case must be decided on individual facts and its specific merits.



18. Summary Reviews

- 18.1. Where the police consider that a premises licensed for the sale of alcohol by virtue of a premises licence, are associated with serious crime, disorder or both they may make an application for a summary review of a premises licence.
- 18.2. Where this is the case, the Licensing Sub-Committee will determine what interim steps are appropriate to address the immediate risk of serious crime or serious disorder occurring.
- 18.3. The Licensing Authority will not normally give the premises licence holder an opportunity to make representations prior to determining the interim steps, however may do so where it considers it is appropriate and feasible to do so in the circumstances.
- 18.4. Where the Sub-Committee determine that the interim steps must take immediate effect, the Licensing Authority will normally notify the premises holder in the first instance by the most expedient means possible e.g. telephone. Following this, the premises licence holder will also be notified in writing.
- 18.5. Following notification of the interim steps the Premises Licence holder may make written representations at any time between being notified of the interim steps and a subsequent review hearing. The hearing will be held to consider any representation, together with the senior police officer's certificate that accompanied the original application for a summary review and the chief police officer's representations (if any). The Licensing Sub-Committee will consider whether the interim steps are appropriate for the promotion of the licensing objective, and determine whether to confirm, modify or withdraw the steps taken. The hearing will be held within 28 days of the day after the original application is received.

A Summary Review flowchart is attached as Appendix C.



19. Public Safety

- 19.1. The Licensing Authority is committed to ensuring, as far as practicable that the safety of any person visiting or working in licensed premises is not compromised. Applicants must demonstrate in their operating schedule that suitable and sufficient measures have been identified, implemented and maintained to ensure public safety specific to the characteristics of their premises and events.
- 19.2. Applicants are encouraged to contact the Council's Environmental Health Service with draft proposals including plans and operating schedules. Where applicable applicants should consider safe capacity, the safety of those with special needs and the first aid requirements of customers.
- 19.3. Licence holders should have clear documented policies and procedures in place which identify all public safety risks associated with the premises and the measures to prevent, manage, mitigate and respond to those risks.
- These may include risk assessments covering the risk of Covid-19 and mitigation in place to minimise risk.
- 19.4. Where representations are received and the Licensing Sub-Committee considers it appropriate to do so, they may attach conditions to licences and certificates to ensure public safety.
- 19.5. For advice on compliance with health and safety legislation see the Council's [Environmental Health Service website pages](#).

20. Prevention of a Public Nuisance

- 20.1. Licensing Sub-Committees are mindful that licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working



or sleeping in the vicinity. When addressing public nuisance the applicant should identify any particular issues that are likely to affect adversely the promotion of the licensing objective to prevent public nuisance, including in the operating schedule how they propose to mitigate and manage those issues.

- 20.2. Where an application includes provision of a smoking area or shelter, the Licensing Authority expects these to be situated as far as possible from neighbouring residential premises. It is expected that suitable receptacles be provided and maintained to dispose of cigarette litter in any area used for smoking outside licensed premises. Licensees must take all reasonable steps to discourage smoking on the public highway close to residential premises, considering measures such as a ban on customers taking drinks outside on to the public highway, the use of door supervisors or imposing a time after which readmission to the premises will not be permitted. Licence holders and applicants are reminded to consider compliance with noise nuisance legislation under the Environmental Protection Act 1990 when considering smoking locations.
- 20.3. The Licensing Authority expects all licence holders to consider the impact of noise on neighbours or those otherwise impacted. This may include undertaking simple measures such as not emptying glass into external bins at night, arranging deliveries wherever possible during the day or clearing garden areas at a reasonable time preventing nuisance to neighbouring residents.
- 20.4. There is a distinct separation between a public nuisance under the licensing objectives and statutory nuisance relating to noise, light and odour under Section 79 Environmental Protection Act 1990, which is dealt with by Environmental Health. Further information can be provided by the Council Environmental Health Service or from the Government website.



- 20.5. Applicants are encouraged to contact the Council's Environmental Health Service with draft proposals and where applicable, their plans and operating schedules as to how they intend to control noise emanating from the premises from openings to the building (doors, fans, windows, ventilation). Consideration should be given to the provision of attenuating material and if suitable building attenuation cannot be achieved, or no other appropriate measures can be taken to attenuate noise, then consideration to the installation, calibration and operation of a noise limiting device may have to be given.
- 20.6. Where representations are received and the Licensing Sub-Committee considers it appropriate to do so, they may attach conditions to licences and certificates to prevent public nuisance.

21. Protection of Children from Harm

- 21.1. The Child Protection Committee acts as the Responsible Authority for the Protection of Children from Harm.
- 21.2. The wide range of different premises that require licensing under the Act means that children may be expected to visit many of these, often on their own, for food and / or entertainment. Where no representations are received and an applicant's operating schedule details restrictions in relation to the admission of children, these may become conditions attached to the licence. Apart from the specific restrictions set out in the Act, there is no presumption of either permitting or refusing access to licensed premises. Each application and its unique circumstances must be considered on its own merits.
- 21.3. The Licensing Authority is committed to protecting children from harm.
- 21.4. The Licensing Authority will only seek to limit the access of children to licensed premises where it is necessary for the prevention of physical,



moral or psychological harm. The Licensing Authority will consult the Surrey Safeguarding Children Partnership for advice on any application that indicates there may be concerns over access for children. In the event of representations, the Licensing Sub-Committee will consider the merits of each application before deciding whether to impose conditions limiting the access of children.

21.5. The following are examples of premises that are likely to raise concern:

- Where entertainment or services of an adult or sexual nature are commonly provided.
- Where there have been convictions of the current staff at the premises for serving alcohol to minors or premises with a reputation for underage drinking.
- Where a remote delivery service for alcohol is offered, with the potential for minors to order/be delivered alcohol
- Where age restricted films are shown
- A known association with drug taking or drug dealing
- Where there is a strong element of gambling on the premises
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

21.6. Examples of entertainment or services of an adult or sexual nature might include:

- Topless bar staff, striptease, lap, table or pole dancing
- Performances involving feigned violence or horrific incidents
- Feigned or actual sexual acts or fetishism
- Entertainment involving strong or offensive language.



21.7. The Licensing Sub-Committee may consider any of the following options when dealing with a licence application where limiting the access of children is considered appropriate to prevent harm to children:

- Limitations on the hours when children may be present
- Limitations on the presence of children under certain ages when particular specified activities are taking place
- Limitations on the parts of premises to which children might be given access
- Limitations on ages below 18
- Requirements for an accompanying adult
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

21.8. No conditions will be imposed requiring that children be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee. The Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the police to ensure the appropriate compliance with the law, especially relating to the sale and supply of alcohol to children.

21.9. Consideration will be given to promoting initiatives which may assist in preventing the sale of alcohol to children such as Home Office campaigns. The Licensing Authority is supportive of and actively encourages recognised proof of age schemes and 'Challenge 25' policies in all licensed premises as a fundamental means of preventing under age sales. The Licensing Authority has an expectation that all licence holders will maintain accurate record keeping of refusals and ensure that all staff are suitably trained.

21.10. Where premises offer a delivery service which includes the delivery of alcohol, the Licensing Authority has an expectation that the licence



holder will ensure suitable and appropriate measures are in place at the point of sale and/or point of delivery to verify that underage sales are not taking place as per the mandatory conditions.

- 21.11. Many children go to see and/or take part in entertainment arranged especially for them, for example children's film shows, discos, dance or drama school productions and additional arrangements are required to safeguard them while at the premises.
- 21.12. Where an application for a Premises Licence or Club Premises Certificate includes the provision of entertainment for children or by children, the Licensing Authority will expect the operating schedule to include arrangements for protecting children.
- 21.13. Where representations are made and the Licensing Sub-Committee consider it appropriate to do so, they may make full use of Licensing Conditions to secure the protection of children from harm.
- 21.14. The Licensing Authority is committed to protecting children from harm and supports the programme of underage test purchases arranged by the Surrey Trading Standards Service, the Licensing Team and Police. Where underage sales are found, the Licensing Authority supports the appropriate and proportionate use of warnings, reviews and prosecution as a means of promoting the licensing objectives and enforcing the Licensing Act proportionately.
- 21.15. In keeping with the Guidance the Licensing Sub-Committee will treat underage sales as serious criminal activity and will give consideration to the suspension or revocation of a licence if a review is brought in respect of underage sales. It is likely that a review will be requested by either the Police or Trading Standards in their role as a responsible authority.



22. TABLES AND CHAIRS OUTSIDE PREMISES

- 22.1. The provision of tables and chairs outside the premises either on the highway or on private land can enhance the attractiveness of the venue by encouraging a continental style café culture. Late at night people sitting at these tables can however contribute to noise problems by encouraging patrons and passers-by to loiter rather than disperse.
- 22.2. The placing of tables and chairs on the public highway will need the consent of the Surrey County Council. On private land no consent is needed.
- 22.3. Temporary arrangements introduced by the Business and Planning act 2020 allow for an application for a 'Pavement Licence' to place tables and chairs on the public highway adjacent to a premises to be made to this Council.
- 22.4. Details of how applications can be made can be found on our [licensing page of the website](#).

23. LARGE SCALE EVENTS

- 23.1. Organisers of large events (in particular, major festivals and carnivals) are strongly advised to contact the Licensing Authority and Responsible Authorities at the earliest opportunity to discuss licensing matters, providing as much advance notice as reasonably practicable.
- 23.2. Large scale open air events require significant planning and organisation with potential to impact on the licensing objectives. The Licensing Authority and other Responsible Authorities expect to be satisfied well in advance of any such event that appropriate measures are in place to safeguard the licensing objectives.



- 23.3. It is expected that all other appropriate authorisations will be in place prior to an application and organisers must be mindful that a premises licence application may take up to two months to be determined should representations be received.
- 23.4. Careful consideration should be given by the applicant to the Public Safety objective when organising large scale events and how this will be met.
- 23.5. The Licensing Authority is aware that in January 2020 the Government announced its backing of the 'Martyn's Law' campaign to improve security at venues and public spaces in light of the terrorist attacks in Manchester and London in 2017.
- 23.6. The Licensing Authority would expect that those who operate the places and spaces in which people live, work and socialise must take greater steps to ensure the security of their users.
- 23.7. We recognise that although there is limited opportunity for large scale events in the Borough, where these are planned it is important that applicants demonstrate in their application that they are prepared for all risks. Consequently, the Licensing Authority would expect large capacity venues and organisers of large events to consider, where appropriate, the following measures.

A requirement that those responsible for spaces and places to which the public have access:

- engage with freely available counter-terrorism advice and training
- conduct vulnerability assessments of their operating places and spaces
- to mitigate the risks created by the vulnerabilities
- to have a counter-terrorism plan if appropriate.



24. FILMS

- 24.1. The screening or display of films covers a vast range of subjects, some of which deal with adult themes and/or contain, for example, strong language, scenes of horror, violence or a sexual nature that may be considered unsuitable for children within certain age groups.
- 24.2. Premises or Club Premises which are licensed for the exhibition of films are required by a mandatory licence condition to restrict admission to screenings in accordance with any age recommendation made by a film classification body, or by the Licensing Authority. Where recommendations have been made by both bodies, and the Licensing Authority has notified licence-holders of this, the Licensing Authority's recommendation will take precedence.
- 24.3. For the purposes of sections 20 and 74 of the Act, the Licensing Authority recognises the British Board of Film Classification (BBFC) as the film classification body, and will specify this body within the licences and certificates it issues.
- 24.4. The Licensing Authority views as good practice the inclusion within publicity materials of age-related admission restrictions arising from recommendations made by the BBFC or Licensing Authority. In any event, licence-holders must take appropriate measures to verify the age of persons being admitted to films which are subjected to age restrictions.
- 24.5. Details of the applicable recommendation in respect of a particular film should be exhibited prior to the commencement of that film. In the case of a BBFC recommendation this may be displayed on screen for at least 5 seconds prior to the feature. Details of a Licensing Authority recommendation should be displayed at or near the entrance to the screening.



24.6. The Licensing Authority anticipates that the BBFC's recommendations will apply to the vast majority of films shown at licensed premises within the borough. However in a small number of cases, the Licensing Authority may be called upon to exercise its powers and issue an overriding recommendation, which would only apply to licensed premises within the borough. Such situations can be approximately characterised in one of three groups:

- In cases where the Licensing Authority has concerns about a particular film, and has of its own volition made an alternate recommendation. This may allow admission of persons of a higher or lower age than the recommendation made by the BBFC, or in extreme circumstances may prevent the showing of a particular film. This power will be rarely, if ever, utilised.
- In cases where a film has not been classified by the BBFC. This is likely to be the case with small, local, independent films, or foreign films, where a wider UK release is not intended.
- In cases where the Licensing Authority is approached by a third party, asking the authority to override a recommendation made by the BBFC.

24.7. The third of these groups may include films intended to be shown at 'parent and baby' screenings, which have increased in popularity in recent years. The Act and Guidance are silent on the admission of babies to a film which is subject to an age-related recommendation – therefore on a strict interpretation of the Act, babies must be excluded from such screenings. The Licensing Authority is aware that some cinemas across the country have agreed schemes whereby the applicable licensing authority makes an alternate recommendation in respect of a specified film, expressly permitting the admission of babies and very young children to special screenings of that film with only parents of such children in attendance.

24.8. It is recommended that any premises considering the provision of such screenings should first contact the Licensing Authority to discuss the



proposals The Authority will typically only depart from BBFC Classification in exceptional circumstances and would expect special provisions to be made for such screenings, including higher light levels and reduced sound levels, in order that parents can better ensure the safety of their children.

24.9. When exercising powers under section 20 to issue an admission recommendation for a previously unclassified film, the Authority will adhere to the BBFC's Classification Guidelines, and where possible will issue a recommendation which is in accordance with one of the standard classification bands. This approach is preferred as audiences will be familiar with this particular classification scheme and the meaning of the 'certificates'.

24.10. In such circumstances, the Authority will require the organiser of the exhibition to provide a copy of the film for classification purposes, or to arrange a viewing for representatives of the Licensing Authority.

24.11. Where the Licensing Authority receives a request to override an existing recommendation made by the BBFC, or has concerns of its own in respect of a particular film, in the first instance the Authority shall have regard to the BBFC's original classification decision, and the BBFC Insight record which describes the content of the film that led to the classification decision. If satisfied that the content will not present any issues if viewed by children under 24 months of age, then the Authority may agree to issue an alternate recommendation, consistent with the BBFC's original classification but including a specific exemption for accompanied children below 24 months of age, at screenings advertised and restricted to 'parent and baby' only. Where concerns exist based on the BBFC Insight record that a film may not be suitable for viewing by young children below 24 months of age, the authority may request that the cinema facilitates a viewing of the film in question to make a full assessment of this. No alternate recommendation would be issued unless the authority is satisfied that allowing young



children below 24 months of age to be admitted will not lead to the child protection licensing objective being undermined.

25. SAFEGUARDING

25.1. The Licensing Authority is aware that alcohol use, misuse and abuse is one of the recurring key 'parental factors' in child protection and safeguarding, often contributing to parental neglect of children and domestic abuse and violence within families. The density of licensed premises, particularly off licences in deprived areas or areas where there are high rates of domestic abuse, is a cause for concern to the Authority.

25.2. The Authority expects that premises will operate in a responsible manner to ensure that children are not desensitised to the potential harm of alcohol. Desensitisation can occur by many ways. For example, through the manner in which the business operates, through the products that they offer for sale, the layout of their premises or through how promotional/advertising material is displayed. Matters that may be considered by the Authority if its discretion is engaged are:

- Whether due regard is paid to industry codes of good practice on the labelling and display of alcoholic products, such as not displaying these next to soft drinks, sweets or toys.
- The likelihood of children being attracted to the premises; e.g. by the nature of activities or facilities provided whether or not these are licensed.
- The use and display of promotional material for alcohol products.

25.3. Alcohol can be a factor in child sexual exploitation (CSE), where young people may be encouraged or coerced to drink, or alcohol may be a factor in risk-taking behaviour by young people who drink irresponsibly and then get involved in activities that otherwise they would not. Nationally, evidence has been found of the sexual exploitation of children taking place



on licensed premises and licensed premises being used for the purposes of grooming and enticement.

- 25.4. The Licensing Authority is also aware children may be attracted to takeaway and fast food restaurants and there is evidence nationally that this type of licensed premises has been used for the purpose of grooming and enticement.
- 25.5. The Licensing Authority encourages premises licence holders to make sure they are fully aware of the signs of CSE and to understand that the sexual exploitation of a child is sexual abuse and a crime. The Authority also expects licence holders to raise the awareness of their staff about CSE and provide intelligence for the appropriate authorities about concerns, including perpetrators who may be operating in their areas.
- 25.6. To support organisations that come into contact with the public, or which employ under 18s, the Licensing Authority expects staff to have access to safeguarding training and be briefed on local safeguarding initiatives.

26. LICENCE CONDITIONS

- 26.1. Where Responsible Authorities or other persons do not make any representations about an application, it is the duty of the Licensing Authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule and any relevant mandatory conditions prescribed by the Act.
- 26.2. Additional Home Office guidance on [Mandatory Licensing Conditions](#) may be found on the Government website.
- 26.3. The Licensing Authority must avoid attaching conditions that duplicate other regulatory regimes as far as possible and may not impose conditions unless its discretion has been engaged following the making of



relevant representations and the Licensing Sub-Committee has been satisfied at a hearing that it is appropriate to impose them.

26.4. It may then impose only those conditions appropriate to promote the licensing objectives arising out of the consideration of the representations.

26.5. To minimise problems and the necessity for hearings, the Licensing Authority would encourage applicants to consult with the Responsible Authorities when preparing their operating schedules so that they can offer appropriate conditions as part of their applications.

26.6. The Licensing Authority recognises that it is important to ensure that any conditions attached to a licence or certificate achieve the licensing objectives but are not disproportionate or overly burdensome. Therefore, where conditions are necessary they will be tailored to the individual style and characteristics of the particular premises and event concerned. Where appropriate, following a hearing the Licensing Sub-Committee will consider attaching conditions provided that they are proportionate, justifiable and capable of being met.

26.7. A committee or board with responsibility for managing a community premises where alcohol is sold such as a church or community hall, may apply to remove the mandatory condition requiring a designated premises supervisor (DPS) and personal licence holder and replace it with the condition that every supply of alcohol must be made or authorised by the management committee. Further information on the [community premises exemption](#) for a DPS can be found on the Government website.

27. ADMINISTRATION & DELEGATION

27.1. The functions of the Licensing Authority under the Act 2003 are carried out by Surrey Heath Borough Council's Licensing Committee, by its Licensing Sub-Committee or by officers acting under delegated authority.



27.2. The Sub-Committee comprises three Councillors drawn on a panel basis from the membership of the Licensing Committee with each hearing chaired by a designated Licensing Sub-Committee Chairperson. Councillors may not sit on any Sub-committee to determine any application or review of a licence within their respective ward.

27.3. In the interests of efficiency and cost-effectiveness for all parties involved in the licensing process, the Licensing Authority has established a scheme of delegation to deal with applications received under the Act.

27.4. The table at paragraph 20.8 sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and officers. This form of delegation is without prejudice to officers referring an application to a Sub-Committee or to Full Committee if considered appropriate in the circumstances of any particular case. These delegations are as recommended by the Guidance.

27.5. Ward Councillors play an important role in the local community. They can make representations in writing and speak at the hearing on behalf of an interested party such as a local resident or local business if specifically requested to do so. They may also make representations as an interested party in their own right if they have concerns about the premises.

They may apply for a review of a licence if problems at a specific premises justify intervention and are brought to their attention. Ward Councillors are informed of all new applications and any application to vary a licence in their ward.

27.6. Local residents and businesses may wish to contact their local ward Councillors in respect of a licence application. If a local resident or business makes a representation about an application it is recommended that a copy is sent to their Ward Councillors as this assists them to gain an understanding of local community feelings.



27.7. Ward Councillors may attend hearings of Licensing Sub-Committees considering applications and may speak on behalf of themselves or local residents and businesses if they have made a personal representation, they have made a representation on behalf of local residents or businesses as ‘community advocates’ or they have been nominated by an objector who cannot attend the hearing or prefers to be represented at the hearing.

27.8. Delegation of Decisions:

Matter to be dealt with	Licensing sub-committee	Officers
Application for personal licence with unspent convictions.	If a Police objection has been made	If no objections
Application for premises licence / club premises certificate	If a relevant representation has been made	If no relevant representation made
Application for provisional statement	If relevant representation has been made	If no relevant representation made
Application to vary premises licence/ club premises certificate	If a relevant representation has been made	If no relevant representation made
Application to vary designated premises supervisor	If a Police objection has been made	All other cases
Request to be removed as a designated premises supervisor		All cases



Application for transfer of premises licence	If a Police objection has been made	All other cases
Application for interim authorities	If a Police objection has been made	All other cases
Application to review premises licence / club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious		All cases
Determination of a Police or Environmental Health representation to a temporary event notice	All cases	
Suspension of licence for non-payment of fees		All cases
Taking action as a Responsible Authority on behalf of the Licensing Authority		As delegated by the Strategic Director Environment and Community
Minor variations and alternative conditions on community premises		All cases



Classification of a film under sections 20 and 74		All cases
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28. ENFORCEMENT

- 28.1. Where necessary, enforcement will be taken in accordance with the principles set out in the Council's Corporate Enforcement Policy.
- 28.2. The Council has established protocols with the local Police and Fire Authority to avoid duplication and to provide for the most efficient deployment of Council, Police and Fire Authority officers in respect of inspection of licensed premises and the use of appropriate enforcement tools.
- 28.3. The policy of the Council will always be a light touch inspection regime for well managed and maintained premises with a targeted and graduated inspection and enforcement regime for problem and high-risk premises.
- 28.4. The Licensing Authority encourages licensees to seek advice from the Environmental Health and Licensing Services and/or the police for clarification, advice or assistance with issues which arise, but places the responsibility for effective management solely with licence holders.

29. CUMULATIVE IMPACT ASSESSMENTS

- 29.1. The Licensing Authority recognises that the number, type and concentration of licensed premises in any given area, may have a 'cumulative impact' on one or more of the licensing objectives (e.g. problems with nuisance, crime and disorder etc.) over and above the impact of the premises themselves. It also recognises that such problems



may occur both in the vicinity of and at some distance from the premises concerned.

29.2. In recognition of the potential for cumulative impact, and by way of promoting the licensing objectives, the Licensing Authority may act on or otherwise consider any of the following.

The LA may, in its own right or, on receipt and consideration of relevant representations from any Responsible Authority or other person adopt a special policy to control any cumulative impact on the licensing objectives arising in the area. This is known as a Cumulative Impact Policy (CIP).

For these purposes, the CIP shall be limited to the restriction of future applications for relevant authorisations within any area where the number, type or density of licensed premises may lead to, or is otherwise causing serious problems with nuisance, crime and disorder or other relevant problems, over and above the impact of individual premises in the area concerned. The CIP may be limited to areas in the vicinity of and/or at some distance from the premises concerned.

In deciding whether to adopt a CIP the Licensing Authority will ensure there is evidence to support it and would normally consider-

Whether serious and chronic concerns have been identified by a Responsible Authority or significant representations from other persons have been received about the levels of nuisance, crime and disorder or other relevant problems;

Whether it can be demonstrated that crime and disorder, nuisance or other relevant problems arise as a result of customers from licensed premises in an identified and specific area, or that the risk factors are such that the area is reaching a point where cumulative impact is imminent;



Health-related statistics such as alcohol-related emergency attendances and hospital admissions;

Complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;

Evidence from local and parish councillors;

Whether the imposition of conditions to individual licences is (un)likely to address the wider problems concerned; and

Whether taking all relevant matters into account a policy about future licence applications from that area should be adopted (i.e. it is necessary and appropriate to control the cumulative impact claimed.)

29.3. The Licensing Authority implemented a CIP in 2008 and this is attached as Appendix A. Under current Guidance there is a requirement to review the CIP every three years, or more regular if appropriate. We will be reviewing the current policy as part of the overall review of this Statement of Licensing Policy.

Where necessary we will then review the CIP every three years or sooner if conditions dictate and the CIP remains in place.

30. Other Controls for Controlling Cumulative Impact

30.1. Regardless of whether or not a special policy is in place, the Licensing Authority recognises and will, where appropriate, seek to promote the use and consideration of alternative mechanisms to control anti-social behaviour of customers after leaving licensed premises.

The Licensing Authority will work with other agencies and the Responsible Authorities to ensure compliance with a range of legislation which in turn will help to promote the four licensing objectives



- 30.2. These may include:
- a. Planning controls
 - b. Positive measures and local initiatives to create a safe and clean town centre environment in partnership with local businesses, transport operators and other services in the local authority
 - c. The provision of physical measures and services such as CCTV, surveillance systems, taxi ranks, provision of public conveniences, street cleaning and litter patrols
 - d. 'Public Spaces Protection Orders' to control the drinking of alcohol in public spaces under the Anti-social Behaviour, Crime and Policing Act 2014
 - e. Enforcement against disorder and anti-social behaviour including the issuing of fixed penalty notices
 - f. The prosecution of any personal licence holder or member of staff at licensed premises who sells alcohol (whether or not by proxy) to people who are drunk or underage
 - g. The power of the Police, Licensing Authority and other Responsible Authorities, Councillors and/ or any other person to seek a review of a relevant authorisation.

31. REMOTE HEARINGS

- 31.1. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 apply to local authority meetings that are required to be held, or are held before 7 May 2021. This provides for the remote access of, and remote attendance at, local authority meetings. This includes and will apply to licensing hearings.
- 31.2. We will therefore arrange for hearings to be held remotely during this period and afterwards if there is a continuing need.



31.3. We will ensure that the hearing comply with these Regulations and the Licensing Act (Hearing) Regulations 2005.

31.4. For further details of how these remote meetings will be held please contact licensing@surreyheath.gov.uk

32. REVIEWS

32.1. Following the grant of a Premises Licence or a Club Premises Certificate, a Responsible Authority or any other person may ask the Licensing Authority to review it due to a matter arising in connection with any of the four licensing objectives.

32.2. Full details of the [review process](#) can be found on the Government website.

33. DIVERSITY & EQUALITY

33.1. The Licensing Authority wishes to encourage the provision of a culturally diverse range of regulated entertainment within the Borough, particularly live music and dance which are accessible to all people.

33.2. All licensed premises are subject to the Equality Act 2010 which lists a number of protected characteristics that must not be used as a reason to treat a person less favourably than another person, these are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnerships
- Pregnancy and maternity
- Race (this includes colour; nationality; ethnic and national origins)
- Religion or belief
- Sex or sexual orientation



33.3. Treating a person less favourably than someone else because that person has one or more of these characteristics is discriminatory.

33.4. The Equality Act 2010 also includes a duty on the Council as the Licensing Authority to have due regard to the need to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations, between people with different protected characteristics.

33.5. The Licensing Authority urges applicants and existing operators to plan ahead to meet their legal responsibilities under the [Equality Act 2010](#). Further information and guidance can be obtained from the Government.

33.6. Duties imposed by the Equality Act 2010 provide that any person providing a service to the public must comply with the duty to make reasonable adjustments to enable disabled people to access the service, where a disabled person would be at a substantial disadvantage compared to a non-disabled person.

33.7. This applies to disabled people employed by or those who wish to obtain goods and services from licensed premises. No condition will be attached to a licence or certificate which conflicts with or duplicates this requirement.

33.8. Service providers have a duty to make reasonable adjustments to any physical features which put a disabled person at a substantial disadvantage in accessing a service, or they have to provide the service by a reasonable alternative means.

33.9. Access to buildings and their facilities is a matter addressed in Building Regulations and planned alterations affecting access may involve the need to apply for building control approval.



33.10. The Equality Act 2010 provides protection from three forms of disability discrimination:

1. Direct discrimination because of disability in relation to goods, facilities and services
2. Indirect disability discrimination
3. Discrimination arising from disability.

33.11. Businesses have an obligation to make reasonable adjustments to help disabled individuals access their goods, facilities and services.

34. USE AND EXCHANGE OF INFORMATION

34.1. Information regarding how we will use, store and share your information, including our retention guidelines, is available on our [website](#) and on all relevant application forms.

34.2. Keeping personal information up-to-date

To allow for communications and ensure that authorisations remain valid, licence holders must keep the Licensing Authority advised (as soon as reasonably practicable) of any change of name, address or contact details (telephone, mobile, email address etc.). Where appropriate the Licensing Authority may check any change of details and require suitable proof of identity and evidence of the change(s) made.

35. LICENSING REGISTER AND PROVISION OF INFORMATION

35.1. The Licensing Authority is required to maintain a public register of all authorisations that it issues, together with other information.

35.2. For ease of access, reference and transparency, all public registers are published on our [website](#).



35.3. We will also publish a redacted copy of any licence or application open to representations on our [website](#). Relevant applications will be published in this way for the duration of the relevant representation period.

36. Further information may be obtained from:

- Licensing, Surrey Heath Borough Council, Knoll Road, Camberley GU15 3HD
- Email licensing@surreyheath.gov.uk

37. References:

- Licensing Act 2003
- Home Office-Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018)
- Licensing Act 2003(Hearing) Regulations 2005
- The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.



APPENDICES

38. Appendix A - Cumulative Impact 2021-2024 - Special Policy

38.1. The Council will apply a special policy relating to cumulative impact as provided for by the guidance issued by the Home Office to the area of Camberley town centre bordered by High Street, Pembroke Broadway, Park Street and London Road (as shown on the attached plan). This area has been extended to encompass Southwell Park Road up to Southern Road and Lower Charles Street, back to the London Road, including the Atrium and surrounding premises.

This area has been identified as being under stress because the cumulative impact of the concentration of late night and drink led premises in this area has led to serious problems of crime, disorder and/or public nuisance.

38.2. The evidence for this special policy is set out on the Licensing Act 2003, webpage.

38.3. This special policy creates a rebuttable presumption that applications within the town centre area for new premises licences or club premises certificates or material variations will normally be refused, if relevant representations are received about the cumulative impact on the licensing objectives, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced.

38.4. For the purposes of this special policy material variation shall be a modification to the structure or use of the licensed premises which would be likely to exacerbate crime and disorder problems arising from the cumulative impact of licensed premises within the town centre area.



38.5. Applicants will need to address the special policy issues in their operating schedules in order to rebut such a presumption.

38.6. Despite the presumption against grant, responsible authorities and any other persons will still need to make a relevant representation before the Council may lawfully consider giving effect to its special policy i.e. if no representation is received, the application must be granted (subject to such conditions that are consistent with the operating schedule and any mandatory conditions required by the Act). However, responsible authorities or any other persons can make written representation maintaining that it is appropriate to refuse the application for the promotion of the crime and disorder objective and referring to information which had been before the Council when it developed its statement of licensing policy.

38.7. The absence of a special policy in relation to any other area of the Borough does not prevent any responsible authority or any other person making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

38.8. The Council will regularly review any special saturation policies to see whether they are still needed or should be expanded.

38.9. The Council will not take 'need' (of the commercial demand for premises offering a particular type of licensable activity) into account when considering an application, as this is a matter for the market. However, the impact on the promotion of the licensing objectives of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and disorder outside and some distance from the premises. This is described as the 'cumulative impact', and is a proper matter for consideration by the Council.



38.10. Special cumulative policy map



38.11. The Council will not use this policy solely:

- as grounds for revoking a licence or certificate when representations are received about problems with an existing licensed premises (after a licence or certificate has been granted or varied, a complaint relating to a general (crime or disorder or nuisance) situation in a town centre would not generally be regarded as a relevant representation if it cannot be positively tied or linked by a causal connection to particular premises), or
- to refuse applications to vary an existing licence or certificate except where the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits of a premise, and are strictly necessary for the promotion of the licensing objectives.

38.12. The Council recognises that there are other mechanisms both within and outside of licensing regime that are available for addressing the impact of unlawful and anti-social behaviour and nuisance once consumers are away from the premises e.g.

- positive measures to provide a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council
- the provision of CCTV surveillance in the town centre, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- powers to designate parts of the Borough as places where alcohol may not be consumed publicly
- police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk



- the confiscation of alcohol from adults and children in designated areas e.g. use of the powers of confiscation contained in the Confiscation of Alcohol (Young Persons) Act 1997
- police powers to close down instantly for up to 24 hours any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance
- the power of police, other responsible authorities, including the Licensing Authority or any other person to seek a review of the licence or certificate in question
- Public Space Protection Orders which can be used by a Council to restrict the consumption of alcohol in a public place.

38.13. The Council will address these issues in line with the strategic objectives for crime and disorder reduction within the Borough.

Review date: October 2020 as part of consultation on Statement of Licensing Policy 2021-2026.



39. Appendix B - Contact Details for Responsible Authorities

Police

Address: Licensing Officer, Camberley Police Station, Surrey Heath House,
Knoll Road, Camberley, Surrey, GU15 3HD

Tel: 01483 631786

Fax: 01483 655270

Email: 11701@surrey.pnn.police.uk

Fire Authority

Address: Surrey Fire and Rescue Service, SFRS Business Support, Croydon
Road, Reigate, Surrey, RH2 0EJ

Tel: 01483-517600

Child Protection Committee

Address: County Child Employment & Strategy Manager, Quadrant Court, 35
Guildford Road, Woking, Surrey, GU22 7QQ

Tel: 0300 123 1630

Email: nwcpproc.duty@surreycc.gov.uk

Environmental Health Services

Address: Senior Environmental Health Officer, Surrey Heath Borough Council,
Knoll Road, Camberley, Surrey, GU15 3HD

Tel: 01276 707100 (Customer Services)

Email: environmental.health@surreyheath.gov.uk

Trading Standards

Address: Surrey Trading Standards Service, Consort House, 5 – 7 Queens
Way, Redhill, RH1 1YB

Tel: 01372 371700 (General Enquiries)

01372 371737 (Business Advice)



Email: trading.standards@surreycc.gov.uk

Surrey Heath Clinical Commissioning Group

Address: Surrey Heath House, Knoll Road, Camberley, Surrey, GU15 3HD

Tel: 01276 707572

Email: SHCCG.Contactus@nhs.net

However, the villages of Bisley, Chobham and West End are served by;

North West Surrey Clinical Commissioning Group

Address: Weybridge Primary Care Centre, Church Street, Weybridge, Surrey,
KT13 8DW

Tel: 01372 201802

Email: contactus2@nwsurreyccg.nhs.uk

Planning Authority

Address: Regulatory Services, Surrey Heath Borough Council, Knoll Road,
Camberley, Surrey, GU15 3HD

Tel: 01276 707100 (Customer Services)

Email: development.control@surreyheath.gov.uk

In the case of any property that has strong involvement with, or is owned by the local authority, or any nursing home that may have a licence, a copy should be sent to;

The Health and Safety Enforcement Agency

Address: Enforcement Liaison Officer, Council Offices, Station Road East,
Oxted, RH8 0BT

Tel: 01883 732425

Email: None

Surrey Primary Care Trust



Address: Lesley Hackney, Public Health Business Manager, Room G55 County Hall, Penrhyn Road, Kingston Upon Thames, KT1 2DN

Tel: 02085417976

Home Office (Immigration Enforcement)

Address: Alcohol Licensing Team, Lunar House, 40 Wellesley Road, Croydon, CR9 2BY

Email: Alcohol@homeoffice.gsi.gov.uk



40. Appendix C - Summary Review Flowchart

