



*Please reply to:*

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Date: 15 September 2020

## **Notice of meeting**

### **Licensing Sub-Committee**

**Date:** Wednesday, 23 September 2020

**Time:** 10.00 am

**Place:** Skype video conference call

#### **To the members of the Licensing Sub-Committee**

Councillors:

R.W. Sider BEM (Chairman)

K.M. Grant

A.J. Mitchell

**Note:** In the event of one of the aforementioned Licensing Committee Members being unable to attend or serve on this Sub-Committee another Member of the Licensing Committee will be called to serve in their place.

*Councillors are reminded to notify Committee Services of any Gifts and Hospitality offered to you since the last Council meeting so that these may be entered in the Gifts and Hospitality Declaration book.*

**Spelthorne Borough Council, Council Offices, Knowle Green**

**Staines-upon-Thames TW18 1XB**

[www.spelthorne.gov.uk](http://www.spelthorne.gov.uk) [customer.services@spelthorne.gov.uk](mailto:customer.services@spelthorne.gov.uk) Telephone 01784 451499

## AGENDA

Page nos.

**1. Disclosures of Interest**

To receive any disclosures of interest from members in accordance with the Members' Code of Conduct.

**2. To consider an application for a Premises Licence at Burger Plus, Church Street, Staines upon Thames, TW18 4EN, in the light of representations**

**3 - 186**

The Report of the Deputy Chief Executive is attached.

A procedure note which explains what happens at a Licensing Sub-Committee, follows.

## Licensing Act 2003

### Hearing procedure for Licensing Sub-Committee – premises licence applications

	<b>Introductions</b>
1.	The Chairman will open the meeting, introduce members of the Sub-Committee and officers present and explain the nature of the decision to be taken and the procedure to be followed.
2.	The Applicant or their representative will introduce themselves to the Sub-Committee.
3.	Any Responsible Authorities and/or Other Persons will introduce themselves to the Sub-Committee.
	<b>Summary of Application and Representations</b>
4.	The Council's Licensing Manager will outline the application, any relevant representations and highlight any points relevant to the Licensing Authority's Statement of Licensing Policy and statutory guidance. OR summarise the salient points of the report on the agenda.
5.	The Applicant or their representative may ask the Licensing Manager <b>QUESTIONS</b> arising from what he/she has said or relating to the application. (The Applicant will have the opportunity to state his/her case later).
6.	The Responsible Authorities may ask relevant questions of the Council's Licensing Manager.
7.	Any Other Persons may ask relevant questions of the Council's Licensing Manager.
8.	The members of the Sub-Committee may ask relevant questions of the Council's Licensing Manager.
9.	The Council's Licensing Manager may respond to any new issues raised.
	<b>The Applicant's Case</b>
10.	The Applicant or their representative will present their case.*
11.	The Responsible Authorities may ask relevant questions of the Applicant or their representative.
12.	Any Other Persons may ask relevant questions of the Applicant or their representative.

13.	The members of the Sub-Committee may ask relevant questions of the Applicant or their representative.
14.	The Applicant may respond to any new issues raised.
	<b>The Responsible Authorities case</b>
15.	The Responsible Authorities will present their case, in turn.*
16.	The Applicant or their representative may ask relevant questions of the Responsible Authorities.
17.	Any Other Persons may ask relevant questions of the Responsible Authorities.
18.	The members of the Sub-Committee may ask relevant questions of the Responsible Authorities.
19.	The Responsible Authorities may respond to any new issues raised.
	<b>The Other Persons Case</b>
20.	Any Other Persons will present their case, in turn.*
21.	The Applicant or their representative may ask relevant questions of the Other Persons.
22.	The Responsible Authorities may ask relevant questions of the Other Persons.
23.	The members of the Sub-Committee may ask relevant questions of the Other Persons.
24.	The Other Persons may respond to any new issues raised.
	<b>Summing Up</b>
25.	The Chairman will invite the Licensing Enforcement Officer to clarify any technical points.
26.	The Chairman will invite the Other Persons to briefly summarise their case if they so wish.
27.	The Chairman will invite Responsible Authorities to briefly summarise their case if they so wish.
28.	The Chairman will invite the Applicant or their representative to briefly summarise their case if they so wish.
29.	The Chairman will then ask all parties if they are satisfied they have said all they wish to.



	<b>Decision</b>
<b>30.</b>	The members of the Sub-Committee will retire to reach a decision in private, accompanied by the Council's legal officer and Committee Manager.
<b>31.</b>	Members of the Sub-Committee return. The Chairman will announce the decision of the Sub-Committee with (summary or full) reasons for the decision.
<b>32.</b>	Meeting closed.
<b>33.</b>	The Council's legal officer will remain in the room to assist all parties should they require clarification of the decision and/or next steps.

### **GUIDANCE NOTES**

\*The Licensing Authority will allow the parties an equal maximum period of time in which to address the Sub-Committee, but request that all parties keep points pertinent and the discussion moving in the interests of cost and efficiency. However, the overriding principle for the Licensing Authority will be to ensure that all parties receive a fair hearing.

- (a) Cross examination of parties is at the discretion of the Sub-Committee.
- (b) When the Applicant questions the Licensing Manager or any other party he/she should not go into the merits of his/her case as he/she will have an opportunity to present it at Stage 10. He/she should only ask questions relating to what the Licensing Manager or other person has said or relating to the application as a whole.
- (c) The Applicant or any other party may be represented by a friend or a professional person to speak on his/her behalf who will follow the same procedure as described above and who may call the Applicant as a witness.
- (d) The order or proceedings may be varied by the Chairman if he/she thinks that it is necessary to do so in the interests of affording the Applicant a fair hearing or in order to take into account all relevant considerations.
- (e) If, after the Sub-Committee has withdrawn to make their decision, they decide that they need to ask a question of any of the parties involved in the proceedings or to clarify any matter then they shall do so in the presence of all parties.
- (f) Members of the Sub-Committee must be present throughout the hearing and must not communicate with any party involved in the proceedings except for when they are in the presence of all of the parties and the remainder of the Sub-Committee.



# Licensing Sub-Committee

23 September 2020



<b>Subject</b>	Application for a <b>new</b> Premises Licence at 25 Church Street, Staines-Upon-Thames TW18 4EN.		
<b>Purpose</b>	For determination		
<b>Report of</b>	Deputy Chief Executive	Ward	Staines
<b>Contact</b>	Lucy Catlyn, Temporary Principal Licensing Officer (01784 444295)		

<b>Description and Location</b>	Burger Plus Group UK Limited have applied for a premises licence at their existing takeaway premises. The premises is located in Staines-Upon-Thames town centre opposite the London Stone public house and a taxi office operate in the very close vicinity. There is also another fast food takeaway business on the same road and a fish and chip shop. Plan at <b>Appendix A</b> .
<b>The Application</b>	<p>The application is to permit the provision of late night refreshment. The hours proposed for late night refreshment on the application form were 23.00 to 03.00 daily. The proposed opening hours on the application were from 11.30 to 03.00 daily.</p> <p>The applicant has agreed to reduce his opening hours and late night refreshments times to fall in line with the planning permission which is:</p> <p>Opening Hours: 11.30-01.00am Monday to Saturday and 11.30-23.30 on Sundays and Bank Holidays.</p> <p>Late night refreshment hours: 23.00-01.00am Monday to Saturday and 23.00-23.30 on Sundays and Bank Holidays.</p> <p>The application form is attached at <b>Appendix B</b>.</p>
<b>Representations</b>	<p>Relevant representations received from Other Persons.</p> <p>Letters of representation are attached at <b>Appendix C</b>.</p>

<b>Options</b>	<ol style="list-style-type: none"> <li>1. The Sub-Committee is requested to consider the application for the grant of a premises licence on its merits.</li> <li>2. Having had regard to the representations, the Sub-Committee must decide on one or more of the following options as it considers appropriate for the promotion of the licensing objectives: <ul style="list-style-type: none"> <li>▪ <b>To grant the application subject only to such conditions as are consistent with the operating schedule and the mandatory conditions; or</b></li> <li>▪ <b>To grant the application and modify the conditions of the licence, by alteration, addition or omission; or</b></li> <li>▪ <b>To exclude from the scope of the licence any of the licensable activities to which the application relates; or</b></li> <li>▪ <b>To reject the whole or part of the application.</b></li> </ul> </li> </ol>
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## **1. Background**

- 1.1 The licensing agent has advised that the premises was previously called Chequex and operated as a pawnbrokers, foreign currency exchange and pay day loans. We have spoken to Burger Plus Group UK Limited and they have advised that they completed ownership of the lease on 7 May 2019 and they later then changed the planning premises use in August 2019. They opened as a takeaway shop approximately October/November 2019.

## **2. Application Summary**

- 2.1 An application for a premises licence was submitted on 31 July 2020 by Burger Plus Group UK Limited. A copy of the application form is at **Appendix B**.
- 2.2 The application is for a fast food takeaway premises to permit late night refreshment. The times for licensable activity and opening hours have been amended from the original application following an objection from Spelthorne Borough Council's Planning Authority.
- 2.3 The proposed opening hours are: 11.30-01.00am Monday to Saturday and 11.30-23.30 on Sundays and Bank Holidays.
- 2.4 The licensable hours proposed for late night refreshment are: 23.00-01.00am Monday to Saturday and 23.00-23.30 on Sundays and Bank Holidays.
- 2.5 The Licensing Authority sent the application to the responsible authorities as required by the Licensing Act 2003 on 31 July 2020. The notice of the application was displayed at the premises during the representation period and a copy of the notice was published in the Surrey Advertiser on 7 August 2020.

## **3. History**

- 3.1 The Licensing Authority were contacted on 21 July 2020 by a member of the public asking what Burger Plus's closing time was. They advised that the last Saturday evening/Sunday morning Burger Plus was still serving customer after 01.40am. The complainant further stated that when the staff at Burger Plus shut shop they congregate outside the shop until about 01.30am talking loudly to each other and this has woken them up on numerous occasions. When a Licensing Enforcement Officer responded to the complainant, the complainant advised that the delivery drivers do not respect neighbours when they stand around outside Burger Plus after 1.00am talking loudly to each other. They further commented that there is a refuse vehicle that comes to collect some wheelie bins at 2.00am on a Monday morning. The issue of the bin collection is for the Planning Authority.
- 3.2 The Licensing Authority contacted Mr Habib Noory from Burger Plus on 28 July 2020 to advise that it had been noted from their website that they were opening past 11pm and selling hot food and drink. He was advised that he needed to apply for a premises licence in order to sell hot food and drink after 11pm. He was also advised of the complaint received. Mr Noory was asked to speak to his staff regarding the complaint. Mr Noory responded stating he had a licence.

- 3.3 When challenged that he was operating without a premises licence, Mr Noory believed that he had a licence and sent over his planning permission. He was advised he needed to obtain a premises licence. The Licensing Authority have not objected to the application due to the premises operating without a licence as a licence was applied for within good time.
- 3.4 Since the application was submitted the applicant's agent has applied for Temporary Event Notices (TENs). The Licensing Act 2003 specifies that only Environmental Health and Police can object to a TEN. It should be noted that planning is independent of licensing, however the times applied for fall outside of the planning permission granted. The details of the TENs are as follows:
- Late TEN from 7 August 2020 to 12 August 2020 for the provision of late night refreshment from 23.00 to 03.00 every day.
  - Late TEN from 19 August 2020 to 25 August 2020 for the provision of late night refreshment from 23.00 to 03.00 every day.
  - Late TEN from 9 September 2020 to 16 September 2020 for the provision of late night refreshment from 23.00-03.00 every day.
- 3.5 The Licensing Authority were contacted by a complainant on 23 August 2020 in respect of the TENs that relate to 19 August 2020 to 25 August 2020.
- 3.6 Following the complaint the Licensing Authority contacted Mr Noory. In reply Mr Noory felt there was confusion with drivers who work for Uber or Just Eat who are operating in the same road. Mr Noory stated that he has well trained drivers and enclosed a copy of the code and conduct agreement made with their drivers. The complainant had advised that Mr Noory's delivery driver was honking his horn at 3.34am on 23 August 2020. This is disputed by Mr Noory. Mr Noory supplied CCTV footage however the Licensing Department were unable to view it due to technological issues. A copy of the email exchange with Mr Noory is attached at **Appendix D**. A copy of the Driver Code of Conduct for drivers that Mr Noory refers to in the email exchange is attached at **Appendix E**.

The Licensing Department has not visited the premises to view CCTV footage and note that the licensing agent wishes to submit CCTV in evidence for the Committee.

#### **4. Environmental Health**

- 4.1 Environmental Health were contacted by a complainant on 27 August 2020 in respect of noise from the premises. The complaint relates to patrons coming out, screaming and shouting and delivery drivers turning up to pick up food and using their horn.
- 4.2 Environmental Health have not objected to this application, however they emailed the Licensing Authority on 27 August 2020 to advise that they did have concerns regarding the request for the premises to open as late as 3.00am, due to the impact of noise from customers and takeaway deliveries on nearby residents.

#### **5. Promotion of the Licensing Objectives**

- 5.1 The Licensing Objectives together with examples from Government Guidance are set out below for information:

### **Prevention of crime and disorder**

- Criminal behaviour on, or directly attributable to, the premises.
- Under age sales
- Anti-social behaviour on, or directly attributable to, the premises.

### **Public safety**

- E.g. overcrowding, fire safety, emergency exits and anything related to the safety of the public within the premises.

### **Prevention of public nuisance**

- Noise/light or odour nuisance
- Litter

### **Protection of children from harm**

- In relation to off sales of alcohol, the most relevant issue under this licensing objective is the prevention of sales of alcohol to under 18s

5.2 Section 18 of the application form, at **Appendix B**, details the proposed steps to be taken to promote the licensing objectives. The Licensing Authority together with Surrey Police and Surrey County Council agreed amended conditions to replace this operating schedule. These were further amended when the applicant reduced their licensable hours and opening hours. A copy of the correspondence together with the operating schedule is attached at **Appendix F**. Should the licence be granted, these conditions will be attached to the licence

5.3 The applicant's agent has subsequently written to both the Local Planning Authority and to all 'other persons,' to explain that the applicant has amended its application to reduce both the opening hours and hours for the provision of late night refreshment, and to invite them to withdraw their representations. The amended operating schedule was also included in the letters.

## **6. Representations**

### **6.1 i) Representations from Responsible Authorities**

A representation from Spelthorne Borough Council's Planning Authority has been withdrawn following the amended application reducing the hours to replicate those permitted by the planning permission dated 22 May 2020.

### **ii) Representations from 'other persons'**

Five relevant representations were received from other persons, one of these has been withdrawn as a result of the amended application. The remaining four representations are attached at **Appendix C**.

6.2 No further representations had been withdrawn prior to the publication of this report.

6.3 The grounds for objection are summarised below in relation to each Licensing Objective.

### **Prevention of crime and disorder**

- Anti social behaviour.

- Some of the staff have been involved in fights that have taken place in Church Street. Allegedly staff witnessed a fight and did not contact police.

### **Prevention of public nuisance**

- Noise complaints have been made to premises in relation to very loud music played from cars of their delivery drivers and customers.
- The delivery drivers have no consideration arriving and departing with their car radios volume being excessively loud.
- After the premises closes the employees hang around outside the shop and sometimes across the road speaking loudly to each other.
- Constant procession of delivery drivers outside, revving their engines, shouting to each other and honking horns. Talking loudly on mobile phone late at night.
- Every Friday and some other nights the noise and social disorder has reached unacceptable levels again.
- Increase in noise, litter, broken bottles, vomit and inevitable fighting outside the door.
- Public concerns were raised during the planning consultation period about the nuisance and disruption that extended hours would cause, particularly in respect of nearby residential accommodation and through negotiation with the applicant revised hours were agreed.
- Large groups congregating outside Burger Plus which can be heard late at night.
- Increase in noise levels since Burger Plus opened and a concern how noise levels will increase once a very close by premises reopens to full business.
- Sleeping with windows closed due to noise and constant smell of cooking meat.

6.4 Issues which are not relevant to the licensing objectives and cannot be taken into account by a Licensing Sub-Committee:

- Objections on the basis of need, or lack of need, for premises to sell alcohol
- Parking, or other issues relating to general amenity rather than licensing objectives

## **7. Licensing Policy**

7.1 The Sub-Committee must have regard to the Council's Statement of Licensing Policy 2019- 2024. The following sections of the Council's Licensing Policy are relevant to this application and are attached at **Appendix G**

- 3.0 LICENSING OBJECTIVES & LICENSABLE ACTIVITIES
- 8.0 CONDITIONS
- 9.0 ADMINISTRATION & DECISION MAKING



- 11.0 FUNDAMENTAL PRINCIPLES
- 17.0 LICENSING HOURS
- 25.0 CRIME & DISORDER
- 25.7 PUBLIC NUISANCE

## **8. National Guidance**

8.1 The Sub-Committee must also have regard to the National Guidance issued in April 2018 by the Secretary of State under section 182 of the Licensing Act 2003. The following sections are relevant to this application and are attached at **Appendix H**:

- Paragraphs 2.1 – 2.6 (Crime and disorder)
- Paragraphs 2.15 – 2.21 (Public nuisance)
- Paragraphs 3.12 – 3.20 (Late night refreshment)
- Chapter 9 (Determining applications) and in particular paragraphs 9.31 – 9.41 (Hearings) and paragraphs 9.42 – 9.44 (Determining actions that are appropriate for the promotion of the licensing objectives)
- Chapter 10 (Conditions attached to premises licences).

## **9. Making a decision**

9.1 In making its decision the Sub-Committee must promote the licensing objectives only, taking into account National Guidance and Spelthorne's Statement of Licensing Policy.

9.2 The Sub-Committee must give reasons for its decision.

9.3 It is only where additional and supplementary measures are appropriate to promote the licensing objectives that there will be a requirement for appropriate, proportionate conditions to be attached.

9.4 Conditions on licences must:

- be precise and enforceable;
- be unambiguous;
- not duplicate other statutory provisions;
- be clear in what they intend to achieve; and,
- be appropriate, proportionate and justifiable.

9.5 It is important in considering the promotion of the licensing objective on prevention of public nuisance, that the Sub-Committee focuses on any disproportionate or unreasonable effect the licensable activities at the premises, have on persons living and working in the area around the premises.

9.6 In determining the application, the Sub-Committee will need to consider whether there is actual evidence of problems in relation to the licensing objectives at this premises. Where the representations are unable to provide

evidence of observed problems, as in the case of a new licence application, the Sub-Committee should be convinced that there is a very real threat of the fears or the dangers described in the representations actually occurring, before applying any conditions to address such fears or dangers.

- 9.7 The decision made by the Sub-Committee will be subject to appeal rights to the Magistrates' Court as detailed in section 181 and Schedule 5 of the Licensing Act 2003.

## **Appendices:**

**Appendix A – Location Plan**

**Appendix B – Application**

**Appendix C – Representations from other persons**

**Appendix D– Email exchange between the Licensing team and the Applicant**

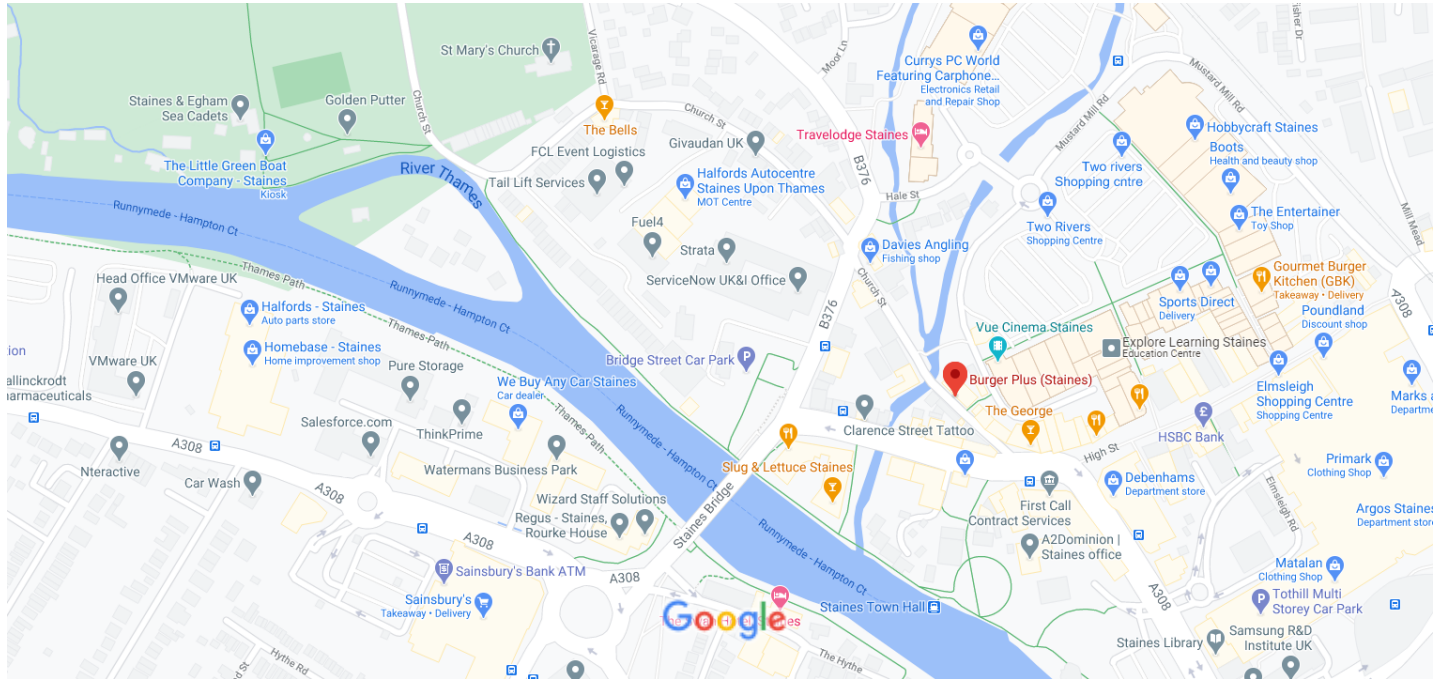
**Appendix E– Driver Code of Conduct submitted by Applicant**

**Appendix F- Letter from Agent detailing reduced hours and amended operating schedule**

**Appendix G – Relevant sections of Spelthorne Borough Council's Statement of Licensing Policy 2019 – 2024, sections 3, 8, 9, 11, 17, 25, and 25,7**

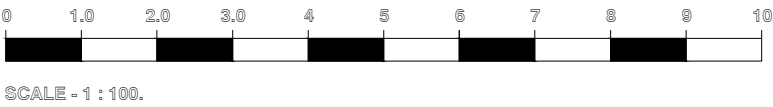
**Appendix H - Relevant sections of the National Guidance issued under section 182 of the Licensing Act 2003, paragraphs 2.1 – 2.6, 2.15 – 2.21, paragraphs 3.12 – 3.20, chapter 9 and chapter 10**

Google Maps Burger Plus (Staines)

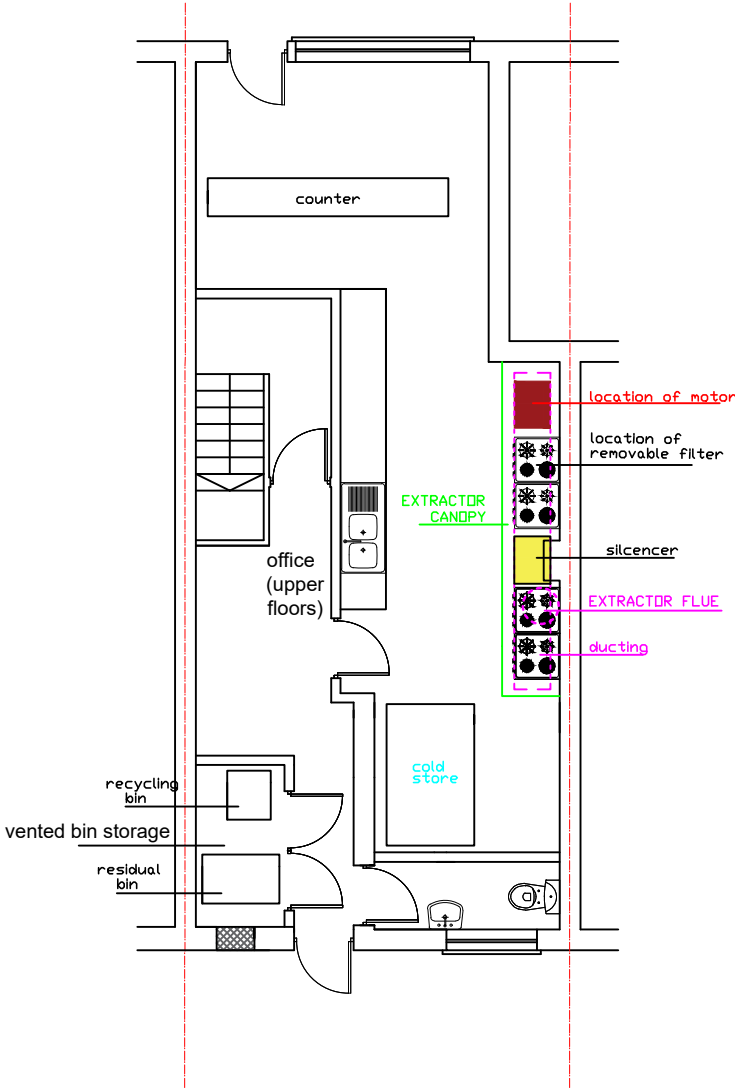


Map data ©2020 200 ft 

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APPENDIX A2 - Plan of premises



EXISTING GROUND FLOOR PLAN

M C S DESIGN Architectural Services Millennium Creative Services Design 53 Westmead, Windsor, SL4 3NN	
mob: 07989319224 tel: 01753 869117 fax: 01753 869117 www.mcsdesignservices.co.uk email: info@mcsdesignservices.co.uk	
client	MR. HABIB NOORY
site	25 CHURCH STREET, STAINES, TW18 4EN
project	APPLICATION FOR PREMISES LICENCE
title	EXISTING GROUND FLOOR PLANS
status	Application for late operating hours licence
drawing number	NOORY/PLAN/001
scale	1:100 @ A3
drawn	Kaleem Janjua B.Arch.
date	31st July 2020
revision	

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\* required information

## Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader  
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

Is the applicant's business registered in the UK with Companies House?

☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

11706192

Business name

BURGER PLUS GROUP UK LTD

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Legal status

Please select...

**Continued from previous page...**

Applicant's position in the business

DIRECTOR

Home country

United Kingdom

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

Building number or name

25

Street

CHURCH STREET

District

City or town

STAINES

County or administrative area

Postcode

TW18 4EN

Country

United Kingdom

**Agent Details**

\* First name

KALEEM

\* Family name

JANJUA

\* E-mail

info@mcsdesignservices.co.uk

Main telephone number

07989319224

Include country code.

Other telephone number

01753869117

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

- ☒ An agent that is a business or organisation, including a sole trader  
☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

Is your business registered in the UK with Companies House?

☐ Yes ☒ No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK?

☐ Yes ☒ No

Business name

NONE

If your business is registered, use its registered name.

VAT number

-

Put "none" if you are not registered for VAT.

Legal status

Sole Trader



**Continued from previous page...**

Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address    ☐ OS map reference    ☐ Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

**You must enter a telephone number**

Telephone number

Non-domestic rateable  
value of premises (£)

8,771

### Section 3 of 21

#### APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

#### Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

### Section 4 of 21

#### NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

#### Non Individual Applicant's Name

Name

HABIB NOORY

#### Details

**Continued from previous page...**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

DIRECTOR

**Address**

Building number or name

25

Street

CHURCH STREET

District

City or town

STAINES

County or administrative area

Postcode

TW18 4EN

Country

United Kingdom

**Contact Details**

E-mail

Telephone number

Other telephone number

\* Date of birth

 /  /   
dd mm yyyy

\* Nationality

BRITISH

Documents that demonstrate entitlement to work in the UK

Add another applicant

**Section 5 of 21**

**OPERATING SCHEDULE**

When do you want the premises licence to start?

 31 /  08 /  2020  
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end

 /  /   
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

FAST FOOD TAKEAWAY SERVICES BURGERS AND CHIPS AND PIZZA

Continued from previous page...

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If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

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**Section 6 of 21**

**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes ☒ No

**Section 7 of 21**

**PROVISION OF FILMS**

See guidance on regulated entertainment

Will you be providing films?

☐ Yes ☒ No

**Section 8 of 21**

**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes ☒ No

**Section 9 of 21**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

☐ Yes ☒ No

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

☐ Yes ☒ No

**Section 12 of 21**

Continued from previous page...

### PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

☐ Yes

☒ No

### Section 13 of 21

### PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes

☒ No

### Section 14 of 21

### LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☒ Yes

☐ No

#### Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- ☒ Indoors      ☐ Outdoors      ☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

FASTFOOD TAKE AWAY

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

## Section 15 of 21

### SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- ☐ Yes      ☒ No

### PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☒ Electronically, by the proposed designated premises supervisor  
☐ As an attachment to this application

Reference number for consent form (if known)

**Continued from previous page...**

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

## Section 16 of 21

### ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NONE

## Section 17 of 21

### HOURS PREMISES ARE OPEN TO THE PUBLIC

#### Standard Days And Timings

##### MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

##### TUESDAY

Start

End

Start

End

##### WEDNESDAY

Start

End

Start

End

##### THURSDAY

Start

End

Start

End

##### FRIDAY

Start

End

Start

End

##### SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start 11:30

End 03:00

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

## Section 18 of 21

### LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

We aim to comply with four licensing objectives including:

the prevention of crime and disorder  
public safety  
the prevention of public nuisance  
the protection of children from harm

b) The prevention of crime and disorder

Crime and anti-social behaviour

There is natural concern regarding issues around community safety, crime, disorder and the potential fear of crime during late opening hours. Staines own Centre is no longer considered a hotspot for alcohol-related crime and disorder. As no alcohol is served within the premises, this further reduces potential crime and disorder.

It is recognised that Hot Food Takeaways often attract a gathering of people and create 'hot spots' for crime and disorder, particularly at night. If the council feels there are concerns over crime and antisocial behaviour in the area, the applicant is happy to enter into a legal agreement (planning obligation) for the installation, improvements to or financial contribution towards safety and security measures such as CCTV systems. These will generally include security equipment specifically designed to prevent or deter violent crime. The CCTV coverage of the premises and the immediate vicinity outside in accordance with Surrey Police's Operational Guidelines in the use of CCTV within the takeaway.

Training given to staff in crime prevention measures

The staff will be given training using the attached HSE leaflet on 'Preventing Violence to Retail Staff'. Further advice will be sought from the local Crime Prevention Officer.

Working with other agencies to prevent crime and disorder



**Continued from previous page...**

Current arrangements for partnership working and exchange of information between the relevant enforcement agencies will continue. In particular, the takeaway will work closely with Police with regard to prevention of unsociable behaviour during late hours.

**c) Public safety**

Use of town centre radios (Shepherds Bush Town Centre) to enable licensed premises to communicate to each other and police

Working with other agencies to prevent crime and disorder

Current arrangements for partnership working and exchange of information between the relevant enforcement agencies will continue. In particular, the takeaway will work closely with Police with regard to prevention of unsociable behaviour during late hours.

**d) The prevention of public nuisance**

Noise and prevention of public nuisance

Measures could include:

- A simple requirement to keep doors and windows at the premises closed when customers enter the takeaway.
- No amplified music within the building
- Fitting self-closing devices on doors so that they do not stay open.
- Prominent clear and legible notices displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly
- The placing of litter and cans into bins outside the premises to take place at times that will minimise disturbance to nearby premises
- Notice to customers to leave quietly.

Litter

2 litter bins currently exist within and close proximity from the takeaway.

It is the proprietor's responsibility to maintain and empty these litter bins on a regular basis and to keep the area adjacent to the premises clear.

Litter can cause considerable annoyance and health risks to residents and adjoining businesses as well as raising concern about the potential attraction of pests and vermin.

Although the proprietor has little control over where customers drop their litter, they can act to significantly reduce the potential of its occurrence by providing litter bins both on their premises and outside.

Control of odours and cooking smells

Extraction systems already installed to effectively disperse odours from Hot Food Takeaway premises. It is designed not have an unacceptable impact on visual amenity. It does not appear as an incongruous feature in the street scene.

The extraction system is –

- Located to minimise its visual impact on the street scene and neighbouring land uses
- Of a colour, finish and design to blend in with the building to which it is attached
- Installed within the building where practicable.
- Designed and sited to prevent a cumulative effect of proliferation of extraction equipment.

Regular maintenance is carried out of the extraction equipment to ensure it is fully operational in order to minimise odours and fumes affecting neighbouring properties. The existing system meets the council's guidelines in terms of odour and noise generated from the motor which is further reduced using twin silencers.

**e) The protection of children from harm**

The protection of children from harm

This objective relates to the protection of children from moral, psychological and physical harm. This includes protecting them from early exposure to:

strong language

*Continued from previous page...*

sexual expletives  
adult entertainment  
drinking alcohol  
drug-taking  
gambling  
violence

Children of all ages need to be kept safe from harm, safeguarding is about making sure that they are protected from all kinds of harm, not only physical and sexual but also psychological, emotional and moral harm. Where there is a risk to children, measures should be taken to ensure their safety and well being. Appropriate recruitment and selection processes should be in place to ensure that appropriate checks are completed on all staff and volunteers including:

- Verification of identity
- References
- Where paid staff and volunteers with unsupervised access to children and young people should undertake an enhanced CRB check.

Staff should be easily identifiable (uniform or badge) and understand what they should do if they have concerns about the safety of children.

Staff should be trained in age verification and should understand how and where to report a concern about a child / children

It may be useful to identify a member of staff as the designated lead person on safeguarding issues. This may be the DPS / Manager. This person would be recommended to complete additional training in child protection

Child protection policy

All owners/licence holders and their staff should have a basic awareness of child protection issues. This includes:

- Being alert to the possibility of child abuse and neglect, i.e. the definition, prevalence, identifying features in a child or adult, legal parameters and social consequences.
- Having enough knowledge to recognise an abusive or potentially abusive event or set of circumstances.
- Knowing who in the organisation to raise your concerns with.
- Being competent in taking the appropriate immediate or emergency action.
- Knowing how to make a referral to Children's Services and/or the Police.

The protection of children from harm

This objective relates to the protection of children from moral, psychological and physical harm. This includes protecting them from early exposure to:

strong language  
sexual expletives  
adult entertainment  
drinking alcohol  
drug-taking  
gambling  
violence

If anyone involved with premises which have been licensed has any concerns about a child, then they must discuss these with Children's Social Care or the Police as soon as possible

In any situation where there is a suspicion that there may be abuse the welfare needs of the child must come first (see Children Act 1989) even where there may be a conflict of interest e.g. where the suspected perpetrator may be a customer, client or employee/employer.

***Continued from previous page...***

These may include concerns about a member of staff or a suspicion that an activity taking place in the establishment could place children at risk.

Children's Services (daytime) - 01482 448879

Children's Services Emergency out of hours – 01482 788080

Police non emergency number – 101

Emergency services - 999

The HSCB have produced a child protection policy template which is available from [www.hullsafeguardingchildren.org](http://www.hullsafeguardingchildren.org)

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

**Continued from previous page...**

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

**Continued from previous page...**

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

#### **Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

#### **Section 20 of 21**

#### **NOTES ON REGULATED ENTERTAINMENT**

**Continued from previous page...**

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

**Continued from previous page...**

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 21 of 21**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00



**Continued from previous page...**

Capacity 80000-89999 £56,000.00  
Capacity 90000 and over £64,000.00

\* Fee amount (£)

**ATTACHMENTS****AUTHORITY POSTAL ADDRESS****Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**DECLARATION**

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

☐ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

Date (dd/mm/yyyy)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/spelthorne/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**



Email to: Habib Noory  
Sent: Thu 27/08/20 16:02

Dear Habib

Thanks for your email.

I am afraid that I cannot open the attachments in your email. I am therefore unable to open your code of conduct – it would be best if you send this via PDF.

I am referring to the weekend of 22-23 August yes.

Apologies the complaint that has been made to me is that it is your delivery drivers who are honking their horns. I of course except you have no control of Just Eat and Uber, but if they are delivering food on your behalf then you need to ensure that they comply with your licence conditions and do not disturb residents.

As I mentioned on the phone your application has received objections and is going to licensing hearing. I would suggest you keep all CCTV for the times you have had TENs and I would suggest that you speak to your agent about putting your case forward which we can include in the report for Councillors. If you cannot get this over to us soon then it could be submitted to the hearing for Committee. I cannot comment on the rules on when things need to be in by or how you should go about submitting CCTV for the Committee to see so I have copied Committees in so that they can assist with this

I would recommend you have an agent or solicitor for the hearing but this is entirely up to you.

I will see if Paul my colleague can come and visit you to view your CCTV.

Thanks  
Lucy

**Lucy Catlyn**  
**Temporary Principal Licensing Officer**  
**Environmental Health and Licensing**

Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames TW18  
1XB  
Tel: 01784 444295

<https://www.spelthorne.gov.uk/article/19251/Coronavirus-Covid-19-Arrangements-for-Licensing-Service>

**From:** Habib Noory  
**Sent:** 27 August 2020 11:10  
**To:** Catlyn, Lucy  
**Subject:** Re: Burger Plus

Dear Lucy,

Date: 27th August 2020

Please find attached evidence from 23<sup>rd</sup> Aug 2020 after 01.00AM, and my response to your enquiry in this matter. Please do not hesitate to email me if you need any further evidence or need any help with this matter.

You mentioned>

1...I have received several complaints from a resident from the weekend just gone.

I assume, you are referring to date (weekend) gone 23<sup>rd</sup> August 2020?

2. The complainant has advised that your driver made a Hands free mobile call in street and honked his car horn at 3.34am. The complainant has asked that you ask delivery drivers to sit inside the shop after 1am. Would you agree to this? if so we will add this as a condition onto your premises licence.

**Q, The complainant has advised that your driver made a Hands free mobile call in street and honked his car horn at 3.34am.**

**A.** That's not true and our driver wasn't on the duty late that night, It may be the confusion over Uber or Just Eat mobile delivery drivers who we don't have any control over them as Church St is also being used by other online mobile deliver driver who are waiting on the street for their deliver call on their handheld device system for dropping parcels from various outlets in this area surrounding 2-3 miles radius.

We have no involvement anything that happens on public highway and only responsible for what's happening in our premises and also right outside our premises at some extant, our well trained fully conducted driver who knows our working practice. As per our clear instruction. They don't sit or even wait outside after late night. Please find copy of code and conduct agreement made with our drivers in this matter.

**Q, The complainant has asked that you ask delivery drivers to sit inside the shop after 1am. Would you agree to this?**

**A,**Yes, that's right we do ask our deliver drivers to sit/wait inside all the time, Most of them even don't come and wit as they are always on the run for deliver, so there is no question about them being waiting outside. Some deliver driver from other companies also have been informed to wait inside their car if they do have car then, they wait quietly inside the car in Church St, opposite parking bays until their order is ready. But they don't congregate outside as they aren't allowed outside my business, which we have made it very clear to all individuals from other online takeaways deliver drivers. I'm also going to write to each

online takeaways (Uber/Just Eat) Area managers for much clarification in what we are discussing.

**Q.** Please can you tell me why your delivery driver was honking his horn at 3.34am on 23 August 2020? The complainant has also advised me that at 1.18am delivery drivers were honking their horns as well.

**A.** Please see attached footage on the day, date, time shows that after George Pub and other business have closed for the day, many youth hang around within Church St, and also making close contacts with other drivers who are sitting in the cars, Some even were seen to be knocking London Pub(opposite) main door to gain entry(according to video footage).There was group of three-four people were seen singing after getting drunk which again we don't have any control on their behaviour as this become police matter if this is casing issues to local resident. As you may aware of Place in Goring Square where these youth go for urination after coming out from Two Rivers and pubs nearby. I have also reported this to your enforcement officer for this area who is well aware of anti-social behaviour issue's at late night. This should be reported to the Surrey police as there has been few incident of local fight breakout recently in Goring Square by youth after getting drunk (police were also called) But, it seems like anything that happens here in this area, we are being victimised as a business as we are doing the best practice and follow up all the necessary steps in how we can trade smoothly. Our deliver driver normally finish their work by 01:00am or well before that. It might be the member of public /teenagers in car/ or could be other online delivery drivers on the day. But I've already investigated with my two drivers and they have confirmed that they haven't done such action and there is no need to do so

**Q.** In addition to the honking of horns we have been advised that people were standing outside screaming and shouting at 1.18am on 23 August 2020. This is not acceptable. Please can you advise what happened? • The complainant has advised that at 02.08am on 23 August staff were standing

**A.**As you can see from the footage I've attached for you. There was a group of youth singing after coming out of The George Pub and Two Rivers which was not outside my shop but next door as it happening on public highway, I do instruct my staff to request these youth to stay calm and don't make noise but it's more of police matter when it comes to deal with such issues after they getting drunk on public highway. As a business we can only request but can't enforce what's happening on the road/highways. Please advise what differ we can do to help us and others in the area? Staff ive they don't have time to stand because there is much work to be done after we are closed, in terms of cleaning and other duties. Again ive asked and integrate with my staff who told me they were busy in the kitchen. It might be again we are being mistaken for (Uber/Just Eat/Other private parcel collector's). We have no control on other drivers not employed by us , as I said I wil be in contact with Uber/Just Eat team to make them aware if there is any issues causing by them as a matter of complaint's, our drivers 2x are obeying in principal with code of conduct they have signed for.

**Q.** This is completely unacceptable and i have advised you regarding your staff to have their conversations inside the premises You need to ensure that your delivery drivers are not honking their horns no matter what time of day. There is no need for them to do this.

**A.**Yes, they have been told by myself and they are adhering to my instructions. I will also ensure that other drivers who are here they don't make noise from now on..Or we stop

serving them for causing unpleasant to our kind neighbours. Please check the attached pictures for sign displayed inside our store.

Kind regards

Mr Habib

On 25 Aug 2020, at 20:04, Catlyn, Lucy <[L.Catlyn@spelthorne.gov.uk](mailto:L.Catlyn@spelthorne.gov.uk)> wrote:

Dear Habib

I have received several complaints from a resident from the weekend just gone.

- The complainant has advised that your driver made a Hands free mobile call in street and honked his car horn at 3.34am. The complainant has asked that you ask delivery drivers to sit inside the shop after 1am. Would you agree to this? if so we will add this as a condition onto your premises licence.
- Please can you tell me why your delivery driver was honking his horn at 3.34am on 23 August 2020? The complainant has also advised me that at 1.18am delivery drivers were honking their horns as well.
- In addition to the honking of horns we have been advised that people were standing outside screaming and shouting at 1.18am on 23 August 2020. This is not acceptable. Please can you advise what happened?
- The complainant has advised that at 02.08am on 23 August staff were standing on the pavement speaking loudly to each other. This is completely unacceptable and I have advised you regarding this in the past. Please ask your staff to have their conversations inside the premises.

You need to ensure that your delivery drivers are not honking their horns no matter what time of day. There is no need for them to do this.

I look forward to hearing from you as a matter of urgency.

Kind regards  
Lucy

**Lucy Catlyn**  
**Temporary Principal Licensing Officer**  
**Environmental Health and Licensing**

Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames TW18 1XB  
Tel: 01784 444295

<https://www.spelthorne.gov.uk/article/19251/Coronavirus-Covid-19-Arrangements-for-Licensing-Service>

For information on how Spelthorne Borough Council handles your data, please read our privacy notices [\(Taxi-Licensing\)](#)

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### DELIVERY DRIVER AGREEMENT

Drivers Name: \_\_\_\_\_ (Please Print)

As a Delivery Driver, I hereby agree to the following:

1. This Agreement commences on the date set out below and will continue until it is terminated by either party in accordance with clauses 20-26 below. Burger Plus appoints me to perform Services for it from time to time on the terms set out in this Agreement.
2. I agree to comply with the standards and procedures set forth by my employer and with all other guidelines from time to time established for my Delivery Driver position.
3. I will attend all scheduled driver meetings if any
4. Although I will be out on the road most of the time, I will also be an important part of the store team. From serving customers over the phone or at the counter, making sure the store is clean and presentable, stocking the make line, or simply making boxes – when other drivers aren't out on the road, I will pitch in to help out wherever needed.
5. I understand that I will get a free meal with drink from menu excluding some items, during my shift, any extra food and drink will be chargeable with staff discount of 20%
6. I understand that my working day begins on Monday and ends on Sunday and the wages for the week I worked will be paid on next week according to one week in and 1 week out.
7. I understand and I am prohibited from carrying any passengers without management authorization. I will uphold the high driver standards of a Delivery Driver.
8. I understand that it's my responsibility to check my delivery receipt prior to delivery for any drinks, deserts, ice creams, and milkshakes. in case of failure I should redeliver the missing item without any delay and charge.
9. I understand that I should behave with customers with appropriate and presentable manner as I will be representing the Burger Plus to the customer.
10. I understand that it's my responsibility to park my delivery vehicle appropriately and not cause disturbance to nearby neighbours, by listening to loud music, gathering in front of the store, smoking in front of the store.
11. I understand that I am not allowed to enter the kitchen area unless asked by the member of the operation team.

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9 The Stables, Wynyard, Billingham TS22 5QQ  
Tel: 01740 645037 / 07794 776383  
Fax: 0191 2475855

Specialist licensing advice, assistance and representation ■ taxis ■ alcohol and entertainment ■ wedding venues ■ gambling

Lucy Catlyn  
Temporary Principal Licensing Officer  
Licensing Authority  
Spelthorne Borough Council  
Council Offices  
Knowle Green  
Staines upon Thames  
TW18 1XB

Our Ref: DBW / Burger Plus  
Your Ref:  
Date: 9 September 2020  
Please ask for: David Wilson

**Sent by email only to**  
**[l.catlyn@spelthorne.gov.uk](mailto:l.catlyn@spelthorne.gov.uk)**

Dear Ms Catlyn,

**Burger Plus Group UK Ltd**  
**25 Church Street, Staines upon Thames TW18 4EN**  
**Application for a premises licence under the Licensing Act 2003**

As you know from our recent emails and telephone conversations, I have recently been consulted by Burger Plus Group UK Ltd in connection with the company's application for a premises licence under the Licensing Act 2003 that would, if granted, permit late night refreshments to be sold at the premises between 11pm and 3am daily, although the premises would trade from 11.30am daily.

As a result of direct and indirect discussions with the Licensing Authority, Surrey Police and Surrey County Council and having regard to the Local Planning Authority's representation and those made by residents of Aldous House, my client amends its application as follows:

- (1) The hours the premises would be open to the public shall be 11:30hrs to 01:00hrs Monday to Saturday and 11:30hrs to 23:30hrs on Sunday and Bank Holidays with the hours for the provision of late night refreshment being 23:00hrs to 01:00hrs Monday to Saturday and 23:00hrs to 23:30hrs on Sunday and Bank Holidays. That is to say they would adopt and replicate the hours permitted by the planning permission dated 22 May 2020.
- (2) You, on behalf of the Licensing Authority, Surrey Police and Surrey County Council, kindly distilled the original Operating Schedule into a set of clear conditions to be attached to the licence, the agreement to which by my client meant that the Licensing Authority, Surrey Police and Surrey County Council did not consider it necessary to make representations opposing my client's application.

**Website:**

[www.a2zlicensing.co.uk](http://www.a2zlicensing.co.uk)

**Email:**

[enquiries@a2zlicensing.co.uk](mailto:enquiries@a2zlicensing.co.uk)

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**Company details and registered office:**

a2z Licensing (David Wilson) Ltd  
9 The Stables, Wynyard, Billingham TS22 5QQ  
Registered in England and Wales Company No: 11830848

**Director:**

David B Wilson Cert HELL, MLoL, MBII.tp

I enclose herewith, for your consideration, a copy of the Amended Operating Schedule / proposed Conditions of Licence. This is not exactly the same as the document you kindly forwarded to me. The changes are:

Condition 12 that provided for delivery drivers to wait inside the premises when waiting for orders to be delivered after 1am has been deleted, because there will now be no deliveries after 1am as a result of the change to hours.

Condition 15, which is now Condition 14 as a result of the aforementioned deletion, has also been amended to reflect the closing time of 01:00hrs on Monday to Saturday and 23:30hrs on Sunday and Bank Holidays.

I would be most obliged if you would kindly acknowledge safe receipt of this letter and the enclosed Amended Operating Schedule / proposed Conditions of Licence and confirm that my client's application to have been amended accordingly.

I look forward to hearing from you.

Yours sincerely,

A handwritten signature in dark ink, reading "David B. Wilson". The signature is written in a cursive, flowing style.

**David B Wilson**

Licensing Consultant

Consulting Editor, Paterson's Licensing Acts 2015-20

Contributing Author and Consulting Editorial Board Member, LexisPSL

Email: david.wilson@a2zlicensing.co.uk

Mobile: 07794 776383

**Burger Plus Group UK Ltd, 25 Church Street, Staines upon Thames TW18 4EN**  
**Amended Operating Schedule / proposed Conditions of Licence**

1. The premises shall install and maintain a comprehensive CCTV system as per the following minimum requirements.
  - (a) Cameras will be sited to observe the entrance and exit doors both inside and outside.
  - (b) Cameras on the entrances will capture full frame shots of the heads and shoulders.
  - (c) Cameras viewing till areas will capture frames not less than 50% of screen.
  - (d) Cameras overlooking floor areas will be wide angled to give an overview of the premises.
  - (e) Will be capable of visually confirming the nature of the crime committed.
  - (f) Provide a linked record of the date, time and place of any image.
  - (g) Provide good quality images -colour during opening times.
  - (h) Operate under existing light levels within and outside the premises.
  - (i) Have the recording device located in a secure area or locked cabinet.
  - (j) Have a monitor to review images and recorded picture quality.
  - (k) Be regularly maintained to ensure continuous quality of image capture retention.
  - (l) Have signage displayed in the customer area to advise that CCTV is in operation.
  - (m) Digital images will be kept for 31 days.
  - (n) Police will have access to images at any reasonable time.
  - (o) The equipment will have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy, if this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies will be made available to Police on request.
2. Comprehensive Training will be given to staff in relation to the conditions of the Premises Licence and in crime prevention measures. A record of each individuals

training will be maintained and be available for inspection at the premises at all times by a Responsible Authority.

3. The staff will be given training using the HSE leaflet on 'Preventing Violence to Retail Staff'.
4. The premises will work closely with Police with regard to prevention of unsociable behaviour during late hours.
5. Customers will not be permitted to bring alcoholic drinks into the premises.
6. Written risk assessment to be conducted as to the need for security.
7. The premises must subscribe to and operate and thereafter maintain any local radio scheme operating in the area.
8. The doors and windows will be closed at the premises. The doors will have a self-closing device fitted so that they do not stay open.
9. Prominent clear and legible notices displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
10. Staff will ensure that customers waiting outside do not cause a disturbance to local residents.
11. Delivery drivers to respect the needs of local residents whilst outside the premises and to leave the premises and the area quietly.
12. The placing of litter into bins outside the premises to take place at times that will minimise disturbance to nearby premises.
13. A litter bin will be provided within the premises for customers. This will be emptied on a regular basis. Staff will check the area adjacent to the premises regularly every day to ensure any litter from the premises is promptly removed.
14. Last orders to be accepted which allow the supply of the late night refreshment to the customer prior to 01:00hrs Monday to Saturday and 23:30hrs Sunday and Bank Holidays.
15. The manager and/or owner is to be fully aware of the signs of Child Criminal Exploitation (CCE) and understands that the exploitation of a child is abuse and a crime. Training/awareness raising to be provided for each member of staff to cover The Awareness of Child Criminal Exploitation (CCE) and how to make a report if any concerns are raised for a child/children or a suspected perpetrator. A record of each individuals training will be maintained and be available for inspection upon request at the premises at all times by Responsible Authorities. Training/awareness raising of CCE to be given upon appointment and refreshed at least every 12 months. Information on training courses and available resources are contained on the Surrey CC Guidance for Premises Licence Holders and Operators found on the Surrey CC Website.
16. The premises licence holder will display appropriate signs/posters highlighting the signs of CCE and who to contact to raise concerns.

# **SPELTHORNE BOROUGH COUNCIL**

## **STATEMENT OF LICENSING POLICY 2019 – 2024**

### **Statement January 2019**

This Statement of Principles was approved by Spelthorne Borough Council on the 13 December 2018.

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## **1.0 Introduction**

Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of policy every five years. The legislation was amended two years ago to extend the statutory period requiring local authorities to review and update their Statement of Licensing Act policies from three to five years. However we will keep the policy under review and amend in the interim if necessary.

This statement provides information for existing licence holders, those wishing to apply for various licences under the Act, and for residents who may have views about applications. It also gives information on the various processes under the Act. However, separate guidance and information are available on request (see **Annex 2** for contact details).

## **2.0 The Spelthorne Area**

Spelthorne Borough Council is located 15 miles west of central London and sits in the far north-west corner of Surrey, close to the boundary of Berkshire. The Borough is also bordered by the London Boroughs of Hillingdon, Hounslow and Richmond. The Borough is 45% urban and the remainder protected as Green Belt.

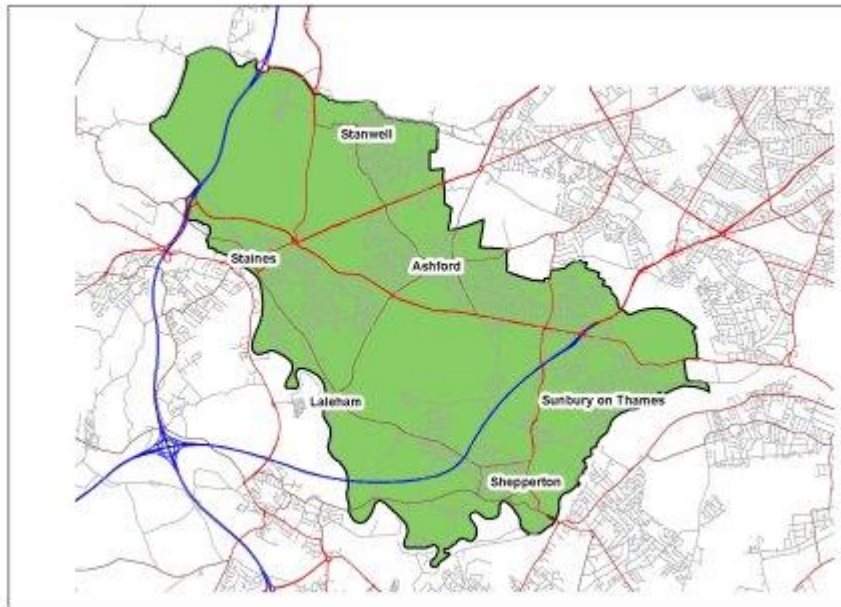
Spelthorne's resident population was 95,598 by the end of 2011, based on the 2011 census. The main centres of population are the towns of Staines, Ashford, Sunbury, Shepperton and Stanwell.

The local economy includes manufacturing and service industries, research, agriculture, the professions and many administration sites. In fact 20% of all commercial or industrial property in the county is located in the Borough, including the headquarters of national and international companies such as BP. Shepperton Film Studios and Kempton Park Racecourse are also located within the Borough. Heathrow, the busiest international airport in the world, lies on the Borough's northern edge and inevitably has a major impact on the area both economically (13% of Spelthorne's economically active population work there) as well as environmentally.

Transport links in the area are mainly good but traffic can get very congested. The busiest section of the M25 passes through the western part of the Borough while the M3 starts in the south of Spelthorne at Sunbury Cross. Bus and rail links to London are good, but poor to the rest of Surrey.

Spelthorne is home to a wide variety of licensed premises and has approximately 45 pubs, 23 members' or sports' clubs, 107 shops selling alcohol, 55 restaurants and 48 "other" – including late night takeaways, cafés, hotels and community halls.

## 2.1 MAP OF THE BOROUGH



## 3.0 LICENSING OBJECTIVES AND LICENSABLE ACTIVITIES

Section 4 of the Licensing Act requires the Licensing Authority to carry out its licensing functions with a view to promoting the **Licensing Objectives**, which are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

Decision making will be based on promoting these licensing objectives. Decision makers will also have regard to this policy document and any guidance issued from time to time by the Secretary of State.

The policy relates to all “licensable activities” as defined by the act, namely:-

- Retail sale of alcohol (for the avoidance of confusion, the definition of alcohol was amended by the Policing and Crime Act 2017 to include alcohol “in any state”. This is to make it clear that products such as powdered and vaporised alcohol fall within the definition provided by the 2003 Act.)
- Supply of alcohol to club members
- Provision of ‘regulated entertainment’ (listed below) – to the public, to club members or with a view to profit
  - A performance of a play
  - An exhibition of a film
  - An indoor sporting event
  - Boxing or wrestling entertainment

- A performance of live music (except within limits defined by The Live Music Act 2012)
- Any playing of recorded music
- A performance of dance
- Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance
- The supply of hot food and/or drink from any premises between 11pm and 5am (known as Late Night Refreshment).

Note: The requirement to license “entertainment facilities” was removed in October 2012.

#### **4.0 PREMISES LICENCES AND CLUB PREMISES LICENCES**

Premises licences are needed for any business that involves the use of any premises for the licensable activities outlined above. “Premises” does not necessarily have to be a building. If public access to the premises will be restricted to members and guests, a club premises certificate may be obtained.

The “operating schedule” is a key part of the application as it outlines what measures the applicant will put in place to promote the licensing objectives outlined above. These steps will normally become licence conditions. Applications must also contain details of the types of licensable activities, operating hours, and a plan of the premises.

Plans are not be required to be submitted in any particular scale, but must be in a format which is “clear and legible in all material respects”, i.e. they must be accessible and provide sufficient detail (including the relative size of any features relevant to the application) for the Council to be able to determine the application. There is no requirement for plans to be professionally drawn as long as they clearly show all the prescribed information.

#### **5.0 ANNUAL FEES**

Premises licences are not renewed annually but a statutory annual fee is payable.

The 2003 Act requires a licensing authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due. This does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee before or at the time of the due date. In either of these cases, there is a grace period of 21 days. This period is intended to allow the licensing authority and the licence or certificate holder an opportunity to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence will be suspended.

#### **SUSPENSION OF LICENCE FOR NON PAYMENT OF ANNUAL FEE**

If a licensing authority suspends a licence or certificate, it must notify the holder in writing and specify the date on which the suspension takes effect; this date must be at least two working days after the day the authority gives the notice. In Spelthorne, we shall give at least 7 days' notice. We will inform the police and other relevant responsible authorities that the licence or certificate has been suspended as soon as practicable.

A suspension ceases to have effect on the day on which the licensing authority receives payment of the outstanding fee from the licence or certificate holder. To enable the licence holder to demonstrate that the licence has been reinstated, the licensing authority is required to give the holder written acknowledgment of receipt as soon as practicable following receipt, and:

- a) If payment was received on a working day, no later than the end of the next working day, or;
- b) If payment was received on a day when the authority is not working, no later than the end of the second working day after the day on which the fee was received.

Once the outstanding payment has been received and the suspension lifted, we will inform the police and other relevant responsible authorities that the licence or certificate has been reinstated.

## **6.0 PERSONAL LICENCES**

A personal licence authorises the holder to sell alcohol, or authorise the sale of alcohol, in a premises that has a premises licence or other relevant authorisation such as a Temporary Event Notice (see below).

Individuals applying for a personal licence must prove their entitlement to work in the UK. Where an applicant's immigration permission to live and work in the UK is time-limited, a personal licence may be issued but will become invalid when the immigration permission expires. In the event that the Home Office cuts short or ends a person's immigration permission (referred to as curtailment or revocation), any licence issued will automatically lapse.

Applicants must be over 18, must not have forfeited a personal licence within five years of the application, and have an accredited licensing qualification. The application must be accompanied by a criminal record check that is less than one month old.

Where an applicant for a Personal Licence has certain types of conviction (for relevant or foreign offences as defined by the act) or, has been required to pay an immigration penalty, the Authority is required to notify the police and - in the case of immigration offences and penalties - the Secretary of State. In these cases a licence may still be granted, unless an objection is received within the prescribed period.

A police objection would normally lead to the application being decided by a licensing sub-committee. A conviction cannot be taken into account if it is “spent” for the purposes of the Rehabilitation of Offenders Act 1974.

When considering an objection notice or immigration objection notice the authority will take the following matters into consideration:

- the circumstances in which the offences were committed or the penalty imposed;
- the period that has elapsed since the offence(s) were committed or the penalty imposed;
- whether the offences/penalty reveal a pattern of offending or were a one-off occurrence; and
- any mitigating circumstances.

In consideration of an objection notice the Authority will usually reject an application (or in the event of a review, revoke the licence) if it considers it appropriate to do so in order to promote the crime prevention objective.

In consideration of an immigration objection notice the Authority will reject the application/revoke the licence if it considers it appropriate to do so for the prevention of illegal working in licensed premises.

Prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of the Authority under the Crime and Disorder Act 1998. Granting a licence to a person with relevant convictions will in many cases undermine rather than promote the crime prevention objective. Similarly granting a licence to a person convicted of an immigration offence or who has paid an immigration penalty will in many cases go against the prevention of illegal working in licensed premises which itself is a crime.

Applicants must apply to the Licensing Authority where they live rather than where they work. The Licensing Authority will stay the same even if the holder moves out of the Borough. The personal licence holder must notify changes of name or address to the Licensing Authority and there is a statutory fee payable.

Where the Council becomes aware that a Personal Licence holder has been convicted of a relevant offence, foreign offence or required to pay an immigration penalty it may suspend the licence for a period not exceeding six months or revoke the licence. Before doing so the Council will serve a notice on the personal licence holder inviting them to make representations within 28 days regarding:

- the offence /penalty;
- any decision a court made regarding the licence at the time of the conviction; and
- any other relevant information (including the holder’s personal circumstances).

After the 28 day period has elapsed the authority will make a decision as to what action it will take based on the information provided to it. In circumstances where the Authority does not propose to revoke the licence, notice must be given to the Chief Officer of Police inviting representations as to whether the licence should be suspended or revoked. The Act does not require a hearing to be held at any stage during the process, although the Authority may invite the licence holder to make a personal representation. Licence holders (and the police) will be notified of the Authority's decision in writing along with their right of appeal.

The Council can not take action if the licence holder has appealed against the conviction or sentence imposed in relation to the offence until the appeal is disposed of. Where an appeal is not lodged, the licensing authority can not take action until the time limit for making an appeal has expired.

## **7.0 TEMPORARY EVENT NOTICES**

Temporary Event Notices (TENs) can be given for small-scale licensable events. TENs may cover a wide range of activities such as permitting the sale of alcohol from a beer tent at a school fete or during the interval of a school play, to a pub who want to extend their permitted licensing hours. They are served rather than applied for.

The event must:

- have less than 500 people at any one time – including staff and any performers
- last no more than 168 hours, (7 days)

You must be at least 18 to serve a Temporary Event Notice.

If an applicant is organising separate but consecutive events, there must be at least a 24 hour gap between them.

An applicant can give up to five TENs a year. If they have a personal licence to sell alcohol, this limit is increases to 50 TENs a year.

A single premises can have up to 12 temporary events in one calendar year, as long as:

- the total length of the events is not more than 21 days
- one person doesn't make more than five applications for the premises

A TEN will be required for each event held on the same premises. Under the 2003 Act 'premises' can mean any place. Events authorised under a TEN will therefore not always be in a building with a formal address and can take place, for example, in public parks and plots within larger areas of land. In all cases, the premises user should provide a clear description of the area in which they propose to carry on licensable activities, including whether the premises are, for example, an open field or a beer tent.



## **‘Late TENS’**

A ‘late TEN’ can be submitted up to five working days before the event. If an applicant doesn’t hold a personal licence, they can serve up to five notices (of which up to two may be late). If they hold a personal licence, the limit is 50 notices (of which up to 10 may be late).

If there are Police or Environmental health objections to a late TEN, then the event cannot go ahead. There are no provisions to hold hearings.

Guidance and further details on how to serve TENS are available separately. Although ten clear working days is the minimum possible notice that may be given, the Council prefers advance notice of events and literature published in documentation and on the website will ensure this is clear for applicants.

Only the Council can impose conditions on a TEN from the existing conditions on the premises licence or club premises certificate at the venue, in response to an objection from Environmental Health or Surrey Police. However, it may wish to act in an intermediary position in order to make recommendations for criteria an applicant should aim to meet – based upon the professional input of another authority: so as to avoid the need for counter-TENS needing to be served in response to future notices.

It is important for applicants to note that serving a TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission, where it is required.

## **8.0 CONDITIONS**

The authority wishes to encourage high quality, well managed premises. The operating schedule should describe how these high management standards will be achieved. In particular applicants will be expected to demonstrate:

- knowledge of best practice;
- that they understand the legal requirements of operating a licensed business; and
- a knowledge and understanding of the licensing objectives, relevant parts of the licensing policy, and their responsibilities under the Licensing Act 2003.

Measures offered by applicants on their operating schedule will normally become licence conditions. They therefore must be enforceable and the meaning must be clear and unambiguous. The authority may alter the wording of a condition to achieve this. The context or meaning of the condition will not be changed.

The Licensing Authority may only attach conditions to a premises licence where "relevant representations" have been received. Relevant

representations are those that relate to the licensing objectives, are about the particular application and relate to the particular premises.

Conditions will only be attached to a licence where they are appropriate for the promotion of one or more of the licensing objectives. They will focus on matters that are within the control of individual licensees and that are relevant to the type of premises and licensable activities that take place.

When considering conditions, the Licensing Authority will take into account the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

Conditions that duplicate provisions in other legislation would not normally be added to licences.

### **8.1 Authorisation of Sales**

There is a mandatory condition on all premises licences that permit the sale of alcohol that all such sales must be authorised by a person who holds a personal licence. It is recommended that this authorisation be given in writing and that this written authorisation be available for inspection by police officers (including suitably authorised police staff), trading standards or licensing officers.

## **9.0 ADMINISTRATION AND DECISION MAKING**

This Policy shall be decided upon by the full Council. The Licensing Committee will consist of a maximum of 15 Members of the Council. If there are relevant representations against an application, the Licensing Authority will try to resolve issues between applicants and those making representations to try to reach agreement so that a hearing is not necessary.

Members of the public who wish to submit a representation will be made aware that their personal details will be made available to the applicant, unless they clearly state that they wish for them to be redacted. Anonymous representations however, will not be accepted by the Licensing Authority.

Where relevant representations have been made and not subsequently withdrawn, applications will be heard by a sub-committee of three members drawn from the Licensing Committee.

The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention; the Council's licensing department may do so where considered appropriate without having to wait for representations from other responsible authorities. In cases where Spelthorne's licensing department is also acting as a responsible authority and has submitted a representation against or in support of an application being determined by a sub-committee, it is important to achieve a separation of responsibilities within the authority - to ensure procedural fairness and eliminate conflicts of interest.

A separation will be achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority. The officer advising the sub-committee (i.e. the authority acting in its capacity as the licensing authority) will be a different person from the officer who is acting for the responsible authority.

Guidance issued by the Home Office conveys that it should be considered reasonable for licensing authorities to expect other responsible authorities will intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.

The circumstances in which licensing decisions may be delegated to an officer are set out in **Annex 3**.

## **10.0 CONSULTATION**

The Statement of Licensing Policy shall be formulated following wide consultation with other regulatory bodies, representatives of the trade, licence holders, local residents and businesses, the emergency services, supermarket and shop owners. A full list of consultees may be found at Annex 1.

## **11.0 FUNDAMENTAL PRINCIPLES**

It is recognised that licensing law is not the only means of controlling general anti-social behaviour, whether alcohol-related or not. However, licensing plays an important part in managing the night-time economy, particularly in town centres and any other identified “high risk” areas.

This authority recognises that individuals or businesses

- have the right to apply under the Act for a variety of permissions and have any such application considered on its individual merits
- have the right to make representations on an application or to seek a review of a licence or certificate.

The authority has a duty to prevent crime and disorder under Section 17 of the Crime and Disorder Act 1998 and are committed to working closely with Surrey Police, other agencies, local residents and businesses to achieve this.

The authority will act in accordance with the values, principles and standards set out in the Equalities Act 2010.

The Human Rights Act 1998 makes it unlawful for a local authority to act in a way that is incompatible with a convention right. The authority will have

regard to the Human Rights Act when undertaking licensing functions, particularly the following relevant provisions:

- Article 6 – everyone is entitled to a fair and public hearing within a reasonable time, by an independent and impartial tribunal established by law
- Article 8 – everyone has the right to respect for his home and private and family life
- Article 1 of the first protocol – every person is entitled to the peaceful enjoyment of his or her possessions.

## **12. ENTITLEMENT TO WORK IN THE UK**

As with personal licences, individuals applying for a premises licence for the sale of alcohol or late night refreshment must be entitled to work in the UK. The Council must therefore be satisfied that any individual(s) who apply for a premises licence does have this entitlement. An application made by an individual without the entitlement to work in the UK will be rejected. This applies to applications which include the sale of alcohol and the provisions of late night refreshment, but does not include applications which apply to regulated entertainment only. For example, a person applying for a licence for a music venue who does not intend to sell alcohol or late night refreshment is not prohibited from applying for a licence on grounds of immigration status. However, they will commit a criminal offence if they work illegally.

The Council should establish whether or not an applicant has a lawful immigration status in the UK, is prohibited from working because they are in the UK illegally, or is subject to a condition that prevents them from holding a licence. To ensure that it does not discriminate against anyone, assumptions will not be made about a person's right to work in the UK or their immigration status on the basis of their nationality, ethnic origin, accent, the colour of their skin, or the length of time they have been resident in the UK and all licence applicants will be required to produce copies of documentation accordingly.

Where an applicant's immigration permission to live and work in the UK is time-limited, a licence may be issued but will become invalid when the immigration permission expires. In the event that the Home Office cuts short or ends a person's immigration permission (referred to as curtailment or revocation), any licence issued will automatically lapse.

## **13.0 PROCEDURAL MATTERS**

To ensure the application is completed fully, applicants should consider the contents of this policy statement, the government guidance issued under section 182 Licensing Act 2003 and relevant guidance published by the licensing authority.

Applicants are encouraged to seek advice from the licensing authority and responsible authorities before submitting an application. Failure to comply with the statutory requirements may result in an application or notice being

invalid / rejected. This will not usually be the case where simple administrative adjustments can easily be made.

Guidance is equally available to residents or businesses that are interested in making representations or exploring the review process

## **14.0 ELECTRONIC APPLICATIONS**

The Licensing Act 2003 (Premises licences and club premises certificates) (Amendment) (Electronic Applications etc) Regulations 2009 came into force in December 2009. This amendment was required to ensure that all licensing applications, with the exception of reviews and personal licences, are able to be made online. The applicant only needs to submit one application to the local authority. Once the fee has been paid then the local authority has the responsibility to ensure that all the other statutory recipients receive a copy.

At the end of the process, local authorities can provide either a paper licence and summary or an electronic licence and summary containing all the hours and conditions.

Please check Spelthorne's website [www.spelthorne.gov.uk](http://www.spelthorne.gov.uk) for further details

Paper applications will still have to be copied to all of the responsible authorities by post.

## **15.0 PUBLIC RECORDS**

The authority has a web-based public access facility for viewing licensing applications. Current applications can also be commented on electronically. This can be accessed via <http://my.spelthorne.gov.uk/licensing/>

## **16.0 CUMULATIVE IMPACT, LATE NIGHT LEVY (LNL), AND EARLY MORNING ALCOHOL RESTRICTION ORDERS (EMROs)**

"Cumulative impact" is the combined effect of a number of licensed premises in a particular area. Licensing authorities can adopt a special policy of refusing or restricting new licences on the grounds of the cumulative impact that licensed premises may have in a particular area. The licensing authority must have evidence to support the need for such a policy.

Spelthorne Borough Council does not currently have such a policy for any part of the Borough but shall keep this under review.

A Late Night Levy (LNL) is an additional charge that can be applied to premises that operate late at night. It is a local power that licensing authorities can choose whether or not to exercise. It must cover the whole of the licensing authority's area. Licensing authorities can choose the period during which the levy applies every night, between midnight and 6am, and decide what exemptions and reductions should apply from a list set out in

regulations. The licensing authority must have evidence to support the need for a LNL. Spelthorne Borough Council does not currently apply a LNL but shall keep this under review.

An Early Morning Alcohol Restriction Order (EMRO) is a power that can enable licensing authorities to restrict sales of alcohol in the whole or a part of their areas for any specified period between 12 midnight and 6 am, if they consider this appropriate for the promotion of the licensing objectives. Spelthorne Borough Council has not currently introduced any EMROs within the Borough but shall keep this under review.

## **17.0 LICENSING HOURS**

### **17.1 General**

Longer licensing hours can help to avoid the concentration of customers leaving premises at the same time, leading to friction at late night food outlets, taxi ranks and other sources of transport. It is also recognised that licensing hours should not restrict the development of safe evening and night-time entertainments that are important for investment and employment locally. However, providing consumers with greater choice and flexibility must always be balanced carefully against the rights of local residents to peace and quiet.

There is no general presumption in Spelthorne in favour of lengthening licensing hours: the overriding principle will be the promotion of the four licensing objectives.

Stricter measures for controlling noise are likely to be sought for late licences, particularly in residential areas and/or where there has been a history of noise complaints. Please also see measures outlined under the “Public Nuisance” heading below.

Consideration will always be given to the individual merits of any application.

### **17.2 Shops, stores and supermarkets**

Shops, stores and supermarkets will generally be permitted to sell alcohol during the normal hours they are open for shopping. However, there may be very good reasons for restricting those hours. For example, a limitation on the hours that alcohol can be sold may be appropriate, following police representations, for shops known to be the focus of disorder and disturbance, or where youths gather and behave anti-socially.

### **17.3 Late night takeaways**

Applications for premises offering late night take away food and drink will be considered on their individual merits. However, such premises can be the focus of disorder with large numbers of people gathering there after other licensed premises have closed. The density and closing times of other licensed premises in the vicinity will therefore be taken into consideration. Applicants for late night takeaways in Staines Town Centre will also be encouraged to include the provision of CCTV and use of town centre radios on their operating schedules.

#### **17.4 Non-standard hours**

It is recognised that businesses may wish to apply for non-standard hours for Bank Holidays, Christmas Eve or Saints days. However, any additional days should be clearly identified in their licence operating schedules with dates and times so that proper consideration can be made of their impact on the licensing objectives and so that the licence is clear and unambiguous in this respect.

### **18.0 ENFORCEMENT**

The licensing authority recognises that most businesses and individuals want to comply with the law. We will actively seek to help businesses and others meet their legal obligations without unnecessary expense, while taking firm action against those who flout the law or act irresponsibly, including prosecution where appropriate.

Protocols are in place for the targeting of agreed problem and high-risk premises, with a lighter touch being applied to those premises shown to be well managed and maintained.

Enforcement will take a graduated approach and will normally include education and support in the first instance. We will follow our enforcement policy, relevant Government Guidance and the Licensing Act 2003 when deciding the appropriate course of action to take.

In practice, regular joint visits are undertaken with partners such as the Police, Environmental Health, Fire and Trading Standards Officers. These include visits outside normal office hours and are mostly unannounced. Inspections will normally take place to premises that have been the subject of complaints, or where there has been a change of management or alteration to the conditions of the licence. These visits will either be pre-arranged or unannounced depending on the nature of the visit. Other factors that will determine the frequency of inspections include the location of the premises, the type of customers or activities, and confidence in the management.

It is expected that, in general, action will target “problem” premises through the review process. Where prosecution is considered to be necessary, the key principles of consistency, transparency and proportionality will be maintained.

### **19.0 THE REVIEW PROCESS**

Residents have the power to apply for a licence to be called in for review if the premises are causing problems. There is no requirement to live or work in the vicinity. Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the Council’s licensing department may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that the

Council will act as a responsible authority in applying for reviews on behalf of other persons or where the basis for intervention falls within the remit of another responsible authority.

A review can be requested at any time, however government guidance recommends that not more than one review in 12 months should be allowed on similar grounds unless there are compelling circumstances. Review applications cannot be made anonymously.

The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment with effect from 6 April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly. The Council's licensing department will work closely with officers from Immigration Enforcement to enable them to carry out their functions as effectively as possible.

Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- upon receipt of a notice that a magistrates' court has made a closure order, it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

A review application needs to be in writing on the statutory form. There will need to be clear and factual evidence to support the application and this should show that incidents are not isolated and that there is a direct link with the premises. Grounds for review must also be based on one or more of the licensing objectives.

### **19.1 Summary Reviews**

Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process allows interim conditions to be quickly attached to a licence and a fast track licence review. The provisions were



inserted by section 21 of the Violent Crime Reduction Act 2006 and amended by sections 136-137 of the Policing and Crime Act 2017, including the addition of section 53D.

The process is outlined extensively in full in sections 53A – 53D of the 2003 Act, however for ease of reference a flowchart summarising the process is attached as **Annex 5**.

## **20.0 THE ROLE OF COUNCILLORS**

Local councillors can make representations or apply for the review of a licence. Local councillors are subject to the Local Authorities (Model Code of Conduct) Order 2007. The Code applies to any elected council member whether or not they are a member of the licensing committee. A member of a licensing committee, representing others or acting in their own right, would need to consider carefully at a committee meeting whether they had a prejudicial interest in any matter affecting the licence or certificate of the premises in question which would require them to withdraw from the meeting when that matter is considered (for example, where a councillor has made representations in their capacity as an elected member of the licensing authority). In addition, a member with a prejudicial interest in a matter should not seek to influence improperly a decision on the licence or certificate in any other way.

## **21.0 RELATIONSHIP WITH OTHER LEGISLATION**

The licensing authority recognises the need to avoid duplication with other legislation and will only seek to attach conditions to premises licences and club premises certificates where these are not already provided for in any other legislation. Operating schedule conditions that duplicate existing legislation may not be included on the licence.

## **22.0 PLANNING AND BUILDING CONTROL**

Planning, Building Control and licensing regimes will be properly separated to avoid duplication and inefficiency. Licensing applications cannot be a re-run of a planning application as different considerations will apply. However, the granting of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control consent where appropriate.

There are circumstances when as a condition of planning consent a closing time has been set that may be different to the licensing hours. In these circumstances the applicant must close at the earlier time.

Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to

do so, licensing sub-committees and officers will consider discussion with their planning counterparts prior to determination - with the aim of agreeing mutually acceptable operating hours and scheme designs.

## **23.0 INTEGRATING STRATEGIES**

There are a number of other council and government policies and strategies that are relevant to licensing. Where possible, the licensing authority will aim to integrate its licensing policy with these.

Examples of council strategies relevant to licensing include:

- crime and disorder reduction strategies.
- leisure and cultural strategies
- transportation and planning strategies.

Examples of government strategies relevant to licensing include:

- Safe, Sensible, Social, formerly known as the National Alcohol Harm Reduction Strategy.
- Home Office Guidance: "Selling Alcohol Responsibly" which contains good practice examples from the alcohol retail and hospitality industries published in April 2010.
- Safer clubbing (The Safer Clubbing Checklist for club owners, managers and event promoters) is available on request.

## **24.0 THE LICENSING OBJECTIVES – OPERATING SCHEDULES**

Applicants are advised to complete risk assessments, which can then be used to form the basis of the operating schedule. Measures that are outlined in operating schedules will generally become licence conditions. Failure to comply with licence conditions can lead to formal enforcement action or an application for a review of the licence, or both. Guidance is offered below as to possible control measures that may assist applicants in completing operating schedules. These measures are not exhaustive and may relate to more than one licensing objective. Applicants are also advised to seek advice from the relevant agencies before submitting their applications.

### **24.1 Crowded Places Guidance 2017**

The Council is mindful that the UK faces a real threat from terrorism and crowded places remain an attractive target. Crowded places include those which are licensed and are easily accessible to the public and attractive to terrorists. For this reason, applicants for premises where large groups of people will gather are strongly advised to reference NaCTSO's Crowded Places Guidance 2017 when completing risk assessments and considering measures which will become licence conditions.

## **24.2 Large / outdoor events and/or specialised activities**

Special issues and considerations may arise where large-scale, outdoor and/or specialised events are proposed. For this reason, the Licensing Authority **strongly recommends** that applicants –

(a) give notice (at the earliest possible opportunity **and** well before any formal application is submitted) of any proposed large / outdoor / special event; and

(b) discuss and develop any relevant event application proposals through a **safety advisory group (SAG)** (see below point 24.3), where appropriate or otherwise invited to do so.

### **What we mean by ‘large / outdoor / special events’**

For the purposes of this section, large / outdoor / special events shall be given their widest possible interpretation and meaning and shall include, but not be limited to, those events –

(a) where specialised or unique activities, equipment or environments may be used or provided;

(b) of a significant size, nature or complexity; and/or

(c) that present a risk of disruption to the local community, local services or infrastructure.

## **24.3 Safety advisory group (SAG)**

As special considerations may apply, it is the policy and role of the Licensing Authority to facilitate and, where appropriate, help co-ordinate a safety advisory group (SAG) in connection with relevant proposals, applications and authorisations concerning large / outdoor / special events.

The SAG is a unique forum convened to consider the necessary policies, plans, procedures and/or risk assessments for relevant events. It may comprise of a mix of Responsible Authorities and other relevant agencies with an interest in the management and organisation of such events. SAG membership will vary according to the circumstances.

**NB:** Whilst SAGs are a useful means to help identify the relevant considerations and steps necessary to promote the licensing objectives in respect of large / outdoor / special events and therefore help develop relevant application proposals, they are not responsible for ‘sign off’ or approval of such steps. This is a matter for the applicant.

### **When is the SAG used?**

A SAG may be convened at an applicant's request or at the request of any relevant agency.

## SAG limitations and benefits

It should be noted that SAGs are **not** responsible for the content of applications, which remains the sole responsibility of the applicant. The applicant must consider if and how to address the issues raised by the SAG and/or those matters outlined in this document. However, experience shows that applicants that go through the SAG process are less likely to attract representations in respect of their proposals.

It is also important to note that SAGs **do not** relieve Responsible Authorities or other persons of the need to make relevant representations where they believe this is appropriate.

## 25.0 CRIME AND DISORDER

Staines Town Centre is no longer considered a hotspot for alcohol-related crime and disorder. However it has the strongest night-time economy in the Borough with a mixture of restaurants, bars, pubs, late night takeaways and a cinema.

What applicants include on their operating schedules will depend on the type of premises, the location, and the proposed activities.

Premises that are mainly concerned with the sale of alcohol for consumption on the premises (**pubs, bars, proprietary clubs**) will need to address the risks to crime and disorder with measures in their operating schedules to:

- Prevent disorder on the premises
- Prevent drunkenness
- Prevent under age sales of alcohol
- Ensure customers enter and leave in an orderly manner
- Exclude illegal drugs
- Exclude offensive weapons

Examples include:-

- Active membership of pubwatch schemes
- Use of licensed door supervisors
- Physical security features e.g. use of shatterproof drinking glasses
- Information on amount of seating to be provided
- Training given to staff in crime prevention measures
- Use of town centre radios (Staines Town Centre) to enable licensed premises to communicate to each other and police
- Search procedures
- Measures to prevent the use or supply of illegal drugs
- Details of CCTV video cameras

This list is not exhaustive and will not suit all applications. Applicants should seek advice from Surrey Police before preparing their operating schedules in relation to the prevention of crime and disorder.

It is recognised that late night takeaways can be the focus of anti-social behaviour, and in Staines Town Centre the use of CCTV, licensed door supervisors at peak times, and signing up to the town centre radio may be considered necessary to address this.

**Shops and off licences** applying to sell alcohol will need to address the risks to crime and disorder with measures in their operating schedules. Examples include:-

- That there will be regular staff training (whether or not staff are paid) in relation to sale of alcohol to under age people and that training records shall be kept.
- All refusals to be recorded in a refusals book. Refusals books shall consist of a bound book with consecutively numbered pages, and shall be held at the premises and available for inspection on demand at all times by the responsible authorities. Records shall include the reason for the refused sale, whether because the customer looked under 25 and could not provide ID, or the customer appeared to be intoxicated, or whether the sales assistant suspected that the sales may be made on behalf of someone who may be underage or intoxicated (known as proxy sales).
- Use of Electronic Point of Sale (EPOS) system to remind staff via a suitable visual prompt or audible warning. Alternatively stickers can be used over certain products to remind cashiers to check the customer's age.
- That there is CCTV coverage of the licensed premises and the immediate vicinity outside in accordance with Surrey Police's Operational Guidelines in the use of CCTV in licensed shops.
- That a personal licence holder may be required to be on duty at high risk times such as outside school hours and during the evenings, for example where a business has been prosecuted for underage sales and/or is a source of youth disorder.
- That staff shall not sell alcohol to any person they have reason to suspect may be buying the alcohol for a child and that there shall be signage to warn adults that it is an offence to buy alcohol on behalf of a child. This is known as "proxy sales". Where there is evidence of such sales taking place, consideration should be given to ensuring CCTV coverage outside the shop.
- In areas with problems with alcohol related youth crime and disorder, that licence holders shall participate in "Bottlewatch" schemes, if requested to do so by responsible authorities.
- In areas where there is an Offwatch scheme, that licence holders sign up to such a scheme.

This list is not exhaustive and applicants should seek advice from Surrey Trading Standards or Surrey Police before preparing their operating schedules

## **25.1 Reviews**

A review of the licence may be sought by Responsible Authorities or any other person, where:

- A serious crime has occurred at, or can be linked to a particular premises
- There have been prosecutions or penalty notices served for underage sales
- There have been incidents which raise concerns that the premises are not being properly managed
- There have been breaches of the terms or conditions of the licence
- There have been repeated complaints from the public.

## **25.2. Working with other agencies to prevent crime and disorder**

Current arrangements for partnership working and exchange of information between the relevant enforcement agencies will continue. In particular, the Licensing Authority shall work closely with Police and Trading Standards Officers with regard to prevention of the sale of alcohol to under age people.

The Violent Crime Reduction Act 2006 inserts Section 147A into the Licensing Act 2003. Section 147A creates an offence of selling alcohol to a child three times or more during a consecutive three month period. The new penalties created by this offence are:

- The magistrates' court may order the premises licence to be suspended for maximum 3 months
- Trading standards or police may order a temporary (48hours) premises closure notice prohibiting sale of alcohol
- maximum £10,000 fine

Selling alcohol to under 18s can also result in

- £80 fixed Penalty Notice, or
- Prosecution with a fine of up to £5,000
- Revocation of a premises licence
- Revocation of a personal licence

## **25.3 NEW MANDATORY CONDITIONS**

### **The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010**

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 came into force on 6th April 2010 (with the exception of paragraphs 4 & 5 of the Schedule which came into force on 1st October 2010)

All paragraphs will apply to premises licences that permit the sale of alcohol on the premises (“on-licences”). Paragraph 4 only will apply to premises licences that permit the sale of alcohol for consumption off the premises (“off-licences”)

(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

- (i) the outcome of a race, competition or other event or process, or
- (ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3.

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5.

The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

These conditions override any conditions already included in a premises licence or club premises certificate, so far as they are identical to the existing conditions or inconsistent with, and more onerous than, the existing conditions. The new conditions will apply to every licence and certificate authorising the sale and supply of alcohol from the point they come into force. As the new conditions are mandatory licensing conditions, any breaches will be treated in the same way as breaches of existing conditions. Failure to comply with any conditions attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both. In most cases, we would expect there to be a review of those premises. This licensing authority takes any breach that impacts on the licensing objectives seriously.

## **25.4 IRRESPONSIBLE DRINKS PROMOTIONS**

Licence holders are urged to follow the advice contained in the Home Office document “Selling Alcohol Responsibly: the New Mandatory Conditions” published in April 2010. If in any doubt, you should discuss your proposals with your local Licensing Authority and/or police before running the promotion and heed any advice given. Failure to heed such advice may lead to criminal proceedings and/or a review of the licence.

## **25.5 PUBLIC SAFETY**



The public safety objective is about ensuring the physical safety of performers and people attending licensed premises. The risk to public safety will vary according to the type of premises and the activities that take place there. Most risks will be adequately covered by other legislation such as the Health and Safety at Work etc. Act 1974 or fire safety legislation. However other laws may not cover risks that are associated with particular types of activities or entertainment and will therefore need to be addressed in preparing licence applications.

Examples will include

- The provision of a suitable Residual Current Device (RCD) protection of electricity supplies to entertainers' equipment, including microphones, when regulated entertainment is organised on site
- Setting maximum numbers of people allowed (and use of clickers or counting machines when capacity levels are expected to be high)

Applicants are advised to seek advice from the Environmental Health Service (or other enforcement authority for Health and Safety at Work) and Surrey Fire and Rescue Service before preparing their operating schedules.

## **25.6 Reviews in relation to public safety**

### **Fire Safety**

Although existing fire safety legislation can be used to restrict or prohibit the use of premises where there is a fire safety risk, application for the review of a premises licence may be considered by the responsible authorities in the following circumstances:

- Where it is considered that the management had failed to maintain the appropriate level of fire safety provision
- Failure to comply with a fire related enforcement notice
- Following the outcome of any investigation and inspection of a fire occurring within a premises

### **Health and Safety**

Although existing health and safety legislation will primarily be used it may be necessary to apply for the responsible authorities to apply for the review of a premises licence in the following circumstances:

- Serious or regular contraventions of health and safety legislation
- Failure to comply with Improvement or Prohibition Notices
- Service of a Prohibition Notice where a significant risk to public safety exists
- Prosecution for failure to comply with health and safety legislation

## **25.7 PUBLIC NUISANCE**

Licensed premises can have a significant impact on communities from noise, litter, light, odour and anti-social behaviour.

### **25.7.1 Noise**

It is recommended that operating schedules contain sufficient information for officers to form a view as to whether noise from licensable activities is likely to cause a problem to people living nearby. Applicants should provide details of proposed noise control measures, particularly if premises are in residential areas where regulated entertainment is being applied for late at night, or where there is a history of noise complaints. The licensing authority will normally apply stricter conditions in these circumstances where relevant representations have been received. Whilst each application will be considered on its individual merits it should be noted that restricting the hours of regulated entertainment may be necessary to prevent public nuisance.

Measures could include:

- A simple requirement to keep doors and windows at the premises closed when music is being played
- Limiting amplified music to a particular area of the building
- Moving speakers away from external walls or walls that abut private premises, or adjusting the direction of the speakers
- Installation of acoustic curtains, seals to doorways, rubber speaker mounts
- Fitting self-closing devices on doors so that they do not stay open.
- Monitoring noise levels at the perimeter of premises and taking action to reduce the volume if it is likely to disturb nearby neighbours, e.g. it could be too loud if the words of the song are clearly audible
- Noise limiters on amplification equipment (if proportionate to the premises – noise limiters are expensive and are likely to be a burden for smaller premises)
- Prominent clear and legible notices displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly
- The placing of bottles and cans into bins outside the premises to take place at times that will minimise disturbance to nearby premises

### **25.7.2 Smokefree**

Since 1 July 2007 it became illegal to smoke in enclosed public buildings and workplaces in England. Customers who want to smoke will therefore have to do so outside licensed premises. Applicants will need to address the potential for public nuisance from this activity, e.g. noise and litter such as cigarette ends. Advice should be sought from the appropriate authorities to ensure that crime and disorder and public safety issues are adequately addressed. For example, it may be necessary to prevent customers from taking alcohol outside when they go out to smoke, or to designate smoking areas that are away from neighbouring residential properties, where necessary. Operating schedules should detail how noise nuisance and disorder in light of this will be dealt with.

### **25.7.3 Odours**

Conditions may be necessary to ensure that licensed premises are properly vented to prevent odours causing a nuisance to people who live or work nearby.

### **25.7.4 Litter**

Late night takeaways are encouraged to include on their operating schedules reasonable assurances that the area in and around their business will be kept clear of litter associated with that business.

### **25.7.5 Reviews in connection with Public Nuisance**

An application for review by responsible authorities or any other person may be applied for where:

- Complaints have been received that have been substantiated by investigating officers; and/or
- Breaches of licence conditions in respect of public nuisance have been identified; and/or
- Action is being considered under the Environmental Protection Act 1990, the Noise Act 1996 or section 40 of the Anti-Social Behaviour Act 2003; and/or
- Evidence of noise, litter, odours etc from the premises has caused a public nuisance over a period of time, and other approaches have failed.

## **25.8 PROTECTION OF CHILDREN FROM HARM**

The Council is committed to the safeguarding of children and vulnerable persons. The Licensing Act 2003 places legal responsibilities on holders of Premises Licences and Club Premises Certificates, and those who work in licensed premises to ensure that children are protected from harm at all times when on licensed premises.

In exercising the Council's powers under Section 182 of the Act to designate a body which is competent to advise the Council about the protection of children from harm, the following principles have been applied:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.

Having regard to the above principles and the guidance issued by the Home Office, the Council designates the Surrey County Council Children's Service for this purpose.

There are a great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, cafes, take-aways, community halls and schools, all of which will have different risks to children. The general relaxation that gives children greater access to licensed premises is a positive step, which aims to promote more family friendly premises. However the risk of harm to children is equal in importance to the other licensing objectives and applicants must include in their operating schedules the steps they propose to take to prevent moral, physical, or psychological harm to children.

When considering applications for new licences and variations to existing licences, the Council will seek to be assured that applicants have considered safeguarding of children and vulnerable persons within the Operating Schedule of the application. Where alcohol is to be sold, applicants should include details of the measures they propose to prevent its supply to children. It is expected that:-

- staff will receive regular and adequate training on the law and practice relating to age restricted sales (including challenging purchasers, checking identification), such training to be properly documented and records made available for inspection.
- registers of refused sales will be maintained and made available for inspection
- Applicants should indicate whether they are signatories to the Portman Group Code of Practice.

Further additional examples of recommended management practice for the protection of children could include:

- exclusion from the premises in certain circumstances;
- the display of prominent warning notices about the supply of alcohol to minors.;
- consideration of and / or refusal to stock high strength beers, lagers, ciders, etc.

It is now mandatory for premises which sell or supply alcohol to have an age verification policy in place. The Council favours the Challenge 25 scheme and such a scheme volunteered as part of an operating schedule will be given the appropriate weight when the Council determines the licence application.

Applicants needing advice on how to avoid age-restricted sales should contact Surrey Trading Standards Service (contact details at **Annex 2**) before preparing their operating schedules.

There are certain restrictions in the Act relating to the presence of children on licensed premises. In the case of premises, which are used “exclusively or primarily” for the supply of alcohol for consumption on those premises, it

is an offence to allow anyone under the age of 16 to be on such premises unless they are accompanied by an adult.

Where the consumption of alcohol takes place but is not the exclusive or primary activity at a particular venue, those under 16 are not allowed on the premises between midnight and 05.00 unless an adult accompanies them.

The licensing authority will not seek to further limit the access of children to any premises unless it receives representations to that effect based on concerns about physical, moral, or psychological harm to children. The following are examples of premises that will raise particular concern:-

- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
- Where there is a known association with drug taking or dealing
- Where there is a strong element of gambling on the premises
- Where “adult” entertainment is being proposed.

Applicants seeking a licence that would enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures they intend to operate to ensure that:

- the person they are selling alcohol to is over 18;
- that alcohol is only delivered to a person over 18;
- that a clear document trail of the order process from order to delivery is maintained (with times and signatures) and available for inspection by an authorised officer;
- the time that alcohol is sold on the website / over the phone and the time; and
- that the alcohol is delivered is within the hours stated on the licence for the sale of alcohol.

## **25. 8.1 Children and film exhibitions**

The licensing authority will expect applicants to explain in their operating schedules how they will restrict children from viewing age-restricted films. It is a mandatory condition on all premises licences that permit the exhibition of films that admission of children must be restricted in accordance with any recommendation by the relevant film classification body. Films are classified according to the recommendations of the British Board of Film Classification (‘BBFC’) or the Council.

## **25.8.2 Children and public entertainment**

Where a large number of children are expected to attend regulated entertainment (e.g. theatre production or film shows), the Licensing Authority would normally expect the applicant to demonstrate, in their operating schedules, the arrangements they intend to put into place in order to ensure their safety, examples could include:-

- that children performing at premises such as theatres or concert halls are kept under adult supervision at all times, including transfer from stage to dressing room.
- that children can be accounted for at all times, in case of evacuation or emergency.
- that an adult member of staff be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof
- if necessary, no standing to be permitted in any part of the auditorium during the performance
- that all staff employed to supervise children should be subject to an enhanced Criminal Records Bureau (CRB) check. Where relevant, unspent convictions are found the licensee should not employ such a person.

### **25.8.3 Reviews in connection with protection of children from harm**

An application for review by the responsible authorities or any other person may be considered where:

- There have been underage sales or underage drinking taking place
- Breaches of licence conditions in respect of protection of children have taken place
- Complaints have been received that have been substantiated by investigating officer

## **25.9 Public Health**

The Director of Public Health is responsible for making representations and observations on applications on behalf of health bodies. Public health is not yet a licensing objective but Public Health is a responsible authority under the Licensing Act, and the licensing authority believes that public health has much to add to licensing in relation to the local populations' alcohol related health needs. Health bodies such as Public Health have unique access to data not available to other responsible authorities which may inform licensing decisions. Public Health is useful in providing evidence of alcohol related health harms particularly in relation to cumulative impact policies.

## Annex 1 Table of Consultees

All contact will be by email where possible

Contact Name	Position / Organisation
All Councillors	Spelthorne Borough Council
All “responsible authorities”	
Staff:	
Daniel Mouawad	Chief Executive
Lee O’Neil	Deputy Chief Executive
Terry Collier	Deputy Chief Executive
Heather Morgan	Head of Regeneration and Growth
Jackie Taylor	Head of Neighbourhood Services
Sandy Muirhead	Head of Commissioning and Transformation
Lisa Stonehouse	Leisure Services Manager
Tracey Willmott-French	Senior Environmental Health Manager
Deborah Ashman	
Karen Sinclair	Joint Head of Community Wellbeing
Terry Collier	Assistant Chief Executive
Michael Graham	Head of Corporate Governance
Alistair Corkish	Deputy ICT Manager
Roy Tilbury	Customer Services Operational Manager
Debbie O’Sullivan	Human Resources Manager
Punita Talwar	Audit Manager
Dawn Morrison	Communications Manager
Police:	
Nick Ephgrave	Chief Supt.
Gavin Stephens	Deputy Chief Constable
Lynette Shanks	Chief Superintendent (North)
Jacque Clark	Police Licensing Officer
Trade:	
	British Institute of Innkeeping (BII)
	British Beer and Pub Association (BBPA)
	Hogs Back Brewery
	Association of Licensed Multiple Retailers
	Village & Community Halls Advisor – Surrey Community Action
	Pubwatches
Chambers of Commerce	
	Surrey Chambers of Commerce
	Shepperton & District Business Community
	Ashford Chamber of Commerce
Media	
	BBC Surrey Radio
	Eagle Radio
	Heathrow Villager
	Radio Jackie
	Staines & Ashford News

	Surrey CC press office Trinity Mirror Southern Group
Shopping Centres	Elmsleigh Shopping Centre Two Rivers Shopping Centre
Vulnerable people Groups	Chair of Local Adult Protection Group Catalyst Support (previously SADAS) Alcohol Concern Voluntary Action in Spelthorne
Solicitors	Winckworth Sherwood Popleston Allen Licensing Solicitors TLT Solicitors Blake Lapthorn solicitors Lockett & Co. Gosschalks John Gaunt and Partners
Community groups	All Spelthorne schools All Spelthorne churches Residents' Associations in Spelthorne Staines Town Society  Neighbouring Councils: London Borough of Hounslow London Borough of Hillingdon London Borough of Richmond Runnymede Borough Council Elmbridge Borough Council



## Annex 2 – List of useful references and contacts

### RESPONSIBLE AUTHORITIES

**Licensing Team**  
Spelthorne Borough Council  
Council Offices  
Knowle Green  
Staines-upon-Thames  
TW18 1XB

Tel: 01784 444202

[licensing@spelthorne.gov.uk](mailto:licensing@spelthorne.gov.uk)

Surrey County Council **Trading Standards**  
Consort House, 5-7 Queensway  
Redhill  
RH1 1YB  
Tel: 01372 371700

e-mail:

[trading.standards@bucksandsurreytradingstandards.gov.uk](mailto:trading.standards@bucksandsurreytradingstandards.gov.uk)

Surrey **Fire & Rescue** Service  
Headquarters  
Croydon Road  
Reigate  
Surrey  
RH2 0EJ

Tel: 01737 733733

email: [SFRSbusiness.support@surreycc.gov.uk](mailto:SFRSbusiness.support@surreycc.gov.uk)

**Environmental Health**  
Spelthorne Borough Council  
Council Offices  
Knowle Green  
Staines-upon-Thames  
TW18 1XB

Tel: 01784 446291

e.mail: [environmental.health.commercial@spelthorne.gov.uk](mailto:environmental.health.commercial@spelthorne.gov.uk)

Surrey **Police** Licensing Northern  
PO Box 101  
Guildford  
GU1 9PE

Tel: 01784 862012

e-mail: [licensingnorthern@surrey.pnn.police.uk](mailto:licensingnorthern@surrey.pnn.police.uk)

Head of **Planning**  
Spelthorne Borough Council  
Council Offices  
Knowle Green  
Staines-upon-Thames  
TW18 1XB

e-mail: [Planning.development.control@spelthorne.gov.uk](mailto:Planning.development.control@spelthorne.gov.uk)

**Public Health** Business Support Team  
Public Health NHS Surrey  
Room G55 County Hall  
Penrhyn Road  
Kingston Upon Thames  
KT1 2DN

Tel: 0208 541 7976

e-mail: [public.health@surreycc.gov.uk](mailto:public.health@surreycc.gov.uk)

Alcohol Licensing Team (**Home Office**)  
Lunar House  
40 Wellesley Road  
Croydon  
CR9 2BY

e-mail: [Alcohol@homeoffice.gsi.gov.uk](mailto:Alcohol@homeoffice.gsi.gov.uk)

Surrey County Council's **Childrens Services**  
Quadrant Court  
35 Guildford Road  
Woking  
GU22 7QQ

## **Newspaper groups:**

Trinity Mirror Southern Group  
(Surrey Herald, Staines and Ashford News, Staines Informer and Leader)  
89 Eastworth Road  
Chertsey  
Surrey  
KT16 8DX  
Tel 01932 561111

e-mail: [surreynewspapers@trinitysouth.co.uk](mailto:surreynewspapers@trinitysouth.co.uk)

Heathrow Villager\*  
260 Kingston Road  
Staines-upon-Thames  
TW18 1PG  
Tel 01784 453196

e-mail: [heathrow.villager@gmail.com](mailto:heathrow.villager@gmail.com)

(\*circulation in Stanwell, Ashford, some of Staines but not Sunbury or Shepperton)

## **British Institute of Inn keeping (BII)**

[www.bii.org.uk](http://www.bii.org.uk)

## **British Beer & Pub Association (BBPA)**

[www.beerandpub.com](http://www.beerandpub.com)

## **Association of Licensed Multiple Retailers (ALMR)**

[www.almr.org.uk](http://www.almr.org.uk)

## **Association of Convenience Stores**

[www.acs.org.uk](http://www.acs.org.uk)

## **Portman Group**

[www.portmangroup.org.uk](http://www.portmangroup.org.uk)

## **Citizencard**

[www.citizencard.com](http://www.citizencard.com)

## **Connexions Card**

[www.connexionscard.com](http://www.connexionscard.com)

## **Other useful information**

Licensing Act 2003

<https://www.gov.uk/government/publications/section-182-of-the-licensing-act-2003-amended-guidance>

## **Publications**

The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) ('The Purple Book') ISBN 0 7176 2453 6

Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X

5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 0 7176 15804

The Guide to Safety at Sports Grounds (The Stationery Office, 1997) ('The Green Guide') ISBN 0 11 300095 2

Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through <https://www.artscouncil.org.uk/>

### Annex 3 – Delegation of licensing functions

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COMMITTEE</b>	<b>SUB-COMMITTEE</b>	<b>OFFICERS</b>
Application for personal licence, no unspent convictions			All cases
Application for personal licence, with unspent convictions		If a police objection	All other cases
Application for premises licence/club premises Certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises Certificate		If a relevant representation made	If no relevant representation made
Application for a minor variation to a premises licence/club registration Certificate			All cases, in consultation with Chair of Licensing Committee and, where necessary, the relevant responsible authority
Application to vary designated personal licence holder		If a police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for Interim Authority		If a police objection	All other cases
Application to review premises licence/Club premises Certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police or Environmental Health representation to a temporary event notice		All cases	
Suspension a Premises Licence or Club Certificate for non-payment of annual licence fee			All cases

## **Annex 4 – Criteria for applying cumulative impact policy**

‘Cumulative impact assessments’ were introduced in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018. Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area. A cumulative impact assessment (CIA) may be published by the Council to help it to limit the number or types of licence applications granted in areas **where there is evidence** to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.

The CIA must include a statement saying that the Council considers that the number of premises licences and/or club premises certificates in one or more parts of the area described is such that it is likely that granting further licences would be inconsistent with the authority’s duty to promote the licensing objectives. As part of the publication a licensing authority must set out the evidential basis for its opinion.

The steps to be followed in considering whether to publish a CIA are summarised below.

- Identify concern about crime and disorder; public safety; public nuisance or protection of children from harm in a particular location.
- Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
- If there is evidence that such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that cumulative impact is imminent.
- Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).
- Consult those specified in section 5(3) of the 2003 Act. As with consultations in respect of the licensing policy statement as a whole, it is for each licensing authority to determine the extent of the consultation it should undertake in respect of a CIA (subject to the statutory requirements).
- For the purposes of the consultation provide the persons specified in section 5(3) with the following information:
  - the reasons why it is considering publishing a CIA;
  - a general indication of the part or parts of its area which it is considering describing in the assessment;
  - whether it considers that the assessment will relate to all premises licence and club premises certificate applications and variation applications, or only to those of a particular kind described.
- Subject to the outcome of the consultation, include and publish details of the CIA, including the evidence in support of the assessment and the

particular kinds of premises the assessment relates to. Licensing authorities are not restricted to using general terms such as on-trade, off-trade and late night refreshment providers, and can apply their own descriptions such as vertical-drinking bars and night clubs if appropriate.

Summarise the licensing authority's opinion in light of the evidence of cumulative impact (or any revision to an existing opinion) in the licensing policy statement and explain within the policy statement how the authority has had regard to any CIAs it has published under section 5A. The summary within the licensing policy statement should include, but is not limited to: the nature of the problems identified and the evidence for such problems; the geographical extent of the area covered by the assessment; the types of premises described in the assessment; and the types of applications for which it would likely be inconsistent with the licensing authority's duty to promote the licensing objectives to grant. After publishing a CIA the licensing authority must, within three years, consider whether it remains of the opinion set out in the assessment.

Extract from National Guidance

## 2. The licensing objectives

### Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and

facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.
- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

## **Public nuisance**

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.



- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating

from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

## **Late night refreshment**

3.12 Schedule 2 to the 2003 Act provides a definition of what constitutes the provision of late

night refreshment. It involves the supply of 'hot food or hot drink' between the hours of 23.00 and 05.00 to the public for consumption on or off the premises. It includes the supply of hot food or hot drink between those hours on premises to which the public has access. Under Schedule 2, food or drink is considered to be 'hot' if, before it is supplied, it has been heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and at the time of supply it is above that temperature; or after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.

- 3.13 Shops, stores and supermarkets selling only cold food and cold drink, whether it is immediately consumable or not, from 23.00 are not licensable as providing late night refreshment. The 2003 Act affects premises such as night cafés and takeaway food outlets where people may gather to purchase hot food or drink at any time from 23.00 and until 05.00. In this case, supply takes place when the hot food or hot drink is given to the customer and not when payment is made. For example, supply takes place when a table meal is served in a restaurant or when a takeaway is handed to a customer over the counter.

- 3.14 Some premises provide hot food or hot drink between 23.00 and 05.00 by means of vending machines. The supply of hot drink by a vending machine is not a licensable activity and is exempt under the 2003 Act provided the public have access to and can operate the machine without any involvement of the staff.
- 3.15 However, this exemption does not apply to hot food. Premises supplying hot food for a charge by vending machine are licensable if the food has been heated on the premises, even though no staff on the premises may have been involved in the transaction.
- 3.16 It is not expected that the provision of late night refreshment as a secondary activity in licensed premises open for other purposes such as public houses, cinemas or nightclubs or casinos should give rise to a need for significant additional conditions.
- 3.17 The supply of hot drink which consists of or contains alcohol is exempt under the 2003 Act as late night refreshment because it is licensed by the provisions relating to the sale or supply of alcohol.
- 3.18 The supply of hot food or hot drink free of charge is not a licensable activity. However, where any charge is made for either admission to the premises or for some other item in order to obtain the hot food or hot drink, this will not be regarded as “free of charge”. Supplies by a registered charity or anyone authorised by a registered charity are also exempt.
- 3.19 Supplies made on moving vehicles (for example boats, trains or coaches) are also exempt. However supplies made from a vehicle which is permanently or temporarily parked, such as from a mobile takeaway van, are not exempt (see section 3.34 below for more detail on provisions for ‘Vessels, vehicles and moveable structures’).
- 3.20 Supplies of hot food or hot drink from 23.00 are exempt from the provisions of the 2003 Act if there is no admission to the public to the premises involved and they are supplies to:
- a member of a recognised club supplied by the club;
  - persons staying overnight in a hotel, guest house, lodging house, hostel, a caravan or camping site or any other premises whose main purpose is providing overnight accommodation;
  - an employee of a particular employer (for example in a staff canteen);
  - a person who is engaged in a particular profession or who follows a particular vocation (for example, a tradesman carrying out work at particular premises);
  - a guest of any of the above.

# 9. Determining applications

## General

- 9.1 When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must determine whether the application has been made in accordance with section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

## Where no representations are made

- 9.2 A hearing is not required where an application has been properly made and no responsible authority or other person has made a relevant representation or where representations are made and subsequently withdrawn. In these cases, the licensing authority must grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the 2003 Act. This should be undertaken as a simple administrative process by the licensing authority's officials who should replicate the proposals contained in the operating schedule to promote the licensing objectives in the form of clear and enforceable licence conditions. Licensing authorities should not hold hearings for uncontested applications, for example in situations where representations have been made and conditions have subsequently been agreed.

## Where representations are made

- 9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.10 below), the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

## **Relevant, vexatious and frivolous representations**

- 9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to

the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

## **The role of responsible authorities**

- 9.11 Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.
- 9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area<sup>1</sup>. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all

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<sup>1</sup> Police and Crime Commissioners are expected to have a central role working in partnership with local authorities, enforcement bodies and other local partners to decide on what action is needed to tackle alcohol-related crime and disorder in their areas. However, the Chief Officer of Police remains the named responsible authority under the 2003 Act.



responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

## **Licensing authorities acting as responsible authorities**

- 9.13 Licensing authorities are included in the list of responsible authorities. A similar framework exists in the Gambling Act 2005. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. It is, therefore, for the licensing authority to determine when it considers it appropriate to act in its capacity as a responsible authority; the licensing authority should make this decision in accordance with its duties under section 4 of the 2003 Act.
- 9.14 Licensing authorities are not expected to act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.
- 9.15 It is also reasonable for licensing authorities to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.
- 9.16 The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention; they may do so where they consider it appropriate without having to wait for representations from other responsible authorities. For example, the licensing authority may (in a case where it has applied a cumulative impact policy) consider that granting a new licence application will add to the cumulative impact of licensed premises in its area and therefore decide to make representations to that effect, without waiting for any other person to do so.

- 9.17 In cases where a licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.
- 9.18 In these cases, licensing authorities should allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case. Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, must be made in writing. It is for the licensing authority to determine how the separate roles are divided to ensure an appropriate separation of responsibilities. This approach may not be appropriate for all licensing authorities and many authorities may already have processes in place to effectively achieve the same outcome.
- 9.19 Smaller licensing authorities, where such a separation of responsibilities is more difficult, may wish to involve officials from outside the licensing department to ensure a separation of responsibilities. However, these officials should still be officials employed by the authority.

## **Health bodies acting as responsible authorities**

- 9.20 Where a local authority's Director of Public Health in England (DPH)<sup>2</sup> or Local Health Board (LHB) (in Wales) exercises its functions as a

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<sup>2</sup> This change was made as a result of the commencement of measures in the Health and Social Care Act 2012 which amended the 2003 Act and further provision in the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.



responsible authority, it should have sufficient knowledge of the licensing policy and health issues to ensure it is able to fulfil those functions. If the authority wishes to make representations, the DPH or LHB will need to decide how best to gather and coordinate evidence from other bodies which exercise health functions in the area, such as emergency departments and ambulance services.

- 9.21 Health bodies may hold information which other responsible authorities do not, but which would assist a licensing authority in exercising its functions. This information may be used by the health body to make representations in its own right or to support representations by other responsible authorities, such as the police. Such representations can potentially be made on the grounds of all four licensing objectives. Perhaps the most obvious example is where drunkenness leads to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. Such information will often be relevant to the public safety and crime and disorder objectives.
- 9.22 However, health bodies are encouraged to make representations in respect of any of the four licensing objectives without necessarily seeking views from other responsible authorities where they have appropriate evidence to do so. There is also potential for health bodies to participate in the licensing process in relation to the protection of children from harm. This objective not only concerns the physical safety of children, but also their moral and psychological well being.
- 9.23 Evidence relating to under 18s alcohol-related emergency department attendance, hospital admissions and underage sales of alcohol, could potentially have implications for both the protection of children from harm and the crime and disorder objectives. Health bodies can provide evidence to lead or support representations in relation to this objective. In relation to proxy purchases, data collected by health bodies could be used to inform other responsible authorities, including the police and licensing authorities, about a prevalence of proxy purchasing in a particular area. For example, the police could use this data to tackle instances of 'shoulder tapping' (where under 18s approach adults to buy alcohol on their behalf) and to suggest measures which retailers might be able to take to ensure, as far as possible, that they are not knowingly selling alcohol to an adult who is buying on behalf of a person aged under 18. Although less obvious, health bodies may also have a role to play in the prevention of public nuisance where its effect is prejudicial to health and where they hold relevant data.

- 9.24 DPHs and LHBs will need to consider how to collect anonymised information about incidents that relate to specific premises or premises in a particular area (for example, a cumulative impact zone). Many areas have already developed procedures for local information sharing to tackle violence, which could provide useful evidence to support representations. The College of Emergency Medicine has issued guidelines for information sharing to reduce community violence which recommends that data about assault victims should be collected upon admission to emergency departments, including the date, time and location of the assault – i.e. the name of the pub, club or street where the incident occurred. Sometimes, it may be possible to link ambulance callouts or attendances at emergency departments to irresponsible practices at specific premises, such as serving alcohol to people who are intoxicated or targeting promotions involving unlimited or unspecified quantities of alcohol at particular groups.

### **Home Office Immigration Enforcement acting as a responsible authority**

- 9.25 The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment with effect from 6 April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

### **Disclosure of personal details of persons making representations**

- 9.26 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.
- 9.27 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.
- 9.28 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from

making a representation on this basis, they may wish to consider alternative approaches.

- 9.29 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.
- 9.30 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

## Hearings

- 9.31 The Licensing Act 2003 (Hearings) Regulations 2005 governing hearings may be found on the [www.legislation.gov.uk](http://www.legislation.gov.uk) website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, where the applicant and all of the persons who made relevant representations have given notice to the authority that they consider a hearing to be unnecessary. Where this is the case and the authority agrees that a hearing is unnecessary, it must forthwith give notice to the parties that the hearing has been dispensed with. Notwithstanding those regulatory provisions, in cases where the licensing authority believes that a hearing is still necessary, it is recommended that the authority should, as soon as possible, provide the parties with reasons in writing for the need to hold the hearing. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.
- 9.32 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. The 2005 Hearings Regulations permit licensing authorities to extend a time limit provided for by those Regulations for a specified period where it considers this to be necessary in the public interest. For example, if the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences. Where the authority has extended a time limit it must forthwith give a notice to the parties involved stating the period of the extension and the reasons for it.

- 9.33 The 2005 Hearings Regulations require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.
- 9.34 Applicants should be encouraged to contact responsible authorities and others, such as local residents, who may be affected by the application before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.
- 9.35 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.
- 9.36 As noted in paragraphs 9.13 to 9.19 above, where the licensing officer is acting as a responsible authority the relevant steps should be followed to ensure that this individual has no role in the decision making process regarding the licensing determination.
- 9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may

expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.

9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

9.41 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

## **Determining actions that are appropriate for the promotion of the licensing objectives**

- 9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

## **Considering cases where licensing and planning applications are made simultaneously**

- 9.45 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.





# 10. Conditions attached to premises licences and club premises certificates

## General

- 10.1 This chapter provides further guidance in relation to conditions attached to premises licences and club premises certificates. General principles on licence conditions are set out in Chapter 1 (see paragraph 1.16).
- 10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.
- 10.3 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

## Proposed conditions

- 10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.
- 10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.



## **Consistency with steps described in operating schedule**

- 10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.
- 10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

## **Imposed conditions**

- 10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.
- 10.9 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

### *Proportionality*

- 10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work

checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

#### *Naming, packing and promotion in retail premises*

10.11 The Government acknowledges that the irresponsible naming, packing or promotion of alcoholic drinks may contribute to alcohol related harms. Where there is direct evidence of specific incidents of irresponsible naming, packing or promotion of alcoholic drinks linked to the undermining of one of the licensing objectives, licensing authorities should, in the exercise of their licensing functions (in particular, in relation to an application for the grant, variation or review of a premises licence), consider whether it is appropriate to impose conditions on licences that require the licence holder to comply with the Portman Group's Retailer Alert Bulletins. This condition should be considered on a case by case basis and in the context of the promotion of the licensing objectives.

10.12 The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-ofsale material, until there has been compliance with the decision.

#### *Hours of trading*

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.

## **The performance of plays**

10.16 The 2003 Act provides that other than for the purposes of public safety, conditions must not be attached to premises licences or club premises certificates authorising the performance of a play<sup>3</sup> which attempt to censor or modify the content of plays in any way. Any such condition would be ultra vires the 2003 Act.

## **Censorship**

10.17 In general, other than in the context of film classification for film exhibitions, licensing authorities should not use their powers under the 2003 Act to seek to impose conditions which censor the content of any form of regulated entertainment. This is not a proper function of licensing law and cannot be properly related to the licensing objectives. The content of regulated entertainment is a matter which is addressed by existing laws governing indecency and obscenity. Where the concern is about protecting children, their access should be restricted where appropriate. But no other limitation should normally be imposed.

## **Major festivals and carnivals**

10.18 Licensing authorities should publicise the need for the organisers of major festivals and carnivals to approach them at the earliest opportunity to discuss arrangements for licensing activities falling under the 2003 Act. For some events, the organisers may seek a

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<sup>3</sup> See chapter 15 for when a performance of a play is licensable.

single premises licence to cover a wide range of activities at varied locations

within the premises. This would involve the preparation of a substantial operating schedule, and licensing authorities should offer advice and assistance about its preparation.

10.19 For other events, applications for many connected premises licences may be made which in combination will represent a single festival. It is important that licensing authorities should publicise the need for proper co-ordination of such arrangements and will need to ensure that responsible authorities are aware of the connected nature of the individual applications.

10.20 Local authorities should bear in mind their ability to seek premises licences from the licensing authority for land or buildings under public ownership within the community in their own name.<sup>4</sup> This could include, for example, village greens, market squares, promenades, community halls, local authority owned art centres and similar public areas where festivals and carnivals might take place.<sup>5</sup> Performers and entertainers would then have no need to obtain a licence or give a temporary event notice themselves to enable them to give performances in these places, although they would need the permission of the local authority to put on the event.

## **Fixed prices**

10.21 Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act prohibit a number of types of drinks promotions including where they give rise to a significant risk to any one of the four licensing objectives; the mandatory conditions also prohibit the sale of alcohol below the permitted price, as defined in paragraph 10.56.

10.22 Where licensing authorities are asked by the police, other responsible authorities or other persons to impose restrictions on promotions in addition to those restricted by the mandatory conditions, they should consider each application on its individual merits, tailoring any conditions carefully to cover only irresponsible promotions in the particular and individual circumstances of any premises where these are appropriate for the promotion of the licensing objectives. In

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<sup>4</sup> No licence is required for any entertainment provided by or on behalf of a local authority, see paragraphs 15.16-15.19

<sup>5</sup> The register of public spaces: <https://www.gov.uk/government/publications/licensed-spaces-register>

addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or price discounting and levels of crime and disorder on or near the premises, it would be appropriate for the licensing authority to consider the imposition of a new condition prohibiting irresponsible sales promotions or the discounting of prices of alcoholic beverages at those premises. However, before pursuing any form of restrictions at all, licensing authorities should take their own legal advice.

## **Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)**

10.23 Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, which are used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons. Previous research has demonstrated that the environment within such establishments can have a significant bearing on the likelihood of crime and disorder.

10.24 Where appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises that require the premises to observe:

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and
- a requirement that security staff holding the appropriate SIA licence or exemption are present to control entry for the purpose of compliance with the capacity limit and to deny entry to individuals who appear drunk or disorderly or both.

## **Mandatory conditions in relation to the supply of alcohol**

10.25 The 2003 Act provides for the following mandatory conditions to be included in every licence and/or club premises certificate in the circumstances specified.

### *Designated premises supervisor*

10.26 The 2003 Act provides that, where a premises licence authorises the supply of alcohol, it must include a condition that no supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated

premises supervisor does not hold a personal licence or the personal licence has been suspended.

10.27 The main purpose of the ‘designated premises supervisor’ as defined in the 2003 Act is to ensure that there is always one specified individual among these personal licence holders who can be readily identified for the premises where a premises licence is in force. That person will normally have been given day to day responsibility for running the premises by the premises licence holder. The requirements set out in relation to the designated premises supervisor and authorisation of alcohol sales by a personal licence holder do not apply to community premises in respect of which a successful application has been made to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act (see Chapter 4 of this Guidance).

10.28 The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives.

#### *Authorisation by personal licence holders*

10.29 In addition, every premises licence that authorises the sale of alcohol must require that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence. This in most instances will be the designated premises supervisor who must hold a valid personal licence. Any premises at which alcohol is sold or supplied may employ one or more personal licence holders. This does not mean that the condition should require the presence of the designated premises supervisor or any other personal licence holder on the premises at all times.

10.30 Similarly, the fact that every supply of alcohol must be made under the authority of a

personal licence holder does not mean that only personal licence holders can make sales or that they must be personally present at every transaction. A personal licence holder may authorise members of staff to make sales of alcohol but may be absent at times from the premises when a transaction takes place. However, the responsible personal licence holder may not be able to escape responsibility for the actions of anyone authorised to make sales.

10.31 “Authorisation” does not imply direct supervision by a personal licence holder of each sale of alcohol. The question arises as to how sales



can be authorised. Ultimately, whether an authorisation has been given is a question of fact that would have to be decided by the courts on the evidence before it in the course of a criminal prosecution.

10.32 The following factors should be relevant in considering whether or not an authorisation has been given:

- the person(s) authorised to sell alcohol at any particular premises should be clearly identified;
- the authorisation should have specified the acts which may be carried out by the person who is authorised to supply alcohol;
- there should be an overt act of authorisation, for example, a specific written statement given to the individual who is authorised to supply alcohol; and
- there should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.

10.33 It is strongly recommended that personal licence holders give specific written authorisations to individuals whom they are authorising to retail alcohol. A single written authorisation would be sufficient to cover multiple sales over an unlimited period. This would assist personal licence holders in demonstrating due diligence should issues arise with enforcement authorities; and would protect employees if they themselves are challenged in respect of their authority to sell alcohol.

10.34 Written authorisation is not a requirement of the 2003 Act and its absence alone could not give rise to enforcement action.

10.35 It must be remembered that while the designated premises supervisor or a personal licence holder may authorise other individuals to sell alcohol in their absence, they are responsible for any sales that may be made. Similarly, the premises licence holder remains responsible for ensuring that licensing law and licence conditions are observed at the premises.

#### *Arrangements for the mandatory licence conditions*

10.36 The mandatory conditions made under sections 19A and 73B of the 2003 Act (the conditions governing irresponsible promotions, dispensing alcohol directly into the mouth, provision of free tap water, age verification, small measures and the prohibition on sales of alcohol below the permitted price) do not have to be physically included in the licence or certificate but nonetheless will apply to every licence and certificate authorising the sale and supply of alcohol for consumption on the premises. The mandatory conditions set out in

section 19 of the 2003 Act (the requirement for a DPS and for all sales to be made or authorised by a personal licence holder) do, however, have to be physically included in the licence. The mandatory licence conditions do not apply to activities (including the supply of alcohol) authorised by a temporary event notice.

10.37 Whereas the initial mandatory conditions in section 19 of the 2003 Act are set out in Annex 1 of the licence, the additional mandatory conditions made under section 19A of the 2003 Act are treated as if they were included in existing licences and certificates on the date that those conditions came into force.

10.38 Following their commencement, the mandatory conditions overrode any pre-existing conditions already included in a licence or certificate insofar as the mandatory conditions were identical to, or inconsistent with or more onerous than, any pre-existing conditions. It is not necessary to record on the face of existing licences and certificates the impact that the introduction of the mandatory conditions has had on pre-existing conditions.

#### *Irresponsible promotions*

10.39 Under this condition, the “responsible person” (defined in the 2003 Act as the holder of a premises licence, designated premises supervisor, a person aged 18 or over who is authorised to allow the sale or supply of alcohol by an under 18 or a member or officer of a club present on the club premises who can oversee the supply of alcohol) should be able to demonstrate that they have ensured that staff do not carry out, arrange or participate in any irresponsible promotions. An irresponsible promotion is one that fits one of the descriptions below (or is substantially similar), is carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises. The aim of the condition is to prohibit or restrict promotions which encourage people to drink more than they might ordinarily do and in a manner which undermines the licensing objectives.

#### *Drinking games*

10.40 Drinking games which require or encourage individuals to drink a quantity of alcohol within a time limit, or drink as much alcohol as possible within a time limit or otherwise, are prohibited. For example, this may include organised ‘drink downing’ competitions. This would not prevent the responsible person from requiring all drinks to be consumed or abandoned at, or before, the closing time of the premises. Nor does it necessarily prohibit ‘happy hours’ as long as these are not designed to encourage individuals to drink excessively or rapidly.



#### *Large quantities of alcohol for free or a fixed price*

10.41 Irresponsible promotions can include the provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted price, where there is a significant risk that such a promotion would undermine one or more of the licensing objectives. This includes alcohol provided to the public or to a group defined by a particular characteristic, for example, a promotion which offers women free drinks before a certain time or “all you can drink for £10”. Promotions can be designed with a particular group in mind (for example, over 65s). A common sense approach is encouraged, which may include specifying the quantity of alcohol included in it or not targeting a group which could become more vulnerable or present a greater risk of crime and disorder as a result of excessive alcohol consumption.

#### *Prizes and rewards*

10.42 The sale, supply or provision of free or discounted alcohol or any other item as a prize to encourage or reward the purchase and consumption of alcohol can be within the definition of an irresponsible promotion, where there is a significant risk that such a promotion would undermine one or more of the licensing objectives. This may include promotions under which free or discounted alcohol is offered as a part of the sale of alcohol, for example, “Buy one and get two free” and “Buy one cocktail and get a second cocktail for 25p”. This includes promotions which involve the provision of free or discounted alcohol within the same 24 hour period.

#### *Posters and flyers*

10.43 Irresponsible promotions can also include the sale or supply of alcohol in association with promotional materials on display in or around the premises, which can either be reasonably considered to condone, encourage or glamorise anti social behaviour or refer to the effects of drunkenness in any favourable manner.

#### *Dispensing alcohol directly into the mouth*

10.44 The responsible person (see paragraph 10.39) must ensure that no alcohol is dispensed directly into the mouth of a customer. For example, this may include drinking games such as the ‘dentist’s chair’ where a drink is poured continuously into the mouth of another individual and may also prevent a premises from allowing another body to promote its products by employing someone to dispense alcohol directly into customers’ mouths. An exception to this condition would be when an individual is unable to drink without assistance due to a disability.

### *Free potable water*

10.45 The responsible person (see paragraph 10.39) must ensure that free potable water is provided on request to customers where it is reasonably available on the premises. What is meant by reasonably available is a question of fact; for example, it would not be reasonable to expect free tap water to be available in premises for which the water supply had temporarily been lost because of a broken mains water supply. However, it may be reasonable to expect bottled water to be provided in such circumstances.

### *Age verification*

10.46 The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. This must as a minimum require individuals who appear to the responsible person (see paragraph 10.39) to be under the age of 18 years of age to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and either a holographic mark or ultraviolet feature. The Home Office encourages licensed premises to accept cards bearing the Proof of Age Standards Scheme (PASS) hologram as their preferred proof of age, while acknowledging that many other forms of identification meet the requirements of the mandatory condition.

10.47 The premises licence holder or club premises certificate holder must ensure that staff (in particular, staff who are involved in the supply of alcohol) are made aware of the existence and content of the age verification policy which applies by the premises.

10.48 The designated premises supervisor (where there is one) must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. This means that the DPS has personal responsibility for ensuring that staff are not only aware of, but are also applying, the age verification policy.

10.49 It is acceptable, and indeed encouraged, for premises to have an age verification policy which requires individuals who appear to the responsible person to be under an age greater than 18 to produce such identification on request. For example, if premises have a policy that requires any individual that appears to be under the age of 21 to produce identification that meets the criteria listed above, this is perfectly acceptable under the mandatory code.

10.50 Licence holders should consider carefully what steps they are required to take to comply with the age verification requirements under the

2003 Act in relation to sales of alcohol made remotely. These include sales made online, by telephone and mail order sales, and alcohol delivery services. Each of these sales must comply with the requirements of the 2003 Act. The mandatory condition requires that age verification takes place before a person is served alcohol. Where alcohol is sold remotely (for example, online) or through a telephone transaction, the sale is made at this point but the alcohol is not actually served until it is delivered to the customer. Age verification measures (for example, online age verification) should be used to ensure that alcohol is not sold to any person under the age of 18. However, licence holders should also consider carefully what steps are appropriate to ensure that age verification takes place before the alcohol is served (i.e. physically delivered) to the customer to be satisfied that the customer is aged 18 or over. It is, therefore, the responsibility of the person serving or delivering the alcohol to ensure that age verification has taken place and that photo ID has been checked if the person appears to be less than 18 years of age.

#### *Smaller measures*

10.51 The responsible person (see paragraph 10.39) shall ensure that the following drinks, if sold or supplied on the premises, are available in the following measures:

- Beer or cider: ½ pint
- Gin, rum, vodka or whisky: 25ml or 35ml
- Still wine in a glass: 125ml

10.52 As well as making the drinks available in the above measures, the responsible person must also make customers aware of the availability of these measures by displaying them on printed materials available to customers on the premises. This can include making their availability clear on menus and price lists, and ensuring that these are displayed in a prominent and conspicuous place in the relevant premises (for example, at the bar). Moreover, staff must make customers aware of the availability of small measures when customers do not request that they be sold alcohol in a particular measure.

10.53 This condition does not apply if the drinks in question are sold or supplied having been made up in advance ready for sale or supply in a securely closed container. For example, if beer is only available in pre-sealed bottles the requirement to make it available in 1/2 pints does not apply.

10.54 The premises licence holder or club premises certificate holder must ensure that staff are made aware of the application of this condition.

#### *Ban on sales of alcohol below the permitted price*

- 10.55 The relevant person (the holder of the premises licence, the designated premises supervisor (if any) in respect of such a licence, the personal licence holder who makes or authorises a supply of alcohol under such a licence, or any member or officer of a club present on the premises in a capacity which enables the member or officer to prevent the supply in question) shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 10.56 The permitted price is defined as the aggregate of the duty chargeable in relation to the alcohol on the date of its sale or supply and the amount of that duty multiplied by a percentage which represents the rate of VAT chargeable in relation to the alcohol on the date of its sale or supply. Detailed guidance on how to make this calculation and a calculator to determine permitted prices for each product are available on the Home Office website.
- 10.57 Where there is a change to the rate of duty or VAT applying to alcohol (for instance, following a Budget), the relevant person should ensure that the permitted price reflects the new rates within fourteen days of the introduction of the new rate.
- 10.58 It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.

#### *Exhibition of films*

- 10.59 The 2003 Act provides that where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (currently only the British Board of Film Classification (BBFC)) or by the licensing authority itself.
- 10.60 The effect of paragraph 5 of Schedule 1 to the 2003 Act is to exempt adverts from the definition of regulated entertainment, but not exempt them from the definition of exhibition of a film. Since the above mandatory condition applies to 'any film', it is therefore applicable to the exhibition of adverts.

#### *Door supervision*

- 10.61 Under section 21 of the 2003 Act, when a condition is included in a premises licence that at specified times an individual must be present

at the premises to carry out a security activity (as defined in section 21(3)(a) by reference to the Private Security Industry Act 2001 (“the 2001 Act”)), the licence must include a condition requiring that individual to be licensed by the Security Industry Authority (“the SIA”) under the 2001 Act, or be entitled to carry out that activity by virtue of section 4 of the 2001 Act.

10.62 A premises licence need not require a person to hold a licence granted by the SIA if that person benefits from an exemption under section 4 of the 2001 Act. For example, certain employees benefit from an exemption when carrying out conduct in connection with a certified sports ground (section 4(6) to (12)). Furthermore, in certain circumstances persons benefit from an exemption where they operate under the SIA’s Approved Contractor Scheme (section 15).

10.63 Conditions under section 21 of the 2003 Act should only relate to individuals carrying out security activities defined by section 21(3)(a) of the 2003 Act. Therefore, they should only relate to an activity to which paragraph 2(1)(a) of Schedule 2 to the 2001 Act applies (certain manned guarding activities) and which is licensable conduct within the meaning of section 3(2) of that Act. The requirement does not relate to individuals performing non-security related activities, and section 21 should not be used in relation to any such activities.

10.64 Section 21 of the 2003 Act continues to ensure that a premises licence need not impose such a requirement in relation to those licensed premises which the 2001 Act treats as unlicensed premises. Those are:

- premises in respect of which there is in force a premises licence authorising a performance of a play or an exhibition of a film;
- casinos or bingo halls licensed under the Gambling Act 2005;
- premises where a club certificate is in force when activities are being carried on under the authority of that certificate.

See paragraph 8(3) of Schedule 2 to the 2001 Act for full details.

10.65 It should be noted, however, that the 2001 Act will require contractors and a small number of employees (those managing/supervising and those supplied under contract) to be licensed as manned guards (rather than door supervisors) when undertaking licensable conduct on premises to which paragraph 8(3) of Schedule 2 to the 2001 Act applies.

10.66 It is therefore important that if a licensing authority intends that individuals must be present to carry out security activities (as defined by section 21(3)(a) of the 2003 Act) this should be explicit, as should the mandatory condition for those individuals

to hold an SIA licence or be entitled to carry out that activity by virtue of section 4 of the 2001 Act. On the other hand, where a licensing authority intends that individuals must be present to carry out other activities (for example, activities related to safety or steward activities to organise, advise and direct members of the public), no mandatory condition

should be imposed under section 21 of the 2003 Act. In all cases it is important when determining whether or not a condition is to be imposed under section 21 of the 2003 Act to consider whether the activities of any individual working in licensed premises fall within the definition of security activities in section 21(3)(a) of the 2003 Act. (Regardless of whether a condition is imposed under section 21 of the 2003 Act, under the 2001 Act the appropriate SIA licence must be held by any individual performing an activity for which they are licensable under that Act.)



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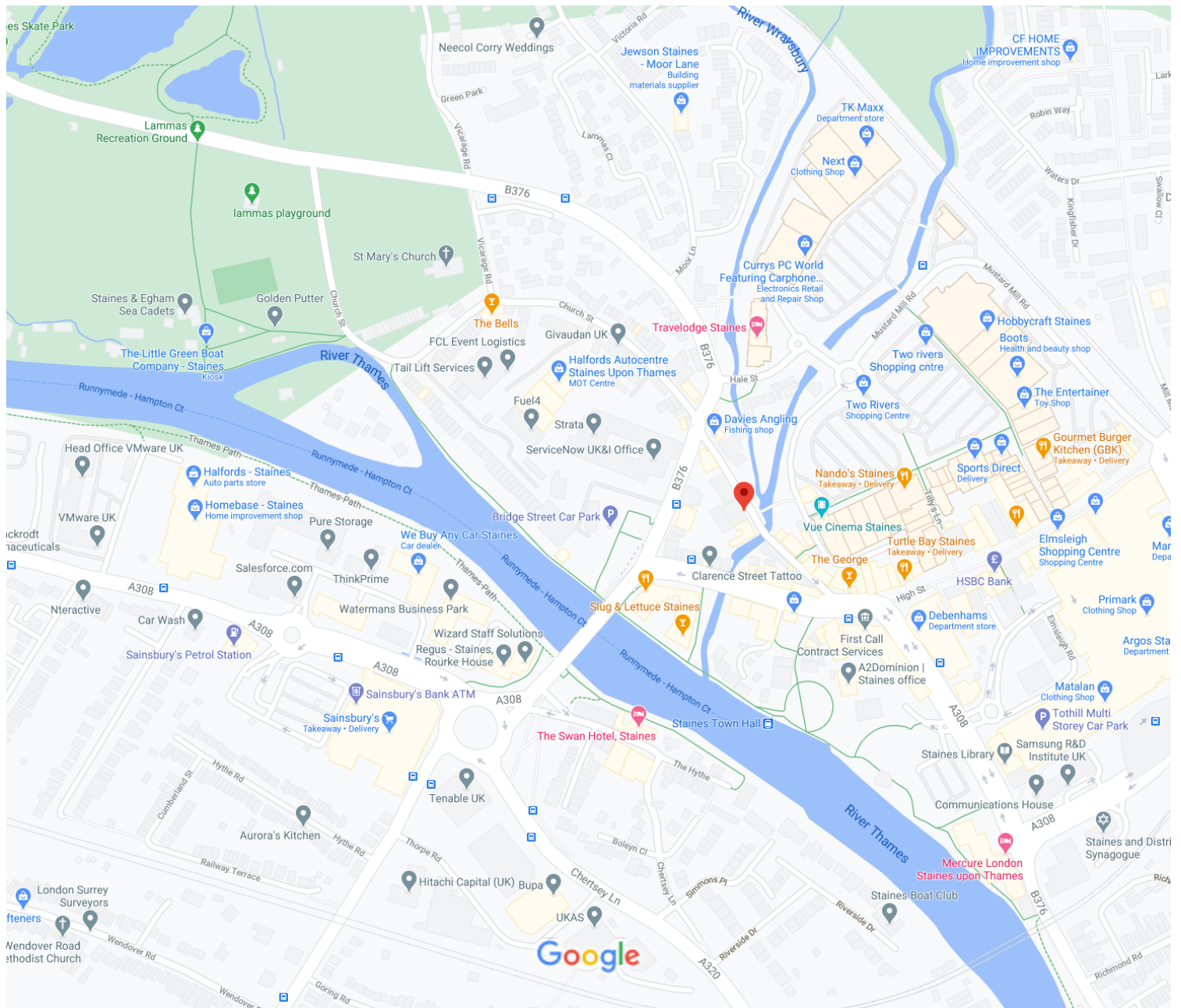


**SPELTHORNE BOROUGH COUNCIL**  
**LICENSING SUB-COMMITTEE**  
**LICENSING ACT 2003**

**Burger Plus Group Ltd**  
**25 Church Street, Staines upon Thames TW18 4EN**

<b>INDEX TO THE APPLICANT'S ADDITIONAL DOCUMENTS</b>	
1.	Google Maps – Church Street between crossing over the River Colne and the Church Street junction with the A308 Clarence Street
2.	Google Maps – Staines upon Thames, showing the full length of Church Street
3.	Statutory Notice, as displayed at the premises
4.	Statutory Notice, as published in the Surrey Advertiser on Friday, 7 August 2020
5.	Grant of Planning Permission to allow longer opening hours at 25 Church Street, Staines upon Thames TW18 4EN, dated 22 May 2020
6.	Grant of Planning Permission in relation to 11-13 Church Street, Staines upon Thames, dated 19 September 1977
7.	Applicant's Amended Operating Schedule / proposed Conditions of Licence
8.	Letter from the Applicant's licensing consultants, A2Z Licensing, to the residents of Aldous House who had made representations opposing the application, dated 9 September 2020
9.	Letter from the Applicant's licensing consultants, A2Z Licensing, to the Local Planning Authority which had made representations opposing the application, dated 9 September 2020
10.	Letter from the Applicant's licensing consultants, A2Z Licensing, to the Licensing Authority amending the Operating Schedule, dated 9 September 2020
11.	Letter from the Applicant's licensing consultants, A2Z Licensing, to Environmental Health in connection with a noise complaint made by a local resident, dated 15 September 2020
12.	Summary of crime details extracted from POLICE.UK website, together with copies of the crime data provided by Surrey Police for crime recorded on or near Church Street, Staines upon Thames each month between January 2019 and July 2020
13.	Licensable activities and hours in relation to Topps Pizza, 11-13 Church Street, Staines upon Thames
14.	Google Street View image of the premises of Topps Pizza at 11-13 Church Street, with a Topps Pizza branded delivery scooter outside the premises
15.	Mobile phone recording of CCTV footage taken from Burger Plus, 25 Church Street, Staines upon Thames on Sunday, 23 August 2020





Map data ©2020 50 m



## PUBLIC NOTICE LICENSING ACT 2003

### To whom it may concern:

I/We (1) HABIB NOORY

Do hereby give notice that I/we have applied to the Licensing Authority at Spelthorne Borough Council (2) Premises Licence/Club Premises Certificate at

(3) 25 CHURCH STREET, STAINES, TW18 4EN

and known as (4) BURGER PLUS

The application is to:- (5) for providing late night refreshment between the hours  
of 23:00 - 03:00

Any person wishing to make representations to this application may do so by writing to Spelthorne Borough Council, Licensing Section, Knowle Green, Staines TW18 1XB or by email to [environmental.health.commercial@spelthorne.gov.uk](mailto:environmental.health.commercial@spelthorne.gov.uk) not later than (6) 28th AUGUST 2020. Representations received after this date will not be considered.

A copy of the application can be viewed at Spelthorne Borough Council, Licensing Section, Knowle Green, Staines, during normal office hours.

It is an offence knowingly or recklessly to make a false statement in connection with this application, the maximum fine on summary conviction being £5,000.

Signed:  .....

Applicant / on behalf of the applicant

Dated: 4/08/2020 .....

(Note: This notice must be **published** during the period of 10 working days starting on the day after the day on which the application was submitted to Spelthorne Borough Council )

- (1) Insert name of applicant (normally holder of Premises Licence or club Premises Certificate)
- (2) Delete that not applicable
- (3) Insert postal address of premises
- (4) Insert name premises is known by
- (5) Insert brief description of operation (e.g. The terminal hour is midnight on Fridays and Saturdays/ to include non-amplified entertainment until midnight etc)  
Regulation 25 & 26 of the Licensing Act 2003 (Premises Licences and club premises certificates) Regulations 2005
- (6) Insert date 28 days after the date the application is delivered to the Local Authority



Public Notices

Public Notices



**WAVERLEY BOROUGH COUNCIL**  
**TOWN AND COUNTRY PLANNING ACT 1990: TOWN AND COUNTRY PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 & REGULATIONS 1990 (as amended)**

The Local Planning Authority has received applications for planning/listed building consent either affecting the setting of or impacting on protected areas described below. Copies of the applications and plans will be available for inspection during normal office hours in the main office at The Burys, Godalming. Alternatively you can view the applications on our website. Representations should be submitted to the Head of Planning in writing at Waverley Borough Council Offices, The Burys, Godalming, GU7 1HR within 21 days of the publication of these notices.

**WA/2020/1086** Erection of a link extension between 2 ancillary buildings and use as a dwelling together with associated works.  
Northland House, Petworth Road, Chiddingfold.

**WA/2020/1105** Listed Building consent for erection of extension.  
2 The Square, The Green, Eistead.

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015) NOTICE UNDER ARTICLE 15**

**WA/2020/0260** Outline application with all matters reserved except for a dwelling, for the erection of up to 86 dwellings, and a workspace hub (Use Class B1) and associated works (amended description). Land Coordinates 504360 134890, Horsham Road, Aifold.

**WA/2020/0911** The following also affects a Public Right of Way  
Alterations to elevations including rebuilding of a chimney stack. (Address corrected)  
Lake Lodge, Witley Park, French Lane, Thursley.

**07 August 2020**  
**Zac Ellwood - Head of Planning**  
**www.waverley.gov.uk/planning**

**SPELTHORNE BOROUGH COUNCIL**  
**NOTICE OF PROPOSAL**  
**PROPOSED SPELTHORNE BOROUGH COUNCIL (OFF STREET PARKING PLACES) ORDER 2020**

Spelthorne Borough Council intends to make the above order ("the Proposed Order") under its powers under section 32 and 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 as amended and under the Traffic Management Act 2004 as amended and all other enabling powers.

The Proposed Order relates to existing off-street parking places and proposed new parking places by the Council in the locations listed in the Schedule of Parking Places and Charges and is intended to come into operation on 15 September 2020 (or as soon as possible thereafter).

The effect of the Proposed Order is to replace the Spelthorne Borough Council (Off-Street Parking Places) Order 2018. The Proposed Order will give the Council the opportunity to add new parking places and to revoke and amend the conditions and use of some of the existing parking places, and review charges, in accordance with the attached Schedules of Parking Places and Charges. The penalty charges for contraventions of the Proposed Order will remain the same.

Any person may object or make representations relating to the draft Proposed Order by 4 September 2020. Objections and representations must be made in writing, stating the grounds on which they are made and must be sent to the Group Head of Corporate Governance either by letter to the address below or by email to [parkingorder@spelthorne.gov.uk](mailto:parkingorder@spelthorne.gov.uk)

A copy of the Proposed Order is available on the Council's website [www.spelthorne.gov.uk](http://www.spelthorne.gov.uk) and on the notice boards outside the Council Offices, Knowle Green, Staines-upon-Thames.

Dated: 6 August 2020, Victoria Statham, Group Head of Corporate Governance, Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames TW18 1XB

**Runnymede Borough Council**

Town and Country Planning Act 1990, The Planning (Listed Buildings and Conservation Areas) Act 1990:

The following applications have been received for proposals which may affect a Listed Building and/or a Conservation Area, may be a Major Development and/or Departure from the Development Plan, or an Environmental Statement has been submitted. Details may be inspected on line at [www.runnymede.gov.uk](http://www.runnymede.gov.uk).

Any representations to be sent in writing to [planning@runnymede.gov.uk](mailto:planning@runnymede.gov.uk) to be received within 21 days from the publication of this notice. Representations received are available for public inspection.

**RU.20/0997 - 39 The Precinct, High Street, Egham** - Permission to use vacant shop as an estate agents (Use class A2)

**Dated: 7 August 2020** - Christine Kelso Development Manager on behalf of Runnymede Borough Council

**DID YOU KNOW?**

You can now book your **PUBLIC NOTICE** by visiting [bookanad.com](http://bookanad.com)

For help booking online call our team on **01227 907972** 9am-5pm Mon-Fri

**Self-Serve Online**

**PUBLIC NOTICE**  
**LICENSING ACT 2003**

To whom it may concern:

We Pizza Maria Ltd do hereby give notice that we have applied to the Licensing Authority at Spelthorne Borough Council Premises Licence at 1 Terroni, 129 High Street, Staines TW18 4PD and known as 1 Terroni.

The application is to:-  
Apply to authorise the following licensable activities:  
The supply of alcohol for consumption both on/off the premises:  
Monday to Sunday from 12pm till 11pm  
The provision of recorded music:  
Monday to Sunday from 12pm till 11pm  
Premises opening hours:  
Monday to Sunday from 12pm till 11pm

Any person wishing to make representations to this application may do so by writing to Spelthorne Borough Council, Licensing Section, Knowle Green, Staines TW18 1XB or by email to [licensing@spelthorne.gov.uk](mailto:licensing@spelthorne.gov.uk) not later than 28/08/2020 Representations received after this date will not be considered.

A copy of the application can be viewed at Spelthorne Borough Council, Licensing Section, Knowle Green, Staines, during normal office hours.

It is an offence knowingly or recklessly to make a false statement in connection with this application, the maximum fine on summary conviction being £5,000.

Signed: Antonio Marino (director Pizza Maria Ltd)  
Dated: 31/07/2020

**Legal Notices**

**ADALGISA MARIA SVEDLUND**  
(Deceased)

Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the above named, late of Oakcroft House, Care Home, Oakcroft Road, West Byfleet KT14 6JG, who died on 10/03/2020, are required to send written particulars thereof to the undersigned on or before 08/10/2020, after which date the Estate will be distributed having regard only to the claims and interests of which they have had notice.

**Wilfred T Fry (Executor and Trustee) Ltd**  
Crescent House Crescent Road Worthing West Sussex BN11 1BN.

**JEAN MARY SMITH**  
(Deceased)

Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the above named, late of Oakcroft House, Care Home, Oakcroft Road, West Byfleet KT14 6JG, who died on 10/03/2020, are required to send written particulars thereof to the undersigned on or before 08/10/2020, after which date the Estate will be distributed having regard only to the claims and interests of which they have had notice.

**Cornerstone Wills, Baspoint Business Centre**  
377-399 London Road  
Camberley GU15 3HL.

**SURREY HEATH BOROUGH COUNCIL**

**NOTICE IS HEREBY GIVEN** that the following application has been received, details of which together with the submitted plans and documents, can be inspected online at [www.surreyheath.gov.uk](http://www.surreyheath.gov.uk) (Planning and Building) or in the Contact Centre, Surrey Heath House, Knoll Road, Camberley, between 9.00am and 5.00pm Monday to Thursday and 9.00am and 4.30pm on Friday.

**Town And Country Planning Act 1990**  
**Town And Country Planning (Development Management Procedure) (England) Order 2015 (DMPD)**

**Notice Under Article 15 – Departure From Development Plan**

The following application does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated:

**Application No. and Location** 19/2189/FFU  
Windesham House, Kennel Lane, Windesham

**Development Description**  
Erection of new stables, formation of new yard area and horse exercise ring facility and creation of new access road onto Pound Lane.

Anyone who wishes to make representations in connection with the above application should submit them in writing to the Executive Head of Regulatory Services of Surrey Heath Borough Council at the above address by no later than 28th August 2020.

Jenny Rickard, Executive Head of Regulatory Services  
7th August 2020.

**LICENSING ACT 2003**

To whom it may concern: I, HABIB NOORY Do hereby give notice that I have applied to the Licensing Authority at Spelthorne Borough Council for a Premises Licence at 25 CHURCH STREET, STAINES, TW18 4EN and known as BURGER PLUS

The application is for providing late night refreshment between the hours of 23:00-03:00.

Any person wishing to make representations to this application may do so by writing to Spelthorne Borough Council, Licensing Section, Knowle Green, Staines TW18 1XB or by email to [environmental.health.commercial@spelthorne.gov.uk](mailto:environmental.health.commercial@spelthorne.gov.uk) and licensing@spelthorne.gov.uk not later than 28 August 2020.

Representations received after this date will not be considered.

**Guildford Borough Council**

The Local Planning Authority has received the following applications for a Major Development, a Development Affecting a Listed Building, a Building in a Conservation Area, Historic Park & Garden or a Departure. These applications may be viewed online at [www.guildford.gov.uk](http://www.guildford.gov.uk) or at Millmead House during normal office hours. Representations should be made in writing within 21 days of the publication date of this notice to Director of Planning and Regeneration, Planning Services, Guildford.

**20/P/01128 Sir Douglas Haig, The Street, Effingham** Refurbishment and extension to existing public house (A4) and conversion of 7no. room hotel (C1) to 2no. short let apartments (C1) and 1no. 1 bed residential apartment (C3) in addition to the erection of 4no. 2 bed and 2no. 3 bed dwellings to the side and rear. Demolition of existing coach house. **20/P/01148 Land south of, Beech Lane, Normandy** Construction of 16 houses accessed via Hawthorn Close. **20/P/01173 Bruce Cottage, The Street, West Clendon** Proposed erection of a two storey detached dwelling following demolition of the existing garage. **20/P/01205 The Lodge, Guildford Lodge Drive, East Horsley** Proposed front extension. **20/P/01207 5 The Laurels, The Street, Effingham** Single storey side extension and the rebuilding of back of house facilities following fire. **20/P/01208 5 The Laurels, The Street, Effingham** Advertisement Consent for one non-illuminated fascia sign. **20/P/01209 & 20/P/01210 5 Rose Lane, Ripley** Planning and Listed Building Consent to remove modern single stack chimney to rear elevation, create french drain to side elevation and remove plastic downpipe and guttering on the building and replace with cast iron or similar metal version. **20/P/01232 Nightingale Cottage, 35 Wood Street Green, Wood Street Village, Guildford** Proposed part two storey/part three storey side extension, two front dormers, and roof light, three rear rooflights and changes to fenestration following demolition of first and second floor rear extension. **20/P/01246 1 Millmead Terrace, Guildford** Erection of a part single/two storey rear extension following demolition of existing single storey rear structure. **20/P/01267 Combe Cottage, 3 Wilderness Road, Guildford** First floor side/rear extension. **20/P/01271 3, 4, 5 & 9 Middleton Industrial Estate Road, Guildford** Erection of 20 industrial units with two entrances off the Middleton Industrial Estate Road with car and bicycle parking facilities and landscaping around the perimeter following the demolition of 2 existing industrial buildings and associated drainage and accesses, and the levelling off of the site into two main areas. **20/P/01273 20 The Street, West Horsley** Variation of condition 2 of planning application 19/P/01210 approved 18/11/19 to allow changes to the site layout and appearance of the dwellings. **20/P/01277 48 Epsom Road, Guildford** Erection of two 3 bedroom semi-detached houses following demolition of existing garages with undercroft storage.

**THE SURREY COUNTY COUNCIL**

**Highways Act 1980**  
**Wildlife and Countryside Act 1981**  
**Public Footpath 349 (Ash) Diversion Order 2020**  
**Public Footpath 351 (Ash) Extinguishment Order 2020**  
**Public Footpath Nos. 351 & 349A (Ash) Creation Order 2020**

The above Diversion Order made on 29 July 2020, under section 119 of the Highways Act 1980 and section 53A(2) of the Wildlife and Countryside Act 1981 will, if confirmed, divert Footpath 349 (Ash) from Grid Ref. 489061 149862 in a south westerly direction for 260m, to a line running from the same point in a southerly direction for 225m, as shown on the Order Map.


The above Extinguishment Order made on 29 July 2020 under section 118 of the Highways Act 1980 will, if confirmed, extinguish Footpath 351 Ash running from its junction with Footpath 349 at Grid Ref. 489061 149862 in a north easterly direction for 220m to its junction with Footpath 350 as shown on the Order Map.


The above Creation Order made on 29 July 2020, under section 26 of the Highways Act 1980 and section 53A(2) of the Wildlife and Countryside Act 1981 will, if confirmed, create Footpath 351 running from Footpath 349 at Grid Ref. 489078 149844 in an easterly turning to northerly turning to north easterly direction for 257m to Footpath 350 and Footpath 349a running from Footpath 349 at Grid Ref. 489080 149663 in an easterly turning to southerly turning to easterly direction for 163m as shown on the Order Map.

Copies of the Orders and Maps may be seen free of charge at the Countryside Access Office, Surrey County Council, Merrow Depot, Merrow Lane, Guildford GU4 7BD (by appointment only Tel. 0300 200 1003) and at Guildford Library, 77 North Street, Guildford, GU1 4AL during opening hours. The notice can also be viewed on [www.surreycc.gov.uk](http://www.surreycc.gov.uk) under Footpaths, Byways and Bridleways. Copies of the Orders may be purchased from the Countryside Council for £4 each. Any representations or objections to the Orders must be sent in writing to Countryside Access quoting reference AW/3/1/54 at Surrey County Council, Whitebeam Lodge, Merrow Depot, Merrow Lane, Guildford GU4 7BD by Monday 7 September 2020. Please state the grounds on which they are made. If no representations or objections are duly made, or if any so made are withdrawn, Surrey County Council may confirm the Orders as unopposed Orders. Any representations not withdrawn will be sent with the Orders to the Secretary of State for the Environment, Food and Rural Affairs for confirmation. Please note that in the interests of open government, responses to this consultation may be disclosed to the public and may be summarised for inclusion in committee reports. If you do not wish your personal details to be made public please notify us in your response.

Dated 7th August 2020  
Katie Stewart, Director of Environment, Transport and Infrastructure

Enquiries relating to this notice should be directed to: Countryside Access Team, Whitebeam Lodge, Merrow Depot, Merrow Lane, Guildford, GU4 7BD. Tel: 0300 200 1003 or email: [rights@wys@surreycc.gov.uk](mailto:rights@wys@surreycc.gov.uk)





The following applications have been received for proposals which affect a Listed Building, Conservation Area or notice under Article 8 (Major Developments.) Details may be inspected at the Town Planning Division, Civic Centre, High Street, Esher between 8.45am and 5.00pm Monday to Friday. Any written representations to be made to me within the 21 days of publication of this notice. Please note that in accordance with the Local Government (Access to Information) Act 1985, any representations received will be made available for public inspection. The application plans and details will be displayed on the Council's Website at [www.elmbridge.gov.uk](http://www.elmbridge.gov.uk)

**Ray Lee**  
Strategic Director  
Date of Issue: 7 August 2020

2020/1685HOU Setting of Listing Building or Cons Area Press and Site Notice  
Winter Cottage Garrison Road Esher Surrey KT10 8LN  
Single-storey front outbuilding.

2020/1704HOU Setting of Listing Building or Cons Area Press and Site Notice  
54 Church Walk Thames Ditton Surrey KT7 0NW  
Front porch.

**Public Notice**  
**Application for Designation of an Ottershaw Neighbourhood Forum and Neighbourhood Area**

An application has been received by Runnymede Borough Council for the designation of an Ottershaw Neighbourhood Forum and for the designation of an Ottershaw Neighbourhood Area. This application is now the subject of public consultation. The particulars of the application can be viewed on the Council's website at <https://www.runnymede.gov.uk/article/15577>. Neighbourhood-Planning or a paper copy can be taken away from Woking library during its published opening hours.

The application for designation of a Neighbourhood Forum and Neighbourhood Area is open to public consultation until midnight on **Monday 7th September 2020** and representations can be submitted to the Council in writing either by email to [planningpolicy@runnymede.gov.uk](mailto:planningpolicy@runnymede.gov.uk) or by post to: Planning Policy Team, Runnymede Borough Council, Runnymede Civic Centre, Station Road, Addlestone, Surrey, KT15 2AH. Representations received after this date may not be considered.



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# BOROUGH OF SPELTHORNE

TOWN AND COUNTRY PLANNING ACT 1990 AND LOCAL GOVERNMENT ACT 1972

Mr Habib Noory  
c/o Mr Kaleem Janjua  
M C S Design Architectural Services  
53 Westmead  
Windsor  
SL4 3NN



For: Mr Habib Noory		SAN		20/00350/RVC
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The BOROUGH OF SPELTHORNE as LOCAL PLANNING AUTHORITY under the provisions of Part III of the Town and Country Planning Act 1990 and Part IX of the Local Government Act 1972, DO HEREBY

## GRANT PLANNING PERMISSION

FOR THE DEVELOPMENT SPECIFIED IN THE SCHEDULE 1 HERETO, subject to the Conditions specified in Schedule 2 hereto.

### SCHEDULE 1

The development specified in the application for Planning Permission dated 30 March 2020 and shown on the plans submitted therewith, namely:

PROPOSAL:	Variation of condition 4 (hours of opening) of p/a 19/00042/FUL (Change of use of ground floor office (Class B1) to takeaway (Class A5) and installation of extractor fan and flue) to allow longer opening hours (as shown on plan no HABIB/PLAN/001 and Location plan rec'd 18.03.2020)
AT:	25 Church Street Staines-upon-Thames TW18 4EN

### SCHEDULE 2

See attached list.

The reason(s) for the decision of the Council to grant Planning Permission for the development specified in Schedule 1, subject to any conditions specified in Schedule 2, are set out overleaf.

Dated 22 May 2020

Signed : *EJ Spinks*  
Planning Development Manager  
Duly authorised in this behalf

ANY PERMISSION HEREBY GRANTED RELATES ONLY TO THAT WHICH MAY BE NECESSARY UNDER THE TOWN AND COUNTRY PLANNING ACT 1990. CONSENT UNDER THE BUILDING REGULATIONS MAY ALSO BE NECESSARY.

PLEASE READ THE ACCOMPANYING NOTES OVERLEAF

## NOTES

- (1) If the applicant is aggrieved by the decision of the Planning Authority named overleaf to refuse permission or approval for the proposed development or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act, 1990, within six months of the date of this notice. (Appeals must be made on a form, which is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances, which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Planning Authority named overleaf or could not have been so granted otherwise that subject to the conditions imposed by them, having regard to the statutory requirements (the statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act, 1990, namely Sections 70 and 72(1) of the Act) to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Planning Authority named overleaf was based on a direction given by him.
- (2) If permission to develop the land is refused or granted subject to conditions, whether by the Planning Authority named overleaf or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Borough Council in whose area the land is situated, a purchase notice requiring that council to purchase his interest in the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990, and by the Local Government Act, 1972.
- (3) In certain circumstances, a claim may be made against the Planning Authority named overleaf, for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990, and by the Local Government Act, 1972
- (4) Attention is drawn to Section 20 of the Surrey County Council Act, 1985 which requires that when a building is being erected or extended proper provision shall be made for the fire brigade to have means of access to the buildings and neighbouring building (copy of Section available from the Planning Authority).
- (5) If any demolition works are to be undertaken, you may be required to give prior notice under Section 80 of the Building Act, 1984. Please consult the Council's Building Control Section. This is in addition to any conservation Area Consent or Listed Building Consent, which may be required for demolition.

1. The premises shall only be used for the purposes hereby permitted between 11.30 and 01.00 hrs Monday to Saturday and between 11:30 and 23:30 hrs on Sunday and Bank Holidays.

Reason:-.To safeguard the amenity of neighbouring properties.

### **INFORMATIVES TO APPLICANT**

#### **1 Access by the Fire Brigade**

Notice of the provisions of Section 20 of the Surrey County Council Act 1985 is hereby endorsed on this planning permission. Copies of the Section may be obtained from the Council Offices or from County Hall. Section 20 of this Act requires that when a building is erected or extended, proper provision must be made for the Fire Brigade to have means of access to the building or to any neighbouring buildings. There are also requirements relating to access and facilities for the fire service contained in Part B of the Building Regulations 2000 (as amended).

1. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Spelthorne Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by -

- Offering a pre application advice service
- Where pre-application advice has been sought and that advice has been followed, we will advise applicants/agents of any further issues arising during the course of the application
- Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process.

However, Spelthorne Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application are required.

Pre-application advice was not sought prior to submission and alterations were required to overcome concerns. These were sought and the applicant agreed to the changes.

### **Decision Making: Working in a Positive and Proactive Manner**

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of the NPPF. This may have included the following:-

- a) Provided pre-application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered;



- c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development and to improve the economic, social and environmental conditions of the area;
- d) Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.

SPELTHORNE BOROUGH COUNCIL

Form T.P.3 (c)

TOWN and COUNTRY PLANNING Act 1971  
and LOCAL GOVERNMENT Act 1972

APPLICATION No.

11/77/603

To Mr. J.M. Hearn of Grand View, Coopers Hill Lane, Angelfield Green,  
Barnet, Herts. AL5.

THE SPELTHORNE BOROUGH COUNCIL AS DISTRICT PLANNING AUTHORITY

Under the Provisions of Part III of the Town and Country Planning Act 1971 and Part IX of the Local Government Act 1972, DO HEREBY

# GRANT PLANNING PERMISSION

FOR THE DEVELOPMENT SPECIFIED IN THE SCHEDULE 1 HERETO. Subject to the conditions specified in Schedule 2 Hereto

SCHEDULE 1:— The Development specified in the application for planning permission dated 29th September, 1977.  
and shown on the plans submitted therewith, namely:—

Use of first floor as a restaurant with ancillary storage, toilet and  
staff accommodation at 11-13 Church Street, Staines.

SCHEDULE 2:—

That the development to which this permission relates must be begun  
not later than the expiration of five years beginning with the  
date of the grant of this permission.

The reasons for the decision of the Council to Grant Planning Permission for the development specified in Schedule 1 subject to any conditions specified in Schedule 2 are set out overleaf.

Dated this 23rd day of November 19 77

Signed David K. Cox.  
CHIEF TECHNICAL OFFICER Duly authorised in this behalf.

ANY PERMISSION HEREBY GRANTED RELATES ONLY TO THAT WHICH MAY BE NECESSARY UNDER THE TOWN AND COUNTRY PLANNING ACT, 1971. CONSENT UNDER THE BUILDING REGULATIONS MAY ALSO BE NECESSARY.

PLEASE READ THE ACCOMPANYING NOTES OVERLEAF



## REASONS FOR THE IMPOSITIONS OF CONDITIONS

This condition is required by Section 41 of the Town and Country Planning Act, 1971

### NOTES

(1) If the applicant is aggrieved by the decision of the Planning Authority named overleaf to refuse permission or approval for the proposed development or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Department of the Environment, Becket House, Lambeth Palace Road, London SE1 7ER). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Planning Authority named overleaf or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (the statutory requirements are those set out in Section 36(7) of the Town and Country Planning Act 1971, namely Section 29(1), 30(1), 67 and 74 of the Act) to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Planning Authority named overleaf was based on a direction given by him.

(2) If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority named overleaf or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council in whose area the land is situated, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971 as amended by the Local Government Act 1972.

(3) In certain circumstances, a claim may be made against the Planning Authority named overleaf, for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 169 of the Town and Country Planning Act 1971 as amended by the Local Government Act 1972.

(4) Attention is drawn to Section 27 of the Surrey County Council Act 1961 which requires that when a building is erected or extended proper provision shall be made for the fire brigade to have means of access to the building and neighbouring building (copy of Section attached where appropriate).

**Burger Plus Group UK Ltd, 25 Church Street, Staines upon Thames TW18 4EN**  
**Amended Operating Schedule / proposed Conditions of Licence**

1. The premises shall install and maintain a comprehensive CCTV system as per the following minimum requirements.
  - (a) Cameras will be sited to observe the entrance and exit doors both inside and outside.
  - (b) Cameras on the entrances will capture full frame shots of the heads and shoulders.
  - (c) Cameras viewing till areas will capture frames not less than 50% of screen.
  - (d) Cameras overlooking floor areas will be wide angled to give an overview of the premises.
  - (e) Will be capable of visually confirming the nature of the crime committed.
  - (f) Provide a linked record of the date, time and place of any image.
  - (g) Provide good quality images -colour during opening times.
  - (h) Operate under existing light levels within and outside the premises.
  - (i) Have the recording device located in a secure area or locked cabinet.
  - (j) Have a monitor to review images and recorded picture quality.
  - (k) Be regularly maintained to ensure continuous quality of image capture retention.
  - (l) Have signage displayed in the customer area to advise that CCTV is in operation.
  - (m) Digital images will be kept for 31 days.
  - (n) Police will have access to images at any reasonable time.
  - (o) The equipment will have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy, if this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies will be made available to Police on request.
2. Comprehensive Training will be given to staff in relation to the conditions of the Premises Licence and in crime prevention measures. A record of each individuals

training will be maintained and be available for inspection at the premises at all times by a Responsible Authority.

3. The staff will be given training using the HSE leaflet on 'Preventing Violence to Retail Staff'.
4. The premises will work closely with Police with regard to prevention of unsociable behaviour during late hours.
5. Customers will not be permitted to bring alcoholic drinks into the premises.
6. Written risk assessment to be conducted as to the need for security.
7. The premises must subscribe to and operate and thereafter maintain any local radio scheme operating in the area.
8. The doors and windows will be closed at the premises. The doors will have a self-closing device fitted so that they do not stay open.
9. Prominent clear and legible notices displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
10. Staff will ensure that customers waiting outside do not cause a disturbance to local residents.
11. Delivery drivers to respect the needs of local residents whilst outside the premises and to leave the premises and the area quietly.
12. The placing of litter into bins outside the premises to take place at times that will minimise disturbance to nearby premises.
13. A litter bin will be provided within the premises for customers. This will be emptied on a regular basis. Staff will check the area adjacent to the premises regularly every day to ensure any litter from the premises is promptly removed.
14. Last orders to be accepted which allow the supply of the late night refreshment to the customer prior to 01:00hrs Monday to Saturday and 23:30hrs Sunday and Bank Holidays.
15. The manager and/or owner is to be fully aware of the signs of Child Criminal Exploitation (CCE) and understands that the exploitation of a child is abuse and a crime. Training/awareness raising to be provided for each member of staff to cover The Awareness of Child Criminal Exploitation (CCE) and how to make a report if any concerns are raised for a child/children or a suspected perpetrator. A record of each individuals training will be maintained and be available for inspection upon request at the premises at all times by Responsible Authorities. Training/awareness raising of CCE to be given upon appointment and refreshed at least every 12 months. Information on training courses and available resources are contained on the Surrey CC Guidance for Premises Licence Holders and Operators found on the Surrey CC Website.
16. The premises licence holder will display appropriate signs/posters highlighting the signs of CCE and who to contact to raise concerns.

Sarah Bathie  
Sacha Grimes  
Debbie Hunt  
Sean McCarthy  
Graeme Wilcockson

Our Ref: DBW / Burger Plus  
Your Ref:  
Date: 9 September 2020  
Please ask for: David Wilson

**Kindly forwarded by email by  
Spelthorne District Council**

Dear Sir or Madam,

**Burger Plus Group UK Ltd  
25 Church Street, Staines upon Thames TW18 4EN  
Application for a premises licence under the Licensing Act 2003**

I have recently been consulted by Burger Plus Group UK Ltd in connection with the company's application for a premises licence under the Licensing Act 2003 that would, if granted, permit late night refreshments (takeaway hot food) to be sold at the premises between 11pm and 3am daily. A licence is not required for the sale of hot food for the other hours the premises may trade, namely between 11.30am and 11pm daily.

Throughout the process to date, my client has taken professional advice and liaised with the Licensing Authority and through it with Responsible Authorities. Although you have not been approached until now, I trust you will appreciate that, until you made a representation, my client did not know whether you were someone to be liaised with.

As a result of direct and indirect discussions with the Licensing Authority, Surrey Police and Surrey County Council and having regard to your representation and those made by other residents of Aldous House and the Local Planning Authority, my client has amended its application as follows:

- (1) The hours the premises would be open to the public shall be 11.30am to 1am Monday to Saturday and 11.30am to 11.30pm on Sunday and Bank Holidays with the hours for the provision of late night refreshment being 11pm to 1am Monday to Saturday and 11pm to 11.30pm on Sunday and Bank Holidays.
- (2) The operating schedule proposed in the application has been distilled into a set of clear conditions to be attached to the licence, the agreement to which by my client meant that the Licensing Authority, Surrey Police and Surrey County Council did not consider it necessary to make representations opposing my client's application.

**Website:**

[www.a2zlicensing.co.uk](http://www.a2zlicensing.co.uk)

**Email:**

[enquiries@a2zlicensing.co.uk](mailto:enquiries@a2zlicensing.co.uk)

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Registered in England and Wales Company No: 11830848

**Director:**

David B Wilson Cert HELL, MLoL, MBII.tp



The new proposed opening times and times for the provision of late night refreshment have been incorporated into the aforementioned proposed conditions of licence, a copy of which I enclose for your consideration.

My client does not accept that its premises, staff, delivery drivers or customers have been responsible for the late night disturbances you have individually and collectively complained. My client has retained and will produce to the Licensing Sub-Committee CCTV footage from the premises for the times about which specific complaint has been made to prove that persons unrelated to my client's premises were responsible for those incidents.

Whilst my client is a company and has commercial objectives, its owner and director, Habibullah (Habib) Noory, is someone who wants his company to be a good neighbour to all the company's neighbours, but in particular to yourselves as the only residential neighbours in Church Street or in the immediate vicinity of the premises.

At present, we are preparing for a contested hearing of my client's application before the Licensing Sub-Committee on Wednesday, 23 September 2020, but would much prefer to amicably resolve this matter with all five residents of Aldous House that made representations opposing the application as originally made. In view of the very considerable concession that has been made as to proposed trading hours after 11pm and the conditions that it is now proposed would be attached to a premises licence, I respectfully ask you to consider withdrawing your representation.

If all those who made representations were to withdraw them, a hearing could be avoided and the Licensing Authority would proceed to administratively grant a premises licence on the terms set out in the enclosed document.

It is a matter for you as to whether you are prepared to withdraw your representation or not and I can do not more than to put these matters to you and to ask you to give due consideration to them. If you would like to discuss this matter with me, I would be pleased to hear from you on, if you preferred, a without prejudice basis so that neither of us could refer to the content of our discussions if the matter were still to proceed as a contested application before the Licensing Sub-Committee.

If it is possible to amicably resolve this matter, the Licensing Authority will need to hear from all parties as soon as possible.

Thank you in anticipation of your consideration of this matter.

Yours faithfully,



**David B Wilson**

Licensing Consultant

Consulting Editor, Paterson's Licensing Acts 2015-20

Contributing Author and Consulting Editorial Board Member, LexisPSL

Email: david.wilson@a2zlicensing.co.uk

Mobile: 07794 776383

Russ Mounty MSc MRTPI  
Principal Planning Officer  
Spelthorne Borough Council  
Council Offices  
Knowle Green  
Staines upon Thames  
TW18 1XB

Our Ref: DBW / Burger Plus  
Your Ref:  
Date: 9 September 2020  
Please ask for: David Wilson

**Sent by email only to  
r.mounty@spelthorne.gov.uk**

Dear Mr Mounty,

**Burger Plus Group UK Ltd  
25 Church Street, Staines upon Thames TW18 4EN  
Application for a premises licence under the Licensing Act 2003**

I have recently been consulted by Burger Plus Group UK Ltd in connection with the company's application for a premises licence under the Licensing Act 2003 that would, if granted, permit late night refreshments (takeaway hot food) to be sold at the premises between 11pm and 3am daily. As you will appreciate, a licence is not required for the sale of hot food for the other hours the premises may trade, namely between 11.30am and 11pm daily.

As a result of direct and indirect discussions with the Licensing Authority, Surrey Police and Surrey County Council and having regard to the Local Planning Authority's representation and those made by residents of Aldous House, my client has amended its application as follows:

- (1) The hours the premises would be open to the public shall be 11.30am to 1am Monday to Saturday and 11.30am to 11.30pm on Sunday and Bank Holidays with the hours for the provision of late night refreshment being 11pm to 1am Monday to Saturday and 11pm to 11.30pm on Sunday and Bank Holidays. That is to say they would adopt and replicate the hours permitted by the planning permission dated 22 May 2020.
- (2) The operating schedule proposed in the application has been distilled into a set of clear conditions to be attached to the licence, the agreement to which by my client meant that the Licensing Authority, Surrey Police and Surrey County Council did not consider it necessary to make representations opposing my client's application.

**Website:**

[www.a2zlicensing.co.uk](http://www.a2zlicensing.co.uk)

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a2z Licensing (David Wilson) Ltd  
9 The Stables, Wynyard, Billingham TS22 5QQ  
Registered in England and Wales Company No: 11830848

**Director:**

David B Wilson Cert HELL, MLoL, MBII.tp



I enclose herewith, for your consideration, a copy of the Amended Operating Schedule / proposed Conditions of Licence.

In view of these changes to my client's application, I would be obliged if the Local Planning Authority would kindly agree to withdraw its representation and advise the Licensing Authority and myself of this accordingly.

Thank you in anticipation of your prompt and kind attention to this matter.

I look forward to hearing from you.

Yours sincerely,

A handwritten signature in dark ink, reading "David B. Wilson". The signature is written in a cursive, slightly informal style.

**David B Wilson**

Licensing Consultant

Consulting Editor, Paterson's Licensing Acts 2015-20

Contributing Author and Consulting Editorial Board Member, LexisPSL

Email: david.wilson@a2zlicensing.co.uk

Mobile: 07794 776383

Lucy Catlyn  
Temporary Principal Licensing Officer  
Licensing Authority  
Spelthorne Borough Council  
Council Offices  
Knowle Green  
Staines upon Thames  
TW18 1XB

Our Ref: DBW / Burger Plus  
Your Ref:  
Date: 9 September 2020  
Please ask for: David Wilson

**Sent by email only to**  
**[l.catlyn@spelthorne.gov.uk](mailto:l.catlyn@spelthorne.gov.uk)**

Dear Ms Catlyn,

**Burger Plus Group UK Ltd**  
**25 Church Street, Staines upon Thames TW18 4EN**  
**Application for a premises licence under the Licensing Act 2003**

As you know from our recent emails and telephone conversations, I have recently been consulted by Burger Plus Group UK Ltd in connection with the company's application for a premises licence under the Licensing Act 2003 that would, if granted, permit late night refreshments to be sold at the premises between 11pm and 3am daily, although the premises would trade from 11.30am daily.

As a result of direct and indirect discussions with the Licensing Authority, Surrey Police and Surrey County Council and having regard to the Local Planning Authority's representation and those made by residents of Aldous House, my client amends its application as follows:

- (1) The hours the premises would be open to the public shall be 11:30hrs to 01:00hrs Monday to Saturday and 11:30hrs to 23:30hrs on Sunday and Bank Holidays with the hours for the provision of late night refreshment being 23:00hrs to 01:00hrs Monday to Saturday and 23:00hrs to 23:30hrs on Sunday and Bank Holidays. That is to say they would adopt and replicate the hours permitted by the planning permission dated 22 May 2020.
- (2) You, on behalf of the Licensing Authority, Surrey Police and Surrey County Council, kindly distilled the original Operating Schedule into a set of clear conditions to be attached to the licence, the agreement to which by my client meant that the Licensing Authority, Surrey Police and Surrey County Council did not consider it necessary to make representations opposing my client's application.

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**Director:**  
David B Wilson Cert HELL, MLoL, MBII.tp

I enclose herewith, for your consideration, a copy of the Amended Operating Schedule / proposed Conditions of Licence. This is not exactly the same as the document you kindly forwarded to me. The changes are:

Condition 12 that provided for delivery drivers to wait inside the premises when waiting for orders to be delivered after 1am has been deleted, because there will now be no deliveries after 1am as a result of the change to hours.

Condition 15, which is now Condition 14 as a result of the aforementioned deletion, has also been amended to reflect the closing time of 01:00hrs on Monday to Saturday and 23:30hrs on Sunday and Bank Holidays.

I would be most obliged if you would kindly acknowledge safe receipt of this letter and the enclosed Amended Operating Schedule / proposed Conditions of Licence and confirm that my client's application to have been amended accordingly.

I look forward to hearing from you.

Yours sincerely,

A handwritten signature in dark ink, reading "David B. Wilson". The signature is written in a cursive, flowing style.

**David B Wilson**

Licensing Consultant

Consulting Editor, Paterson's Licensing Acts 2015-20

Contributing Author and Consulting Editorial Board Member, LexisPSL

Email: david.wilson@a2zlicensing.co.uk

Mobile: 07794 776383

Lorraine Macey  
Environmental Health  
Spelthorne Borough Council  
Council Offices  
Knowle Green  
Staines upon Thames  
TW18 1XB

Our Ref: DBW / Burger Plus  
Your Ref: 20/02642/NOIOTH  
Date: 15 September 2020  
Please ask for: David Wilson

**Sent by email only to**  
**[l.macey@spelthorne.gov.uk](mailto:l.macey@spelthorne.gov.uk)**

Dear Ms Macey,

**Burger Plus Group UK Ltd**  
**25 Church Street, Staines upon Thames TW18 4EN**

**Allegation of noise nuisance under the Environmental Protection Act 1990**

I act for the above-named company in connection with its application for a premises licence to permit the provision of late night refreshment (takeaway hot food) under the Licensing Act 2003 from 25 Church Street, Staines upon Thames TW18 4EN.

When my client received your letter of 27 August 2020 on 11 September 2020, it was forwarded to me for attention.

As the only residential premises in the vicinity to my client's premises is Aldous House, my client infers the complaint received by Environmental Health was from one of the residents of that block of flats, no doubt being one of the four residents that made representations opposing my clients application by the closing date of 28 August 2020.

One might cynically infer that the complaint was intended to trigger an objection by Environmental Health to my client's application, but clearly it did not have that effect.

Although not knowing the detail of the complaint received by Environmental Health, I can advise that detailed complaints were particularised in the objection made by one resident of Aldous House and those allegations are, so far as my client is concerned, ill-founded and disproved by my client's CCTV that show the noise nuisance alleged was not related to its premises. My client does not dispute that there have been incidents of noise nuisance in the street, but these have involved night-time revellers and their associates that have picked them up in cars in the street.

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David B Wilson Cert HELL, MLoL, MBII.tp

Although my client's application was initially made to allow for the provision of late night refreshment daily between 23:00 hrs and 03:00 hrs, the application has been amended to reflect the hours permitted by planning permission, namely 23:00 hrs to 01:00 hrs Monday to Saturday and 23:00 hrs to 23:30 hrs on Sunday and Bank Holidays.

As you will, no doubt, be aware, situated only a few properties along the street from my client's premises is Topps Pizza at 11-13 Church Street. By virtue of its long-standing planning rights, those premises are not subject to any time restrictions as to the hours they may trade, but are restricted by their premises licence to 23:00 hrs to 03:00 hrs Thursday to Saturday and 23:00 hrs to 01:00 hrs Sunday to Wednesday for the provision of late night refreshment.

Additionally, my client's premises is situated directly opposite the London Stone public house and Church Street is not only a one-way street, but is not subject to parking charges, so it is a popular location for people to park when going into town or to be picked up by friends and taxis after a night out.

My client accepts that residents of Aldous House experience the complained of noise nuisance, but my client strenuously denies being responsible for causing same.

So long as you make any request for information promptly, my client will be able to furnish you with CCTV footage as my client has agreed to a condition being attached to a premises licence (assuming for the time being that the application will be successful on some basis) that requires CCTV digital images to be kept for 31 days.

My client appreciates that Environmental Health is likely to receive more noise nuisance complaints in the future, because such incidents do occur in the street, and will give every possible assistance.

For the time being, I trust this addresses all matters to your satisfaction.

Yours sincerely,



**David B Wilson**

Licensing Consultant

Consulting Editor, Paterson's Licensing Acts 2015-20

Contributing Author and Consulting Editorial Board Member, LexisPSL

Email: david.wilson@a2zlicensing.co.uk

Mobile: 07794 776383

**Summary of crime details extracted from POLICE.UK**  
**Crime on or near Church Street, Staines upon Thames**  
**January 2019 – December 2019**

<b>Month</b>	<b>Number of Offences</b>	<b>Types of Offences</b>
January 2019	1	Anti-social behaviour (1)
February 2019	1	Other theft (1)
March 2019	2	Anti-social behaviour (2)
April 2019	8	Anti-social behaviour (7) Public order (1)
May 2019	6	Anti-social behaviour (5) Other theft (1)
June 2019	6	Anti-social behaviour (5) Other theft (1)
July 2019	3	Anti-social behaviour (3)
August 2019	5	Anti-social behaviour (3) Burglary (1) Theft from person (1)
September 2019	4	Burglary (2) Anti-social behaviour (1) Public order (2)
October 2019	9	Anti-social behaviour (4) Other theft (3) Violence & sexual offences (2)
November 2019	2	Other theft (1) Violence & sexual offences (1)
December 2019	2	Anti-social behaviour (1) Public order (1)

**Summary of crime details extracted from POLICE.UK**  
**Crime on or near Church Street, Staines upon Thames**  
**January 2020 – July 2020**

<b>Month</b>	<b>Number of Offences</b>	<b>Types of Offences</b>
January 2020	1	Other theft (1)
February 2020	0	
March 2020	2	Anti-social behaviour (2)
April 2020	0	
May 2020	2	Vehicle crime (1) Violence & sexual offences (1)
June 2020	1	Anti-social behaviour (1)
July 2020	2	Anti-social behaviour (1) Other crime (1)

# Crime details

## Crime On or near Church Street

[Back to area crime map](#)



**1 crimes were reported in this area in January 2019**

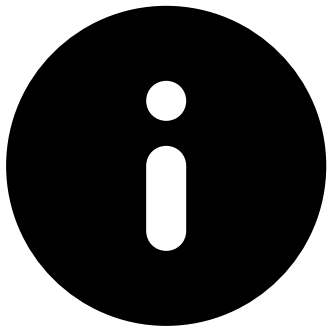
## Anti-social behaviour <sup>1</sup>

### Anti-social behaviour (1)

Includes personal, environmental and nuisance anti-social behaviour.

No crime timeline details for anti social behaviour





Status last updated August 2020

# Crime details

## Crime On or near Church Street

[Back to area crime map](#)



1

**1 crimes were reported in this area in February 2019**

## Other theft <sup>1</sup>

### Other theft (1)

Includes theft by an employee, blackmail and making off without payment.

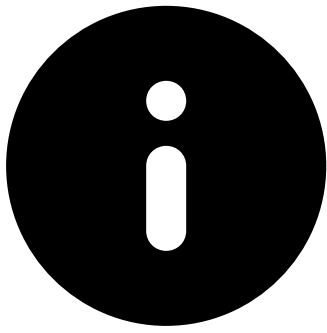
#### Other theft

#### Current status:

Further investigation is not in the public interest

#### Timeline:

[Case timeline](#)



Status last updated August 2020

# Crime details

## Crime On or near Church Street

[Back to area crime map](#)



2

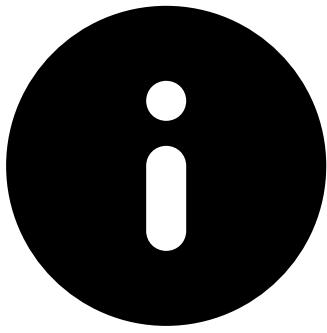
**2 crimes were reported in this area in March 2019**

## Anti-social behaviour <sup>2</sup>

### Anti-social behaviour (2)

Includes personal, environmental and nuisance anti-social behaviour.

No crime timeline details for anti social behaviour



Status last updated August 2020

## Crime details

### Crime On or near Church Street

[← Back to area crime map](#)



8

**8 crimes were reported in this area in April 2019**

### Anti-social behaviour <sup>7</sup>

---

### Public order <sup>1</sup>

---

#### Anti-social behaviour (7)

Includes personal, environmental and nuisance anti-social behaviour.

No crime timeline details for anti social behaviour

#### Public order (1)

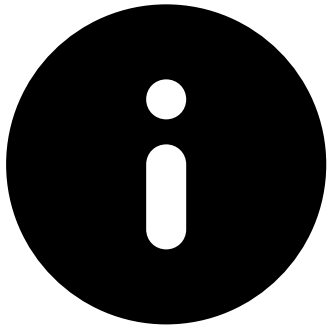
Includes offences which cause fear, alarm or distress.

**Current status:**

**Timeline:**

Investigation complete; no suspect identified

[Case timeline](#)



Status last updated August 2020

# Crime details

## Crime On or near Church Street

[Back to area crime map](#)



6

**6 crimes were reported in this area in May 2019**

## Anti-social behaviour <sup>5</sup>

### Other theft <sup>1</sup>

#### Anti-social behaviour (5)

Includes personal, environmental and nuisance anti-social behaviour.

No crime timeline details for anti social behaviour

#### Other theft (1)

Includes theft by an employee, blackmail and making off without payment.

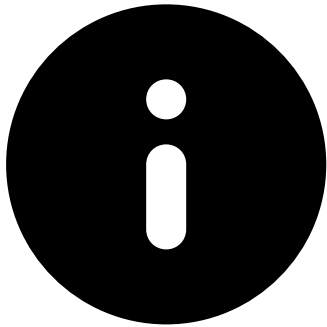


**Current status:**

**Timeline:**

Investigation complete; no suspect identified

[Case timeline](#)



Status last updated August 2020

# Crime details

## Crime On or near Church Street

[Back to area crime map](#)



6

**6 crimes were reported in this area in June 2019**

## Anti-social behaviour <sup>5</sup>

### Other theft <sup>1</sup>

#### Anti-social behaviour (5)

Includes personal, environmental and nuisance anti-social behaviour.

No crime timeline details for anti social behaviour

#### Other theft (1)

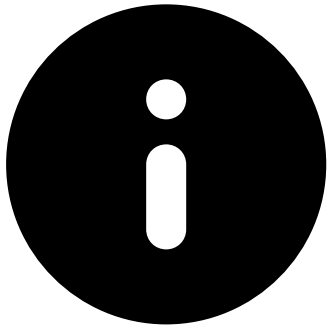
Includes theft by an employee, blackmail and making off without payment.

**Current status:**

**Timeline:**

Investigation complete; no suspect identified

[Case timeline](#)



Status last updated August 2020

# Crime details

## Crime On or near Church Street

[← Back to area crime map](#)



3

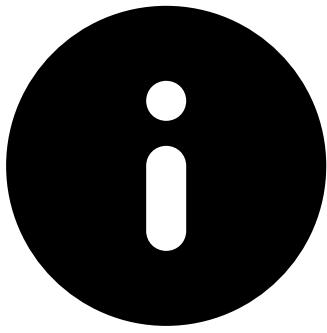
**3 crimes were reported in this area in July 2019**

## Anti-social behaviour <sup>3</sup>

### Anti-social behaviour (3)

Includes personal, environmental and nuisance anti-social behaviour.

No crime timeline details for anti social behaviour



Status last updated August 2020

## Crime details

### Crime On or near Church Street

[← Back to area crime map](#)



5

**5 crimes were reported in this area in August 2019**

### Anti-social behaviour <sup>3</sup>

---

### Burglary <sup>1</sup>

---

### Theft from the person <sup>1</sup>

---

#### Anti-social behaviour (3)

Includes personal, environmental and nuisance anti-social behaviour.

No crime timeline details for anti social behaviour

## Burglary (1)

Includes offences where a person enters a house or other building with the intention of stealing.

### Burglary

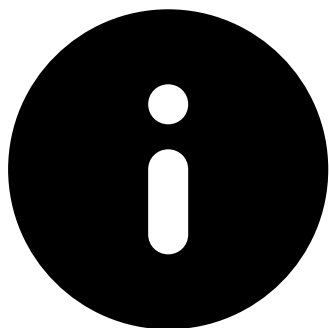
Current status:	Timeline:
Investigation complete; no suspect identified	<a href="#">Case timeline</a>

## Theft from the person (1)

Includes crimes that involve theft directly from the victim(including handbag, wallet, cash, mobile phones) but without the use or threat of physical force.

### Theft from the person

Current status:	Timeline:
Investigation complete; no suspect identified	<a href="#">Case timeline</a>



Status last updated August 2020

## Crime details

### Crime On or near Church Street

[← Back to area crime map](#)



4

**4 crimes were reported in this area in September 2019**

### Burglary <sup>2</sup>

### Anti-social behaviour <sup>1</sup>

### Public order <sup>1</sup>

#### Burglary (2)

Includes offences where a person enters a house or other building with the intention of stealing.



## Burglary

Current status:	Timeline:
Investigation complete; no suspect identified	<a href="#">Case timeline</a>
Investigation complete; no suspect identified	<a href="#">Case timeline</a>

## Anti-social behaviour (1)

Includes personal, environmental and nuisance anti-social behaviour.

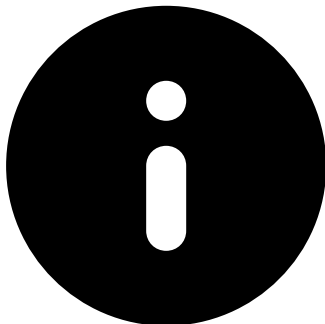
No crime timeline details for anti social behaviour

## Public order (1)

Includes offences which cause fear, alarm or distress.

## Public order

Current status:	Timeline:
Investigation complete; no suspect identified	<a href="#">Case timeline</a>



Status last updated August 2020

## Crime details

### Crime On or near Church Street

[← Back to area crime map](#)



9

**9 crimes were reported in this area in October 2019**

### Anti-social behaviour <sub>4</sub>

---

### Other theft <sub>3</sub>

---

### Violence and sexual offences <sub>2</sub>

---

#### Anti-social behaviour (4)

Includes personal, environmental and nuisance anti-social behaviour.

No crime timeline details for anti social behaviour

## Other theft (3)

Includes theft by an employee, blackmail and making off without payment.

### Other theft

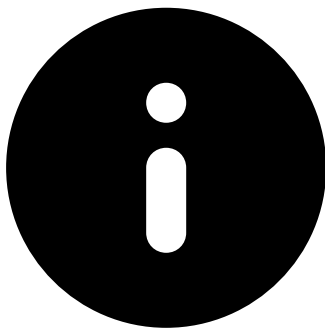
Current status:	Timeline:
Investigation complete; no suspect identified	<a href="#">Case timeline</a>
Investigation complete; no suspect identified	<a href="#">Case timeline</a>
Investigation complete; no suspect identified	<a href="#">Case timeline</a>

## Violence and sexual offences (2)

Includes offences against the person such as common assaults, Grievous Bodily Harm and sexual offences.

### Violence and sexual offences

Current status:	Timeline:
Investigation complete; no suspect identified	<a href="#">Case timeline</a>
Investigation complete; no suspect identified	<a href="#">Case timeline</a>



Status last updated August 2020

## Crime details

### Crime On or near Church Street

[Back to area crime map](#)



2

**2 crimes were reported in this area in November 2019**

### Other theft <sup>1</sup>

### Violence and sexual offences <sup>1</sup>

#### Other theft (1)

Includes theft by an employee, blackmail and making off without payment.

Other theft

**Current status:**

**Timeline:**

Investigation complete; no suspect identified

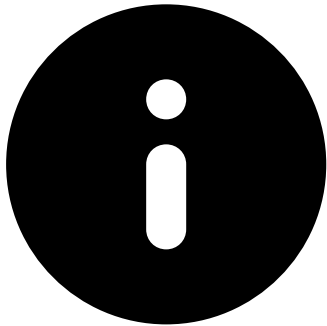
[Case timeline](#)

# Violence and sexual offences (1)

Includes offences against the person such as common assaults, Grievous Bodily Harm and sexual offences.

## Violence and sexual offences

Current status:	Timeline:
Status update unavailable	<a href="#">Case timeline</a>



Status last updated August 2020

# Crime details

## Crime On or near Church Street

[← Back to area crime map](#)



2

**2 crimes were reported in this area in December 2019**

## Anti-social behaviour <sup>1</sup>

---

## Public order <sup>1</sup>

---

### Anti-social behaviour (1)

Includes personal, environmental and nuisance anti-social behaviour.

No crime timeline details for anti social behaviour

### Public order (1)

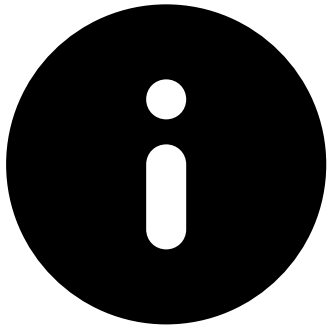
Includes offences which cause fear, alarm or distress.

**Current status:**

**Timeline:**

Investigation complete; no suspect identified

[Case timeline](#)



Status last updated August 2020

# Crime details

## Crime On or near Church Street

[Back to area crime map](#)



1

**1 crimes were reported in this area in January 2020**

## Other theft <sup>1</sup>

### Other theft (1)

Includes theft by an employee, blackmail and making off without payment.

#### Other theft

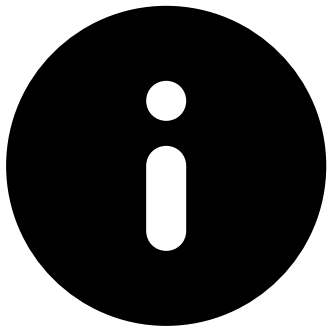
#### Current status:

Investigation complete; no suspect identified

#### Timeline:

[Case timeline](#)





Status last updated August 2020

**Crime on or near Church Street**

**No crimes recorded in February 2020**

# Crime details

## Crime On or near Church Street

[Back to area crime map](#)



2

**2 crimes were reported in this area in March 2020**

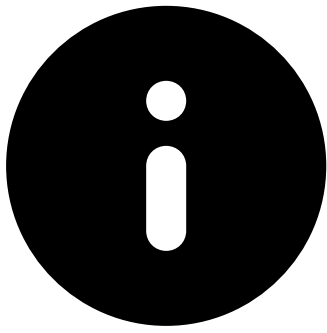
## Anti-social behaviour <sup>2</sup>

---

### Anti-social behaviour (2)

Includes personal, environmental and nuisance anti-social behaviour.

No crime timeline details for anti social behaviour



Status last updated August 2020

**Crime on or near Church Street**

**No crimes recorded in April 2020**

## Crime details

### Crime On or near Church Street

[← Back to area crime map](#)



2

**2 crimes were reported in this area in May 2020**

### Vehicle crime <sup>1</sup>

### Violence and sexual offences <sup>1</sup>

#### Vehicle crime (1)

Includes theft from or of a vehicle or interference with a vehicle.

Vehicle crime

**Current status:**

**Timeline:**

Investigation complete; no suspect identified

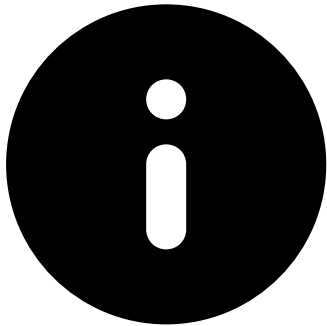
[Case timeline](#)

# Violence and sexual offences (1)

Includes offences against the person such as common assaults, Grievous Bodily Harm and sexual offences.

## Violence and sexual offences

Current status:	Timeline:
Local resolution	<a href="#">Case timeline</a>



Status last updated August 2020

# Crime details

## Crime On or near Church Street

[Back to area crime map](#)



1

**1 crimes were reported in this area in June 2020**

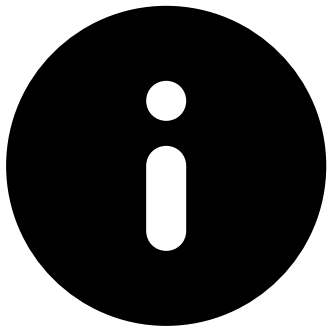
## Anti-social behaviour <sup>1</sup>

### Anti-social behaviour (1)

Includes personal, environmental and nuisance anti-social behaviour.

No crime timeline details for anti social behaviour





Status last updated August 2020

## Crime details

### Crime On or near Church Street

[← Back to area crime map](#)



2

**2 crimes were reported in this area in July 2020**

### Anti-social behaviour <sup>1</sup>

---

### Other crime <sup>1</sup>

---

#### Anti-social behaviour (1)

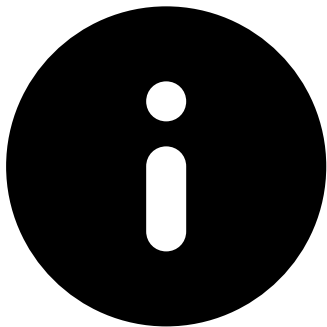
Includes personal, environmental and nuisance anti-social behaviour.

No crime timeline details for anti social behaviour

#### Other crime (1)

Includes forgery, perjury and other miscellaneous crime.

Current status:	Timeline:
Under investigation	<a href="#">Case timeline</a>



Status last updated August 2020

**Subject:** tops pizza  
**Date:** Wednesday, 9 September 2020 at 17:28:21 British Summer Time  
**From:** Catlyn, Lucy <L.Catlyn@spelthorne.gov.uk>  
**To:** David Wilson <david.wilson@a2zlicensing.co.uk>  
**Attachments:** 0.png, 1.jpg

**The times the licence authorises the carrying out of licensable activities**

Late night refreshment  
23.00 to 01.00 Sunday to Wednesday  
23.00 to 03.00 Thursday to Saturday

Sale of alcohol  
11.30 to 23.00 seven days per week

**Lucy Catlyn**  
**Temporary Principal Licensing Officer**  
**Environmental Health and Licensing**

Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames TW18 1XB  
Tel: 01784 444295

<https://www.spelthorne.gov.uk/article/19251/Coronavirus-Covid-19-Arrangements-for-Licensing-Service>

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news and Council Service  
updates on our website  
[www.spelthorne.gov.uk](http://www.spelthorne.gov.uk)



[www.spelthorne.gov.uk/article/19164/Coronavirus-and-Council-Services](http://www.spelthorne.gov.uk/article/19164/Coronavirus-and-Council-Services)

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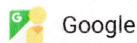
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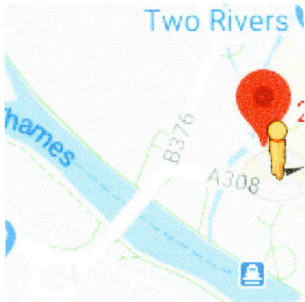


Image capture: May 2019 © 2020 Google

Staines-upon-Thames, England



Street View





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