

# **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.

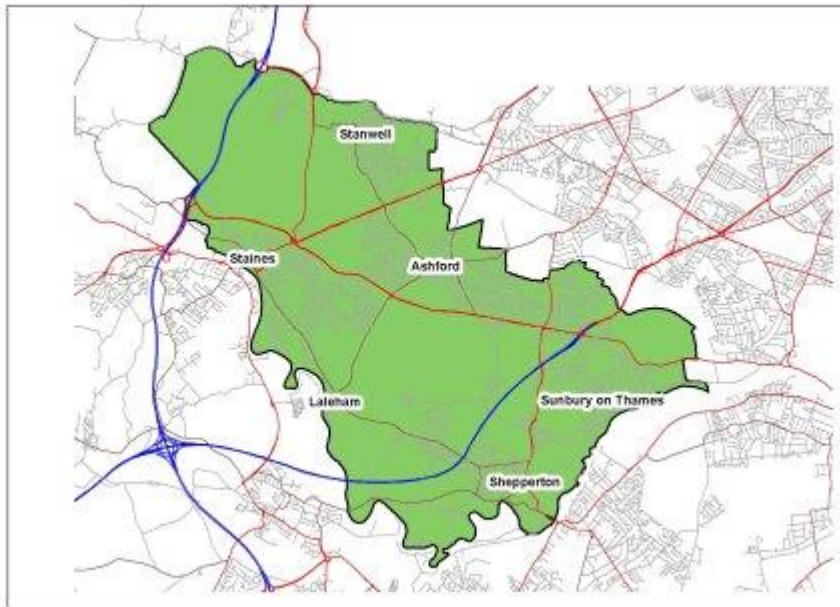
Spelthorne's resident population was 95,598 by the end of 2011, based on the 2011 census. The main centres of population are the towns of Staines, Ashford, Sunbury, Shepperton and Stanwell.

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 **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)

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)

**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)

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)

**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)

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)

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

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(\*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.