

**STATEMENT OF LICENSING POLICY  
2024-2029**



**Statement January 2024**

This Statement of Principles was approved by Spelthorne Borough Council on the INSERT DATE WHEN APPROVED.

## **Foreword**

Welcome to Spelthorne Borough Council's Statement of Licensing Policy under the Licensing Act 2003.

The Licensing Authority have been responsible for licensing alcohol, entertainment, and late-night refreshment premises since 2005.

The Licensing Authority we work in partnership with agencies such as the police, to regulate licensable activities in the borough.

This policy has been produced to allow us to remain responsive to our local environment and to respond to current and emerging risks in Spelthorne. The changes we have made mean that the Licensing Authority can take evidence-based decisions to address local issues that may affect communities.

There are several changes to our previous Policy to clarify, expand on licensing matters and updated to incorporate changes.

To avoid duplication, this policy should be read in conjunction with the 2003 Act, its associated regulations, and the latest edition of the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

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## **1 Introduction**

- 1.1 Spelthorne Borough Council (“the Council”) is the Licensing Authority under the Licensing Act 2003 (“the 2003 Act”) and has responsibility for regulating the sale and supply of alcohol, the provision of regulated entertainment, and the provision of late-night refreshment.
- 1.2 This statement of licensing policy (“the policy”) sets out the principles we will apply in exercising our licensing functions under the 2003 Act.
- 1.3 The majority of licensing functions must be carried out by the Licensing Committee established under the Licensing Act 2003. Members of this Committee are responsible for the detailed administration of the Council’s licensing function assisted by officers. The Licensing Committee has delegated certain functions to the Licensing Sub-Committee and/or officers. The decision-making arrangements are set out in the Council’s scheme of delegations.

## **2 Background**

- 2.1 Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of policy every five years. However, we will keep the policy under review and amend in the interim if necessary.
- 2.2 This Statement of Licensing Policy fulfils this requirement and has been prepared in accordance with the revised guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- 2.3 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.
- 2.4 When we carry out our licensing functions, the Council and its officers will have regard to this policy and will apply the principles set out within it.
- 2.5 We acknowledge that this policy cannot predict every scenario or set of circumstances that may arise and sometimes, the individual circumstances of a case may lead us to make exceptions to this policy. If we do make an exception, we will give full reasons for doing so. In deciding whether we should make an exception to this policy, we will consider our reasons for the specific principle before deciding whether we would undermine the aims of this policy by making an exception to it.
- 2.6 The Senior Environmental Health Manager in conjunction with the Chair of the Licensing Committee may make minor amendments to the guidance set out in this policy to reflect administrative changes. When

a full review or any substantive amendments are proposed, these will be considered by the Licensing Committee.

## 2.7 **The Spelthorne Area**

2.8 Located in Surrey, approximately 16 miles from central London, Spelthorne benefits from good transport links to both London and the southeast via both the road and rail network. In addition, the proximity of Heathrow Airport and easy access to Gatwick via the motorway network further serves to make the Borough accessible and attractive to both individuals and businesses. Covering an area of approximately 19.75 sq. miles, Spelthorne has a population of approximately 103,000 (2021 Census) compared to 95,598 in 2011.

2.9 The Authority has responsibility for helping to develop and promote a strong sustainable local economy. Thriving food, drink and entertainment businesses are an important part of that local economy with this policy critical to their continuing success and for attracting further investment and opportunity to the borough.

2.10 Balanced against this are the Council's legal duties and commitment with its partners to reducing crime, disorder and the fear of crime. It is important to protect and maintain our environment so that residents, visitors and other businesses can enjoy the opportunities for living, visiting and working within the borough safely and free from nuisance.

2.11 Spelthorne Borough Council has over 317 licensed premises of all types.

## 3 **Scope of the Statement of Licensing Policy**

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

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

3.2 These activities are controlled through a system of:

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

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

- **The prevention of crime and disorder**
- **Public safety**

- **The prevention of public nuisance**
- **The protection of children from harm**

3.4 Decision making will be based on promoting these licensing objectives.

3.5 Decision makers will also have regard to this policy document and any guidance issues from time to time by the Secretary of State.

#### **4 Policy Consultation**

4.1 Prior to the formal review of the Statement of Licensing Policy 2024-2029, an informal engagement exercise invited opinion on suggestions for changes from Responsible Authorities as defined by the Licensing Act 2003. The objective was to elicit opinion which could be considered prior to the formal review process.

4.2 In determining this policy, the Licensing Authority has undertaken a full, formal consultation with members of the public, community stakeholders, specific groups and individuals as listed in section 5(3) of the Licensing Act 2003. A full consultation list can be found at **Annex 2**.

4.3 The draft policy has also been published on Spelthorne Borough Council's website.

4.4 The views of all these bodies and the evidence presented have been given due weight in the determination of this policy.

#### **5 Fundamental Principles**

5.1 This policy sets out a general approach to making licensing decisions and acknowledges the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits.

5.2 Similarly, this policy statement does not override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.

5.3 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

5.4 Applicants are encouraged to seek advice from the Licensing Authority and responsible authorities before submitting an application.

5.5 Licensing is about the control of licensed premises, qualifying clubs, temporary events and individuals within the terms of the 2003 Act. Any conditions or restrictions attached to a premises licence or club

premises certificate will be focused on matters which are within the control of individual licensees.

- 5.6 These matters centre on the premises and places being used for licensable activities and any impact of those activities in the vicinity of those premises and places. The Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises, on members of the public living, working or engaged in normal activity in the area concerned.
- 5.7 Licensing law is not a mechanism for the general control of nuisance or antisocial behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.
- 5.8 The controls exercised through the provisions of the Act are key aspects in the control of nuisance and antisocial behaviour forming part of the Council's holistic approach to licensing.
- 5.9 In this respect, the Licensing Authority recognises that, apart from the licensing function, there are a number of other partnership mechanisms available for addressing issues arising out of the operation of licensed premises, including;
  - Task and Action Group
  - Planning Controls
  - Building Controls
  - Regular liaison with Surrey Police
  - Pub watches
- 5.10 The Licensing Authority will, so far as possible, avoid duplication with other regulatory regimes and does not intend to use the Licensing Act to achieve outcomes that can be achieved by other legislation.
- 5.11 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.
- 5.12 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.
- 5.13 It will normally be expected that applications for premises licences in respect of permanent commercial premises should be from businesses with the appropriate planning consent for the activity concerned in place.

- 5.14 Where representations are made to a particular application which relate to the licensing objectives, either from a responsible authority or from any interested other person, a hearing will be held at which the applicant and those making representation will have the opportunity to comment on the representations made.
- 5.15 In all cases, applicants and those making representations in respect of applications made to the Licensing Authority have a right of appeal to the Magistrates' Court against the decisions of the Licensing Authority. Any appeal must be lodged within 21 days of the date upon which written notice of the decision is given by the Licensing Authority.

## **6 Cumulative Impact, Late Night Levy (LNL) and Early Morning Alcohol Restriction Orders (EMROs)**

- 6.1 "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. Spelthorne Borough Council does not currently have such a policy for any part of the Borough but shall keep this under review.
- 6.2 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. Spelthorne Borough Council does not currently apply a LNL but shall keep this under review.
- 6.3 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.

## **7 Public Health**

- 7.1 In January 2012 Public Health as the Local Health Board became a responsible authority for the purposes of the Licensing Act 2003. This provides an opportunity for and imposes an obligation on Surrey Public Health to consider and respond to licence applications where they have concerns about the promotion of the licensing objectives at a specific premises.
- 7.2 Although 'protecting and improving public health' is not a licensing objective, we are concerned about the potential risk of alcohol related harm in Spelthorne. Therefore, we will always consider health related harms where they are relevant to the promotion of the licensing



objectives. Accordingly, when making representations, Public Health may demonstrate a link between health concerns and the licensing objectives and may provide information such as ambulance callouts and admissions to hospital specifically caused by alcohol.

7.3 Public Health may also use the powers available to them as a responsible authority, to work with our partners to promote sensible drinking messages and support the approach to managing the local availability of alcohol, ensuring the links between density of licensed premises, alcohol availability and indicators of health related harm to inform licensing decisions.

7.4 We recognise that licensees are generally supportive of the need to address health issues relating to alcohol. We expect applicants to consider the health impacts of their proposed activities in relation to the licensing objectives, and have set out below, some best practice for applicants to consider when completing their operating schedules. We also expect licence holders to consider this best practice, and review their current procedures if necessary:

- a) restricting special offers such as cheap shots, 'happy hours', 'buy one, get one free', 'buy two glasses of wine and get the whole bottle'. This slows down consumption, the rate at which blood alcohol concentrations increase and the peak levels are reached by drinkers. Rapidly ascending and high blood alcohol concentrations are shown to be associated with violence and uninhibited behaviour.
- b) aligning price with alcohol by volume (ABV), and ensure that non-alcoholic drinks are much cheaper than alcoholic drinks
- c) increasing seating for customers to reduce intensive drinking
- d) reducing the volume of music because loud music can increase alcohol consumption.
- e) actively promoting designated driver schemes where a driver is offered discounted or free non-alcoholic drinks
- f) making food available in late venues
- g) starting the sale of alcohol later in the day and not aligning it purely with opening hours
- h) not advertising alcohol in the shop window
- i) storing alcohol behind the shop counter
- j) not using display boards or other advertising on the shop floor
- k) restricting the sale of beer or cider over 5.5% ABV

- l) not selling alcohol where they could attract underage purchasers
- 7.5 Where the applicant fails to offer appropriate measures to promote the licensing objectives in relation to public health this may give rise to representations from Public Health or the licensing authority acting in our capacity as a responsible authority.

## **8 Premises Licences & Club Premises Certificates**

- 8.1 A premises licence is required for the sale of alcohol, provision of regulated entertainment or the provision of late night refreshment (sale of hot food and drink to the public between 11.00pm and 5.00am).
- 8.2 Some activities carried out by clubs need to be licensed under the Act but generally clubs are treated differently to commercial premises. A club is an organisation where members have joined together for a particular reason i.e. social, sporting or political and have combined to buy alcohol in bulk as members of the organisation for supply to their members. In order to apply for a Club Premises Certificate the club needs to be a 'Qualifying Club' as outlined in the Licensing Act 2003.
- 8.3 In determining applications for Premises Licences and Club Premises Certificates the Licensing Authority will have regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and any secondary legislation.
- 8.4 It is important that applications for Premises Licences and Club Premises Certificates properly address the four licensing objectives by providing as much detail as possible on the application form.
- 8.5 The application must be supported by a comprehensive operating schedule. This schedule must specify the steps which the applicant proposes to take in order to promote each of the licensing objectives.
- 8.6 Measures offered by applicants on their operating schedule will normally become licence conditions. It is essential that conditions on the licence or certificate
- a) must be appropriate for the promotion of the licensing objectives;
  - b) must be precise and enforceable;
  - c) must be unambiguous and clear in what they intend to achieve;

In this regard, we may where necessary reword meaningless, unenforceable, or ambiguous conditions proposed in operating schedules, in order to ensure the licensing objectives are upheld.

- 8.7 Where applications for premises licences or club premises certificates have attracted representations from a Responsible Authority or any other person, the application will be scheduled for a hearing before a Licensing Sub Committee where the applicant and those making representations may be heard.

- 8.8 The Licensing Sub-Committee will give full and written reasons for the decision made for each application that proceeds to a hearing.
- 8.9 Applicants should be aware that breaching the conditions of a premises licence or club premises certificate is a criminal offence. Therefore, applicants should only volunteer conditions in their operating schedule that they can comply with and are willing to do so.

## **9 Electronic Applications**

- 9.1 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.
- 9.2 Paper applications will still have to be copied to all of the responsible authorities by post by the applicant.

## **10 Application Consultation**

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

10.2 The Council will publish details of all new applications on its website.

### **10.3 Making Representations**

10.4 Representations about an application must be made in writing to the Council's Licensing Team within the time period prescribed. Written representations may include letters whether posted or emailed. Any representations received after the end of the public consultation period cannot legally be accepted, unless shown to have been submitted within the time limit.

10.5 When making a Representation, the Council request that a contact phone number and email address are provided. These help the Council to quickly contact respondents if the details of the application are altered as a result of the representations received in connection with arrangements for the hearing.

10.6 Representations should contain;

- The name, full address & post code of the person making them.
- The reasons for their representation and
- Which of the four Licensing Objectives the representations relate to;
  - Crime and disorder
  - Public Nuisance
  - Public safety
  - Protection of children from harm

10.7 A representation would be 'irrelevant' if it is not about the likely effect of the grant of the application on the promotion of the licensing objectives. Irrelevant representations cannot be accepted.

10.8 A representation made by a person other than a responsible authority will not be accepted if the Licensing Authority decides that it is frivolous or vexatious.

10.9 Vexation may arise where, for example, there is a dispute between rival businesses, or a repetitive complaint from another person which has already been subject of investigation and no new evidence provided.

10.10 Frivolous representations would be categorised by a lack of seriousness.

10.11 Such judgments will be made by officers following such enquiries as may be necessary.

10.12 Where a representation is found to be irrelevant, vexatious or frivolous, the person making it will be informed in writing that the representation will be disregarded. All valid representations will form part of a committee report that will become a public document. It will be provided to the applicant, his agent and persons who have made representations as well as the Licensing Subcommittee 10 days prior to the hearing.

10.13 Whilst representations may not be made anonymously, in exceptional circumstances, such as when the objector has a genuine and well-founded fear of intimidation or violence, some or all of the objectors personal details may be removed from the representation before it is given to the applicant.

10.14 Where there is opposition to an application, the sub-committee may:

- a) amend the conditions volunteered in the operating schedule
- b) restrict the hours during which licensable activities may take place
- c) limit the type of licensed activities that may be carried out
- d) impose further conditions on the licence or certificate
- e) refuse the application

**10.15 Negotiation and compromise**

We strongly encourage a spirit of negotiation and compromise between parties. Where an application attracts representations, these can often be fully or partially, addressed through an applicant engaging in dialogue

with the parties raising the representations prior to the Licensing Sub-Committee hearing. Licensing issues can sometimes be emotive, so when an applicant does seek to negotiate, it is imperative that such negotiations are conducted in a courteous, sensitive and respectful way.

- 10.16 As negotiation can lead to parties withdrawing representations or agreeing to conditions to address concerns, we encourage applicants to engage in 'positive' negotiations with other parties. This may help to demonstrate that the applicant is a reasonable and responsible person or body and has sought to listen to and address concerns. Where negotiations would clearly have been helpful and an applicant has not sought to initiate them, the Licensing SubCommittee may have regard to this in their determination.
- 10.17 We expect the applicant to ensure that negotiations take place as far in advance as possible of the Sub-Committee hearing. The applicant should seek to involve all (and not just some) of the parties who have made representations in the negotiations, or at the very least keep all parties informed in writing of progress and outcomes. To allow the sub-committee to consider negotiations, the applicant must inform us in writing of the outcome of any negotiations at least two working days before the scheduled sub committee hearing takes place.

## **11 Personal Licenses**

- 11.1 To sell alcohol in licensed premises at least one person needs to hold a 'Personal Licence' which has been granted by the Licensing Authority where they live. This requirement does not apply to 'qualifying clubs'.
- 11.2 Holders of a 'Personal Licence' must hold a recognised licensing qualification, be over 18 years of age and not have certain types of criminal conviction. Proof of a licensing qualification together with a Basic Disclosure certificate less than four weeks old and endorsed photographs of the holder are required as part of an application for a Personal Licence.
- 11.3 Where an applicant is found to have an unspent conviction for a relevant offence as defined in the Act or for a foreign offence, the Licensing Authority will notify the police. Where the police do not object and the application otherwise meets the requirements the Licensing Authority must grant it. If the police do object, a hearing will be held before the Licensing Sub-Committee to determine the application.
- 11.4 The Policing and Crime Act 2017 gave licensing authorities the power to revoke or suspend personal licences, with effect from 6 April 2017. This is a discretionary power; licensing authorities are not obliged to give consideration to all personal licence holders subject to convictions for relevant offences, foreign offences or civil penalties for immigration matters.

- 11.5 When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months.
- 11.6 In exercising its duties, the Council will normally seek to suspend or revoke a Personal licence when it is made aware that a licence holder has received a relevant offence, foreign offence or civil penalty for immigration matters.

## **12 Fees and Charges**

- 12.1 Licensing fees and charges are set by Government and are the same across the Country.
- 12.2 Once granted, a licence or club premises certificate does not expire but the licence holder is required to pay an annual fee. Failure to pay the annual fee within the prescribed time will result in the Licensing Authority suspending the operation of the premises licence or club premises certificate until all outstanding fees are paid.
- 12.3 Where the annual fee is paid the licence will remain in force even if the premises are not used for a licensable purpose.
- 12.4 Should applicants need assistance with completing applications they should obtain their own independent legal advice. The Council are unable to recommend agents.
- 12.5 Applicants are advised that if applications are submitted incorrectly, applications will be rejected with applicants directed to re-apply, including paying the required fee.
- 12.6 **Suspension of licence for non payment of annual fee**
- 12.7 The licence holder is solely responsible for paying the annual fee by the due date. Whilst we may contact the licence holder to remind them about payment, we are not obliged to do so.
- 12.8 Where an annual fee for a licence or certificate has become due but has not been paid, we will suspend the licence until that fee is paid, unless the nonpayment is due to:
- a) an administrative error, or
  - b) where liability to pay is in dispute and that dispute has been raised prior to the fee falling due.
- 12.9 Normally, we will only provide the statutory minimum notice period before a suspension takes effect.

## **13 Variations (Minor and Full)**

13.1 Both Premises Licences and Club Premises Certificates may be varied under the Licensing Act 2003.

**13.2 Minor Variations**

A minor variation is a simplified process with a set statutory fee applicable to all premises and clubs. There is a requirement to advertise the application by displaying a 'white' notice at the premises for a period of ten working days starting on the first working day after giving the application to us.

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

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

13.4 Decisions on a minor variation are delegated to officers and there is no right to a hearing.

13.5 In making such decisions, we will have regard to any relevant representations received from interested parties within the statutory time limit. We will only regard representations as relevant where they relate to the likely effect of the grant of the application on one or more of the licensing objectives.

13.6 We will also consult, when and if necessary, with the relevant responsible authorities.

13.7 We will only approve an application for a minor variation where in our opinion the variation sought will not have an adverse impact on the licensing objectives.

**13.8 Full variations**

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

13.9 The areas in which a premises licence may be varied include;

- Varying the hours during which a licensable activity is permitted
- Adding or removing licensable activities

- Amending, adding or removing conditions within a licence
- Altering any aspect of the layout of the premises which is shown on the plan.

13.10 Where the changes proposed are substantial or involve completely changing the nature of the business, it may be more appropriate to apply for a new premises licence.

## **14 Temporary Event Notices (TEN)**

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

14.2 Applicants must provide a clear description of the area in which they propose to carry on licensable activities and must describe the event taking place at the premises.

14.3 There are certain limitations to TENs. As these are subject to change applicants should consult the gov.uk website for information.

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

14.5 Although ten clear working days is the minimum possible notice that may be given, the Council prefers advance notice of events.

14.6 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.

## **15 Licensing Hours**

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

15.2 Where representations are made against the grant of a new licence for the sale of alcohol for consumption off the premises such as shops,



garages and supermarkets, the Licensing Authority may consider restricting those hours only where there are good and justifiable reasons for doing so and if this would promote the licensing objectives.

- 15.3 The Licensing Authority can use powers to control the hours of operation of any licensed premises where it has received a representation against an application and there are reasonable and proportionate grounds to believe that if the licence was granted as applied for without restriction, nuisance, antisocial behaviour or crime and disorder might arise. Such situations are most likely to arise where licensed premises are located close to residential areas.
- 15.4 Where representations are received, the application will be referred to a Licensing Sub Committee. The Sub-Committee will seek information and assurances from the applicant that the four Licensing Objectives will not be undermined by the grant of the application. Where the Sub Committee considers it appropriate to do so it may apply licensing conditions, including limiting the hours of operation.
- 15.5 Not all regulated entertainment will be associated with the sale of alcohol. There may be licence applications when alcohol is not provided for many reasons or in other circumstances it would be unnecessary or unlawful to have alcohol available, for example, events exclusively for children. In other circumstances regulated entertainment could finish earlier or later than the sale of alcohol.
- 15.6 The provision of Late Night Refreshment covers the supply of hot food or hot drink to members of the public at any time between the hours of 11pm and 5am. This includes takeaway food premises but also applies to restaurants and mobile vehicles.
- 15.7 In each case, the hours being sought for regulated entertainment or late night refreshment must be set out in the application and operating schedule. Where representations are received the Licensing Sub-Committee will consider each application, determining the hours of operation on its own merits taking into account the licensing objectives.
- 15.8 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.
- 15.9 **Late Night Takeaways**  
Applications for premises offering late night take away food and drink 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.

#### 15.10 **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.

## **16 Promoting the Four Licensing Objectives**

- 16.1 The promotion of the four objectives is fundamental to the Act. Every applicant for a premises licence must provide a fully completed and detailed operating schedule. This schedule must be in the prescribed format.
- 16.2 The most effective means for an applicant to assess what measures are needed to promote the licensing objectives is by risk assessment, which can then be used to form the basis of the operating schedule.
- 16.3 Providing as much information as possible in the operating schedule demonstrates that the applicant has seriously considered the issues, is aware of their duty to promote the licensing objectives at all times and is aware of how this may be best achieved.
- 16.4 The operating schedule forms the basis of any conditions placed on a licence other than those which are mandatory. It provides valuable information to interested parties and responsible authorities assisting their assessment of the impact of the licensed activity on the licensing objectives and provides information about how the applicant will address these issues. It is likely to form the basis of any decision to submit a representation against the application.
- 16.5 The Licensing Authority considers the effective and responsible management of the premises, including instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of the licensing objectives. For this reason, these measures should be specifically considered, detailed and addressed within an applicant's operating schedule.
- 16.6 Failure to comply with licence conditions can lead to formal enforcement action or an application for a review of the licence, or both.
- 16.7 **Prevention of Crime and Disorder**
- 16.8 Licensed premises of any description, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people can be a source of crime and disorder. The Licensing Authority expect operating schedules to satisfactorily address these and any other potential issues, from the design of the premises through to the daily operation of the business.

- 16.9 Applicants are recommended to engage with and seek advice from the Police and other Responsible Authorities taking into account, as appropriate, local planning and transport policies in addition to tourism and crime prevention strategies when preparing their operating plans and schedules prior to submission.
- 16.10 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.
- 16.11 Where objections are received and the Licensing Sub Committee considers it appropriate to do so, conditions may be attached to licences to prevent crime and disorder both inside and in the vicinity of the premises.
- 16.12 The Licensing Authority considers the orderly dispersal of customers from licensed premises to be an important factor in promoting the licensing objectives. In considering applications for the grant or variation of a licence, serious consideration will be given to the dispersal arrangements, the potential effect that granting the licence might have on dispersal arrangements from other licensed premises or the cumulative impact in the area.
- 16.13 In addition to the requirement for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.
- 16.14 Consideration will be given where appropriate to the powers available under the Violent Crimes Reduction Act 2006 and the use of Public Spaces Protection Orders.
- 16.15 **Crime and Disorder risks**  
The following provides a non-exhaustive list of risks associated with the crime and disorder objective that applicants should consider (where relevant) when preparing their operating schedule. We also expect licence holders to consider the same risks and review their current procedures if necessary:
- a) **crime and disorder near the premises:** this may include the risk of crime and disorder arising from persons queuing to enter the premises, persons exiting the premises and customers smoking, eating or drinking in outdoor areas and on the highway outside the premises. This can also include crime arising from pickpockets and bag snatchers, particularly in open spaces or crowded areas where alcohol is being consumed.
  - b) **crime and disorder in the premises:** drugs, psychoactive substances, weapons and violence.

- c) **event type:** in some cases, the type of regulated entertainment proposed could increase the possibility of violence and/or disorder occurring in, or near, the premises. For example, some externally promoted live music events carry an increased risk of violent crime and disorder. It may be appropriate to carry out a risk assessment of the activities proposed and share these with us, in some cases, to provide such risk assessment to the police licensing team before the event is agreed.
- d) **the risk associated with selling alcohol for consumption on or off the premises:**
  - 1. what measures are necessary to prevent underage or proxy sales? Proxy sales are when a person who is 18 years or older buys alcohol for a person who is underage.
  - 2. what measures are necessary to prevent alcohol from being sold outside permitted hours where the operating hours of the premises exceed those for the sale of alcohol.
  - 3. whether there are procedures in place to prevent sales of alcohol to intoxicated persons (with attention to street drinkers).
- e) **licensed premises and late-night refreshment:** applicants and licence holders should demonstrate they have assessed the risk of intoxicated persons congregating in large numbers near their premises. Where appropriate, applicants and licence holders should demonstrate suitable measures to address this problem.
- f) **premises environment:** applicants and licence holders should consider the physical environment of the premises and have regard to issues that could increase the likelihood of customers becoming agitated or aggressive. This may include procedures regarding door supervision, identification and management of drunken customers and issues of overcrowding and capacity

#### 16.16 Measures to address crime and disorder risks

In proposing steps or conditions to be included in the operating schedule, we expect applicants to consider the following non-exhaustive list of measures and issues that we consider may be relevant to licence applications. We also expect licence holders to consider the same issues and measures, and review their current procedures if necessary:

- a) alternatives to glass: restricting the use of glass bottles and drinking vessels to customers in preference for containers made from soft and environmentally friendly materials, polycarbonates, shatterproof or toughened glass that comply with weights and measures legal requirements.
- b) CCTV: using CCTV inside and/or outside the premises together with appropriate procedures and staff training for the ongoing maintenance and operation of such systems.

- c) dispersal procedures: establishing appropriate dispersal procedures to minimise the potential for crime and disorder when customers are leaving the premises.
- d) dealing with and reporting crime and disorder: training for staff and door security aimed at reducing crime and disorder in the premises and its vicinity and dealing with and reporting incidents if they occur.
- e) door staff: considering the use of Security Industry Authority (SIA) registered door staff and the appropriate number of door staff for the premises.
- f) drinks promotions: adopting policies to discourage excessive drinking. This might include adherence to good practice guides and industry codes on drinks promotions such as happy hours, buy one get one free and so on, in addition to adherence with the mandatory licensing condition regarding irresponsible promotions.
- g) drugs, psychoactive substances and weapons: applicants should pay attention to search procedures, procedures for the safe storage and surrender of seized drugs, psychoactive substances and weapons and consideration given to adoption of a “zero tolerance” policy in this area.
- h) incident and occurrence book: keeping an incident book on the premises so staff can record any instances of crime, disorder, refused sales, ejections and intimidating behaviour.
- i) promotion/event risks: ensuring compliance with guidance from the police relating to specific event risk assessments for externally promoted live music events well in advance of the event.
- j) excessive drinking: training for staff to recognise when customers are becoming drunk and adopting appropriate ‘cut off’ procedures for drunken customers, to reduce the likelihood of fights or aggressive behaviour.
- k) getting home safely: providing information to customers and staff (including contact telephone numbers) regarding safer options available for travelling home late at night - including licensed taxis and private hire vehicles (mini-cabs).
- l) local schemes: joining and attending meetings of the local Pubwatch.

- m) overcrowding developing policies and procedures regarding capacity to prevent overcrowding and customers becoming aggressive
- n) prevention of theft: using bag hooks and signage to warn customers of pickpockets and bag snatchers
- o) queue management: establishing appropriate procedures to avoid the need for customers to queue before entering the premises or, where queuing cannot be avoided, to manage customers in the queues to minimise the potential for crime and disorder
- p) sales for consumption off the premises: applicants should consider:
  1. using shutters to prevent alcohol from being selected in non licensed periods
  2. having appropriate numbers of staff on duty to deal with possible 'intimidation' to sell alcohol
  3. restricting the sale of high strength beer/drink promotions
  4. using an incident and occurrence book to record incidents

#### 16.17 **Drugs**

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

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

#### 16.19 **Drink Spiking**

Drink 'spiking' is when alcohol or drugs are added to someone's drink without their knowledge. Spiking a drink is illegal and subject to high maximum sentences if a person is found guilty. The UK has seen a rise in the incidences of spiking in licensed premises.

We expect applicants and licence holders to consider the risk associated with spiking on their premises and recommend that measures to deal with his risk are included within their existing drug policies.

**16.20 Psychoactive Substances**

The UK has seen a rise in new substances and products that mimic the effects of traditional drugs such as cannabis, cocaine, amphetamine and ecstasy. The Psychoactive Substances Act 2016 came into effect in May 2016 and bans these substances.

16.21 We expect applicants and licence holders to consider the risk associated with psychoactive substances on their premises and recommend that measures to deal with his risk are included within their existing drug policies or a separate psychoactive substances policy.

**16.22 Outside drinking**

Some premises may wish to supply alcohol for consumption in an outside area such as a beer garden or on the pavement adjacent to the premises. In such circumstances, we expect applicants to include all outside areas within their proposed plan, and to consider the risk associated with outside drinking and include measures in their operating schedule to uphold the licensing objectives. We also expect licence holders to exercise control over their customers, particularly in instances where the outside drinking takes place on the pavement to which the public has access. If the licence holder fails to exercise such control, we may take enforcement action and apply to review the premises licence.

16.23 If you wish to place tables and chairs on the public highway adjacent to your premises, you must also obtain a pavement licence. Further information is available on our website.

**16.24 Public Safety**

16.25 The Licensing Authority is committed to ensuring, as far as practicably possible that the safety of any person visiting or working in licensed premises is not compromised. Applicants must demonstrate in their operating schedule that suitable and sufficient measures have been identified, implemented and maintained to ensure public safety specific to the characteristics of their premises and events.

16.26 Applicants are encouraged to contact the Council's Environmental Health Services with draft proposals including plans and operating schedules. Where applicable applicants should consider safe capacity, the safety of those with special needs and the first aid requirements of customers.

16.27 Licence holders should have clear documented policies and procedures in place which identify all public safety risks associated with the premises and the measures to prevent, manage, mitigate and respond to those risks.

16.28 Where representations are received and the Licensing Sub-Committee considers it appropriate to do so, they may attach conditions to licences and certificates to ensure public safety.

16.29 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

16.30 In proposing steps or conditions to be included in the operating schedule, we expect applicants to consider the following non-exhaustive list of measures and issues that we consider may be relevant to licence applications. We also expect licence holders to consider the same issues and measures, and review their current procedures if necessary:

- a) blocking of public areas: this may apply to both inside and outside areas. For example, applicants may need to consider the possible impact of customers congregating in areas close to the premises and the safety risk arising from customers or others having to step off the pavement as a result
- b) emergencies: issues in relation to fires, bomb threats, emergency management, contingency planning and evacuation
- c) environment: an environment that is too hot or too cold can make customers uncomfortable and can lead them to become irritable and less likely to exhibit desirable behaviour. Operators should adequately heat and ventilate the premises to avoid this. If premises are in a noise sensitive area, we do not recommend keeping doors and windows open as a means of ventilation due to public nuisance considerations, and licence conditions may even prohibit this. In such cases, operators should provide some form of mechanical ventilation to ensure comfort levels are maintained
- d) safe capacity: we do not generally set safe capacity limits for premises. For many, the venue risk assessment will determine the premises safe capacity. This risk assessment should consider factors such as floor space, numbers of toilets, potential queuing time, and available fire exits. Consideration should be given as to the number of staff that is necessary to deal comfortably with the needs of persons attending the premises. If the venue has a capacity limit, operators should ensure it is not exceeded by putting a counting mechanism in place.



- e) special effects: if special effects are to be used on the premises such as flame, lasers, pyrotechnics, smoke, fog, foam or replica firearms, we encourage risk assessment to be carried out in respect of each such activity, detailing the steps to be taken to prevent and control risk to customers and staff.
- f) Generally, operators should not use special effects at the premises without our prior consent.

### **16.31 Prevention of Public Nuisance**

16.32 Licensing Sub Committees are mindful that licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity. When addressing public nuisance the applicant should identify any particular issues that are likely to affect adversely the promotion of the licensing objective to prevent public nuisance before including in the operating schedule how they propose to mitigate and manage those issues.

16.33 Where an application includes provision of a smoking area or shelter the Licensing Authority expects them to be situated as far as possible from neighbouring residential premises. It is expected that suitable receptacles be provided and maintained to dispose of cigarette litter in any area used for smoking outside licensed premises. Licensees must take all reasonable steps to discourage smoking on the public highway close to residential premises, considering measures such as a ban on customers taking drinks outside on to the public highway, the use of door supervisors or imposing a time after which readmission to the premises will not be permitted. Licence holders and applicants are reminded to consider compliance with noise nuisance legislation under the Environmental Protection Act 1990 when considering smoking locations.

### **16.34 Potential causes of public nuisance**

We expect applicants to consider the following non-exhaustive list of risks associated with the public nuisance licensing objective when preparing their operating schedule:

- a) amplified music: noise from music played on the premises.
- b) customer noise: this takes many forms, but the following are of concern:
  - 1) customers queuing to enter or leave the premises
  - 2) customers loitering outside the premises waiting for transport
  - 3) alcohol-related drunken behaviour and shouting
  - 4) customers eating, drinking, or smoking in external areas such as beer gardens, forecourts, and other open areas adjacent to the premises
  - 5) car horns/car radios/slamming of car doors late at night in the vicinity of licensed premises

- 6) use of external play equipment and noise from children using the provided facilities.
- c) deliveries: deliveries outside daytime hours, especially early morning and late evening or night
- d) collections: early morning and late night clearing up and collection of waste. We are particularly concerned about the noise associated with the movement and collection of glass waste as this may cause significant noise nuisance and can be heard over a wide area
- e) lighting: excessive artificial lighting near licensed premises
- f) litter/waste: litter and waste generated by the carrying out of licensable activities, for example, food wrappers and cigarette butts
- g) obstruction: customers blocking footpaths when eating, drinking and smoking near to the premises
- h) plant and machinery: noise from plant and machinery, including air conditioning units, refrigeration units and kitchen extractors. This may include smell nuisance from ventilation ducting and kitchen extractors.

16.35 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.

**16.36 Measures to address Public Nuisance:**

We expect applicants to consider the following non-exhaustive list of measures/issues in their operating schedule:

- a) deliveries: ensuring arrangements are in place to prevent unreasonable disturbances caused by delivery of goods and services to the premises
- b) collections: ensuring arrangements are in place to prevent unreasonable disturbances caused by collections, especially of glass waste. For example, these collections could be restricted so that they only take place at certain times, such as Monday to Saturday 08:00 to 20:00 and Sunday 10:00 until 20:00

- c) litter: where licensable activities give rise to the risk of customers dropping litter in the vicinity of the premises, whether adequate arrangements are in place to prevent littering and/or clearing it up
- d) noise or vibration escaping the premises: we will be particularly concerned with premises located close to noise sensitive properties who propose to provide music and entertainment. We encourage applicants to supply an acoustic report confirming there will be no noise breakout from the premises that is likely to cause public nuisance to persons living or working in the vicinity of the licensed premises
- e) plant and equipment: applicants should demonstrate that plant and equipment (air handling units, ventilation/extraction ducting and other equipment) is suitable and enough for the purpose intended without causing nuisance to residents by way of noise, odours or vibration
- f) people entering and leaving the premises: whether consideration has been given to possible public nuisance issues caused by customers and staff entering and leaving the premises. We will pay regard to queuing arrangements and arrangements for the orderly dispersal of customers
- g) customers smoking, eating and drinking in outdoor areas and on the highway outside the premises: possible measures that may address this issue include:
  - 1. providing prominent signage asking customers to keep noise to a minimum when using outdoor areas
  - 2. restricting the number of customers permitted in certain outside areas and/or at certain times
  - 3. using door supervisors and employees to monitor public nuisance issues
  - 4. not allowing customers who are smoking to take drinks outside with them
  - 5. restricting the use of external areas at a certain time
  - 6. removing furniture from smoking areas or preventing it's use after a certain time to discourage smokers from loitering outside the premises
  - 7. locating smoking areas away from residential premises
  - 8. using portable ashtrays to prevent cigarette litter
  - 9. only allowing seated customers to use external areas that are authorised to be used by a tables and chairs licence
- h) queuing: an effective door and queuing policy to encourage good behaviour outside the premises. This might include training for door staff to deal with conflict and drunkenness

- i) signs: signs encouraging customers to leave the area quietly, to minimise rowdy behaviour whilst waiting for transport and to minimise nuisance and/or disturbance to residents
- j) vehicles: whether there are measures to reduce the impact of customers and staff parking vehicles in the vicinity of the premises and measures taken to minimise noise generated by other vehicles attending the premises, for example taxis and minicabs
- k) A simple requirement to keep doors and windows at the premises closed when music is being played
- l) Limiting amplified music to a particular area of the building
- m) Moving speakers away from external walls or walls that abut private premises, or adjusting the direction of the speakers
- n) Installation of acoustic curtains, seals to doorways, rubber speaker mounts
- o) Fitting self-closing devices on doors so that they do not stay open.
- p) 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
- q) Noise limiters on amplification equipment (if proportionate to the premises – noise limiters are expensive and are likely to be a burden for smaller premises)

16.37 There is a distinct separation between a public nuisance under the Licensing Objectives and statutory nuisance relating to noise, light and odour under Section 79 Environmental Protection Act 1990 which is dealt with by Environmental Health Officers.

16.38 Applicants are encouraged to contact the Council's Environmental Health Services with draft proposals and where applicable their plans and operating schedules as to how they intend to control noise emanating from the premises from openings to the building (doors, fans, windows, ventilation). Consideration should be given to the provision of attenuating material and if suitable building attenuation cannot be achieved or no other appropriate measures can be taken to attenuate noise then consideration to the installation, calibration and operation of a noise limiting device may have to be given.

16.39 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.

16.40 Where representations are received and the Licensing Sub-Committee considers it appropriate to do so, they may attach conditions to licences and certificates to prevent public nuisance.

#### 16.41 **Protection of Children from Harm**

16.42 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.

16.43 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.

16.44 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.

16.45 The wide range of different premises that require licensing under the Act means that children may be expected to visit many of these, often on their own, for food and / or entertainment. Where no representations are received and an applicant's operating schedule details restrictions in relation to the admission of children, these may become conditions attached to the licence. Apart from the specific restrictions set out in the Licensing Act 2003, there is no presumption of either permitting or refusing access to licensed premises. Each application and its unique circumstances must be considered on its own merits.

16.46 The Authority is committed to protecting children from harm. Local authorities have an overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. While local authorities play a lead role, safeguarding children and protecting them from harm is everyone's responsibility. Everyone who comes into contact with children and families has a role to play.

16.47 The Licensing Authority will only seek to limit the access of children to licensed premises where it is necessary for the prevention of physical, moral or psychological harm. The Licensing Authority will consult the Surrey Safeguarding Children Board for advice on any application that indicates there may be concerns over access for children. In the event of representations, the Licensing Sub-Committee will consider the merits of each application before deciding whether to impose conditions limiting the access of children.

16.48 The following are examples of premises that are likely to raise concern;

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

16.49 Examples of entertainment or services of an adult or sexual nature might include;

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

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

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

16.51 No conditions will be imposed requiring that children be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee. The 2003 Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the Police to ensure the appropriate compliance with the law, especially relating to the sale and supply of alcohol to children.

16.52 Consideration will be given to promoting initiatives which may assist in preventing the sale of alcohol to children such as Home Office campaigns. The Licensing Authority is supportive of and actively encourages recognised proof of age schemes and 'Challenge 25'

policies in all licensed premises as a fundamental means of preventing under age sales. The Licensing Authority has an expectation that all licence holders will maintain accurate record keeping of refusals and ensure that all staff are suitably trained.

16.53 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 alcohols.

16.54 Many children go to see and/or take part in entertainment arranged especially for them, for example children's film shows, discos, dance or drama school productions and additional arrangements are required to safeguard them while at the premises.

16.55 Where an application for a Premises Licence or Club Premises Certificate includes the provision of entertainment for children or by children, the Licensing Authority will expect the operating schedule to include arrangements for protecting children.

16.56 Where representations are made and the Licensing Sub-Committee consider it appropriate to do so, they may make full use of Licensing Conditions to secure the protection of children from harm.

16.57 The Licensing Authority is committed to protecting children from harm and supports the programme of underage test purchases arranged by the Surrey Trading Standards Service, the Licensing Team and Police. Where underage sales are found, the Licensing Authority supports the appropriate and proportionate use of warnings, fixed penalty notices, reviews and prosecution as a means of promoting the licensing objectives and enforcing the Licensing Act proportionately.

16.58 In keeping with the s.182 Guidance the Licensing Sub-Committee will treat underage sales as serious criminal activity and will give consideration to the suspension or revocation of a licence if a review is brought in respect of underage sales.

**16.59 Measures to protect children from harm**

We expect the applicant to consider the following non-exhaustive list of measures/issues to ensure the protection of children from harm:

- a) prevention of underage sales: this may include:
1. operating a 'challenge 25' policy
  2. requirements for adults to accompany a person under 18 at all times
  3. having a recognised proof of age scheme in place and training all staff in its implementation, displaying posters advertising the scheme and giving details of acceptable identification
  4. providing regular staff training on the sale of alcohol. Maintaining a written staff training record. Not allowing staff to sell alcohol until they have completed the training.
  5. keeping a refusals log on the premises and ensuring it is completed whenever sales are refused to a person who appears to be under the age of eighteen
  6. displaying posters stating that it is an offence to purchase alcohol on behalf of an underage person (proxy sales)
  7. ensuring alcohol is displayed in an area where access to it can be monitored and controlled by members of staff, for example behind the counter
  8. use of till prompts

b) access to premises: restricting access for children to licensed premises:

1. limitations on the hours when children may be present
2. limitations which exclude the presence of children under certain ages when specified activities are taking place
3. limitations on the parts of the premises to which children might be given access
4. age limitations (below 18)

c) unaccompanied children: where unaccompanied children are to be present at public entertainment, we will expect the venue to provide a member of adult staff (over 18 years of age) for every 50 (or part 50) children present, whose sole responsibility and purpose is to protect those children from harm and to control access and egress

d) child performers: where children are present at an event as performers or entertainers, there should be a nominated adult responsible for those children in order to protect them from harm. Where necessary we will apply conditions to prevent harm to children who are performing

e) age restricted films: where appropriate, applicants should detail their arrangements for restricting children from viewing age-restricted films classified according to the British Board of Film Classification (BBFC) or by the Council.

#### **16.60 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.

#### **16.61 Safeguarding the vulnerable**

We expect operators of all consider appropriate safeguarding for all vulnerable people (both children and adults) and consider including conditions which assist in keeping vulnerable people safe. This may include:

- a) Dispersal policies including provisions for the safe dispersal of the vulnerable; and/or
- b) Policies concerning the safe and responsible ejection or refusal of entry of vulnerable or potentially vulnerable people.

### **17 Large Scale Events**

17.1 This Chapter relates to applications for large events that are temporary in nature but cannot be authorised under a temporary event notice (TEN) because of the number of persons who will be present or because the event spans more days than permitted by a TEN.

17.2 Special issues and considerations may arise where large-scale, outdoor and/or specialised events are proposed. Large scale open air events require significant planning and organisation with potential to impact on the licensing objectives. The Licensing Authority and other Responsible Authorities expect to be satisfied well in advance of any such event that appropriate measures are in place to safeguard the licensing objectives.

17.3 It is expected that all other appropriate authorisations will be in place prior to an application and organisers must be mindful that a premises licence application may take up to two months to be determined should representations be received.

17.4 We may license these events under a time limited premises licence lasting for the duration of the event. We advise persons wishing to hold such events (event organisers) to contact us for advice prior to making

an application. Depending on the scale and complexity of the event, we recommend contacting us 6 to 12 months ahead of the proposed event.

- 17.5 We also advise event organisers to read “The Purple Guide to Health, Safety and Welfare at Music and Other Events” which replaces “The Event Safety Guide” (HSG195) published by the Health and Safety Executive.
- 17.6 Usually, and if one is available, we will ask event organisers seeking a premises licence for a large event to attend a meeting of the Safety Advisory Group (SAG).
- 17.7 The SAG consists of officers from responsible authorities such as the police, our pollution and health and safety teams, the fire authority. Officers from other relevant departments and agencies such as the ambulance service, and the highways authority may also attend from time to time, where it is considered appropriate in the circumstances.
- 17.8 In cases where we consider a SAG meeting is necessary, we will contact the event organiser to advise them of the requirement for a meeting and arrange a suitable date, and time for the meeting.
- 17.9 We will invite event organisers to present their application and details of their event to the SAG. We expect the applicant to send us a draft event management plan (EMP) at least 10 working days before the meeting so the members can consider whether the event would be run safely and cause minimum disruption to the environment in terms of nuisance, traffic management etc.
- 17.10 The SAG does not determine licence applications or impose conditions, but its members will advise event organisers on producing an acceptable EMP for their event.
- 17.11 An EMP is a statement of how an event organiser will run their event. It incorporates such areas as risk assessment, traffic and transport planning, first aid, stewarding, site layout, emergency planning and evacuation plans, noise management, litter disposal, and communication protocols etc.
- 17.12 We strongly urge event organisers to consult the SAG and produce a comprehensive draft EMP prior to submitting their licence application. Where a responsible authority considers an EMP is inadequate to promote the licensing objectives, it may make a representation to us about the application.
- 17.13 If an event organisers does not attend a SAG, we will still expect them to submit a comprehensive EMP with their licence application.
- 17.14 Generally, we advise applicants to offer only the following conditions in their operating schedule:

- a) The Licensee shall comply with the event management plan submitted to the licensing authority and no changes shall be made to the event management plan without the prior written consent of the licensing authority.
- b) The Event shall be run in accordance with the site plan submitted to the licensing authority. No changes shall be made to the site plan without the prior written consent of the licensing authority.

17.15 This approach allows the event organiser flexibility to make changes to the layout of the event or to specific activities without the need to make a fresh application for a premises licence or an application to vary the existing premises licence. Without this approach, any changes made could be unauthorised and possibly result in enforcement action.

17.16 We also advise applicants to refer to the Purple Guide for guidance on producing an EMP.

**17.17 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.

17.18 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.

17.19 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.

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

17.21 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.

17.22 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.

17.23 After an event a follow up meeting may be arranged if there were complaints or concerns raised by the public or Responsible Authorities.

**17.24 ‘Martyns Law’**

The Licensing Authority is also aware that in January 2020 the Government announced its backing of the ‘Martyn’s Law’ campaign to improve security at venues and public spaces in light of the terrorist attacks in Manchester and London in 2017.

17.25 The paradigm shift in the nature of terrorism means that the security agencies primary responsibility of protecting its citizens is no longer achievable through the existing, and very limited, provision of state-owned protective security resources. The spaces and places in which people live, work and enjoy democratic freedoms are the very places that terrorists wish to attack.

17.26 The Authority would expect that those who operate the places and spaces in which people live, work and socialise must take greater steps to ensure the security of their users.

17.27 However, the solution is not just about tangible materials, it is also about being prepared. Consequently, the Licensing Authority would expect large capacity venues and organisers of large events to consider the following measures:

- A requirement that spaces and places to which the public have access engage with freely available counter-terrorism advice and training,
- A requirement for those places to conduct vulnerability assessments of their operating places and spaces
- A requirement for those places to mitigate the risks created by the vulnerabilities
- A requirement for those places to have a counter-terrorism plan.

## **18 Films**

18.1 The screening or display of films covers a vast range of subjects, some of which deal with adult themes and/or contain, for example, strong language, scenes of horror, violence or a sexual nature that may be considered unsuitable for children within certain age groups.

18.2 Premises or Club Premises which are licensed for the exhibition of films are required by a mandatory licence condition to restrict admission to screenings in accordance with any age recommendation made by a film classification body, or by the licensing authority. Where recommendations have been made by both bodies, and the licensing authority has notified licence-holders of this, the licensing authority’s recommendation will take precedence.

18.3 For the purposes of sections 20 and 74 of the Act, the licensing authority recognises the British Board of Film Classification (BBFC) as the film

classification body, and will specify this body within the licences and certificates it issues.

- 18.4 The licensing authority views as good practice the inclusion within publicity materials of age-related admission restrictions arising from recommendations made by the BBFC or licensing authority. In any event, licence-holders must take appropriate measures to verify the age of persons being admitted to films which are subjected to age restrictions.
- 18.5 Details of the applicable recommendation in respect of a particular film should be exhibited prior to the commencement of that film. In the case of a BBFC recommendation this may be displayed on screen for at least 5 seconds prior to the feature. Details of a licensing authority recommendation should be displayed at or near the entrance to the screening.
- 18.6 The licensing authority anticipates that the BBFC's recommendations will apply to the vast majority of films shown at licensed premises within the borough. However, in a small number of cases, the licensing authority may be called upon to exercise its powers and issue an overriding recommendation, which would only apply to licensed premises within the borough. Such situations can be approximately characterised in one of three groups:
- In cases where the licensing authority has concerns about a particular film, and has of its own volition made an alternate recommendation. This may allow admission of persons of a higher or lower age than the recommendation made by the BBFC, or in extreme circumstances may prevent the showing of a particular film. This power will be rarely, if ever, utilised.
  - In cases where a film has not been classified by the BBFC. This is likely to be the case with small, local, independent films, or foreign films, where a wider UK release is not intended.
  - In cases where the licensing authority is approached by a third party, asking the authority to override a recommendation made by the BBFC.
- 18.7 The third of these groups may include films intended to be shown at 'parent and baby' screenings, which have increased in popularity in recent years. The Act and Guidance are silent on the admission of babies to a film which is subject to an age-related recommendation – therefore on a strict interpretation of the Act, babies must be excluded from such screenings. The licensing authority is aware that some cinemas across the country have agreed schemes whereby the applicable licensing authority makes an alternate recommendation in respect of a specified film, expressly permitting the admission of babies and very young children to special screenings of that film with only parents of such children in attendance.

- 18.8 It is recommended that any premises considering the provision of such screenings contacts the licensing authority to discuss the proposals firstly. The authority will typically only depart from BBFC Classification in exceptional circumstances and would expect special provisions to be made for such screenings, including higher light levels and reduced sound levels, in order that parents can better ensure the safety of their children.
- 18.9 When exercising powers under section 20 to issue an admission recommendation for a previously unclassified film, the authority will adhere to the BBFC's Classification Guidelines, and where possible will issue a recommendation which is in accordance with one of the standard classification bands. This approach is preferred as audiences will be familiar with this particular classification scheme and the meaning of the 'certificates'.
- 18.10 In such circumstances, the authority will require the organiser of the exhibition to provide a copy of the film for classification purposes, or to arrange a viewing for representatives of the licensing authority.
- 18.11 Where the licensing authority receives a request to override an existing recommendation made by the BBFC, or has concerns of its own in respect of a particular film, in the first instance the authority shall have regard to the BBFC's original classification decision, and the BBFC Insight record which describes the content of the film that led to the classification decision. If satisfied that the content will not present any issues if viewed by children under 24 months of age, then the authority may agree to issue an alternate recommendation, consistent with the BBFC's original classification but including a specific exemption for accompanied children below 24 months of age, at screenings advertised and restricted to 'parent and baby' only. Where concerns exist based on the BBFC Insight record that a film may not be suitable for viewing by young children below 24 months of age, the authority may request that the cinema facilitates a viewing of the film in question to make a full assessment of this. No alternate recommendation would be issued unless the authority is satisfied that allowing young children below 24 months of age to be admitted will not lead to the child protection licensing objective being undermined.

## **19 Licence Conditions**

- 19.1 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.

- 19.2 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 Responsible Authorities.
- 19.3 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.
- 19.4 Where responsible authorities or other persons do not make any representations about an application, it is the duty of the Licensing Authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule and any relevant mandatory conditions prescribed by the Act.
- 19.5 The Licensing Authority must avoid attaching conditions that duplicate other regulatory regimes as far as possible and may not impose conditions unless its discretion has been engaged following the making of relevant representations and the Licensing Sub-Committee has been satisfied at a hearing that it is appropriate to impose them.
- 19.6 It may then impose only those conditions appropriate to promote the licensing objectives arising out of the consideration of the representations.
- 19.7 To minimise problems and the necessity for hearings, the Licensing Authority would encourage applicants to consult with the 'Responsible Authorities' when preparing their operating schedules so that they can offer appropriate conditions as part of their applications.
- 19.8 The Licensing Authority recognises that it is important to ensure that any conditions attached to a licence or certificate achieve the licensing objectives but are not disproportionate or overly burdensome. Therefore, where conditions are necessary they will be tailored to the individual style and characteristics of the particular premises and event concerned. Where appropriate, following a hearing the Licensing Sub-Committee will consider attaching conditions provided that they are proportionate, justifiable and capable of being met.
- 19.9 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).

## **20 Administration & Delegation**

- 20.1 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.

- 20.2 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.
- 20.3 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.
- 20.4 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.
- 20.5 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.
- 20.6 Ward councillors play an important role in the local community. They can make representations in writing and speak at the hearing on behalf of an interested party such as a local resident or local business if specifically requested to do so. They may also make representations as an interested party in their own right if they have concerns about the premises.



- 20.7 They may apply for a review of a licence if problems at a specific premises justify intervention and are brought to their attention. Ward Councillors are informed of all new applications and any application to vary a licence in their ward.
- 20.8 Local residents and businesses may wish to contact their local ward Councillors in respect of a licence application. If a local resident or business makes a representation about an application it is often helpful to send a copy to the local Councillors as this assists them to gain an understanding of local community feelings.

## **21 Enforcement**

- 21.1 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.
- 21.2 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.
- 21.3 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.
- 21.4 Regular joint visits are undertaken with other Responsible Authorities. 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.
- 21.5 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.
- 21.6 Spelthorne Borough Council has an Enforcement Policy and interventions will be conducted in accordance with this, together with relevant legislation and policies.

## **22 Licence Holder Responsibilities**

- 22.1 Being a licence holder carries special responsibilities, and we expect all licence holders to give meaningful effect to the terms and conditions of the licence with a view to preventing problems arising.

22.2 If management issues do arise, it is essential that licence holders proactively engage with responsible authorities, local people and us in order to address them. In particular, the licence holder should listen to concerns and seek to identify specific steps they can take to deal with problems in a way that promotes the licensing objectives.

22.3 Where possible, we will try to give licence holders early warning of concerns about problems and the need for improvement. In some cases, (where time allows) we may also be able to facilitate mediation between the licence holder and people who are concerned about the operation of the premises. However, the responsibility for addressing problems lies with the licence holder. We will expect licence holders to take immediate action to deal with problems that are seriously affecting the quality of life of local people.

22.4 Failure on the part of the licence holder to respond proactively to management issues may lead us to take enforcement action (see Chapter 11). It may also trigger a party seeking a review of the licence. In considering such a review, we will have regard to the actions of the licence holder and the extent to which they have co-operated with other parties in attempting to deal with the issues.

## 22.5 **Best Practice**

22.6 We consider the following matters to be indicative of best practice:

- a) Good neighbour principle: we expect the operators of all premises in Spelthorne to promote the licensing objectives regardless of the conditions on their premises licence. This is likely to include some or all, of the following:
  - b) Good communication with neighbouring properties, including early notification where unusual or non-standard events are scheduled to take place, including those authorised by a temporary event notice;
  - c) Offering the use of those premises as a temporary and 'safe-haven' for anyone in danger or distress, including (where appropriate) contacting the emergency services;
  - d) Taking responsibility for contacting emergency services wherever necessary regardless of whether the incident justifying such contact arose on the premises;
  - e) Contributing to keeping the area around the premises clean, tidy, safe and litter-free; and
  - f) Reporting to us, any incidents of anti-social behaviour (including flytipping) that occur regardless of whether they directly or indirectly affect the premises themselves.

- g) Management remaining alive and responsive to feedback from neighbours

22.7 The designated premises supervisor (DPS)

The main purpose of the designated premises supervisor (DPS) is to ensure there is always one specified individual who can be readily identified for the premises. Licences that authorise the sale of alcohol must contain details of the designated premises supervisor, unless the exceptions relating to certain community premises apply (as outlined below). We do not expect the DPS to be on the premises at all times when alcohol is being sold at the premises. However, we expect the DPS to be a person with day-to-day managerial control of the premises who will take reasonable steps to promote the licensing objectives and comply with the licence conditions.

- 22.8 If a DPS is going to be absent for a prolonged period, perhaps due to ill health, maternity leave or extended holiday, we would expect the licence holder to appoint a new DPS to cover the period of absence. If a DPS is repeatedly absent, the police may apply for a review of the premises licence if this gives rise to concerns about the operation of the premises and its impact on the licensing objectives. If a person named on the licence as the DPS stops working for the premises, no longer holds a personal licence or the personal licence is suspended, it is our view that the premises no longer has a DPS. In these circumstances, we expect that no sales of alcohol will take place at the premises, until the licence holder has applied to vary the DPS. This applies regardless of whether that person remains named as the DPS on the premises licence, or whether they have asked to remove their name from it. This will apply until we receive an application to nominate a new DPS.

## 23 The Review Process

- 23.1 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.
- 23.2 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.

23.3 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.

23.4 Full details of the review process may be found in the Section 182 Licensing Act 2003 Revised Guidance on the Home Office website and in the Licensing Act 2003.

## **24 Summary Reviews**

24.1 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.

24.2 The process is outlined extensively in full in the Act.

## **25 Diversity & Equality**

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

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

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

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

25.4 The Equality Act 2010 also includes a duty on the Council as the Licensing Authority to have due regard to the need to eliminate discrimination, harassment and victimisation; advance equality of

opportunity; and foster good relations, between people with different protected characteristics.

- 25.5 The Licensing Authority urges applicants and existing operators to plan ahead to meet their legal responsibilities under the Equality Act 2010. Further information and guidance can be obtained from the Home Office by following this link.
- 25.6 Duties imposed by the Equality Act 2010 provide that any person providing a service to the public must comply with the duty to make reasonable adjustments to enable disabled people to access the service, where a disabled person would be at a substantial disadvantage compared to a nondisabled person.
- 25.7 This applies to disabled people employed by or those who wish to obtain goods and services from licensed premises. No condition will be attached to a licence or certificate which conflicts with or duplicates this requirement.
- 25.8 Service providers have a duty to make reasonable adjustments to any physical features which put a disabled person at a substantial disadvantage in accessing a service, or they have to provide the service by a reasonable alternative means.
- 25.9 Access to buildings and their facilities is a matter addressed in Building Regulations and planned alterations affecting access may involve the need to apply for building control approval.
- 25.10 The Equality Act 2010 provides protection from three forms of disability discrimination;
1. Direct discrimination because of disability in relation to goods, facilities and services
  2. Indirect disability discrimination
  3. Discrimination arising from disability.
- 25.11 Businesses have an obligation to make reasonable adjustments to help disabled individuals access their goods, facilities and services.

**Further information may be obtained from:**

Spelthorne Borough Council

Licensing Authority

Council Offices

Knowle Green

Staines-Upon-Thames

TW18 1XB

<https://www.spelthorne.gov.uk/article/16879/Licences-and-permits>

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

## **Appendices**

### **Annex A – Consultation**

#### **Section 5 of the licensing Act requires:**

- the chief officer of police for the licensing authority's area,
- the fire and rescue authority for that area,
- Local Health Board for an area any part of which is in the licensing authority's area
- each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area,
- such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
- such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
- such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
- such other persons as the licensing authority considers to be representative of businesses and residents in its area.

The consultation was also advertised on our website.

## **Appendix B – Responsible Authorities, Newspaper groups & Useful Information**

Licensing Team  
Spelthorne Borough Council  
Council Offices  
Knowle Green  
Staines-upon-Thames  
TW18 1XB  
[licensing@spelthorne.gov.uk](mailto:licensing@spelthorne.gov.uk)

Surrey Fire and Rescue Service  
Headquarters  
Croydon Road  
Reigate  
Surrey  
RH2 0EJ  
Telephone: 01727 733733  
Email: [sfrs.firesafety@surreycc.gov.uk](mailto:sfrs.firesafety@surreycc.gov.uk)

Surrey Licensing Northern  
PO Box 101  
Guildford  
GU1 9PE  
Telephone: 01483 631146  
Email: [licensingnorthern@surrey.police.uk](mailto:licensingnorthern@surrey.police.uk)

Public Health Business Support Team Public Health NHS  
Surrey Room G55  
County Hall  
Penrhyn Road  
Kingston-upon-Thames  
KT1 2DN  
Telephone: 020 8541 7976  
Email: [public.health@surreycc.gov.uk](mailto:public.health@surreycc.gov.uk)

Surrey County Council Trading Standards  
Consort House  
5-7 Queensway  
Redhill  
RH1 1YB  
Telephone: 01372 371700  
[trading.standards@surreycc.gov.uk](mailto:trading.standards@surreycc.gov.uk)

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

Telephone: 01784 444213

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

Email: [EH.residential@spelthorne.gov.uk](mailto:EH.residential@spelthorne.gov.uk)

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

Email: [planning.development.control@spelthorne.gov.uk](mailto:planning.development.control@spelthorne.gov.uk)

County Child Employment and Strategy Manager  
Quadrant Court 35  
Guildford Road,  
Woking  
GU22 7QQ

Email: [childemployment@surreycc.gov.uk](mailto:childemployment@surreycc.gov.uk)

Home Office

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

**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

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

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

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

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

Note: applicants must check that the chosen newspaper circulates in the area where the premises are situated.



**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)

**Citizenscard**

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

**Connexions Card**

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

<https://www.policecpi.com/>

<https://www.licensing.savi.com/>

DRAFT