



[ ]  
To: ALL MEMBERS OF THE LICENSING COMMITTEE  
(Councillors Mrs. Thorn (Chairman), Mrs. Bradbury,  
(Vice-Chairman) Bond, Burridge, Camden, Cannon,  
Gosling, Harwood, Sydney, and Walker).

If calling please ask for  
Mrs. A. Wilson

c.c. All Other Members of the Council

on 01883 732975

[mwilson@tandridge.gov.uk](mailto:mwilson@tandridge.gov.uk)

[ ]

8th December 2010

Dear Sir/Madam,

**PLEASE NOTE THE DATE AND  
TIME OF THE MEETING**

**LICENSING COMMITTEE  
THURSDAY 16TH DECEMBER 2010 AT 6.45 P.M.**

The Agenda for this meeting of the Committee to be held in the Council Chamber, Council Offices, Station Road East, Oxted is set out below. If a Member of the Committee is unable to attend the meeting, please notify the Committee Section accordingly.

Members are urged to contact Officers before a meeting to clarify any points within a specific report and, to this end, reports now contain the author's name and the relevant direct dial telephone number and email address.

If a Member of the Council, not being a Member of the Committee, proposes to attend the meeting, please let the Committee Section know by no later than noon on the day of the meeting.

Yours faithfully,

Stephen Weigel  
**Chief Executive**

**AGENDA**

- 1. MINUTES OF THE MEETING HELD ON THE 19TH APRIL 2010 (copies previously circulated) AND 20TH MAY 2010 (to be tabled at the meeting)**
- 2. APOLOGIES FOR ABSENCE (if any)**

3. **DECLARATIONS OF INTEREST** – Members should disclose personal or prejudicial interest(s) in any item(s) on the Agenda. Anyone with a personal interest must give details of the interest. Unless the personal interest amounts to a prejudicial interest, they may participate fully in the meeting.

A prejudicial interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest. Anyone with a prejudicial interest must, unless an exception applies or a dispensation has been issued, withdraw from the meeting. (Whenever possible, and if in doubt, advice should be sought from the Monitoring Officer or his staff prior to the meeting.)

4. **MINUTES OF THE LICENSING SUB-COMMITTEES (Page 3)**

**The Old Ship, Westmore Green, Tatsfield – 24th May 2010**

**The Valley, Croydon Road, Caterham – 4th August 2010**

5. **REVIEW OF STATEMENT OF LICENSING POLICY (DCS & ACE(L)) (Page 10 and Appendix 'A')**
6. **SEXUAL ENTERTAINMENT VENUES (DCS) (Page 11 and Appendix 'B')**
7. **ANY OTHER BUSINESS WHICH THE CHAIRMAN IS OF THE OPINION SHOULD BE CONSIDERED AT THE MEETING AS A MATTER OF URGENCY**

## **AGENDA ITEMS 4**

### **THE DISTRICT COUNCIL OF TANDRIDGE**

#### **LICENSING SUB-COMMITTEE THE OLD SHIP, WESTMORE GREEN, TATSFIELD TH16 2AG**

Minutes of the Sub-Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 24th May 2010 at 9:30 a.m.

**PRESENT:** Councillors Mrs. Thorn (Chairman), Burridge and Harwood

**APPLICANT:** Patricia Crilly – Licensing Officer, Surrey Police  
Inspector Elaine Burtenshaw  
Murrae Hume, Senior Licensing Officer, Surrey Police

**PREMISES LICENCE HOLDER –** Mrs Carol Gandolf  
Supporting Mrs Gandolf – Mr Andrew Stott, GRS Pubs

**REPRESENTATION:** Councillor Bob David, Tatsfield Ward

**OFFICERS:** Mr. B. Crowhurst, Licensing Officer  
Mr. A. Komosa - Assistant Solicitor  
Mr. Paul Barton – Deputy Director, Community Services  
Mrs. P. Bloxham - Clerk

## **1. PROCEDURES**

The Procedures, as set out in the Agenda for the Hearing, would be followed.

### ***SUB-COMMITTEE DECISION*** ***(Under powers delegated to the Sub-Committee)***

## **2. APPLICATION FOR A REVIEW OF THE PREMISES LICENCE – THE OLD SHIP, WESTMORE GREEN, TATSFIELD TH16 2AG**

The Sub-Committee considered an application for a Review of the Premises Licence for The Old Ship Public House, Westmore Green, Tatsfield.

Inspector Elaine Burtenshaw, representing the Responsible Authority was applying for a Review of the Premises Licence on the grounds of the Prevention of Crime and Disorder and the Prevention of Public Nuisance.

The Sub-Committee heard from Mr. Crowhurst.

The Sub-Committee heard from inspector Burtenshaw.

The Sub-Committee then heard from Mrs. Gandolf.

The Sub-Committee questioned the Applicant.

The Sub-Committee then questioned the parties.

The Sub-Committee withdrew at 9.54 a.m. to consider the matter.

The Sub-Committee returned at 10.52 a.m.

\*\*\* **RESOLVED** – that the Sub-Committee’s decision be as contained in the Decision Notice detailed at Annex ‘A’.

Rising: 10.57 a.m.

ANNEX 'A'

ANNEX 'B'

## THE DISTRICT COUNCIL OF TANDRIDGE

### DECISION NOTICE

In accordance with LICENSING ACT 2003 s.105(2)

Date of Licensing Sub-committee: 24th May 2010

Applicant: Surrey Police

Premises: The Old Ship, Westmore Green,  
Tatsfield TN16 2AG

**REASON(S) FOR HEARING:** Relevant representations received from the Surrey Police concerning: -

1. Prevention of Crime and Disorder
2. Prevention of Public Nuisance

### DECISION

- (1) the following wording be removed from the Premises Licence:-  
"sporting events, including World Cup, European Cup, Rugby Internationals, Olympics & similar events"  
and
- (2) Mrs Gandolf be removed as the Designated Premises Supervisor

The Licensing Authority, based on Police concerns that allowing the premises to be used in accordance with the Notice would undermine the prevention of Crime and Disorder licensing objective and the Prevention of Public Nuisance for the following reason:

### REASON FOR DECISION

1. On the evidence of the Police, and conviction in the Magistrates Court on the 10th March 2010, for selling alcohol and allowing regulated music to be played outside the permitted hours.

Date of Decision: 24th May 2010

**THE DISTRICT COUNCIL OF TANDRIDGE**  
**LICENSING SUB-COMMITTEE**  
**THE VALLEY, CROYDON ROAD, CATERHAM**

Minutes of the Sub-Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 4th August 2010 at 9:30 a.m.

**PRESENT:** Councillors Mrs. Thorn (Chairman), Burridge and Sydney

**APPLICANT:** Patricia Crilly – Licensing Officer, Surrey Police  
Murrae Hume, Senior Licensing Officer - Surrey Police  
Sergeant Dan Gutierrez –Surrey Police  
PC Martin Bassom – Surrey Police

**PREMISES LICENCE HOLDER:**

Gary Grant - Counsel for Punch Taverns  
Nick Roland-Hill – Business Relationship Manager, Punch Taverns  
Keith Craig – Incoming Designated Premises Supervisor, Punch Taverns

**REPRESENTATION:** David Bryant – Environmental Health Officer, Tandridge District Council

**INTERESTED PARTY:** Mrs. MacRitchie, 45, Farningham Road, Caterham CR3 6LL  
Mrs. Butler, 43, Farningham Road, Caterham CR3 6LL

**OFFICERS:** Mr. R. Diplock, Licensing Officer  
Mr. A. Komosa - Assistant Solicitor  
Mrs. P. Bloxham - Clerk

**1. PROCEDURES**

The Procedures, as set out in the Agenda for the Hearing, would be followed.

***SUB-COMMITTEE DECISION***  
***(Under powers delegated to the Sub-Committee)***

**3. APPLICATION FOR A REVIEW OF THE PREMISES LICENCE –  
THE VALLEY, CROYDON ROAD, CATERHAM**

The Sub-Committee considered an application for a Review of the Premises Licence for The Valley Public House, Croydon Road, Caterham CR3 6QD

Murrae Hume, representing the Responsible Authority was applying for a Review of the Premises Licence, on behalf of the Police, on the grounds of the Prevention of Crime and Disorder and the Prevention of Public Nuisance.

The Sub-Committee heard from Mr. Diplock.

The Sub-Committee heard from Murrae Hume.

The Sub-Committee heard from David Bryant

The Sub-Committee heard from Mrs. MacRitchie

The Sub-Committee heard from Mrs Butler

The Sub-Committee heard from PC Bassom

The Sub-Committee then heard from Gary Grant representing Punch Taverns

The Sub-Committee then questioned the parties.

The Sub-Committee withdrew at 10:58 a.m. to consider the matter.

The Sub-Committee returned at 12:10 p.m.

\*\*\* **RESOLVED** – that the Sub-Committee’s decision be as contained in the Decision Notice detailed at Annex ‘B’.

Rising: 12.16 p.m.

ANNEX 'B'

ANNEX 'B'

## THE DISTRICT COUNCIL OF TANDRIDGE

### DECISION NOTICE

In accordance with LICENSING ACT 2003 s.105(2)

Date of Licensing Sub-committee:

4th August 2010

Applicant: Surrey Police

Premises: The Valley, Croydon Road, CATERHAM CR3 6QD

#### REASON(S) FOR HEARING:

Relevant representations received from the Surrey Police concerning: -

1. Prevention of Crime and Disorder
2. Prevention of Public Nuisance

### DECISION

(2) the Premises Licence be amended as follows:-

The Premises Licence authorises the sale of alcohol and the provision of Regulated Entertainment during the following hours:-

10:00 – 23:00 Monday to Saturday  
12.:00 0 23:00 Sunday

(3) Conditions

1. A representative from the premises must make all reasonable endeavours to join and attend all Pubwatch meetings and to refuse entry to persons known to be barred via the Pubwatch Scheme;
2. Prominent notices shall be displayed at all exits requesting patrons to leave the premises quietly and the Designated Premises Supervisor or duty manager shall instruct staff to reinforce the message verbally;
3. No patrons are permitted to use the rear garden of the premises after 22:00;
4. In order to reduce noise pollution all doors and windows shall be kept closed except for ingress and egress after 22:00;
5. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to a nuisance;
6. The Duty Manager's telephone number shall be provided for residents use during opening hours;
7. No longer than 12 weeks from the date of this Review, the premises shall comply with all reasonable requests made by the authorised fire Safety Officer;



8. The Premises Licence Holder must comply with all reasonable requests made by the Police Crime Prevention Officer;
9. The Premises to be closed 30 minutes after the end of licensed activities.

### **REASONS FOR DECISION**

1. The application by the Police for the revocation of the Licence was considered but, on balance, it was felt more just and fair to all parties to permit Punch Taverns Plc to retain the Premises Licence and set conditions thereon.
2. On the evidence of the Police, and convictions in the Magistrates Court for selling alcohol outside the permitted hours and the evidence from the Fire & Rescue Service; the Environmental Health Section; and local residents; it is deemed necessary to impose conditions on the Licence and amend times for licensable activities in order for the Prevention of Crime and Disorder and the Prevention of Public Nuisance.

Date of Decision: 4th August 2010

## REPORTS TO THE LICENSING COMMITTEE ON THE 16TH DECEMBER 2010

### *COUNCIL DECISIONS (Subject to ratification by Council)*

#### **5. REVIEW OF STATEMENT OF LICENSING POLICY (DCS & ACE(L))**

##### 1. Purpose of Report

To agree the Statement of Licensing Policy for implementation from January 2011

##### 2. Recommendation

\*\*\* That the revised Statement of Licensing Policy as set out in Appendix 'A' be adopted.

##### 3. Background

3.1 Under the Licensing Act 2003, the Council as the local licensing authority has a duty to review its Statement of Licensing Policy every three years and there is a requirement to ensure that the updated policy is adopted.

3.2 The original 2003 Policy was reviewed three years ago and while there have been some changes to the legislation and statutory guidance, it has only needed some minor amendments. Copies with the proposed changes, highlighted, were circulated to Members at the beginning of the consultation period.

3.3 There is a requirement for the Licensing Authority to consult on the Policy and take into account the representations from responsible authorities, representatives of local holders of licences, club registration certificates and personal licences, and of representatives of businesses and residents in its area.

3.4 The consultation closed on 10 September 2010 and the main comments received were as follows:

1. Trading Standards expressed a preference for Challenge 25 rather than Challenge 21 and wanted to include references to proxy selling and fake identity cards.
2. Surrey Child Protection had new contact details
3. Limpsfield Parish Council requesting a increase in the number of Temporary Event Notices that can be applied for from 12 a year to one a week.
4. Horne Parish Council and Lingfield Parish Council suggesting that Parish Councillors be included as Interested Parties and the Statement should include access and facilities requirements under the Disability Discrimination Act.

3.5 Amendments proposed resulting from the comments:

- The Statutory Guidance recommends the Challenge 21 scheme and this has been kept in the Statement. References to proxy selling and fake ID cards have now been included.
- Surrey Child Protection details have been updated.
- The scheme for issuing Temporary Event Notices is set out in the Licensing Act and is not subject to local discretion.

- Interested Parties are described in the Licensing Act, as amended and, while district councillors are included, parish and county councillors are not included.
- Compliance with disabled access arrangements and facilities are dealt with under separate legislation and so these suggestions have not been included.

### 3.6 Additional amendments

- Deleted paragraph which stated that the Committee or Sub-Committee would deal with any application involving a Council premises as any objections to the application would lead to hearing.
- Added District Councillors to description on Interested Parties
- Changed references under Temporary Event Notices to Police counter notices to Police objection notices.

\*\*\* Appendix 'A' (Page 15)

Statement of Licensing Policy – January 2011

---

Contact: Robert Muir, PEHO - 01883 732846

---

## 6. SEXUAL ENTERTAINMENT VENUES (DCS)

### 1. Purpose of Report

To amend previously adopted provisions in the Local Government (Miscellaneous Provisions) Act 1982 aimed at controlling sex shops and sex cinemas to include sexual entertainment venues.

### 2. Recommendation

That

- A. That the Council amend the adoptive provisions in the Local Government (Miscellaneous Provisions) Act 1982 to include sexual entertainment venues.
- B. To set the licence fees for sex cinemas, shops and entertainment venues at £3,000 with an annual renewal fee of £750

### 3. Background

3.1 The Licensing Committee is asked to consider recommending to Council adoption of the amended provisions of the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3, which were amended by virtue of Section 27 of the Policing and Crime Act 2009. These amended provisions introduce an adoptive regulatory regime for controlling “sexual entertainment venues”.

3.2 The Local Government (Miscellaneous Provisions) Act 1982 allowed for the licensing of sex establishments (sex shops and sex cinemas) by those local authorities, like Tandridge, that adopted Schedule 3 of the Act. The Council resolved to adopt the provisions on 31st July 2003.

- 3.3 This part of the Act did not regulate adult entertainment as it could be regulated by the requirement for a Public Entertainment Licence, also empowered under the Act and adopted at the time by the Council.
- 3.4 The Licensing Act 2003 introduced Premises Licences and Club Premises Certificates that superseded the Public Entertainment Licences and are capable of regulating 'adult entertainment' by means of compliance with the Licensing Objectives.
- 3.5 The Policing and Crime Act 2009 amends Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 so as to allow local authorities to also control venues wishing to offer relevant entertainment by licensing a premises as a "sexual entertainment venue".
- 4.0 Regulation Of Lap Dancing And Other "Sexual Entertainment Venues"
- 4.1 Lap dancing venues and other similar premises currently require a Premises Licence or Club Premises Certificate under Section 1 of the Licensing Act 2003. No special provisions are made in the 2003 Act for this type of establishment. If an application is submitted to the Licensing authority for a Premises Licence or Club Premises Certificate the Authority must grant the licence subject to certain mandatory conditions.
- 4.2 If relevant representations are made by an interested party (e.g. residents or local businesses) or a responsible authority (e.g. the police or fire service in the area) then the authority can, following a hearing, impose other conditions or reject the application. Even then, it will only be able to do so where such a step is necessary to promote one of the four licensing objectives set out in the Act, which are:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 4.3 Section 27 of the Policing and Crime Act 2009 amends Schedule 3 Local Government (Miscellaneous Provisions) 1982 to allow the Licensing Authority to regulate "sexual entertainment venues", where "relevant entertainment" is provided before a live audience for the financial gain of the organiser or the entertainer. "Relevant entertainment" means "any live performance or any live display of nudity" i.e. striptease, lap dancing etc. (See Appendix 'B') (Page 38).
- \*\*\*
- 4.4 The amendments that have been made allow for a limited provision of relevant entertainment without authorisation, provided that certain limits are not exceeded. i.e.
- there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or in part) within the period of 12 months ending with that time;
  - no such occasion has lasted for more than 24 hours; and
  - no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period. (See Appendix 'B') (Page 38).
- \*\*\*
- 4.5 While the amendment does not seek to prohibit all adult entertainment it does give local authorities the opportunity to regulate those venues that wish to provide such entertainment to a significant degree by way of requiring them to obtain a Sexual Entertainment Venue Licence.
- 4.6 The new legislative controls available to the Licensing Authority would strengthen the role that local communities can play in deciding whether a lap dancing premises is inappropriate for the

locality. The Licensing Act 2003 has empowered local residents in general terms, but it is hard to make an effective objection against an adult entertainment venue unless its operation can be shown to be undermining one of the four licensing objectives.

- 4.7 The aim is to bring the licensing of lap-dancing premises in line with other “sex establishments” such as “sex shops” and “sex cinemas” and to recognise that local people have legitimate concerns about where such premises are located.
- 4.8 As is mentioned above, the Council has already adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in relation to the regulation of “sex shops” and “sex cinemas,” however no operator has ever attempted to open such an establishment in the District.
- 4.9 Section 27 and Schedule 3 of the Policing and Crime Bill 2009 require the Council to pass a separate resolution to adopt the amended provisions in order for the Authority to be able to also regulate “sexual entertainment venues” such as lap dancing clubs.
- 4.10 If the amended provisions are adopted, the Licensing Authority would be able to apply prescribed standard conditions on grounds not covered by the Licensing Act 2003 e.g. location, hours, display of adverts, visibility of interior. The Authority would also be able to produce a Policy setting out how they will consider applications for sex establishment licences.
- 4.11 It is felt that failing to adopt the amended provisions and maintain the status quo would allow prospective sexual entertainment venues to take advantage of a perceived loophole in the Licensing Act 2003.

#### 5.0 Transitional Arrangements

- 5.1 If the Council does resolve to adopt the amended provisions, the Government has decided that the following transitional arrangements will apply:-

The transitional period will last for 12 months starting from the date that the amended provisions come into force within the Borough. This will be the date specified in the adoption resolution and will be known as the “1st appointed day.”

Six months after the “1st appointed day” will be known as the “2nd appointed day”. Between the 1st appointed day and the 2nd appointed day, applicants (both existing operators and new applicants) will be able to submit applications to be considered by the Authority. At the end of this period, the Authority must consider all applications received within this period and must not grant any licences until all the applications have been considered. Applications received after the 2nd appointed day would be considered individually.

Licences granted to new applicants would take effect immediately while those granted to existing operators would take effect on the “3rd appointed day” which would be six months after the 2nd appointed day, or, if longer, when their application is determined.

Existing operators who do not apply or are not granted a Sex Establishment Licence would be able to provide relevant entertainment under the terms of their Premises Licence or Club Premises Certificate until the 3rd appointed day.

#### 6.0 Consultation

- 6.1 Should the Council resolve not to adopt the amended provisions, then a full consultation exercise must be carried to seek the public’s view on whether it should adopt the provisions.

7 Fees

- 7.1 The original fee for a sex shop or sex cinema was originally set at £5,000 and has since risen to £6,000. As local authorities are legally obliged to set fees on a cost recovery basis, the setting of such fees runs the risk of legal challenge and so needs to be reviewed.
- 7.2 An indicator of the appropriate fee could be made by reference to establishments licensed under the Gambling Act 2005 where the Council has set the fees for Bingo Halls at £2785 and Betting Shops at £2385, with annual renewal fees at £795 and £400 respectively. Sex establishment licences are also likely to attract a high level of representation and the fees should reflect this. Appropriate fees would be £3,000 for an application and £750 for an annual renewal.

---

Contact: Robert Muir, PEHO - 01883 732846

---

# **TANDRIDGE DISTRICT COUNCIL**

## **Statement of Licensing Policy**

**2011**



## **CONTENTS**

1. INTRODUCTION
  2. THE LICENSING ACT 2003
  3. CONSULTATION
  4. FUNDAMENTAL PRINCIPLES
  5. THE DECISION MAKING PROCESS
  6. PERSONAL LICENCES
  7. PREMISES LICENCES
  8. TEMPORARY EVENT NOTICES
  9. PREVENTION OF CRIME AND DISORDER
  10. PUBLIC SAFETY
  11. PREVENTION OF NUISANCE
  12. PREVENTION OF HARM TO CHILDREN
  13. LICENSING HOURS
  14. INTEGRATING STRATEGIES AND AVOIDING DUPLICATION
  15. PROMOTION OF EQUALITY
  16. ENFORCEMENT
  17. CONTACT DETAILS
- ANNEX 1 – SCHEME OF DELEGATION OF LICENSING FUNCTIONS
- ANNEX 2 – GLOSSARY OF TERMS



## **1. INTRODUCTION**

- 1.1 The Licensing Act 2003 imposes a statutory duty upon Licensing Authorities to produce, develop and review a local licensing policy. The original policy effective from 7 January 2005 has been reviewed and amended in the light of revised guidance and local circumstances.
- 1.2 The aim of the policy is to secure the safety and amenity of residential communities in Tandridge whilst facilitating sustainable local entertainment and cultural activities.
- 1.3 The Council, in adopting this licensing policy, recognises both the need for residents to enjoy safe and high quality residential amenity and the importance of prosperous and well run retail/entertainment premises to the local economy.
- 1.4 To achieve this, the Council, as Licensing Authority, is committed to working in partnership with the police, fire service, other enforcement agencies, local businesses, the licensed trade, residents and others towards the promotion of the four licensing objectives set out in the Act. The Council will work with other local authorities, particularly in Surrey, to ensure that local policies are as far as possible consistent whilst respecting the differing needs of individual communities throughout the county.
- 1.5 Nothing in the policy statement should be regarded or interpreted as an indication that any requirement of licensing or other law may be overridden.
- 1.6 Tandridge District Council is one of 11 district councils in Surrey. It is a large, mainly rural district covering an area of 24,819 hectares and has a population of 83,500. Approximately 54% of the population live in the main northern residential areas of Caterham, Oxted, Warlingham and Whyteleafe which together cover about 5% of the Council's geographical area. The remainder live in smaller towns and villages in the southern half of the District.
- 1.7 Excellent transport links and the proximity to London have an obvious effect on leisure and cultural provision, giving many people the choice of travelling both from and to other areas to pursue such activities. Tandridge does remain, however, very much a rural District, with all the benefits that such an environment brings.
- 1.8 The rural character of much of the District means that residential amenity is very sensitive to the potential impacts of licensed activities. For example, noise disturbance caused by patrons leaving licensed premises can be considerable. Such noise can be particularly intrusive late at night, when ambient noise levels are much lower. Similarly in the towns, the commercial areas are closely surrounded by housing and many premises have living accommodation over shops.
- 1.9 The Council recognises the contribution made by the entertainment and leisure industry, however, like the industry itself, it also recognises the potential negative impacts of licensed premises upon the safety and amenity of residents and businesses within the District. These include noise nuisance and crime and disorder.
- 1.10 The Council is aware of the value to the community of a broad range of cultural entertainments, especially live music, dancing and theatre.
- 1.11 This Policy aims to provide guidance for applicants, residents, businesses and other interested persons on the general approach the Council will take towards licensing.

Members and Officers of the Council will have regard to this policy when making decisions on licensing applications and in the enforcement of licensing law.

## **2. THE LICENSING ACT 2003**

2.1 The Council is the licensing authority for the purposes of the Licensing Act 2003 ('the Act') and is responsible for granting licences, certificates and notices in the District of Tandridge in respect of activities described by the Act as 'Licensable Activities'.

Licensable activities include

- Retail sale of alcohol
- Supply of alcohol to club members
- The provision of regulated entertainment
- The provision of late night refreshment

Regulated entertainment is entertainment provided:

- a) For members of the public or a section of the public,
- b) Exclusively for members of a club which is a qualifying club in relation to the provision of regulated entertainment, or for members of such a club and their guests, or
- c) In cases not falling within paragraph (a) or (b), for consideration and with a view to profit, and includes:
  - Performance of a play
  - An exhibition of a film
  - An indoor sporting event
  - Boxing or wrestling entertainment
  - A performance of live music
  - Any playing of recorded music
  - A performance of dance
  - Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance
  - Provision of facilities for dancing, making music or entertainment of a similar description

Late night refreshment means:

- The supply of hot food and/or drink from any premises between 11pm and 5am

If you are unsure whether a particular activity requires a licence from the Council then please contact the Licensing Section (contact details at Section 17)

2.2 The Act requires that the Council publish a 'Statement of Licensing Policy' setting out the policies the Council will apply in the exercise of its licensing functions under the Act.

2.3 This Statement of Licensing Policy has been prepared and reviewed in accordance with the provisions of the Act and the guidance issued under Section 182. It will take effect on the 7<sup>th</sup> January 2011 and will remain in force for a period of not more than 3 years.

### **3. CONSULTATION**

- 3.1 This Statement has been prepared in consultation with Surrey Police, Surrey Fire and Rescue Service, various persons/bodies representing existing licence holders, businesses and residents in the District. The views of all these bodies have been given due weight in the determination of this Statement.

### **4. FUNDAMENTAL PRINCIPLES**

- 4.1 The Act requires that the Council carry out its various licensing functions so as to promote the following four licensing objectives:

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

Each objective is of equal importance

- 4.2 Nothing in the 'Statement of Licensing Policy' will:

- undermine the rights of any individual to apply under the Act for a variety of permissions and have any such application considered on its individual merits, and/or
- override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so under the Act.

- 4.3 Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. Any conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others in possession of relevant authorisations. Conditions will therefore be used to regulate the use of premises for licensable activities and their effects in vicinity of those premises. Whether or not incidents can be regarded as in the vicinity of licensed premises is a question of fact and will depend upon the particular circumstances of the case.

- 4.4 When considering conditions, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

- 4.5 The Council will only impose conditions, where appropriate, in line with the Licensing Act and the guidance issued under Section 182 of that Act.

- 4.6 The Council acknowledges that licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.

- 4.7 Terms and conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others granted such authorisations.

- 4.8 The Council is keen to promote the artistic and cultural life of the District and licensing will be approached with a view to encouraging cultural activities and public entertainment for the wider cultural benefit of communities generally. Only conditions which are strictly necessary for the promotion of the licensing objectives will be attached to a licence for activities of this nature, as the Council is aware of the need to avoid imposing substantial indirect costs. Where there is an indication that licensing requirements are deterring such events, the policy may be reviewed with a view to investigating how the situation might be remedied.
- 4.9 Tandridge District Council's aim is to create a safe and family friendly environment in all areas of the District, including town centres. Applicants should give consideration to this when preparing their operating plans. However, this will not be the only factor taken into consideration. Examples of family friendly environments would include, amongst others, where there is a children's play area or when children's menus are provided.
- 4.10 The Council expects that a Personal Licence holder will normally be on the premises when alcohol is supplied. If the personal licence holder is absent from the premise for a brief period of time, they will still be responsible for the actions of those they authorise to make such sales. Authorisations to sell alcohol should be in writing.

## **5. THE DECISION MAKING PROCESS**

- 5.1 The powers of the Council as the licensing authority under the Act may be carried out by the Licensing Committee, by a Licensing Sub-Committee or by one or more officers acting under delegated authority.
- 5.2 In the interests of speed, efficiency and cost-effectiveness to all parties involved in the licensing process, the Council has established a scheme of delegation to deal with applications received under the Act and the Table attached at Appendix 1 sets out the delegation of decisions and functions to the Licensing Committee, Licensing Sub-Committee and Officers. This is the scheme recommended by the Secretary of State in guidance to Licensing Authorities issued under section 182 of the Act.
- 5.3 This form of delegation is without prejudice to Officers referring an application to a Licensing Sub-Committee, or a Licensing Sub-Committee to the Licensing Committee, if considered appropriate in the circumstances of any particular case.
- 5.4 Officers will notify District Councillors of applications for new premises licences and club premises certificates and of variations to such licences and certificates in their Ward.
- 5.5 Applications for new premises licences and club premises certificates, and of variations to such licences and certificates dealt with by Officers will be reported to the next meeting of the Committee for the purposes of information only, but there will be no opportunity to reverse delegated decisions.
- 5.6 In respect of each of the four licensing objectives:
- applicants will need to provide evidence to the Licensing Authority that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events;

- reference will need to be made as to whether additional measures will be taken on a permanent basis or a specific occasion such as when a special event or promotion is planned, which is intended to, or is likely to attract larger audiences.

5.7 When considering applications, the Licensing Authority will have regard to:

- this Policy;
- Guidance issued under Section 182 of the Licensing Act 2003;
- the Licensing Act 2003 generally;
- the licensing objectives more specifically;
- any supporting regulations;
- proper integration with the Council's Community Safety Strategy 2008 - 2011;
- representations from the Responsible Authorities, Interested Parties; District Councillors and
- emerging case law.

5.8 Where a notice of hearing is given to an applicant, the applicant will normally be given copies of all the representations made. Representations can be made in opposition to, or in support of, an application and must be directly relevant to one or more of the four licensing objectives.

5.9 To be an interested party, an individual making a relevant representation must reside or be involved in a business "in the vicinity" of the premises concerned. In determining whether someone is in the vicinity, the licensing authority will consider whether their residence or business is, or is likely to be, directly affected by disorder or disturbance occurring on those premises or immediately outside the premises. A District Councillor of the local authority may also be an interested party.

## **6. PERSONAL LICENCES**

6.1 A personal licence authorises the holder to supply alcohol, or authorise the supply of alcohol, in accordance with a premises licence. Where granted, a personal licence will remain in effect for a period of 10 years. The authority given by the licence is not restricted to premises within the District of Tandridge, however in the event that the holder were to move to premises elsewhere in England & Wales, Tandridge would remain the relevant licensing authority for the purposes of the licence.

6.2 An applicant will be entitled to the grant of a personal licence if they meet the following criteria:

- (a) They are aged 18 or over;
- (b) They possess a licensing qualification accredited by the Secretary of State or are a person of a description prescribed by the Secretary of State;
- (c) They have not forfeited a personal licence within 5 years of their application; and
- (d) They have not been convicted of a relevant offence or any foreign offence – the Secretary of State has prescribed such offences in Schedule 4 of the Licensing Act 2003

A conviction for a relevant offence or a foreign offence will be disregarded if it is spent for the purposes of the Rehabilitation of Offenders Act 1974.

6.3 The Licensing Authority will reject the application if it appears that an applicant fails to

meet the requirements of (a), (b) or (c) above.

- 6.4 Where it appears to the Licensing Authority that the applicant meets (a), (b) & (c) above, but fails to meet the condition set out in (d), the Licensing Authority will notify the Chief Officer of Surrey Police accordingly. If the Chief Officer of Surrey Police makes no representation within 14 days from receipt of the notice, the Licensing Authority will grant the application. In any other case (i.e. where the Chief Officer of Surrey Police considers that the granting of the licence would undermine the crime prevention objective), the matter will be determined at a hearing before the Licensing Sub Committee.
- 6.5 Subject to Regulatory Order made under the Act, a personal licence must be accompanied by:
- Two photographs of the applicant, one of which must be endorsed by a person of specified description, such as a solicitor or notary, a teacher or lecturer, or other professional person;
  - Copies of any licensing qualifications held;
  - A basic current Criminal Records Bureau disclosure form (these are valid for only one month);
  - The fee for the application.

## **7. PREMISES LICENCES**

- 7.1 Any person aged 18 or over who carries on or who proposes to carry on, a business which involves the use of the premises for licensable activities may apply to the Licensing Authority for a premises licence.
- 7.2 Where it is proposed that public access to the premises will be restricted and that alcohol will be sold other than for profit (premises traditionally known as 'registered members clubs'), the Act requires that a club premises certificate\* be obtained. The grant of a club premises certificate will entitle the club to certain benefits e.g. there will be no need for an employee or member to hold a personal licence for the supply of alcohol to members/guests, nor will it be necessary to specify a designated premises supervisor.
- \*If you are unsure whether your club qualifies for the grant of a club premises certificate then please contact the Licensing Section. If you intend to offer the club facilities commercially for use by the general public (including the sale of alcohol), then you may require a premises licence.*
- 7.3 The application process for a club premises certificate is similar to that for a premises licence, and references in this policy to a premises licence will also therefore include a club premises certificate.
- 7.4 An application for a premises licence must be accompanied by:
- The appropriate fee
  - A plan of the premises to which the application relates
  - An operating schedule
  - If the application involves the supply of alcohol, a form of consent signed by the person who is to be specified in the licence as the designated premises supervisor (this will normally be the person who has day to day responsibility for running the premises)\*

*\*not required for club premises certificates.*

7.5 The operating schedule is a key document in the application process, as the information contained in this document will enable the Licensing Authority to assess whether the steps to be taken to promote the licensing objectives are satisfactory. In addition to a general description of the style and character of the business to be conducted on the premises (e.g. supermarket, cinema with a bar, public house with 2 bars, a dining area and garden open to the public), the applicant, where appropriate, must include within this document details of the following matters:

- The relevant licensable activities to be conducted on the premises
- The times during which it is proposed that the relevant licensable activities are to take place (including the times during each day of the week, during particular holiday periods / special occasions and during particular seasons, if it is likely that the times would be different during different parts of the year)
- Any other times during which it is proposed that the premises are to be open to the public or to members of a club (these need not necessarily be the same times as the those during which the licensable activities are to take place – please see paragraph 13.4)
- Where the applicant proposes that the licence should be in effect for a limited period (e.g. for an open air festival), the relevant period sought
- Where the relevant licensable activities include the supply of alcohol, prescribed information in respect of the person who the applicant wishes to be specified in the licence as the Designated Premises Supervisor
- Where the relevant licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on or off the premises, or both
- Where the relevant licensable activities include dancing, the type of dancing i.e. will it involve members of the public, professional performers, or both? In particular, applicants must state whether it is proposed that the dancing will involve striptease or lap-dancing
- Where the relevant licensable activities include music, the type of music (e.g. amplified, pre-recorded) and the setting in which it is to be provided
- The steps which the applicant proposes to take to promote the licensing objectives

This list is not exhaustive and the Secretary of State may prescribe other matters.

Premises offering adult entertainment may also need to be licensed under the Local Government (Miscellaneous Premises) Act 1982 as a sexual entertainment venue.

## **8. TEMPORARY EVENT NOTICES**

8.1 Any person aged 18 or over may use premises for one or more licensable activities for a period not exceeding 96 hours and provided that a minimum 10 working days notice, not including the day of receipt and the day of the event, is given to the Licensing Authority and the Chief Officer of Police before the event is due to start. This will include temporary indoor or outdoor theatre productions or cinema screenings.

8.2 As 10 days notice may not provide the licensing authority with sufficient time to deal with any errors and omissions, the Licensing Authority would prefer more notice and suggests 28 days. It is recommended that organisers of larger events discuss their proposals at the earliest opportunity and, where possible, at least 28 days before

proposed date of the event.

- 8.3 Temporary event notices can only be used where the maximum number of people attending the event does not exceed 499. In all other cases a full premises licence will be required.
- 8.4 The limit on the number of temporary event notices that can be granted is 5 within the same calendar year, unless the applicant holds a personal licence, in which case the limit will be 50 within the same year.
- 8.5 Only 12 temporary event notices may be given in respect of the same premises in a calendar year and these should not total more than 15 days.
- 8.6 There must be a minimum of 24 hours between events notified by the premises user in respect of the same premises. A notice will be treated as being given by the same 'premises user' if it is given by an associate of that person (which is defined by the Act as including spouses, relatives, agents and employees of the premises user).
- 8.7 The Police may object to a Temporary Event Notice by sending an objection notice on the grounds of crime and disorder within 48 hours of being notified.
- 8.8 The Licensing Authority must serve a counter-notice if the above limitations on the use of a Temporary Event Notice are not being observed.
- 8.9 If the Licensing Authority receives an objection notice, a hearing will be held to determine whether permission should be granted for the proposed event.

## **9. THE PREVENTION OF CRIME & DISORDER**

- 9.1 The essential purpose of the licence or certificate in the context of this objective is to regulate the behaviour of persons whilst on licensed premises, or in the immediate vicinity of the premises as they seek to enter or leave.
- 9.2 The Licensing Authority will expect applicants to include in their operating schedules the steps they propose to take to reduce/deter crime and disorder, both inside and in the immediate vicinity of the premises. These steps will vary from premises to premises and according to the type of licensable activities that are to be carried on.

When addressing crime and disorder the applicant should initially identify any particular issues (having regard to the particular type of premises and/or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule.

In particular, the Licensing Authority will expect applicants to address, as appropriate, the following matters in their operating schedules-

- Physical security features e.g. use of toughened drinking glasses
- Procedures for the risk assessment of promotions such as 'happy hours' in order to minimise the potential for crime and disorder
- Where alcohol is to be sold, it is expected that the applicant will be a member of their local "Pubwatch scheme", if such a scheme is operated locally.
- The use of licensed door supervisors



- Amount of seating to be provided
- Training given to staff in crime prevention measures
- Protocols agreed with the Police to reduce crime

Premises offering alcohol and/or late night music and dancing to large numbers of patrons will also be expected to include the following-

- Search procedures
- Measures to prevent the use or supply of illegal drugs
- Details of CCTV video cameras and audio recording equipment (including the position and siting of each camera and the period of time for which recordings are to be retained)

9.3 Applicants are recommended to seek advice from the Licensing Section and Surrey Police, as well as taking into account the Tandridge Community Safety Strategy before preparing their operating schedules.

9.4 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 exercise its functions with due regard to the likely effect of the exercise of those functions on, and to do all it reasonably can to prevent, crime and disorder in the District.

9.5 The Licensing Authority recognises that licence conditions should not replicate offences that are set out in the Licensing Act or other legislation. With this in mind the Licensing Authority will, when considering an application for a premises licence, upon the receipt of relevant representations, consider attaching conditions to licences and certificates to deter and prevent crime and disorder both inside and in the immediate vicinity of the premises, and these may include conditions drawn from the Department of Culture Media and Sport (DCMS) Model Pool of Conditions relating to Crime and Disorder. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.

9.6 The Licensing Authority recognises that public houses, nightclubs, restaurants, hotels, theatres, private members clubs, concert halls and cinemas all sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. In considering an application for a licence or certificate, due regard will be given to those differences and the differing impact these will have on the local community.

## **10. PUBLIC SAFETY**

10.1 Licences may be sought for a wide range of premises, including, cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways.

10.2 The physical safety both of performers and persons attending licensable activities on these premises is a primary objective for the Licensing Authority. The risk to public safety will vary according to the type of premises and the activities in respect of which the applicant seeks approval.

10.3 Where appropriate, the Licensing Authority will expect the applicants to include in their operating schedules the steps they propose to take to promote public safety e.g. the use of door supervisors. Applicants are advised to seek advice from the Licensing

Unit and the Surrey Fire and Rescue Service before preparing their operating schedules.

- 10.4 Following relevant representations, the Licensing Authority will consider attaching conditions to licences and certificates to promote public safety, and these may include conditions drawn from the DCMS Model Pool of Conditions relating to 'Public Safety' and 'Cinemas and Fire Safety'. Any such conditions will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.

## **11. PREVENTION OF NUISANCE**

- 11.1 Licensed premises have a significant potential to have an adverse impact on communities through public nuisances that arise from their operation.
- 11.2 The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.
- 11.3 'Public nuisance' needs to satisfy the criteria in the common law and can include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 11.4 Applicants need to clearly understand that the Licensing Authority will normally look to impose conditions, including controls on licensing hours, where licensed premises are in residential areas, with a view to protecting the quality of life of residents.
- 11.5 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events. When addressing nuisance the applicant should initially identify any particular issues (having regard to the particular type of premises and/or activities) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule.
- 11.6 Where appropriate, the Licensing Authority will expect applicants to address the following matters in their operating schedules -
- Ensuring windows and doors are kept shut after 2300 hours, except for access and egress
  - Ensuring that amplified music and public address systems are not normally used outdoors in licensed premises
  - Installation of a sound limiting device where other mitigation measures may not be effective
  - Reasonable steps to prevent the occurrence of public nuisance immediately outside their premises, for example on the pavement, in a beer garden, or in a smoking shelter, where and to the extent that these matters are within their control.
  - Measures for the winding down of alcohol sales
  - Accessibility to transport services
  - Measures to be taken to prevent/minimise nuisance caused by the dispersal of patrons from the premises.

Applicants are advised to seek advice from the Licensing Section before preparing their operating schedules.

- 11.7 The Licensing Authority will take an objective view as to the potential for nuisance and, where appropriate representations are made, will attach appropriate and proportionate conditions to premises licences and club premises certificates in order to prevent it. These may include Conditions drawn from the DCMS Model Pool of Conditions relating to 'Public Nuisance'. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.

### **SMOKING AND THE USE OF EXTERNAL AREAS**

- 11.8 Where an application includes provision of a smoking shelter then the Licensing Authority expects the shelter to be located as far as possible from neighbouring residential premises.

- 11.9 In relation to smoking outside premises, it is expected:

- Suitable receptacles for customers shall be provided and maintained to dispose of cigarette litter in area used, or likely to be used, for smoking
- Licensees shall take all reasonable steps to discourage smoking on the highway, in the immediate vicinity of the premises and near to residential premises after 2200 hours. This may include measures such as a ban on customers taking drinks outside on to the public highway, the use of door supervisors, or imposing a time limit after which readmissions to the premises will not be permitted.
- Garden areas to be cleared at a reasonable time where not doing so could cause annoyance to neighbouring residents.

## **12. PREVENTION OF HARM TO CHILDREN**

### **SALE OF ALCOHOL TO CHILDREN**

- 12.1 The Act prohibits the presence of unaccompanied children in certain premises and between certain hours. It is an offence under the Act to:

- (a) permit children under the age of 16 who are not accompanied by an adult (aged 18 or over) to be present on premises being used exclusively or primarily\* for the supply of alcohol for consumption on those premises under the authority of a premises licence, club premises certificate or temporary event notice, and
- (b) permit the presence of children under the age of 16 who are not accompanied by an adult between midnight and 5am at other premises supplying alcohol for consumption on the premises under the authority of a premises licence, club premises certificate or temporary event notice

Offences may be committed by a premises licence holder, designated premises supervisor or any person who works at licensed premises, whether paid or unpaid, in a capacity which authorises him or her to request an unaccompanied child under 16 to leave the premises

*\* if you are unsure whether the business being operated on your premises falls within this definition then you are advised to liaise with the Licensing Authority and other enforcement agencies at the earliest opportunity*

Other than as set out above, the Act does not prevent the admission of unaccompanied children under the age of 16 to licensed premises where the consumption of alcohol is not the exclusive or primary activity on those premises. This does not mean that the admission of children will be automatic, as (subject to the provisions of the Act and to any conditions imposed by the Licensing Authority on any licence or certificate); admission will always be at the discretion of those managing the premises.

- 12.2 The Licensing Authority is committed to reducing the problems arising from under-age drinking. Accordingly, there may be occasions when the Licensing Authority has to consider the imposition of limitations where it is necessary to protect children from moral, psychological or physical harm.
- 12.3 Surrey County Council Trading Standards Service and the Police take a very serious view on the illegal sale of alcohol and other age-restricted goods. The Trading Standards Service will continue to seek to ensure that there are no illegal sales of alcohol and other age-restricted goods and they see the licensing regime as a potentially effective way of tackling this issue.
- 12.4 The Licensing Authority will consider the individual merits of each application before deciding whether it is necessary to limit the access of children to any given premises. The following are examples of premises that will raise particular concern:
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
  - where there is a strong element of gambling on the premises, (but not for example the presence of a small number of gaming machines)
  - where there is a known association with drug taking or dealing
  - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises
  - where entertainment or services of an adult or sexual nature are commonly provided
  - where films with age-restricted classifications are to be shown
  - where requirements for age identification (passport or photo driving licence) or a proof of age card approved and accredited, such as PASS (e.g. Citizencard, Connexions Card, or Portman Card) to combat the purchase of alcohol by minors is not the norm.
- 12.5 The Licensing Authority may, following relevant representations, consider that additional steps for limiting the access of children to licensed premises are necessary in order to prevent harm. These steps (which may be adopted in combination) include
- 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
  - Age limitations (below 18)
  - Requirements for an accompanying adult (including, for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult)
  - Full exclusion of people under 18 from the premises when any licensable activities are taking place
- 12.6 No conditions will be attached to licences or certificates requiring that children be

admitted to any premises. Where no licensing restriction is necessary, this will be left to the discretion of the individual licensee or club or person who has been given a temporary event notice. Applicants for premises licences and club premises certificates may volunteer prohibitions and restrictions in their operating schedules if their risk assessments have determined that the presence of children is undesirable or inappropriate. If the Licensing Authority receives no relevant representations, these volunteered prohibitions and restrictions will become conditions attaching to the licence or certificate.

12.7 Applicants for premises licences and club premises certificates must send copies of their applications to the Surrey County Council's Child Protection Unit, (contact details in section 17 below).

12.8 The Licensing Authority will expect applicants to include in their operating schedules the steps they propose to take to prevent harm to children.

- In particular, the Licensing Authority will expect applicants to include details of the measures they propose to prevent the supply of alcohol to children. It is expected that:

(a) staff will receive regular and adequate training on the law and practice relating to age restricted sales (including challenging purchasers, checking identification), such training to be properly documented and records made available for inspection.

(b) Adopt the Challenge 21 scheme

(c) registers of refused sales should be maintained and made available for inspection.

*Since the widespread use of Challenge 21 type schemes, retailers need to be wary of fake ID's and should consider purchasing a UV light to assist in detection.*

12.9 Where the supply of alcohol is by proxy selling, if there is any reason to suspect that the alcohol is being bought for anyone under the age of 18, the sale of alcohol must be refused.

### **THE PORTMAN GROUP**

12.10 The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the naming, packaging and promotion of alcoholic drinks. The aim of the Code is to ensure that all alcoholic drinks are promoted in a socially responsible manner and only to those aged 18 years or older.

12.11 If a retailer stocks products or point of sale material which have been found in breach of the Code by the Independent Complaints Panel, the Portman Group may notify the Licensing Authority and request it to take this into account, subject to legal requirements, when considering whether to grant, transfer, renew or revoke licences. Breaches of the Code may also be notified to the Local Government Regulation (formerly LACORS) and may in some cases lead to prosecutions under appropriate legislation.

12.12 Companies may indicate their support for the Code and their willingness to abide by the decisions of the Independent Complaints Panel by becoming Code Signatories.

12.13 The Licensing Authority supports the aims of the Portman Group and commends the Code of Practice to all applicants.

## **ACCESS TO CINEMAS**

- 12.14 The protection of children from harm includes the protection of children from the moral and psychological harm that may be caused by film exhibitions containing strong language, horror/violence or sexual images.
- 12.15 In order to prevent children from seeing such films, the Licensing Authority will expect licensees to include in their operating schedules, arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification ('BBFC') or the Licensing Authority. The BBFC normally classifies films in the following way, and the Licensing Authority follows the principles in BBFC Guidance -
- U Universal – suitable for all
  - PG – Parental Guidance. Some scenes may be unsuitable for young children
  - 12A – Passed only for viewing by unaccompanied persons aged 12 years or older or younger persons accompanied by an adult
  - 12 – Passed only for viewing by persons aged 12 years and over
  - 15 – Passed only for viewing by persons aged 15 years and over
  - 18 – Passed only for viewing by persons aged 18 years and over
  - Restricted 18 – Passed only for viewing by persons aged 18 years or over who are members of a properly constituted club or their agents aged 18 or over
- 12.16 A condition will be attached to all premises licences and club premises certificates authorising film exhibitions for the admission of children to any film to be restricted in accordance with the recommendations given to films either by the BBFC (or other body authorised under s4 of the Video Recordings Act 1984) or the Licensing Authority.

## **CHILDREN AND PUBLIC ENTERTAINMENT**

- 12.17 Where a large number of children are expected to attend regulated entertainment (e.g. theatre production or film shows), the Licensing Authority would normally require the following arrangements in order to control their access and egress and to protect them from harm:
- an adult member of staff to 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
  - no standing to be permitted in any part of the auditorium during the performance

All staff employed to supervise children shall normally be subject to an enhanced Criminal Records Bureau (CRB) check.

- 12.18 The Licensing Authority will consider attaching Conditions to licences and certificates to prevent harm to children, and these may include Conditions drawn from the DCMS Model Pool of Conditions relating to the Protection of Children from Harm.

## **13. LICENSING HOURS**

- 13.1 The Licensing Authority recognises that flexible licensing hours for the sale of alcohol are important to ensure that large concentrations of people do not leave premises at the same time. This may reduce the friction at late night fast food outlets, taxi ranks,

minicab offices and other sources of transport that can lead to disorder and other peaks of nuisance and anti-social behaviour.

- 13.2 Fixed trading hours within designated areas (also known as 'zoning') will not be set as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, resulting in concentrations of disturbance and noise. This would also assume that representations of residents in one area should be treated less favourably than others in other areas simply because they live in busier areas of Tandridge or because residential housing is less dense than in other areas.
- 13.3 Applicants for premises licences and club premises certificates are asked to note that provision may be made within the licence or certificate for 'opening hours' to differ from the hours during which licensable activities are authorised to take place. The Act does not require that opening hours should be identical to the hours during which, for example, alcohol may be sold or supplied and applicants may therefore wish to incorporate 'drinking up time' within their proposals.

### **SHOPS, STORES AND SUPERMARKETS**

- 13.4 The Licensing Authority will normally permit shops, stores and supermarkets to provide sales of alcohol for consumption off the premises at any times when they are open for shopping.
- 13.5 It may, however, consider there are very good reasons for restricting those hours. For example, a limitation on the opening hours may be appropriate following police representations in the case of shops known to be the focus of disorder and disturbance because youths or street drinkers gather there and engage in anti-social behaviour.

### **LATE NIGHT TAKE AWAY PREMISES**

- 13.6 Applications for premises offering late night take away food and drink will be considered on their individual merits. However, the impact upon the licensing objectives of people gathering at such premises after other licensed premises have closed can be considerable, and in determining licensing hours, regard will therefore be had to the density and closing times of other licensed premises in the vicinity.

## **14. INTEGRATING STRATEGIES - AVOIDING DUPLICATION**

- 14.1 The Licensing Authority recognises the need to avoid, so far as is possible, duplication with other regulatory regimes. So far as possible, this policy is not intended to duplicate existing legislation and regulatory regimes that place duties upon employers and operators.
- 14.2 However, some regulations do not cover the unique circumstances that arise in connection with entertainment at specific premises. The Licensing Authority may, for example, attach conditions to premises licences and club premises certificates where these are considered necessary for the promotion of the licensing objectives and are not already provided for in any other legislation.

### **PLANNING & BUILDING CONTROL**

- 14.3 The Licensing Authority recognises that there should be a clear separation of the planning and licensing regimes. Licensing applications should not be a re-run of the planning application and should not cut across decisions made by the Development Control Committee or following appeals against decisions taken by that Committee. Licensing committees are not bound by decisions made by a planning committee and vice versa.
- 14.4 The granting by the licensing committee of a licence or a variation does not relieve the applicant of the need to comply with planning and/or building control requirements.
- 14.5 The Licensing Authority will ensure that, where appropriate, reports are sent from the Licensing Committee to the Development Control Committee on the situation regarding licensed premises in the District, including the general impact of alcohol related crime and disorder to assist them in their decision making.

### **INTEGRATING STRATEGIES**

- 14.6 The Licensing Authority will have regard to the economic wellbeing and development of the District because it has an effect on those who live and work within it. It influences the demand for, and cost of, housing, the appearance of the environment, decreases the amount of crime and enhances the quality of cultural provision. The cultural industries themselves provide many employment opportunities within the District and contribute to its prosperity by encouraging inward investment, secondary spend and job relocation.
- 14.7 The Licensing Authority wishes to encourage and promote a broad range of entertainment, particularly live music, dance and theatre for the wider cultural benefit of the community.
- 14.8 When considering applications for such events and the imposition of conditions on licences or certificates, the Licensing Authority will carefully balance the wider benefit with the necessity of promoting the licensing objectives.

### **Community Strategy and Community Safety Strategy**

- 14.9 The Licensing Authority works closely with its local strategic partners, particularly Surrey Police on matters relating to community safety. The licensing function will need to relate satisfactorily to the Community Safety Strategy.
- 14.10 The Licensing Authority will seek to discharge its licensing responsibilities with due regard to other Government strategies that impact upon the licensing objectives e.g.
- Safer clubbing
  - Safe. Sensible. Social. The next steps in the National Alcohol Strategy (June 2006)
  - Home Office Action Plan for tackling alcohol related crime, nuisance and disorder
  - LGR/TSI Code of best practice on test purchasing.

## **15. PROMOTION OF EQUALITY**

- 15.1 The Licensing Authority is committed to eliminating unlawful discrimination, and to promoting equality of opportunity and good relations between persons of different



groups.

- 15.2 In the exercise of its licensing functions under the Licensing Act 2003, the Licensing Authority will act in accordance with its obligations under the provisions of the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000.

## **16. ENFORCEMENT**

- 16.1 The Licensing Authority will 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.
- 16.2 Where necessary, appropriate enforcement will be carried out in a fair and consistent manner in accordance with
- the Enforcement Concordat
  - Tandridge District Council enforcement policies
  - Tandridge Community Safety Strategy 2008 -2011

This will ensure that any action taken is proportionate and reflects the risk posed to the promotion of the licensing objectives.

- 16.3 Premises that the Licensing Authority consider to be low risk and well run will be subject to a less frequent inspection regime.
- 16.4 The Licensing Authority has established procedures with Surrey Police, Surrey Fire & Rescue Service and Trading Standards on the enforcement of the Act. These will provide for the efficient deployment of all the bodies engaged in enforcing licensing law and inspecting licensed premises, in order to ensure that resources are targeted at problem and high-risk premises.
- 16.5 Surrey Fire & Rescue is primarily responsible for the enforcement of fire safety legislation in licensed premises and the Licensing Authority will work with it to ensure that fire safety is maintained at all licensed premises.
- 16.6 The Licensing Authority will take a serious view of the sale or supply of alcohol to under-age persons. Enforcement will be carried out by Surrey Police and Surrey Trading Standards to ensure that no persons under the age of 18 are sold or supplied alcohol, and will include covert test purchasing exercises.
- 16.7 The Licensing Authority is empowered under section 13 of the Criminal Justice and Police Act to make 'designated public place orders' (DPPOs) to control the consumption of alcohol in a public place outside of licensed premises.

## 17. CONTACT DETAILS

Further details about the licensing process can be obtained from:

Licensing Section  
Tandridge District Council  
Station Road East  
OXTED  
RH8 0BT  
Tel: 01883 732843 or 732794  
Fax: 01883 722000  
e-mail: [licensing@tandridge.gov.uk](mailto:licensing@tandridge.gov.uk)  
Website: [www.tandridge.gov.uk](http://www.tandridge.gov.uk)

### Responsible Authorities contact details:

#### Surrey Police

The Licensing Officer  
Caterham Police Station  
Timber Hill Road  
CATERHAM  
CR3 6LD  
Tel: 01483 631296  
E-mail: [crilly9715@surrey.pnn.police.uk](mailto:crilly9715@surrey.pnn.police.uk)

#### Surrey Fire and Rescue Service

Fire Safety Department  
Leatherhead Fire Station  
Cobham Road  
LEATHERHEAD  
KT22 9AW  
e-mail: [reigatefiresafety@surrey-fire.gov.uk](mailto:reigatefiresafety@surrey-fire.gov.uk)

#### HSW Enforcement Agencies

For public houses, restaurants, shops and leisure activities:

Environmental Health  
Tandridge District Council  
Council Offices  
Station Road East  
OXTED  
RH8 0BT  
Tel: 01883 732841  
Fax: 01883 732888

For county, district and parish council premises, including schools:

Health and Safety Executive  
Phoenix House,  
23-25 Cantelupe Road  
EAST GRINSTEAD  
RH19 3BE

Tel: 01342 334200  
Fax: 01342 334222

### **Planning & Development Control**

Director of Planning  
Tandridge District Council  
Council Offices  
Station Road East  
OXTED  
RH8 0BT  
Tel: 01883 732859  
Fax: 01883 732888

### **Environmental Protection (noise nuisance)**

Environmental Health  
Tandridge District Council  
Council Offices  
Station Road East  
OXTED  
RH8 0BT  
Tel: 01883 732841  
Fax: 01883 732888

### **Child Protection Authority**

County Child Employment Enforcement & Strategy Manager  
Surrey County Council  
Grosvenor House  
Cross Lanes  
Guildford  
GU1 1 FA  
Tel: 01483 517839

### **Surrey Trading Standards**

For advice on avoiding underage sales, please contact:

Surrey Trading Standards Service  
Bay Tree Avenue  
Kingston Road  
LEATHERHEAD  
KT22 7SY  
Tel: 01372 371717  
Fax: 01372 371704  
E-mail: [trading\\_standards@surreycc.gov.uk](mailto:trading_standards@surreycc.gov.uk)

## ANNEX 1

The Authority will exercise and delegate functions in accordance with this table.

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence		If a Police objection	If no objection made
Application for personal licence with unspent relevant convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises/club premises certificate		If a relevant representation made	If no relevant representation made
Application for a minor variation			All cases
Application to vary designated premises supervisor		If a Police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a Police objection	All other cases
Application for Interim Authorities		If a Police objection	All other cases
Application to review premises licence/club registration certificate.		All cases	
Decision on whether a complaint is frivolous, vexatious etc			All cases
Decision to object when Local Authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a Police representation to a temporary event notice.		All cases	

The full committee will consist of 10 members and a sub-committee will consist of 3 members.

## Annex 2

### Glossary of terms

- Foreign Offence* – any offence (other than a relevant offence) under the law of any place outside England and Wales
- (s113 (3) of Act)
- Interested Party* any of the following
- (a) a person living in the vicinity of the premises,
  - (b) a body representing persons who live in that vicinity e.g. a residents association
  - (c) a person involved in a business in that vicinity,
  - (d) a body representing persons involved in such businesses e.g. a trade association
- (s13 (3) and 69(3) of Act)
- Relevant Representations* representations which are
- (a) relevant to one or more of the licensing objectives, and
  - (b) made by an interested party or responsible authority within the appropriate period, and
  - (c) have not been withdrawn, and
  - (d) if they are made by an interested party (who is not also a responsible Authority), that they are not, in the opinion of the Council frivolous or vexatious
- The Council will determine whether representations are relevant or not
- Responsible Authority* any of the following
- (a) The chief officer of police for any police area in which the Premises are situated,
  - (b) the fire authority for any area in which the premises are situated,
  - (c) the enforcing authority within the meaning given by section 18 of The Health and Safety at Work etc. Act 1974 for any area in which the premises are situated,
  - (d) the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated,
  - (e) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health,
  - (f) a body which-
    - (i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
    - (ii) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters,
  - (g) any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated,

For the purposes of the above, "statutory function" means a function conferred by or under any enactment.

**APPENDIX 'B'**

**APPENDIX 'B'**

Sexual Entertainment Venue

“sexual entertainment venue” means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

relevant entertainment” means—

- (a) any live performance; or
- (b) any live display of nudity;

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

The following are not sexual entertainment venues for the purposes of this Schedule—

- (a) sex cinemas and sex shops;
- (b) premises at which the provision of relevant entertainment—
  - (i) there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;
  - (ii) no such occasion has lasted for more than 24 hours; and
  - (iii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned

Interpretations:

“audience” includes an audience of one;

“display of nudity” means—

- (a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and
- (b) in the case of a man, exposure of his pubic area, genitals or anus;

“the organiser”, in relation to the provision of relevant entertainment at premises, means any person who is responsible for the organisation or management of—

- (a) the relevant entertainment; or
- (b) the premises;

“premises” includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted;

It does not matter whether the financial gain arises directly or indirectly from the performance or display of nudity.”

“Para 12 (3)(c) allowing the local authority to limit the number of sex establishments is amended as follows:

that the number of sex establishments *of a particular kind* in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;”