

THE DISTRICT COUNCIL OF TANDRIDGE

LICENSING COMMITTEE

Minutes and Report to Council of the meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 12th June 2014 after the Annual Meeting of the Council.

PRESENT: The Chairman of the Council (in the Chair) and Councillors Botten, Mrs. Bradbury, Cooley, Harwood, Mrs. Ingham, Mrs. Parker, Mrs. Thorn, Turner and Wall.

130. ELECTION OF THE CHAIRMAN 2014/15

RESOLVED - that Councillor Cooley be elected Chairman.

131. APPOINTMENT OF THE VICE-CHAIRMAN 2014/15

RESOLVED - that Councillor Mrs. Bradbury be appointed Vice-Chairman.

132. APPOINTMENT OF LICENSING SUB-COMMITTEES

RESOLVED – that two Sub-Committees be appointed as follows:

	Sub Committee A	Sub Committee B
Chairman	Councillor Cooley	Councillor Mrs. Bradbury
Second Member	Councillor Mrs. Thorn	Councillor Harwood
Third Member	Councillor Botten	Councillor Turner
Substitutes	To be drawn from other members of the Licensing Committee in accordance with Minute 167 (04/05)	

LICENSING COMMITTEE

Minutes and Report to Council of the meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 6th November 2014 at 6.00 p.m.

PRESENT: Councillors Cooley (Chairman), Mrs. Bradbury (Vice-Chairman), Botten, Harwood and Mrs. Parker.

ALSO PRESENT: Councillor Duck.

133. MINUTES

The Minutes of the meeting held on the 12th June 2014 were confirmed and signed by the Chairman.

COUNCIL DECISION
(Subject to ratification by Council)

134. REVISION OF THE STATEMENT OF LICENSING POLICY

The Licensing Act 2003 required the Council (as the local licensing authority) to undertake periodic reviews of its Statement of Licensing Policy. The Statement had recently been the subject of such a review. This had involved a consultation with interested parties, including Surrey Police; Surrey Fire & Rescue; relevant District and County Council departments; the Health & Safety Executive; business representatives and local holders of licenses, club registration certificates and personal licences. A summary of the suggested changes to the Statement was presented as follows:

- revised contact email and address provided by Surrey Police (section 18 of the Statement)
- minor changes to TENS text to clarify the difference between standard TENS and Late TENS (section 8)
- additional text to reflect changes in the Department for Communities and Local Government technical guidance for planning (July 2014) regarding noise sensitive premises (1.8)
- reference to the **current** Community Safety Strategy (5.7)
- reference to the County Council's Health & Well Being Board as a consultee (3.1)
- inclusion of a paragraph to summarise the enforcement objectives of the Council's licensing policy (17.7).

Members considered that paragraph 8.5 should be amended to make it clear that permissions for events would not be granted in the event of objections to late Temporary Event Notices from the Police or the Council's Environmental Health Department. Additionally, the Committee requested that relevant Ward Members be advised of TEN applications and that paragraph 8.5 be further amended to clarify that Members could, if they had concerns about any particular TEN application, raise those concerns with the Police or Environmental Health.

It was also suggested that paragraph 17.7 should be reworded to make it clear that the Licensing Authority would use all its available regulatory powers in dealing with any issues

which might arise from individual licensed premises which compromised one or more of the statutory licensing objectives. This policy approach would also be used where issues arose as a result of the cumulative impact of several licensed premises located in close proximity.

The Committee acknowledged that the effectiveness of the licensing process relied upon robust input from the Police. In this respect, Members expressed concern that the resource challenges facing the Surrey Force may be compromising the quality of its support for the licensing function in the District.

RECOMMENDED – that:

- A. the Statement of Licensing Policy 2015, as attached at Appendix 'A', be adopted for a period of five years commencing on 1st January 2015;
- B. the Chief Community Services Officer writes to the Chief Constable of Surrey Police to:
 - (i) emphasise the importance of the Force's role in the licensing process;
 - (ii) in light of previous experience, seek assurances about the quality of the Force's future support;
 - (iii) suggest that the Police should be open to receiving comments from local Councillors before deciding whether to object to certain licence applications or Temporary Event Notices;
- C. details of Temporary Event Notices be forwarded to the Chairman and Vice Chairman of the Committee; the Chairmen of the Licensing Sub-Committees and relevant Ward Members to enable them to make comments in respect of B (iii) above.

Rising: 6.40 p.m.

TANDRIDGE DISTRICT COUNCIL - STATEMENT OF LICENSING POLICY 2015

(changes in bold italic text)

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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, trading standards, other enforcement agencies, local businesses, the licensed trade, residents and others towards the promotion of the four licensing objectives set out in the Act.
- 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 82,988 (2011 census). 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. ***This coupled with the reduced level of planning oversight of changes of use due to Government legislative changes could result in greater conflicts between the needs of business and the amenities of residents.***
- 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

A Licence for live music is not required in venues licensed for the sale of alcohol for consumption on the premises in the following situations:

- when it is unamplified and takes place between 8am and 11pm; and
- when it is amplified and takes place in the presence of an audience of 200 persons or less and is provided between 8am and 11pm.

For those premises which are not licensed for alcohol sales, live music is not regulated entertainment when it is unamplified and takes place between 8am and 11pm.

Late night refreshment means:

- The supply of hot food and/or drink from any premises, other than private members clubs, between 11pm and 5am

- 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 1 January 2015 and remain in force for a period of not more than 5 years.

3. CONSULTATION

- 3.1 This Statement has been prepared in consultation **with Surrey County Council (Health and Well Being Board)**, 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 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 appropriate for the promotion of the licensing objectives and proportionate to what they are intended to achieve.

- 4.4 The Council will, as far as possible, avoid attaching conditions that replicate offences that are set out in the 2003 Act or other legislation.

- 4.5 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.

- 4.6 Conditions attached to authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, i.e. the premises and its vicinity.

- 4.7 The Council would prefer a personal licence holder to 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. It is recommended that 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 standard 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;
 - current guidance issued under Section 182 of the Licensing Act 2003;
 - the Licensing Act 2003 generally;
 - any supporting regulations;
 - the licensing objectives more specifically;
 - mandatory conditions specified by Order by the Secretary of State;
 - the Council's **current** Community Safety Strategy;
 - representations from the Responsible Authorities and other persons; and
 - 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 Representations must be submitted on paper or by approved electronic means.

- 5.10 The Police as a responsible authority are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. Due weight shall be given to what representations the Police make or do not make with regard to an application. A similar approach will be taken to representations made by the other responsible authorities for matters that fall within their remit.
- 5.11 The Licensing Authority acting in its capacity as a responsible authority will not normally act on behalf of other parties where those parties may make representations etc in their own right.
- 5.12 Where no representation has been made on an application, the proposals contained in the operating schedule to promote the licensing objectives, where appropriate, shall be replicated in the form of clear and enforceable licence conditions.

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 as amended by Legal Aid and Sentencing and Punishment of Offenders Act 2012.

- 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.

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 Certain community premises may apply to include the alternative licence condition on their licence so that instead of having a Designated Premises Supervisor, the management committee is responsible for the supervision and authorisation of all alcohol sales authorised by the licence.

7.6 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 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.

- 7.8 Applicants are required to publish a notice in a local newspaper circulating in the area in which the premises are situated. Suitable newspapers are listed on the Council's website, www.tandridge.gov.uk.
- 7.9 Applicants are required to display a summary of the application on an A4 size notice immediately on or outside the premises. The Licensing Authority will check that the notice has been displayed and take a photographic record to demonstrate compliance with this requirement.
- 7.10 The Council will publish notices of applications for premises licences and club premises certificates and of standard variations to these licences on the Council's website.
- 7.11 Copies of premises licences and club premises certificates will be published on the Council's website.
- 7.12 The Council is the custodian of the Local Land and Property Gazetteer (the list of all addresses in the District) and will amend addresses on any licence issued, to comply with the relevant details in the LLPG.

8. TEMPORARY EVENT NOTICES

- 8.1 *If an activity will last not more than 168 hours and is for no more than 499 people, a full licence for a licensable activity is not required and a Temporary Event Notice (TEN) can be served on the Council, the Police and Environmental Health (EH). There are two types of TEN, a standard TEN and a late TEN.*
- 8.2 *A standard Temporary Event Notice TEN must be received by the Council, the Police and EH at least 10 clear working days before the function. The 10 working days does not include the day on which the notice is received or the day of the event. Bank Holidays, public holidays and weekends are not counted as working days. A late TEN must be received by the Council, the Police and EH at least five but no more than nine clear working days before the function.*
- 8.3 *There must be at least 24 hours before the next temporary event at the same premises if it is organised by the same person or his/her associate. So the same person(s) cannot run two consecutive temporary events at the same premises without a break. No premises may be used for temporary events on more than a total of 21 days in any calendar year, and no premises may have more than 12 temporary events in any calendar year.*
- 8.4 *A person who does not hold a Personal Licence may submit 5 standard TENs or 2 late TENs a year, whilst a Personal Licence holder may submit 50 standard TENs or 10 late TENs a year.*
- 8.5 *The Police and Environmental Health (EH) can object to the TEN and, if they do not object, the function can go ahead. In the event that the Police or EH object to a standard TEN, the application must be heard by the Licensing Authority. There will be no hearing if the Police or EH object to a late TEN and the event will not be permitted. District Councillors can inform the Police or EH should they have concerns about particular TENs.*
- 8.6 *Conditions may be applied to TENs if the authority consider it appropriate for the promotion of the licensing objectives, providing the conditions are already imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.*
- 8.7 *Applicants should ensure that they have attached the correct postage, because if it is not correct, delivery of the application may be delayed or refused.*

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 consider addressing, 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
- 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

Events offering alcohol and music and dancing to large numbers of patrons (over 5000) or events of a nature that may attract illegal drug users or suppliers 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)

Where alcohol is to be sold for consumption on the premises, the applicant is advised to be a member of the local Pubwatch scheme.

- 9.3 Applicants are recommended to seek advice from the Licensing Section and Surrey Police, as well as taking into account the current 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 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 Conditions that may benefit a person's general health are currently outside the licensing authority's powers under the 2003 Act.

- 10.4 Where appropriate, the Licensing Authority will expect the applicants to consider including 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.
- 10.5 The Department of Communities and Local Government (DCLG) makes available technical guidance on the range of fire safety measures which will need to be considered to deliver compliance via the gov.uk website:

<https://www.gov.uk/workplace-fire-safety-your-responsibilities>

11. PREVENTION OF PUBLIC 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 excessive noise and anti-social behaviour late at night, 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.

- 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.

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 and comply with smoke free legislation regarding shelter design.
- 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 22.00 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 and other external areas of the premises to be cleared by 23.00 hours 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

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

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.

ACCESS TO CINEMAS

12.10 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.

12.11 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 will follow 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

12.12 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

12.13 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.

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 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 times' 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, duplicating existing legislation and regulatory regimes that place duties upon employers and operators.
- 14.2 Some regulations, however, 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 appropriate 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 Planning 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 or requested, reports are sent from the Licensing Committee to the Planning Committee or Planning Policy 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 regarding both policy and individual premises.

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
 - National Alcohol Strategy 2012
 - Home Office Action Plan for tackling alcohol related crime, nuisance and disorder
 - LGR/TSI Code of best practice on test purchasing.

15. FEES & CHARGES

- 15.1 There is a simplified procedure for a minor variation to a Premises Licence or Club Registration Certificate that will not impact on any of the licensing objectives.
- 15.2 Certain premises, such as community, village halls and places of worship are exempted from paying the premises fee for regulated entertainment only.

- 15.3 The annual charge is due on the anniversary of the premises licence or club premises certificate being granted. Whoever holds the premises licence or certificate on the anniversary is liable for the fee in full. Licence and certificate holders who do not wish to be liable for the annual fee should ensure that they surrender the licence or certificate to the Licensing Authority before the annual fee falls due.
- 15.4 The premises licence or certificate holder is responsible for ensuring the annual charge is received on time by the Licensing Authority. While the Licensing Authority will normally send a reminder approximately one month beforehand, the absence of a reminder does not remove the licence or certificate holder's responsibility to pay the charge by the due date.
- 15.5 The Act requires the Licensing Authority to suspend a premises licence or club premises certificate if the annual charge is not paid when it is due. The Licensing Authority will inform the Police of the suspension which will only be lifted on receipt of all outstanding charges.

16. PROMOTION OF EQUALITY

- 16.1 The Licensing Authority is committed to eliminating unlawful discrimination, and to promoting equality of opportunity and good relations between persons of different groups.
- 16.2 In exercising its licensing functions, the Licensing Authority will act in accordance with its obligations under the Equality Act 2010

17. ENFORCEMENT

- 17.1 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.
- 17.2 Where necessary, appropriate enforcement will be carried out in a fair and consistent manner in accordance with
- the Enforcement Concordat
 - Regulator's Code
 - Tandridge District Council corporate enforcement policy.
 - The **current** Tandridge Community Safety Strategy.

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

- 17.3 Premises that the Licensing Authority consider to be low risk and well run will be subject to a less frequent inspection regime.
- 17.4 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.
- 17.5 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.
- 17.6 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.

17.7 The Licensing Authority's priority is to use its regulatory powers to deal with issues which compromise one or more of the licensing objectives (4.1 refers) both in respect of:

- *individual licensed premises; and*
- *areas where the concentration of regulated premises may have an adverse cumulative impact.*

18. CONTACT DETAILS

Further details about the licensing process can be obtained from:

Licensing Section
 Directorate of Community Services
 Tandridge District Council
 Council Offices
 8 Station Road East
 Oxted
 RH8 0BT
 Tel: 01883 732843 or 732794
 Fax: 01883 722000
 E-mail: licensing@tandridge.gov.uk

Responsible Authorities contact details:

Surrey Police

Eastern Licensing Officer (Tandridge)
 Surrey Police
 PO Box 101
 Guildford
 GU1 9PE
Tel: 101 X 30206 or 01483 630206
 Tel: 0845 1252222 ext 31296
 E-mail: LicensingEastern@surrey.pnn.police.uk

Surrey Fire and Rescue Service

Fire Safety Department
 Leatherhead Fire Station
 Cobham Road
 Leatherhead
 KT22 9AW
 E-mail: Eastareabusiness.support@surreycc.gov.uk

HSW Enforcement Agencies

For public houses, restaurants, shops and leisure activities:

Environmental Health (H&S) Commercial and Public Safety Section
Directorate of Community Services
Tandridge District Council
Council Offices
8 Station Road East
Oxted RH8 0BT
Tel: 01883 732841
Fax: 01883 732888
E-mail eh@tandridge.gov.uk

For County, District and Parish Council premises, including schools:

Health and Safety Executive
The Council Offices,
8 Station Road East
RH8 0BT
Tel 01883 732400

Planning & Development Control

Chief Planning Officer
Tandridge District Council
Council Offices
8 Station Road East
Oxted RH8 0BT
Tel: 01883 732859
Fax: 01883 732888

Environmental Protection (Noise)

Environmental Health – Pollution Section
Directorate of Community Services
Tandridge District Council
Council Offices
8 Station Road East
Oxted RH8 0BT

Tel: 01883 732841
Fax: 01883 732888

E-mail eh@tandridge.gov.uk

Child Protection Authority

County Child Employment & Strategy Manager
Quadrant Court
35, Guildford Road,
Woking GU22 7QQ
Tel: 01483 517838

E_mail: childemployment@surreycc.gov.uk

Trading Standards

Surrey Trading Standards Service
East Surrey Area Office
Consort House
5-7 Queensway
Redhill
Surrey
RH1 1YB
Tel: 01372 371700
Fax: 01372 371704

E-mail: trading.standards@surreycc.gov.uk

Health Authority

Lesley Hackney
Public Health Business Manager
Surrey Health and Wellbeing Board
Public Health - Room G55 County Hall
Penrhyn Road
Kingston Upon Thames
KT1 2DN
Tel: 0208 541 7976

E-mail: lesley.hackney@surreycc.gov.uk

healthandwellbeing@surreycc.gov.uk

ANNEX 1

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

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a Police objection	If no objection made
Application for personal licence with unspent relevant convictions		All cases, unless the Police have not indicated an objection.	If no objection made
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.