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FULL COUNCIL – 20TH OCTOBER 2022

Agenda Item 5.3 – Licensing Committee (07.09.22)

Proposed new Statement of Licensing Policy (Minute 102 refers)

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FULL COUNCIL – 20TH OCTOBER 2022

AGENDA ITEM 5.3 – LICENSING COMMITTEE 7TH SEPTEMBER 2022
(Minute 102)

Statement of Policy made under the Licensing Act 2003

Setting out how Tandridge District Council proposes to exercise its functions under the Licensing Act 2003.

This policy is in force between 21st October 2022 and 20th October 2027, unless revised beforehand.

Issued in accordance with section 5 of the Licensing Act 2003.

Document history

Responsible Officer: Senior Licensing Officer

Approval of changes once adopted: Full Council, except the appendices and any inconsequential changes to the policy which may be approved by the Senior Management lead with responsibility for Licensing in consultation with the Chair of the Licensing Committee

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Part A Introduction and Legislative Basis

1. Introduction

- 1.1 Tandridge District Council ('TDC'), is the Licensing Authority under the Licensing Act 2003 responsible for granting premises licences, club premises certificates, temporary events notices and personal licences in the District for the sale and/or supply of alcohol, the provision of regulated entertainment and late night refreshment.
- 1.2 TDC is required by section 5 of the Licensing Act 2003 ('the Act') to publish and keep under review a policy with respect to the exercise of its licensing functions.
- 1.3 This policy is intended to provide clarity to applicants, responsible authorities, residents and others who may be affected by licensable activities on how TDC will determine applications to sell and supply alcohol, provide regulated entertainment and provide late night refreshment.
- 1.4 TDC, in adopting this policy, aims to strike a balance between the needs of residents and visitors for a safe and healthy environment and the importance of prosperous and well run entertainment, recreational and cultural premises to the local economy and vibrancy of the town centres and District as a whole.
- 1.5 To achieve this, TDC is committed to working in partnership with enforcement agencies, local businesses, the licensed trade, residents and others towards the promotion of the four licensing objectives set out in the Act.

2. Scope of this Policy

- 2.1 The Licensing Act 2003 requires TDC to carry out its various licensing functions so as to promote the following four licensing objectives:

- 1) The prevention of crime and disorder
- 2) Public safety
- 3) The prevention of public nuisance
- 4) The protection of children from harm.

Each objective is of equal importance and therefore each of these should be considered with equal weight.

- 2.2 TDC must base its decisions, in relation to determining applications and attaching any conditions to licences, on the promotion of these licensing objectives. TDC has taken full account of the guidance issued to it by the Secretary of State under section 182 of the Act. Where it is necessary to depart from that guidance, TDC will give its reasons for doing so.

- 2.3 The Licensing Act 2003 further requires TDC to publish a 'Statement of Licensing Policy' that sets out the policies it will generally apply to promote the licensing objectives when making decisions on applications made under the Act.
- 2.4 This 'Statement of Licensing Policy' was prepared in accordance with the provisions of the Act and having had regard to the Secretary of State's Guidance issued under Section 182 of the Act.
- 2.5 Licensable activities include
- Retail sale of alcohol
 - Supply of alcohol to club members
 - The provision of regulated entertainment
 - The provision of late night refreshment
- 2.6 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

There are a number of exemptions and details of these are set out in full in Part 2 of [Schedule 1 of the Licensing Act 2003](#). A summary of when a licence is likely to be required is provided on [Entertainment Licensing](#) page of .GOV.UK

Irrespective of whether the provision of music is regulated entertainment permission may still be needed from the Performing Rights Society if music is played for customers, employees or for the public that is copyrighted. The requirements for a PRS licence is outside the scope of this policy, please contact the PRS for advice. Their website is www.prsformusic.com/

- 2.7 Late night refreshment is the supply of hot food and/or drink from any premises, other than private members clubs, between 11pm and 5am.

2.8 This policy will set out how TDC will seek to promote the licensing objectives through the issue of licences and the assessment of notices covered by the Act. These are:

- Personal Licences for individuals – necessary where alcohol is to be sold or provided on premises.
- Premises Licences and Club Premises Certificates – subject to suitability of premises and measures taken by applicant to ensure the promotion of the licensing objectives.
- Review applications
- Temporary Event Notice – simplified process for occasional events of a smaller scale.

Detailed information on the process for obtaining these authorisations is provided on the [Alcohol and Entertainment](#) page of TDC's website.

3. Policy consultation

3.1 Before publishing this revised Policy Statement, Officers consulted with:-

- the 'Responsible Authorities' listed in Appendix 1 of this policy
- bodies representing existing licence holders,
- representatives of registered clubs and businesses, and
- residents of the district

3.2 In determining this policy TDC has undertaken formal consultation with members of the public, community stakeholders, specific groups and individuals as listed in section 5(3) of the Licensing Act 2003. These are;

- The Chief Officer of Surrey Police
- Surrey Fire & Rescue Authority
- The Primary Care Trust Director of Public Health
- Persons/ bodies representative of local premises licence holders
- Persons/ bodies representative of local club premises certificate holders
- Persons/ bodies representative of local personal licence holders
- Persons/ bodies representative of businesses and residents in its area

3.3 In addition TDC has consulted with Buckinghamshire & Surrey Trading Standards, Surrey Safeguarding Children Board, Tandridge District Council's Environmental Health and Tandridge District Council's Planning Department. The draft policy has also been published on TDC's website.

3.4 TDC has given due weight to the views of those consulted and made appropriate amendments to the final version of this Policy Statement. Further details of the consultation process and the results of the consultation are set out in Appendix 2.

4. Policy Review

- 4.1 The policy was adopted by Full Council on 20th October 2022 and came into force on 21st October 2022. The policy will be regularly reviewed and formally re-published every 5 years. Any changes considered necessary between the 5 yearly reviews will be referred to Full Council, subject to consultation in accordance with the provisions of the Act, and revisions published accordingly.
- 4.2 In addition, within the five year period TDC will review its Licensing Policy whenever it feels that relevant issues have arisen, for example, if any further significant amendments are made to the Licensing Act 2003.
- 4.3 The appendixes to this Statement of Policy provide supporting information only and do not form part of this Statement. Subject to approval of the Senior Management lead with responsibility for Licensing, in consultation with the Chair of the Licensing Committee, these appendixes and any inconsequential changes to the policy may be updated without the requirement for consultation.

5. Local Context

- 5.1 The District is a highly attractive district including part of the North Downs Area of Outstanding Natural Beauty. It covers an area of 248 square kilometres, with approximately 94% covered by the Green Belt, and only 12% of its area developed. Some 28% of the District is open space or woodland and 60% is under agricultural activity.
- 5.2 The District has a population of approximately 87,000 residents, with around 70% of these living in the main northern residential areas of Caterham, Oxted, Warlingham and Whyteleafe which together cover about 9% of the Council's geographical area. The remainder live in smaller settlements and villages.
- 5.3 The District hosts significant transportation infrastructure, including London's Orbital M25 running east to west and the M23 running north to south along the western boundary. The District is well-served by rail with 11 railway stations, and Gatwick Airport is located just a few miles to the south-west of the District border.
- 5.4 The District has a number of much-valued leisure, historical and natural features that support local tourism with a number of rural villages that are of historic value and attractive to visitors. There are also numerous golf courses, fishing lakes, country pubs and extensive walking routes through the beautiful countryside and Areas of Outstanding Natural Beauty. A limited number of other special and seasonal events further enhance the District as an attractive place for tourism.

5.5 The District has a typical crime rate when compared with the rest of Surrey. Over half of the crimes reported in the district consist of either antisocial behaviour (30.2%) or violent crime (27.5%). Criminal Damage and Arson reports come third highest (11.5%).

Source: <https://www.ukcrimestats.com/Subdivisions/DIS/13870/>

5.6 The District has a higher than average number of residents aged 65 and over (20.4%, compared to 17.8% nationally. This trend is set to continue over the next 20 years, with this age group forecast to grow by over 50%. This has implications for employment opportunities and services.

5.7 At the time of publication of this Statement there were 276 Premises Licences, and 43 Club Premises Certificates in the district, and 1070 Personal Licences in effect within the District.

In a typical year TDC is served with approximately 500 Temporary Event Notices.

5.8 A map showing the geographical area covered by this Statement of Policy can be viewed at Appendix 3.

Part B Principles

6. Fundamental principles

6.1 Each licence application will be considered on its own merits in the context of the four licensing objectives.

6.2 TDC expects applicants to risk assess their proposals and put forward measures aimed at promoting the licensing objectives.

6.3 Although the four objectives are the only matters that TDC may take into account when making licensing decisions, as a public body TDC is also required:

- Under the Crime and Disorder Act 1998 to have due regard of the crime and disorder implications of any of its decisions, including the adoption of this policy;
- To implement the Licensing Act in a manner consistent with the Human Rights Act 1998 by giving due consideration to the rights contained in the European Convention on Human Rights and Fundamental Freedoms;
- To implement the Licensing Policy in a manner consistent with its legal requirement under the Equality Act 2010;
- To act in accordance with the Regulators Code under the Legislative and Regulatory Reform Act 2006;
- To fulfil its obligations under the Immigration Act 2016 and the Modern Slavery Act 2015, including identifying and supporting victims of modern slavery.

6.4 Unless relevant representations or objections are received with respect to an application TDC has no discretion to impose conditions on a licence other than those proposed within an application.

6.5 The TDC will help promote cultural activities within the District area by not imposing excessively burdensome conditions.

6.6 TDC 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. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.

6.7 Nothing in the policy statement should be regarded or interpreted as an indication that any requirement of licensing or other law may be overridden.

- 6.8 Nothing in this policy overrides the right of any person to make an application, make representations about an application or apply for a review of a licence. Each will be considered on its own merits and in accordance with the statutory requirements of the Act.
- 6.9 As this policy cannot foresee every scenario or set of circumstances, TDC may depart from this policy where, in the Council's view, the matter requires it; in any such case TDC will give full reasons, in writing, for this decision.
7. TDC's aspirations and vision for the place
- 7.1 TDC's priorities are set out in the Council [Strategic Plan 2020/2021 to 2023/2024](#).
- 7.2 TDC's priorities for the district are;-
1. **Building a better Council** – making TDC financially sustainable and providing residents with the best possible services.
 2. **Creating the homes, infrastructure and environment we need** – both now and in the future.
 3. **Supporting economic recovery in Tandridge** – from lockdown to growth that everyone benefits from.
 4. **Becoming a greener, more sustainable District** – tackling climate change.
- 7.3 It is the aspiration of this Statement of Licensing Policy to support these strategic priorities through the promotion and application of the four licensing objectives.
- 7.4 In accordance with these priorities TDC would positively encourage applications that;-
- support the use of open space, sport and recreation facilities to maximising their potential to improve health and wellbeing
 - involve work with Voluntary, Community and Faith Sectors (VCFS) initiatives to support community resilience
 - Maximise wellbeing and opportunities for young people
 - promote a broad range of entertainment, particularly live music, dance and theatre for the wider cultural benefit of the community
 - support tourism and visitor related facilities
 - contribute to creating a family-friendly town centre, specifically by appealing to a wide-range of customers (family-friendly policies and facilities, operating hours and pricing)
 - promote and expand the evening economy in Caterham in line with the [Caterham Masterplan](#)
 - through innovation are likely to ensure the District's towns, district, local and village centres remain successful and viable places for people to live, shop and spend their leisure time.

- reduce traffic growth by providing local community services

When considering applications for such events and the imposition of conditions on licences or certificates, TDC will carefully balance the wider benefits with the necessity of promoting the licensing objectives.

- 7.5 TDC believes that as long as licensed premises operate as compliant, well-regulated businesses and that their management act responsibly in promoting the licensing objectives; run safe, well managed venues and facilities; and engage and work with the local authority, its partners and the local community; they make a positive contribution toward building community cohesion and cultural development. It is also important to appreciate that alcohol plays an important and inherent role within the leisure and entertainment industry.
- 7.6 However, it is equally recognised that negative impacts will occur if good management practices are not followed by licensed premises. These can include anti-social behaviour, nuisance and disturbance caused to local residents, sometimes together with serious crime and disorder problems. Alcohol, in particular, is an important contributing factor to all of these issues. Alcohol-related violence, disorder and rowdiness impact on our community, public health and the public purse through the demands made upon Hospital attendances and admissions; additional policing; additional street cleaning; and the criminal justice system. TDC does not consider that it is reasonable for local residents and compliant businesses to suffer because of a small number of irresponsible, poorly managed operators.
- 7.7 This Statement of Licensing Policy, therefore, seeks to provide a necessary balance between providing a platform upon which compliant, well-regulated businesses may operate and contribute towards a successful business and night-time economy, and ensuring that the quality of life of those who live and work in the district is protected through the licensing system. We believe these aims are achievable if all parties concerned work together.

8. Pandemics

- 8.1 TDC recognises the issues faced by the hospitality industry due to the Covid-19 pandemic and will apply this policy with appropriate flexibility to support affected businesses during their recovery.
- 8.2 TDC is mindful that businesses have had to adapt to changes in local and national advice and regulations as a result of the public health emergency, and that further changes are possible. There is scope within this policy and national legislation for this to happen. All licence holders and new applicants will be expected to comply with relevant health regulations and, where required, evidence their compliance.

- 8.3 Public Health is not a licensing objective, and other legislation is in force that will serve as the primary mechanism for controlling the spread of the virus. However, concerns over the role licensed premises may play in the spread of the virus may touch on one or more of the licensing objectives, most obviously the prevention of crime and disorder where non-compliance with health regulations has been evidenced. Where representations, or applications for review, raise concerns over the potential spread of coronavirus or similar pandemics, particular weight will be given to any advice from the responsible authorities for Environmental Health, Surrey Police and the Health Authority on the relevance of these concerns to the licensing objectives.
9. Special Cumulative Impact Policies, Early Morning Restriction Orders (EMRO), and Late Night Levy.
- 9.1 TDC has decided that, at present, it is not appropriate for any area of the District to be covered by a special policy on cumulative impact. There is therefore no special policy creating a rebuttable presumption that applications within a particular area of the District for new premises licences or club premises certificates or material variations thereto will normally be refused, if relevant representations are received about the cumulative impact on the four licensing objectives.
- 9.2 TDC has decided that at present it is not appropriate for any area of the District to be covered by an Early Morning Alcohol Restriction Order (EMRO). TDC does not consider it appropriate for the promotion of the licensing objectives to restrict sales of alcohol in the whole or a part of the District for any specified period between 12 midnight and 6 am.
- 9.3 TDC has decided that, at present, it is not appropriate for the District to be covered by a late night levy. TDC does not consider it desirable that all licence holders operating a licence which allows for the sale of alcohol between midnight and 6am be required to pay into the levy for policing the night-time economy.
- 9.4 TDC has decided not to implement a special cumulative impact policy, EMRO or Late Night Levy after consultation with Surrey Police. TDC will review the need for them at least every five years as part of the review of this policy to see if circumstances have changed and they are needed.
10. Promotion of equality
- 10.1 TDC must have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, it must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations between people with different protected characteristics.

- 10.2 To meet the Equality Duty, TDC publishes an Equality and Diversity Scheme available at www.tandridge.gov.uk.
- 10.3 There is no one size fits all approach to making a premises inclusive, and each applicant will need to make an assessment of its own practices and policies. However, the following are common and best practice examples that could be adopted:
- Inclusive and transparent policies (for example admittance policies may clearly stipulate adherence to a dress code and refusal if someone presents as intoxicated; however they must not prevent admittance based on perceived attractiveness, size, or against any of the protected characteristics).
 - Robust complaints procedures that make it easy for customers who feel they have been discriminated against to raise their concerns and understand how this will be investigated or managed.
 - Accessible venue layouts that make venues welcoming.
 - Comprehensive training on equality and inclusion for all staff. It is important that any training is regularly refreshed

Further information and guidance can be obtained from the Home Office website.

11. Exercise and delegation of function

- 11.1 The powers of the Licensing Authority under the Act may be carried out by the Council's Licensing Committee, Licensing Sub-Committees or by one or more officers acting under delegated authority.
- 11.2 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. A table of these delegations are shown in Appendix 4.

12. Shared Service

- 12.1 From 1st April 2017, TDC entered into a shared Environmental Health and Licensing service with Mole Valley District Council. This arrangement has created an integrated team that works collaboratively and shares expertise and knowledge, making them more effective and efficient, providing an improved and more resilient service for the benefit of the residents and businesses in the two Districts.
- 12.2 Applications made under the Licensing Act 2003 with respect to premises in Tandridge and Mole Valley Districts may be processed by licensing officers located in either district who are dual authorised by both licensing authorities. Decision-making will be retained at a local level by individual Licensing Committees, with each having their own Statement of Policy.

13. Partnership working

13.1 The promotion of the licensing objectives relies on a partnership between licence holders, authorised persons, residents, responsible authorities and the Authority. The Authority is keen to work in partnership with licensees and with bodies such as licensee forums, pub watches, Business Improvement Districts, tenants' and residents' groups and those representing such groups to develop a prosperous and well managed economy whilst promoting the licensing objectives.

13.2 TDC is part of the Tandridge Community Safety Partnership (TCSP), a multi-agency strategic group established as part of the Crime and Disorder Act 1998 to develop crime and disorder audits and implement crime reduction plans.

13.3 The TCSP is made up of both statutory agencies and co-operating bodies within the district and county. They are as follows:

- TDC Community Safety Officer (chair)
- TDC Housing Specialist
- Tandridge Police Borough Commander
- Targeted Youth Support Manager
- Surrey Fire Service (Tandridge Commander)
- Surrey Heartlands CCG Partnerships Manager
- Surrey County Council Community Safety officer
- Police and Crime Commissioner's office – Community Safety Policy and Commissioning Lead
- Redhill Offender Management Unit – Senior Probation Officer

Each year the partnership identifies key priorities to be addressed and detailed action plans are drawn up for each area. TDC will give particular weight to these plans where they relate to licensable activities and the promotion of the licensing objectives.

14. Planning

14.1 In strict legal terms the planning system is separate to that of the licensing system. The Secretary of State recommends in their Guidance that the planning and licensing regimes are properly separated to avoid duplication and inefficiency. TDC will ensure that the two regimes are kept separated. The Planning Department will be kept regularly apprised of the situation regarding licensed premises within the District, including the general impact of alcohol-related crime, to enable it to have regard to such matters when considering its decisions to avoid any unnecessary overlap. Planning matters will only be considered where they relate to the promotion of the licensing objectives.

- 14.2 The Secretary of State's Guidance states the following in relation to Planning and Licensing:

'14.64 The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa. However, as set out in Chapter 9, licensing committees and officers should consider discussions with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.'

14.65 There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee.'

TDC will ensure that the provisions of these two paragraphs are considered fully when dealing with licence applications.

- 14.3 The absence of lawful planning use for an activity is not of itself a matter for licensing. Only in exceptional cases has TDC as the planning authority made representations as a responsible authority. Whether the premises have planning permission or whether a lawful use exists are matters that are taken up separately by the planning authority.

15. Responsible authority and children

- 15.1 TDC considers Surrey County Council's Children's Services competent to act as the responsible authority in relation to the Protection of Children from harm.

- 15.2 TDC's licensing service will work with Surrey County Council's Children's Services whenever appropriate to see what further steps could be taken to promote this licensing objective and protect children from harm on licensed premises. In particular, premises where:

- there is a belief alcohol could be sold to customers under the age of 18 years
- entertainment is provided which is of an adult and/or sexual nature
- any member of staff has previously been convicted of serving alcohol to a minor or is on the sex offender's register
- specific activities for children take place
- there is a strong element of gambling taking place

16. The Licensing Authority as a responsible authority
 - 16.1 The Act enables TDC to function as both a 'licensing authority' and to act as 'responsible authority' in its own right. These powers have been delegated to officers within the Council's licensing service. Normally the Licensing Authority will not make representations that should be made by another responsible authority with the expertise in that area.
 - 16.2 However, TDC may wish to make representations without having to wait for representations from other responsible authorities where they consider it appropriate for the promotion of the licensing objectives. For example, reasons could include bringing together a number of minor unconnected complaints that in themselves do not require another responsible authority to make a representation, but when taken together may constitute a public nuisance, represent breaches of licence conditions only observed by TDC officers or which undermine the licensing objectives.
 - 16.3 TDC's licensing service has taken steps to achieve a line of separation between those officers processing applications and those making representations. The officer presenting any application to a Licensing Sub-Committee will also be different from the officer acting as the responsible authority.
17. Information sharing
 - 17.1 TDC is committed to open data principles. Subject to the provisions of the Data Protection Act 2018 and General Data Protection Regulation 2016/679 and any other applicable legislation, the Authority will share information about licensees, licensed premises and activities associated with them to all partners. Operating schedules, results of compliance checks, and details of enforcement action may also be shared.

Part C Policies for applicants

18. Guidance

- 18.1 TDC publishes, from time to time, Guidance for making and advertising an application for a new licence or certificate which is available on its website. TDC expects applicants to have regard to that Guidance when preparing to submit an application, and considers that applications which do not demonstrate such regard are more likely to attract representations.

19. Communication

- 19.1 TDC would strongly encourage applicants to hold pre-application discussions with licensing officers, other relevant statutory bodies and local residents or businesses before submitting all but the most straightforward applications. Taking this step may prevent misunderstandings as to what is being proposed and stop formal representations being made that will result in licensing hearings.

20. Risk Assessment

- 20.1 TDC expects all applications for licences to demonstrate that the applicant has addressed any local concerns and has thought about how the premises will be run responsibly and in such a way as to promote the licensing objectives. In particular, a comprehensive risk assessment must be undertaken by applicants to ensure that risks relating to the licensing objectives are identified and addressed. TDC considers that applications which do not demonstrate such regard are more likely to attract representations.
- 20.2 When preparing a risk assessment of their premises consideration should be given to paragraphs 20.2.1 to 20.2.6. Types of premises vary throughout the District, as do the types of licensable activities carried on at those premises, and therefore the steps appropriate to promote this objective will vary by premises, so these steps should not be considered exhaustive.

20.2.1 Prevention of crime and disorder

- Effective and responsible management and supervision of a premises, including associated outside areas;
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of crime and disorder;
- Adoption of best practice guidance, for example, the Portman Group's Code of Practice on the naming, packaging and promotion of alcoholic drinks, and other recognised codes of practice;
- Acceptance of accredited proof of age documentation;

- For off-licences, a clear practice of storing high strength alcohol products behind the counter;
- Provision of effective CCTV in and around premises;
- The employment of Security Industry Authority licensed door staff;
- Participation in local trade liaison schemes;
- Provision of polycarbonate plastic glasses;
- Provision of secure deposit boxes for confiscated items;
- An agreed protocol with the police on the handling and disposal of illegal drugs founds on the premises;
- Provision of security measures such as lighting outside premises;
- Measures and policies to prevent the use or supply of illegal substances, including search and entry policies;
- Incident and refusals log books;
- Use of an electronic verification and entry scanning system;
- Responsible participation in a local radio link scheme, where available;
- Policies to manage capacity;
- Procedures for the management of customers congregating outside of premises (in particular late night refreshment houses);
- It is mandatory for premises that sell or supply alcohol to have an age verification policy in place. The Authority favours the adoption of the Challenge 25/Check 25 type schemes;
- Appropriate instruction, training and supervision of those employed or engaged to ensure that alcohol is not served to persons who are drunk.

20.2.2 Prevention of public nuisance:

- Effective and responsible management and supervision of the premises, including associated open areas;
- Adoption of and adherence to best practice guidance, for example, the Noise Council Code of Practice on Environmental Noise Control at Concerts, and other recognised codes of practice;
- The adoption of procedures and policies to actively manage noise on an ongoing basis;
- Policies for the timely dispersal of customers;
- Appropriate closing times having regard to the nature of the surrounding area, for example in predominantly residential areas and/or in areas where vehicular noise related to departing patrons may be a source of noise nuisance;
- Appropriate instruction, training and supervision of those employed or engaged to prevent public nuisance from arising;
- Measures to prevent excessive noise from customers eating, drinking or smoking in external areas to the premises;
- Keeping doors and windows closed and providing adequate mechanical ventilation;
- Reducing sound levels and installing a sound limiting device to prevent sound exceeding the appropriate level;
- Installing sound proofing measures to contain sound and vibration;
- Making contact telephone numbers available to local residents;
- Displaying prominent notices asking customers to leave the premises quietly;

- Provision of adequate litter bins and regular emptying/collection of rubbish;
- Measures for the prevention of noxious smells arising from the premises, for example, in relation to the provision of late night refreshment;
- Measures to prevent unreasonable disturbance arising from deliveries of alcohol to premises and/or collections of e.g. refuse.

20.2.3 Public safety

- Event management plans;
- Any capacity issues not covered by the Fire Safety regime;
- Adoption of and adherence to best practice guidance and other recognized codes of practice. For example, when holding events with an anticipated larger capacity, the Purple Guide;
- When holding events with an anticipated larger capacity, provide a parking management plan, independently or within the event management plan detailing the risk of increase traffic, congestion and parking in the vicinity of the event and how it will be mitigated;
- Measures and policies to prevent the use or supply of illegal substances, including search and entry policies;
- Physical safety features e.g. use of safety/ toughened glass;
- Written policies on dealing with accidents and personal injury incidents and drunkenness;
- The promotion of schemes to discourage drink driving;
- Dispersal policies including provisions for the safe dispersal of the vulnerable; and/or policies concerning the safe and responsible ejection or refusal of entry of vulnerable or potentially vulnerable people;
- Measures to take account of expected and potential impacts on outdoor events by the weather.

20.2.4 Protection of children from harm

- Adoption of a voluntary age verification policy such as Challenge 25;
- Acceptance of accredited proof of age documentation;
- Effective and responsible management and supervision of the premises, including associated open areas;
- Appropriate instruction and training for those employed or engaged to prevent harm to children, in particular, child sexual exploitation (CSE);
- Provision of effective CCTV in and around premises;
- Refusals log books;
- Measures to deter proxy sales;
- For off licence premises, a restriction on sales of individual cans or bottles of alcohol;
- Exclusions at certain times, or when adult entertainment is being provided;
- Policies or procedures in respect of:
 - restrictions on the hours children may be present and parts of the premises to which they may not have access to;
 - excluding children under a certain age when specified activities are taking place;
 - lost and found children at events;

- The presence of adequate numbers of responsible/accompanying adults to ensure their safety;
- Where relevant and appropriate, measures to ensure that, whilst on the premises, children are not involved in crime and disorder, drugs or drug taking, entertainment of an adult nature or any other activity that may cause them harm;
- Systems for the collection of glass and bottles to minimise the risk of young people finishing off dregs;
- Staff to 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;
- Where films are intended to be shown, TDC will expect Operating Schedules to include arrangements to prevent children viewing age-restricted films as classified by the BBFC or by TDC itself. Save for in exceptional circumstances, TDC will apply the classifications approved by the BBFC.

20.2.5 Children - admission and entertainment

TDC recognises that some entertainment taking place on licensed premises is directed specifically at children, for example films, plays or music. Where this is the case TDC will expect to see particular measures to ensure any children attending (whether as audience or participants, including as performers) are appropriately safeguarded from harm, which may include, in addition to the factors set out above:

- Children-specific risk assessments being carried out in advance and, where appropriate, in consultation with the appropriate authorities including the Police;
- Appropriate vetting of staff on duty;
- Additional measures to ensure that no sales of alcohol to children are made;
- Additional measures to ensure attendees are safely dispersed following the event;
- Where necessary, measures limiting the access of children to licensed premises where that is appropriate for the prevention of harm to children (the s.182 Guidance contains suggested conditions to this effect)

However conditions requiring the admission of children cannot be attached to licences or certificates.

20.2.6 Nominated Safeguarding Children Person

TDC expects the owner/licence holder of a premises that admit children to follow best practice and nominate themselves or a senior staff member to have the following responsibilities as a minimum in relation to safeguarding children for the licensed premises to:

- Arrange safeguarding children training for all staff;
- Monitor and report on whether all staff have received the minimum (initial and refresher) safeguarding children training;

- Ensure that all staff have read and know where to find the Government Guidance: "[What To Do If You're Worried a Child is Being Abused](#)"
- Ensure that an up-to-date Safeguarding Children Procedures Poster is displayed for all staff at all times (See Appendix 7 to this policy);
- Provide advice and support to staff when they have a concern about safeguarding a child;
- Record all concerns raised by staff;
- Be the contact person for the local Children's Social Services and the Police in relation to all incidents or concerns related to the safeguarding of children on or linked to the premises.

All staff should know that they can call the local Children's Social Services and the Police if the person they suspect is senior to them in the licensed premises staff hierarchy.

21. Closing times

- 21.1 Applicants for premises licences and club premises certificates should note that provision may be made within the licence or certificate for the hours the premises are open to the public to differ from the hours during which licensable activities are authorised to take place.
- 21.2 By having a delay between the finishing time for licensable activities and the time the premises have to be closed to the public, it is possible to avoid customers being forced to leave the premises the moment the entertainment finishes, or immediately after being served alcohol supplied for consumption on the premises.
- 21.3 To allow for the safe and orderly dispersal of customers TDC would expect the premises to close at least 20 minutes later than the finishing time allowed for the licensed activity.

22. Alcohol Delivery Services

- 22.1 Since the last Statement of Licensing Policy there have been an increasing number of applications for licences relating to delivery services. These tend to fall into three groups:
- Premium specialist product mail order-type services;
 - Food delivery services (both meal and grocery) that include alcohol delivery but are primarily food lead; and
 - Convenience-type alcohol delivery services that are targeted at convenience for those drinking at home.

22.2 Although these types of services are not provided for in the Licensing Act 2003 in any way differently from other licensed premises they do provide their own unique circumstances that need to be addressed. In particular TDC expects licence applications for delivery services that include the delivery of alcohol to take into account issues relating to the following:

- Age verification at both purchase point and delivery point;
- The safety of delivery drivers at point of delivery;
- Safety of the premises from which orders are taken and sent out for delivery; and
- Possible public nuisance caused by delivery drivers collecting deliveries from the licensed premises.

23. Large Scale Events

23.1 While TDC encourages all applicants to consider contacting Responsible Authorities in advance of any application, where the application is unusual because of its size (e.g. in excess of 1000 people) or type (e.g. a pop concert) TDC expects that early contact is made well in advance of any application being made. This will ensure that appropriate consideration can be given to a bespoke programme of consultation which might, as the case may be, include submission of risk assessments, a full event management plan and/or the convening of a Safety Advisory Group ('SAG') to advise on the implications of the proposed application.

23.2 The SAG, consisting of the emergency services and other statutory agencies such as the highways authority, advise and co-ordinate planning for public events in the district, whether or not a premises licence or a temporary event notice is needed. Event organisers are encouraged to consult with the Safety Advisory Group as part of their event planning process. The SAG organiser can be contacted via communitysafety@tandridge.gov.uk

23.3 Organisers of large scale events must be mindful that a premises licence application may take up to two months to determine should representation be received. Notwithstanding these minimum requirements, TDC advises anyone organising a large scale event to complete the Event Notification form available on the [TDC's website](#) as soon as basic details of the event have been confirmed. This will ensure that partner organisations receive adequate notice of the event so it can take place safely and successfully.

23.4 TDC expects organisers of large events to have regard to the following documents as appropriate:

- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) ("The Purple Book")
<https://www.thepurpleguide.co.uk/> (requires subscription)
- Managing Crowds Safely (HSE 2000)
<https://www.hse.gov.uk/event-safety/crowd-management.htm>
- 5 Steps to Risk Assessment:
<http://www.hse.gov.uk/risk/controlling-risks.htm>
- The Guide to Safety at Sports Grounds
<http://www.safetyatsportsgrounds.org.uk/publications/green-guide>

24. The sale of alcohol at garages

- 24.1 The Licensing Act 2003 prohibits alcohol sales from premises that are used primarily as a garage (or which form part of premises which are used primarily as a garage). A premises is deemed as being used as garage if it is being used for the retailing of petrol or diesel, or the sale and maintenance of vehicles.
- 24.2 If a premises that is primarily used as a garage has been granted a licence for the sale of alcohol, that licence is “of no effect”, and alcohol may not be lawfully sold.
- 24.3 TDC expects that when a premises licence application is received that includes the sale of alcohol for premises that include garages information is provided to establish whether the premises is used primarily as a garage so that all parties will be clear as to whether the licence is an effective one or not.
- 24.4 Evidence that the premises is not primarily used as a garage must be based on sales and footfall data over the previous two years to show that petrol and diesel sales, and vehicle maintenance and sales, are not the premises’ main feature.
- 24.5 Where such information is not available (because for example the premises have only just started trading) the applicant should volunteer a condition requiring this information to be provided to TDC on a regular basis for the following two years to evidence that the premises are not used primarily as a garage. Where this condition is not volunteered the Licensing Authority will make representation with a view to imposing such a condition.

25. Music entertainment at alcohol on-licensed premises

The Live Music Act 2012 and Deregulation Act 2015 amended the Licensing Act 2003 by deregulating aspects of the performance of live and recorded music so that, in certain circumstances, it is not a licensable activity. A summary of when a licence is likely to be required is provided on [Entertainment Licensing](#) page of .GOV.UK

- 25.1 As a result of the deregulation a licence is not required to stage a performance of live music, or the playing of recorded music if:
- it takes place between 8AM and 11PM; and
 - it takes place at an alcohol on-licensed premises; and
 - the audience is no more than 500 people
- 25.2 Any conditions relating to musical entertainment on a premises licence do not have effect when the above requirements are met. However, if the premises licence is reviewed as a result of musical entertainment causing a nuisance TDC can exert control by re-imposing conditions relating to music, or may add a new condition as if music were regulated entertainment.

- 25.3 Many of the District's licensed premises are in small villages and towns, or often in older historic buildings located in constrained locations, where it may not always be possible to contain the noise from music entertainment. However, TDC recognises that alcohol licensed premises have a rich history of supporting music entertainment in the community, and considers it unlikely that public nuisance will result from a well-managed weekly performance that ends at 11PM.
26. Outside spaces
- 26.1 TDC is aware of the popularity of external areas and outdoor events, particularly in summer where there is more demand for outside drinking and eating options. There is a need for all outside spaces that are used for smoking, eating and drinking by patrons of licensed premises to be well managed to reduce the potential for nuisance to be caused to nearby residents.
- 26.2 Where smoking, eating and drinking takes place outside, TDC expects applicants to provide comprehensive details in their operating schedule on:
- the location of outside areas to be available for use;
 - how the outside areas will be managed to prevent:
 - a) noise;
 - b) smell; and
 - c) pavement obstructions, and littering.
 - the arrangements for clearing tables and chairs; and
 - preventing nuisance from smoke fumes to residents living in close proximity to smoking areas.
- 26.3 Where outside spaces are used for eating, and where children may also be present in the outside space, TDC expects applicants to provide details as to how smoking areas will be separated from the general use areas of the outside space.
- 26.4 Licensees must take into account the needs of patrons with disabilities and comply with the requirements of the Equalities Act 2010.
- 26.5 Where the use of outside spaces by the patrons of a licensed premises is unplanned and makes use of the pavement there is need for specific consideration. Members of the public can sometimes feel intimidated and crowds of drinkers spilling out onto the street may cause obstruction. Safety problems can also be caused with drinkers moving into the road. Wherever possible drinking should be contained within areas that are part of the licensed premises, such as beer gardens, terraces or where a pavement licence has been granted by Surrey County Council for tables and chairs on the public highway, and consideration should be made for local residents with mobility difficulties.

26.6 The use of tables and chairs on the highway may require an additional licence, granted either by TDC or by Surrey County Council Highways Authority, and may also require planning permission. TDC licensing services can be contacted for further advice on pavement licensing. In the event that the hours under any pavement licence, planning permission or licence issued under the Licensing Act 2003 do not match then the more restrictive hours will apply.

27. Use of Plastic Glasses

27.1 TDC is against the use of single use plastic glasses in its licensed premises and at 'one off' events within the District. The adverse environmental impact of one use 'throwaway' plastics is immense and in the 21st century such use should be avoided. There are many alternatives on the market today including multi use polycarbonate plastic glasses and hardened multi use washable glasses.

27.2 TDC would welcome operators taking a lead in their premises or at their events with the use of alternatives to single use plastics, in places where it is not practicable to use glass.

28. Operating Schedules and Volunteered Conditions

28.1 Applicants are expected to consider the above items of best practice in their operating schedules, where relevant to the premises. Where they elect not to do so, they are strongly advised to include information explaining the omission. This might be because a risk assessment has shown that the steps are unnecessary or because the item is already the subject of another consent, e.g. a planning permission or statutory obligation. If such information is not included, it is more likely that a relevant representation will be made, leading to the cost and delay of a hearing before a licensing sub-committee.

28.2 Where the applicant volunteers conditions as part of their operating schedule they will be imposed on any licence granted, unless amended at a hearing following receipt of representation. The Pool of Model Conditions attached at Appendix 5 has been produced to assist applicants to consider and promote the licensing objectives, within the context of their application. Applicants are under no compulsion to use these when preparing their operating schedules, but may find the wording helpful when identifying the appropriate steps to ensure the promotion of the licensing objectives.

29. Variation of licences

29.1 Applicants for standard variations of premises licences or club premises certificates are expected to conduct a thorough risk assessment with regard to the licensing objectives when preparing their applications (see above). Any new control measures identified as necessary to promote the licensing objectives should be included within the application.

29.2 A premises licence/club premises certificate holder may apply under the minor variation procedure for small variations that will not impact adversely on the four licensing objectives. Minor Variations are decided by licensing officers under delegated powers, and there is no right to a hearing if the minor variation application is rejected. Where there is any doubt as to any adverse impact the licensing officer will contact the relevant responsible authority for advice before determining an application. If the application is refused TDC will give the applicant reasons for the decision.

30. Temporary Event Notices

30.1 Temporary event notices('TENs') are a light-touch method by which licensable activities can be authorised to take place without the need for a premises licence or club premises certificate. They are 'one-off' activities, for example later hours than those permitted by the premises licence for a particular event, or licensable activities on premises without a premises licence.

Events authorised by a TEN must:

- have fewer than 500 people at all times – including staff running the event
- last no more than 168 hours (7 days)

An applicant must be at least 18 to apply for a TEN.

A TEN is required for each event held on the same premises.

Someone who does not hold a personal licence can get up to 5 TENs a year. A holder of a personal licence to sell alcohol can be given up to 50 TENs a year.

A single premises can have up to 15 TENs applied for in one year, as long as the total length of the events is not more than 21 days.

Consecutive events authorised by separate TENs must have at least a 24 hour gap between them.

30.2 The TEN must be served on the Licensing Authority 10 clear working days before the event. The latest a 'late TEN' can be served is 5 clear working days before the event (but not earlier than 9 clear working days). If the applicant does not hold a personal licence, you can serve up to 2 late TENs per year. If the applicant hold a personal licence, the limit is 10. Late TENs count towards the total number of permitted TENs. Clear working days do not include the day your council receives your application or the day of the event.

30.3 Notwithstanding these minimum requirements as to notice, TDC recommends anyone thinking of applying for a TEN to do so at least 6 weeks in advance of the event to avoid disappointment, as the less notice that is given may increase the likelihood of the police or environmental health objecting.

- 30.4 The Police and Environmental Health are the only parties that can object to a TEN. Whilst both parties are able to object on the grounds of any of the licensing objectives, the Police will tend to focus on matters in relation to crime and disorder and protection of children from harm, the Environmental Health service will be minded to object where there is a risk to the promotion of the public nuisance and public safety objectives.
- 30.5 The role of TDC as licensing authority is to ensure that the statutory limits for the giving of TENs in a calendar year by an individual and the restriction of the number of TENs in respect of a particular premises are not exceeded. The Police and TDC remain the enforcement authorities and may monitor any event.
- 30.6 When organising any small-scale event, organisers should conduct a risk assessment. It may be that the short-term, small scale nature means the risks resulting from the event would not be the same as for a premises licence (see section 19), but the following are examples of what TDC would expect to be considered as a minimum:

Public Safety

- the fire alarm in the premises – how does it work? Has it been tested and maintained? Are all staff aware of how to raise the alarm in an emergency?
- fire extinguishers – are the correct number and type available? Have they been serviced within the last year?
- is emergency lighting needed and is it suitable for the purpose? Has it been tested and maintained?
- have you considered whether you need to make any provision for First Aid should anyone need it, and the means for calling the emergency services?

Prevention of Crime and Disorder

- have any crime prevention measures been considered – for example, will steps be taken to regularly bank large amounts of cash during the event, or to keep it in secure location?
- Are there a suitable number of stewards or door supervisors available?

Prevention of Public Nuisance

- have nearby occupiers been considered – have you notified neighbours of the event and provided a contact telephone number?
- have you considered noise reduction measures (such as keeping windows and doors shut or turning noise down late at night)? Have you considered how visitors will arrive and leave the event?

Protection of Children from Harm

- if alcohol is being sold, what are the age verification measures?
- if films are being shown that have been classified as not being suitable to all age groups, how is the admission of children to a film being controlled.

Where the risk assessment identifies that the event may be detrimental to the promotion of a licensing objectives advice should be sought from Tandridge Environmental Health (EnvHealth@tandridge.gov.uk) or Tandridge's Police Licensing Department (LicensingEastern@surrey.pnn.police.uk)

30.7 When a TENs is submitted TDC expects that the following information be provided on request from the licensing authority, environmental health or police without delay:

- Evidence of permission to use an outside space for an event, specifically where the outside space is Council-owned or public land and, where permission has been granted, evidence that all applicable fees have been paid in full;
- A risk assessment and capacity determination;
- Evidence of consultation with the Tandridge Advisory Group where this is considered appropriate; and
- Any other information that is relevant or pertinent to the TENs (e.g. Noise Management Plan for amplified live music events likely to attract complaints from local residents).

If full information is not provided on request it is more likely that an objection from the police or environmental health will be forthcoming.

31. Minor errors in applications

31.1 Where an application incorporates what TDC considers are minor errors of form (including omissions), it will attempt to contact the applicant with a view to correcting those errors; but if it is unable to do so within 2 working days of submission of the defective application, the application will likely be rejected. In circumstances where the errors are considered by TDC to be more than minor, and/or substantive in nature (for example a failure to advertise the application correctly) the application will be rejected but the full application fee will be retained by TDC.

31.2 Temporary Event Notices will not be accepted for the purposes of calculating the date received until all minor errors are corrected. As mentioned above TDC recommends anyone thinking of applying for a TEN to do so at least 6 weeks in advance of the event to avoid disappointment.

32. Notification to Members of applications and TENs

32.1 Officers will notify District and Parish Councils, via the Parish Council Clerk, of applications for new premises licences and club premises certificates and of standard variations to such licences and certificates in their ward.

32.2 Members will also be provided the public register information when TENs are served for events in their ward. The ward councillor cannot however object to a TEN. The TEN information is provided so that if the member has knowledge that the premises or event is likely to cause concern locally they can ensure the police and environmental health are aware when they are considering the TEN.

Part D Policy for representations/objections

33. Representations made electronically

33.1 TDC encourage representation to be made electronically, and has waived the requirement that a subsequent hard copy needs to be submitted.

34. Disclosure of personal details

34.1 Where a notice of a hearing is given to an applicant, TDC is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.

34.2 In exceptional circumstances, persons making representations may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.

34.3 Where TDC considers that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, it may consider alternative approaches.

34.4 For instance, TDC may advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.

34.5 TDC's policy with regards to disclosure of details will depend on the merits of each individual case. TDC will decide whether to withhold some or all of the person's personal details from the applicant, possibly giving only minimal details (such as street name or general location within a street). However, withholding such details will only be considered where the circumstances justify such action and those making representations should be aware their details will ordinarily form part of a report and will be published before any hearing.

35. Determining relevance of representations

35.1 Only where a representation concerning the licensing objectives is made about a proposed operating schedule and it is 'relevant' will TDC's discretion be engaged. 'Relevant' means that they relate to the application and the way in which the application might impact on one or more of the licensing objectives.

35.2 TDC cannot accept representations that it considers frivolous or vexatious. Additionally, in the case of a review of a licence or certificate, repetitive representations are also invalid.

- 35.3 TDC officers will determine whether a representation is irrelevant, frivolous, vexatious or repetitive in accordance with the Act and Guidance. In cases of doubt the representation will be allowed to stand and to be considered by a Licensing Sub-Committee.
- 35.4 Where TDC determines that a representation is invalid it will notify the person of the decision and the reason. Where time exists, the person will be invited to make a further valid representation.
- 35.5 When a representation is made which purports to be on behalf of a group, society or other association, TDC will require reasonable proof to verify that a signatory is genuinely speaking on behalf of the members of that group. This could take the form of minutes to a meeting, a resolution passed or similar documentation. 'Group' has a wide meaning and can include a residents' association or similar.
- 35.6 Petitions will be accepted by TDC. TDC's approach will be to enquire how the petition was compiled, and whether each signatory signed in full knowledge of the facts of the application in order to assess how much weight to give the petition when determining the application. Names and addresses will be examined to ensure they appear to be prima facie genuine, and that signatories have not also submitted their own representation independently of the petition.
- 35.7 In the absence of contrary evidence, the organiser(s) of the petition will be deemed to have been the person making the representation. Consequently they will be deemed to have the right to speak at and present evidence to any Licensing Sub-committee and to exercise any right of appeal. They may invite other petitioners to speak and present evidence on their behalf but the other petitioners may not do so on their own behalf. The other petitioners will not be treated as parties to the hearing unless they have submitted their own independent and relevant representations.
- 35.8 TDC will carefully scrutinise representations to ensure signatories have signed in full knowledge of the facts of the application. It is likely that more weight will be given to standard or 'round robin' letters than to petitions. Each signatory on a standard or 'round robin' letter will be deemed to be a party to the application with their own right to speak and present evidence to any Licensing Sub-Committee, and to exercise any right of appeal.

36. Mediation

36.1 Where a Responsible Authority or any other person has made:

- valid representations about an application; or
- a valid application for a licence to be reviewed

then TDC may initially arrange a mediation meeting to address, clarify and try to resolve the issues of concern.

36.2 This process will not override the right of any Responsible Authority or any individual to ask that TDC consider an application for a review of the premises licence or club premises certificate, or for any licence holder to decline to participate in a mediation meeting.

36.3 The Act makes specific allowance for a hearing being dispensed with for new and variation applications when the Authority and anyone who has made representations agree that the hearing is unnecessary. Notwithstanding that the Act does not make the same specific provision with respect to review applications, TDC will normally dispense for the need for a hearing where the applicant for review and anyone who has made representations agree that the hearing is unnecessary.

37. Licensing Sub-Committees

37.1 Where representations have been received and not withdrawn a Sub-Committee is required to determine the application. Where no representations have been received, the Authority must grant the authorisation in the terms sought.

37.2 Licensing Sub-Committees shall consist of three members.

37.3 To avoid potential conflicts of interests, members will not normally consider applications relating to premises located in their ward.

37.4 No Member will be permitted to sit on a committee or Sub-Committee without first having been formally trained. All training will be formally recorded by the TDC and require a signature by the Councillor. Training will be refreshed at regular intervals, for example, following changes in legislation.

37.5 The procedure to be followed at Sub-Committee hearings is attached at Appendix 6. Hearings may be held in person or virtually as is appropriate.

38. Determination of variations of licence

38.1 When considering an application for the variation of a licence, TDC will consider the impact of the variation in terms of the policies in this document and the four licensing objectives. It will not use such an application as a means to review the licence terms and conditions already granted.

39. Approach to setting conditions

39.1 When deciding to grant or vary a premises licence under the Act, TDC may do so subject to conditions which it considers are appropriate in promoting the licensing objectives.

- 39.2 Conditions should be individual to a premise and tailored to meet the individual merits of an application, area and other contextual factors.
- 39.3 Standardised conditions often do not reflect the individual aspects of applications and should be avoided. The Pool of Model Conditions attached at Appendix 5 has been produced to assist with the drafting of unambiguous and enforceable conditions to address properly evidenced licensing objective concerns, before considering whether to refuse an application.
- 39.4 TDC shall avoid attaching conditions that duplicate other regulatory regimes as far as possible. It is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators e.g. The Health & Safety (First Aid) Regulations 1981 and the Regulatory Reform (Fire Safety) Order 2005.
40. Approach to licensing hours
- 40.1 The Act does not promote or prohibit longer licensing hours. However, TDC recognises that the Guidance emphasises that the aim through the promotion of the four licensing objectives should be to reduce the potential for concentrations, and a slower dispersal, of people from licensed premises through flexible opening times. This may be important to ensure that large concentrations of people do not leave premises at the same time and it may reduce the friction at late night hot food outlets, taxi ranks (hackney carriage stands), taxi or private hire operator's offices and other sources of transport that can lead to disorder and disturbance.
- 40.2 TDC will not set fixed opening hours within certain areas, as this may lead at particular times to the movement of significant numbers of people seeking premises opening later, resulting in concentrations of disturbance and noise.
- 40.3 TDC may consider imposing stricter conditions in respect of noise control where premises are situated in areas of dense residential accommodation and/or are close to sensitive areas, for example hospitals, schools, places of worship or nursing homes. However, regard will be given to the individual merits of any application, and TDC would only have discretion to consider restricting licence hours where a relevant representation is received in respect of an application, and then only where considered appropriate for the promotion of the four licensing objectives.
41. Licensing officer recommendations
- 41.1 Licensing officers are entitled to make a recommendation to the Licensing Sub-Committee. As the Sub-Committee will be hearing evidence or submissions on disputed issues of fact, the officer will make it clear that any recommendation is contingent upon the factual findings made.

- 41.2 For example, the officer may advise that if the Sub-Committee finds that a public nuisance is likely, its options would include attaching conditions to prevent the nuisance or, where conditions would not be an adequate response, refusing the licence, but that if no nuisance is likely the licence should be granted.
- 41.3 In advising upon conditions, the officer will bring their own experience and professional knowledge regarding good practice to the attention of the Licensing Sub-Committee. The Sub-Committee is entitled to seek the officer's advice during the hearing. Any advice must be given in open session, and the parties shall be entitled to make submissions about such advice.

Part E Ensuring effective control of licensed premises

42. Complaints

- 42.1 TDC will investigate complaints relevant to the four licensing objectives in relation to licensed premises. In the first instance, complainants will be encouraged to raise the complaint directly with the licensee or business concerned.

43. Enforcement

- 43.1 TDC will carry out its enforcement powers under the Act in a transparent and proportionate way, and consistent with its responsibilities under the Regulator's Code, and its own enforcement policies. TDC takes a risk-based approach, pursuant to which, those premises considered lower risk, will be likely to be inspected less frequently than those considered to be higher risk. TDC publishes and updates from time to time an Environmental Health & Licensing Enforcement Policy that sets out in detail the approach taken with respect to enforcement under environmental health and licensing legislation. That enforcement policy can be viewed on the [Tandridge District Council's website](#).
- 43.2 TDC recognises Surrey Police as the primary agent for enforcement under the Licensing Act 2003, save for enforcement of provisions in respect of the sales of alcohol to children for which TDC recognises Buckinghamshire & Surrey Trading Standards as the primary agent for enforcement. Surrey Fire and Rescue are primarily responsible for the enforcement of fire risk legislation in licensed premises and will usually take the lead on such matters, although the TDC will seek to work in cooperation with them where the matter concerns licensed premises.
- 43.3 Depending on the severity of an offence, TDC will usually look to lead on enforcement under s.136 of the Act (unauthorised licensable activities). In such cases TDC may seek the support of Surrey Police.
- 43.4 Nothing in the paragraphs above prevents any Responsible or other authority from taking enforcement action, where they are empowered to do so and where circumstances justify.
- 43.5 The TDC has established protocols with Surrey Police on the enforcement of the Act, including regular discussions and information-sharing concerning applications and notices received and complaints arising from licensed premises. This approach assists with the efficient deployment of the Police and Licensing Officers engaged in enforcing licensing law and inspecting licensed premises where required, in order to ensure a proportionate approach.

- 43.6 TDC takes a serious view of the sale and supply of alcohol to those under age. It will share information and assist Surrey Police and Buckinghamshire & Surrey Trading Standards in order to ensure a zero-tolerance approach to such sales.
44. Reviews
- 44.1 Reviews of premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring. If an application is made, the Council is required to ensure the application is not repetitious, frivolous or vexatious before asking a Licensing Sub-Committee to determine the application.
- 44.2 In order that an application for review can achieve its intended aims it should be accompanied by evidence to support the allegations. The determination of the review will be made on the balance of probabilities, that is, that it is more likely than not that the circumstances being complained of did actually occur. However, due to the potentially serious consequences to a licence holder following a licence review, mere anecdotal or hearsay evidence will not be sufficient on its own. Individuals considering making an application for review are strongly encouraged to liaise with the relevant responsible authority who can advise on how evidence may be gathered to support an application.
- 44.3 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, local residents or businesses and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. Responsible authorities are encouraged to give an early warning of concerns about problems identified at the premises concerned and of the need for improvement, although it is recognised this is not always practicable or desirable. It is expected that a failure to respond to such warnings would lead to a decision to request a review.
- 44.4 Generally TDC expects each Responsible Authority under the Act to be the primary agent for making representations and/or bringing a review where premises fail to promote the licensing objective for which that Authority is primarily responsible. In exceptional circumstance the Licensing Authority will consider supporting any representations made or reviews brought in its capacity as a Responsible Authority (see para 15.2).
- 44.5 Full details of the review process can be provided by contacting a Licensing Officer or they may be found in Chapter 11 of the [Guidance issued under section 182 of the Act](#).

45. Self-regulation
- 45.1 TDC recognises the merit of the PubWatch scheme and the contribution it makes to the promotion of the licensing objectives. TDC would encourage licensed premises to join the scheme if it operates in their area.
- 45.2 The Council also recognises and commends the [Portman Group's Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks](#). Compliance with the Code will contribute to the achievement of the licensing objectives and all suppliers of alcohol within the district are encouraged to comply with the Code.
46. Personal Licence holders
- 46.1 Personal Licences allow the holder to supply, or authorise the supply of alcohol in accordance with a premises licence. Anyone wishing to be named as a designated premises supervisor must hold a personal licence. There is a prescribed form for applying for a personal licence which can be found on the Council's website.
- 46.2 Under the Act, TDC will automatically grant applications for personal licences so long as the applicant: is 18 years or over; has possession of the qualification determined by the Secretary of State; has not had a personal licence forfeited within five years of the date of application; and has not been convicted of any relevant offence or any relevant foreign offence. Such applications will be dealt with by way of a purely administrative process within the licensing team.
- 46.3 Where an applicant for a Personal Licence has certain types of conviction (for relevant or foreign offences as defined by the Act) or has been required to pay an immigration penalty, the Authority is obliged to notify the police and, in the case of immigration offences and penalties, the Secretary of State. In these cases a licence will still be granted unless an objection is received within the prescribed period.
- 46.4 Where objection notices are received they will be considered at a hearing of the Licensing Sub-Committee.
- 46.5 Existing Personal Licence holders are under a duty to notify TDC if they are convicted for a relevant offence, foreign offence or if they are required to pay an immigration penalty and a failure to do so is also a criminal offence. The courts are also obliged to inform the licensing authority of any such conviction. TDC has the power to revoke or suspend personal licences under these circumstance. Whilst this is a discretionary power, TDC will give consideration to revocation or suspension of all personal licence's where the holder is subject to convictions for relevant offences, foreign offences or civil penalties for immigration matters. Officers will serve a notice on the personal licence holder inviting them to make representations, in accordance with the timescales set out in the legislation, and will then refer the matter for the

consideration of the licensing sub-committee for determination. The Act does not require a hearing to be held at any stage during this process.

46.6 TDC has a duty when exercising its licensing functions to promote the prevention of crime and/or disorder and the other licensing objectives. Unless the circumstances are exceptional granting a licence to an individual with a relevant conviction when an objection has been received, would undermine the TDC's ability to promote the crime prevention objective. Personal Licence holders are expected to act in accordance with the law and will be key to ensuring that the provisions of the Act, and any conditions attached to a premises licence, are complied with. TDC also has a duty under the Crime and Disorder Act 1998 to have regard to the effect on crime and disorder on the exercise of any of its functions and to do all it can to prevent such crime and disorder. Under this duty it would normally be expected that a Personal Licence would be revoked by the TDC when the individual is subject to convictions for relevant offences, foreign offences or civil penalties for immigration matters.

46.7 Where a Personal Licence holder 'authorises' others to make sales of alcohol, TDC recommends (although this is not required by the Act) that such authorisations are made in writing and specify the names of those to whom the authority is given; and up-to-date records are kept of any authorisations so made. This is because the Personal Licence holder will remain responsible for any sales made in this way.

47. Designated Premises Supervisors

47.1 TDC strongly believes in the value of working in partnership with the police, other agencies and designated premises supervisors to promote the licensing objectives that may be associated with premises licensed for the sale of alcohol.

47.2 Designated premises supervisors (and the holders of premises licences or club premises certificates) for any other premises may be invited to a meeting where the police or TDC feel it is appropriate – for example, where there has been a prior history of the premises being run badly, or following a licence review or enforcement action.

47.3 TDC does not expect the premises supervisor to be physically present at the premises at all times when it is open. However, it is expected the premises supervisor to be able to exercise sufficient management control over the premises and for the responsible authorities to be able to contact them easily in the event of problems at the premises.

48. Summary reviews

48.1 Where a licensed premises is considered to be associated with serious crime or serious disorder or both, the Police can apply for a summary, or expedited, review of the premises licence. Within 48 hours of receipt of that application TDC must consider whether it is appropriate to take interim steps pending the

determination of a review of the premises licence. Within 28 days after the day of its receipt, a full review hearing must be held.

48.2 Interim steps can include:

- the modification of the conditions of the premises licence,
- the exclusion of the sale of alcohol by retail from the scope of the licence,
- the removal of the designated premises supervisor from the licence; and/or
- the suspension of the licence.

48.3 If the holder of the premises licence makes, and does not withdraw, representations against any interim steps taken by TDC, it must, within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.

49. Fees

49.1 It is the responsibility of the licence holder to pay the annual fee by the due date. Whilst TDC may send an invoice for the annual fee, it is not obliged to do so. If for any reason a prompt for payment is not received by the licence holder they should contact TDC so that arrangements for payment can be made.

49.2 Where an annual fee for a licence or certificate has become due but has not been paid, TDC will suspend the licence until that fee is paid, unless the non-payment is due to an administrative error, or where liability to pay is in dispute and that dispute has been raised prior to the fee falling due. TDC will normally only provide the statutory minimum notice period before a suspension takes effect. The suspension will cease to be in place when the payment is received.

If you would like the Statement of Policy for the Licensing Act 2003 in large print, Braille, audiotape or in another language, please contact the Licensing Team.

Licensing
Tandridge District Council (TDC)
8 Station Rd East,
Oxted
RH8 0BT
Phone: 01883-732794
Email: licensing@tandridge.gov.uk

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Appendix 1: TDC Responsible authorities/ Contact points for advice

Responsible Authority	Contact Details
Licensing Authority	<p>Licensing Officer Tandridge District Council (TDC) 8 Station Rd East, Oxted RH8 0BT</p> <p>Tel: 01883 732794</p> <p>Email: licensing@tandridge.gov.uk</p>
Police	<p>Police Licensing Officer PO Box 101 Guildford, Surrey, GU1 9PE</p> <p>Tel: 01483 630206</p> <p>licensingeastern@surrey.pnn.police.uk</p>
Fire and Rescue Authority	<p>Surrey Fire & Rescue Service Surrey County Council Woodhatch Place 11 Cockshot Hill Reigate RH2 8EF</p> <p>Tel: 01737 242444</p> <p>sfrs.firesafety@surreycc.gov.uk</p>

Trading Standards	<p>Buckinghamshire and Surrey Trading Standards 11 Cockshot Hill, Reigate, Surrey RH2 7EF</p> <p>Tel: 0300-1232329</p> <p>trading.standards@surreycc.gov.uk</p>
Health and Safety <i>For fairgrounds, agricultural shows, ski slopes, railways, local authority premises, police or fire authority premises;- Health & Safety Executive, The Council Offices Station Road East, Oxted Surrey RH8 0BT</i>	<p>Environmental Health & Licensing Tandridge District Council, 8 Station Road East, Oxted RH8 0BT</p> <p>EnvHealthComplaints@tandridge.gov.uk</p> <p>Tel: 01306 885001</p>
Environmental Health	<p>Environmental Health & Licensing Tandridge District Council, 8 Station Road East, Oxted RH8 0BT</p> <p>Tel: 01306 885001</p> <p>EnvHealthComplaints@tandridge.gov.uk</p>
Child Protection Authority	<p>Child Employment Team Manager Quadrant Court, 35 Guildford Road Woking, GU22 7QQ</p> <p>childemployment@surreycc.gov.uk</p>

Local Planning Authority	Planning Department Tandridge District Council, 8 Station Road East, Oxted RH8 0BT planningapplications@tandridge.gov.uk
Health Authority	Public Health Business Manager Public Health NHS Surrey Room G55 County Hall Penrhyn Road Kingston Upon Thames KT1 2DN Tel: 0208 541 7976 public.health@surreycc.gov.uk
Home Office	Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY Alcohol@homeoffice.gsi.gov.uk

Appendix 2: Consultation

A public consultation was carried out in respect of this Statement of Policy from 3rd December 2021 until 25th February 2022.

As well as sending consultation letters and emails directly to the parties mentioned below, a public notice was displayed at the Council offices at 8 Station Road East, Oxted, Surrey RH8 0BT for the duration of the consultation stating that the draft Statement of Policy was available for inspection as follows;-

- On the Tandridge District Council's website
- At the Council offices at 8 Station Road East, Oxted, Surrey RH8 0BT
- At the following public libraries for the period of the consultation:
 - Oxted Library - 12 Gresham Road, Oxted, Surrey RH8 0BQ
 - Caterham Valley Library, Stafford Road, Caterham Surrey CR3 6JG

List of Bodies Consulted on this Statement of Principles

- the Chief Officer of Police for the area;
- the Fire and Rescue authority for the area;
- each local authority's Director of Public Health (DPH) for an area any part of which is in the licensing authority's area,
- persons/bodies representative of local premises licence holders;
- persons/bodies representative of local club premises certificate holders;
- persons/bodies representative of local personal licence holders; and
- persons/bodies representative of businesses and residents in its area.

In addition the Licensing Authority will consult with;-

- Buckinghamshire & Surrey Trading Standards,
- Surrey Safeguarding Children Board,
- Member of the Tandridge Community Safety Partnership;-
 - TDC Community Safety Officer
 - TDC Housing Specialist
 - Tandridge Police Borough Commander
 - Targeted Youth Support Manager
 - Surrey Fire Service (Tandridge Commander)
 - Surrey Heartlands CCG Partnerships Manager
 - Surrey County Council Community Safety officer
 - Police and Crime Commissioner's office – Community Safety Policy and Commissioning Lead
 - Redhill Offender Management Unit – Senior Probation Officer
- TDC Environmental Health (Pollution Control),
- TDC Environmental Health (Health & Safety),
- TDC Planning Department,,
- TDC Community Safety,
- Local Ward Councillors,
- All Parish Councils,
- Oxted BID

The views of all these bodies and the evidence presented will be given due weight in the determination of the final policy.

Consultation responses

Below follows a summary of the responses received during the public consultation and their outcomes.

- 1) Having read the draft papers on this I would like to comment having noted that you have clarified the requirements of undertaking risk assessments.

It would be reassuring to know that you have also clarified the requirements to comply with noise levels especially for events that run over more than one day and late into the evening. The cost of having officers on standby to immediately deal with noise complaints should be recoverable in full from the organisers of these events or failing that the venue owner. It is not helpful to residents if there is no immediate response to a complaint about excessive noise, especially if this is made over a weekend or out of weekday working hours and the response provided by the council is merely a recorded message.

As to consultation, I hope that when testing the proposed event against your stated criteria, the council consults the local business community. Some events, I suspect do not add anything to retail footfall in the town nor enhance tourism even though the organisers promoting them suggest this to be the likely spinoff benefit.

Outcome:

- An out of hour's service is not provided by the Authority at the current time. Should any specific condition attached to a licence state a noise limit any potential attendance at the event will be assessed. There is no requirement within the Licensing Act 2003 to allow fees to be charged in excess of the application and annual fees to cover other enforcement activities.
- For large scale events where a Safety Advisory Group has been convened, it may be that one or more of the emergency services or statutory agencies requests the applicant to notify all parties within the vicinity of the premises. However, there is no statutory requirement under the Licensing Act 2003 for any other advertising of the application save for those covered by the Regulations.

- 2) We have reviewed it. We are supportive of the policy and, in particular, welcome the principles set out in sections 7.5 and 7.6. We also agree with the proposals set out in section 9.

Outcome: Nil

- 3) No Comment

Outcome: Nil

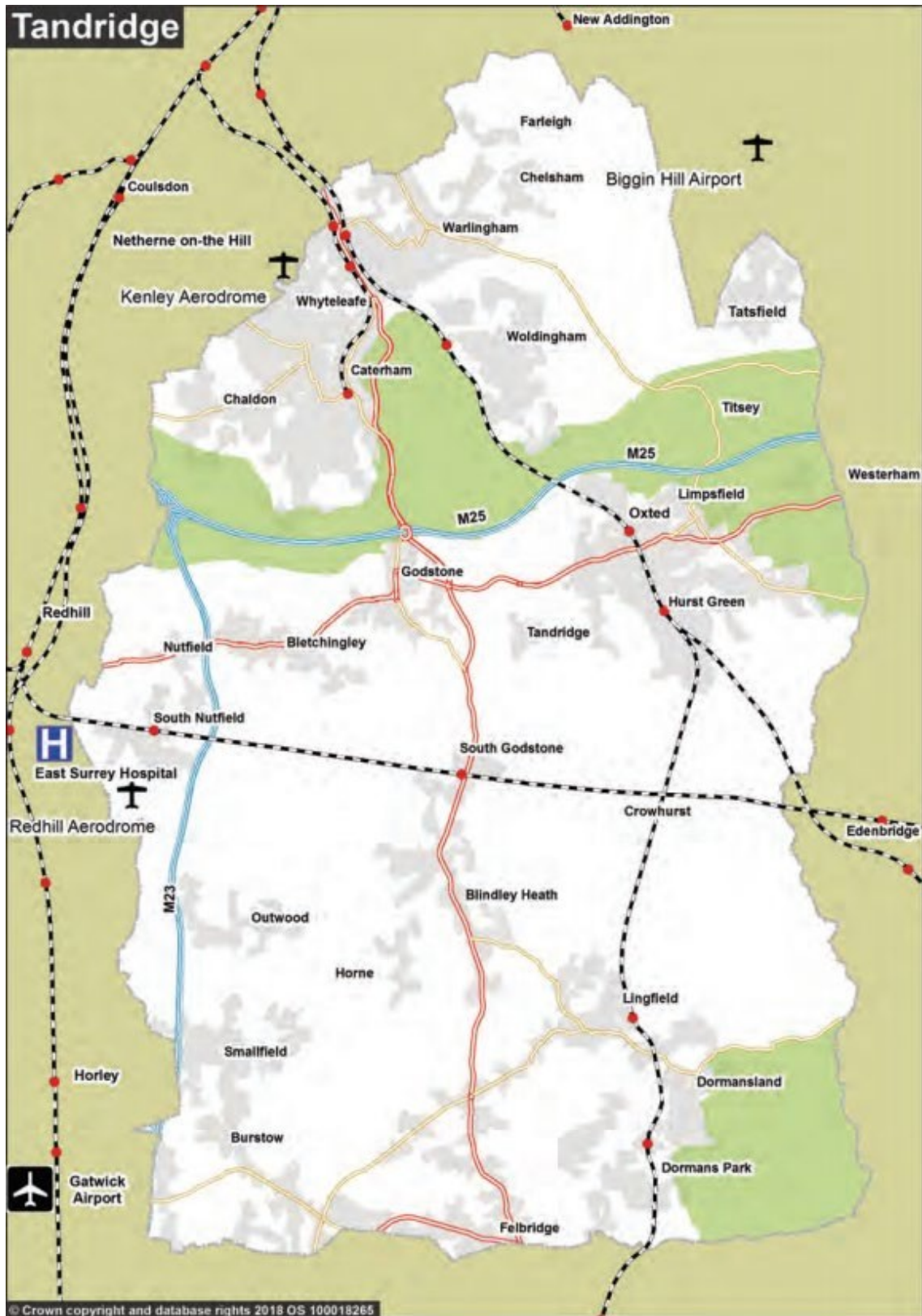
- 4) Under 32.1 (Notification), it should read “Officers will notify District Councillors and the relevant Parish Council(s), via the Parish Council Clerk, of applications...”

Under Part C Policies for Applicants, the Parish Council would like to see a requirement to provide a Parking Management Plan. This would enable an assessment of the impact to local residents (e.g. noise and nuisance) of any additional traffic, congestion and on-street parking on local residential roads. Mitigations (e.g. stewards) may be possible, but again the applicant would need to provide details so that a judgement can be made.

Outcome:

- Paragraph 32.1 amended to include ‘via Parish Council Clerk’.
- Paragraph 20.2.3 amended to include a parking management plan provision as part of the risk assessment.

Appendix 3: Map of the Area Covered by this Statement of Policy



Appendix 4: Delegation of Functions

Matters to be dealt with	Sub Committee	Officers
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent 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 licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a representation is irrelevant frivolous vexatious etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of an objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases

Appendix 5: Model Conditions October 2022

Within an application for a new premises licence or club premises certificate, the applicant must submit an 'operating schedule' which should contain details of the steps they intend to take to promote the four licensing objectives. This section includes model conditions which could be used by applicants within their operating schedule.

The applicant should carefully consider what they include in this section as the steps may become a condition of the licence/certificate, and a breach of condition is an offence under the Licensing Act 2003. Conditions will not be attached where this would duplicate matters addressed within other legislation.

In addition to any mandatory conditions required by law, the Licensing Authority will only attach conditions that are consistent with the operating schedule and any other conditions imposed as a result of a Licensing Sub-Committee hearing to determine the application. Each application for a licence will be considered on its own merit. It is recognised that proposed conditions will differ due to the individual circumstances of the premises and will depend on a range of factors, including the nature and style of the premises, its location, the activities taking place there and anticipated clientele.

General – All Licensing Objectives

- 5) For large-scale events with 1000+ persons attending, a written Event Management Plan shall be submitted to the Council which shall set out how the event will be managed and the precautions which have been taken to cater for all reasonably foreseeable contingencies and which will demonstrate the procedures, roles and specific responsibilities of the management team, security and associated personnel. The draft version of the plan shall be submitted at least two months prior to the commencement of the event, and the final version of the plan must be submitted at least 14 days prior to the commencement of the event.
- 6) The licence holder or their nominated representative shall engage with any appropriate local scheme for information sharing with other local businesses and police (e.g. Pubwatch).

Part A - Conditions Relating to the Prevention of Crime and Disorder

Door Supervisors

- 7) A written record shall be kept in respect of all door supervisors working at the premises containing the following information:
 - a) Name
 - b) SIA registration number;
 - c) Dates and times at which door supervisor commenced and finished duty
 - d) Details of any incident involving crime and disorder or public safety in which the door supervisor is involved, including calls to police and any action taken.

This record must be kept at the premises for a period of not less than six months and be available for inspection on request by any authorised officer of the Council or Surrey Police.

- 8) The requirement for door supervisors to be engaged on duty shall be risk assessed. A written risk assessment shall be carried out by the licence holder, DPS or a nominated representative and produced upon request to authorised officers of the Council and Surrey Police.
- 9) Any door supervisors working at the premises shall be clearly identifiable and wear high-visibility armbands to display their SIA badge.
- 10) There shall be a minimum of (*number*) door supervisors on duty at the premises at all times during opening hours / licensable activities / when under-18s are present on the premises (*delete as appropriate*).
- 11) There shall be a minimum of one female door supervisor on duty at the premises at all times during opening hours.

Illegal Drugs and Offensive Weapons

- 12) The management of the premises shall devise, implement and maintain a written policy relating to the prevention of illegal drugs, offensive weapons and any other illegal products or contraband goods. This policy shall include, but not be limited to staff training, searching, confiscation, storage and disposal of seized items. The policy shall be made available upon request to an authorised officer of the Council and Surrey Police.

Glass and Containers of Alcohol

- 13) No glassware, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar.
- 14) No customers carrying open containers of alcohol shall be admitted to the premises at any time when the premises are open to the public.
- 15) Customers shall be prevented from taking any glasses or open bottles from the premises. Signage shall be displayed at all exits to inform customers of this requirement.
- 16) Drinking vessels shall be made of toughened glass or plastic and shall be designed not to have a sharp edge when broken.
- 17) The management of the premises shall ensure that glassware is collected every 30 minutes so as to ensure said glassware is not used as projectiles or weapons.

CCTV

- 18) A digital CCTV system shall be installed and maintained in accordance with current Home Office Guidelines relating to UK Police Requirements for Digital CCTV Systems. The system shall ensure all licensed areas of the premises (except toilet facilities) are monitored, including all entry and exit points and external areas, and should ensure frontal identification of every person entering and in any light condition. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept and available for a minimum of 31 days with accurate time and date stamping. Any breakdown or system failure will be notified to Surrey Police immediately and remedied as soon as practicable. A member of staff trained in data retrieval and viewing from the CCTV system shall be available at all times when the

premises is open to the public. Recordings shall be made available to an authorised officer of Surrey Police or of the Council together with facilities for viewing. The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available within 48 hours. Any request from Surrey Police, Buckinghamshire & Surrey Trading Standards or the Council for a copy of the CCTV recording to be made for evidential purposes must be carried out within 48 hours.

- 19) Signs shall be placed in prominent positions on the premises notifying customers that CCTV is in operation.

Access, and Dispersal

- 20) The last permitted entry time to the premises on any given night shall be one hour prior to the venue's closing time, with the exception of re-entry.
- 21) The management of the premises shall devise and implement a written policy to control the access and exit of persons to and from the premises. The policy shall include, but not be limited to ejections and dispersal. The policy shall be made available upon request to an authorised officer of the Council and Surrey Police.
- 22) The supply of alcohol shall cease (insert) minutes prior to the closure of the premises and a winding down period with quieter music shall be implemented.
- 23) Provision will be made for customers leaving the premises to have access to local transport providers and information.

Staffing and Right to Work

- 24) The management of the premises shall devise, implement and maintain a written policy for the provision of appropriately qualified and trained staff at the premises, which shall be made available upon request to an authorised officer of the Council and Surrey Police.
- 25) The premises licence holder or nominated representative shall keep and maintain all right to work documents for all staff members at the premises and these shall be made available upon request to an authorised officer of the Council and Surrey Police.

Alcohol Sales

- 26) No cans of beer, lager and cider above 6% ABV shall be sold on the premises at any time except for products identified as premium craft beers or ciders.
- 27) The management of the premises shall have available on the premises originals or legible copies of invoices, receipts or other records of transactions for all alcohol products purchased in the preceding three months, which shall be made available upon request to an authorised officer of the Council, Buckinghamshire & Surrey Trading Standards or Surrey Police.
- 28) All staff employed in the sale of alcohol shall be trained in respect of identifying signs of intoxication, conflict management, identifying signs of drugs use and safeguarding vulnerable persons who attend the premises. Such training sessions are to be documented and refreshed every six months. Records of training shall be kept for a minimum of one year and shall be made available upon request to an authorised officer of the Council and Surrey Police.

- 29) In the absence of the designated premises supervisor, a personal licence holder shall be on the premises at all times when alcohol is available for sale.
- 30) There shall be at least two members of staff on duty at the premises at all times, one of whom must be a personal licence holder.
- 31) All staff responsible for alcohol sales shall be able to converse with members of the public and relevant agencies in English.
- 32) Any special promotions and events should be risk assessed including reference to the potential to cause crime and disorder. A written risk assessment shall be carried out by the licence holder, DPS or a nominated representative and produced upon request to authorised officers of the Council and Surrey Police.

Incident Log

- 33) Any incident at the premises which impacts any of the four licensing objectives shall be recorded in a register kept at the premises and shall contain the following information:
 - a) time and date
 - b) exact location
 - c) nature of incident
 - d) name of staff members or door supervisors involved
 - e) name of any offender (where known)
 - f) action taken as a result of the incident
 - g) name of member of staff recording the incident

This record must be retained at the premises for a period of not less than six months and be available on request by any authorised officer of the Council or Surrey Police. The record should be signed off by the DPS or a nominated representative at least once a week.

- 34) A refusal register (written or electronic) shall be maintained at the premises to record sales of age restricted products that have been refused. The register is to be made available upon request by Surrey Police, Buckinghamshire & Surrey Trading Standards Officers and Licensing Officers. The register should include details of the time, date, member of staff refusing the sale, reason for refusal (for example intoxication or underage) and a brief description of the person refused.

Part B - Conditions Relating to Public Safety

Capacity

- 35) The capacity of [*please insert areas*] shall be restricted to [*please insert numbers*].
- 36) The total number of patrons permitted on the premises shall be risk assessed. The risk assessment shall be produced to authorised officers of the Council and Surrey Police upon request.
- 37) A suitable method of determining the number of persons on the premises at any one time shall be employed to ensure that the maximum permitted capacity is not exceeded.
- 38) A notice shall be displayed prominently at the entrance to the premises indicating the

maximum number of persons permitted on the premises (or any particular part of the premises) at any one time.

Means of Escape

- 39) All exit doors shall be available for use at all times when the premises is open to the public without the use of a key, code, card or similar. Exit doors shall be regularly checked to ensure they function satisfactorily.
- 40) Safety checks shall be carried out before the admission of the public, and these should be recorded in a log book available on request to an authorised officer of the Council.

Disabled access

- 41) The licensee shall ensure that whenever disabled persons are present, adequate arrangements are made to enable their safe evacuation in the event of an emergency.

Safeguarding

- 42) The management of the premises shall ensure that all staff - including door supervisors - are trained to recognise vulnerable people who may be impaired in some way and may need assistance. The premises shall provide a safe space for such individuals.
- 43) The management of the premises shall ensure that all staff, including door supervisors, are trained to provide reasonable assistance to persons who are leaving the premises, such as contacting taxi companies or making Street Pastors (where available) aware of any potential concerns.
- 44) There shall be no external advertising of the availability of alcohol on the premises, such as window displays.

Emergency Procedures

- 45) Staff with specific responsibilities in the event of fire or other emergency shall receive training and written instruction appropriate to their role and documented records of such training and instruction shall be kept.
- 46) A dedicated staff member trained in first aid shall be in attendance at the premises at all times. An appropriate number of first aid kits shall be maintained and available at all times.
- 47) Access routes for emergency vehicles shall be kept clear and free from obstruction.

Special Risks

- 48) Any event involving pyrotechnics, fireworks, lasers, firearms, real flame, explosives or any other flammable material, shall be risk assessed. The risk assessment shall be in written format and provided at least 28 days before any proposed event to authorised officers of the Council, Surrey Police and any other relevant agency (for example the Fire Service).
- 49) Pyrotechnics, explosives or other highly flammable substances shall only be

stored in areas approved by the Council and subject to the provisions set out below:

- a) Firearms and replica firearms, including blank ammunition, shall be stored in a secure area to the satisfaction of the Council and Surrey police. They shall be under the control of a responsible person, who shall be responsible for the removal and return of all firearms. Firearms shall only be removed from the store (with the amount of ammunition required for the scene) immediately prior to use and returned to the store immediately after use. All discharged cartridges etc. must also be accounted for.
 - b) Storage areas and containers used shall be indicated by the explosive/inflammable symbol on the door or lid.
- 50) Cylinders for the storage of compressed air, oxygen, or other gases or liquids under pressure shall not be used except with the consent of the Council. At least 14 days' notice shall be given to the Council of any proposal to use such apparatus.
 - 51) Signs shall be prominently displayed at the entrance to the premises where appropriate to advise the public of details of any special effects to be used during performances.
 - 52) At least 14 days' notice shall be given to the council and Fire Service of any proposal to allow the use of flammable materials on the premises.
 - 53) At least 14 days' notice shall be given to the Council in respect of any entertainment which involves any live animal, bird or fish in a performance on the premises.

Seating

- 54) In no circumstances shall anyone be permitted to:
 - c) sit in the gangway;
 - d) stand or sit in front of the any exit; or
 - e) stand or sit on any staircase including any landings.
- 55) Any drinks to be consumed by a closely-seated audience shall be supplied in plastic/paper containers.
- 56) If tiered seating is provided, the back of the highest level and the ends of the rows shall be provided with an effective safety barrier to the satisfaction of the Council.

Indoor Sports Events

- 57) The licensee shall ensure that an appropriate number of qualified medical practitioners are on the premises for the duration of any event involving boxing, wrestling, judo, karate, mixed martial arts or entertainment of a similar nature.
- 58) For boxing and wrestling entertainment, or entertainment of a similar nature, any ring shall be constructed and inspected by a competent person, and no member of the public shall occupy a seat within 2.5 metres of the ring.
- 59) For water sports events, staff appropriately trained in safety and rescue shall be on the premises for the duration of the event.

Part C - Conditions Relating to the Prevention of Public Nuisance

Noise and Vibration

60) The management of these premises shall ensure that no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to undue disturbance, amounting to a nuisance, to local residents or businesses.

61) [in low risk/low impact situations or those of an infrequent nature]

Within 1 month of the license being granted the management of these premises shall devise and implement a written noise management policy, which shall be made available upon request to an authorised officer of the Council and Surrey Police. The plan shall include but not be limited to;

- i. The frequency and nature of live and amplified music
- ii. The hours that live and amplified music shall be played
- iii. The measures to be used to limit the break out of noise and vibration from the premises and the means by which these shall be installed and validated.*
- iv. The contact details and role of nominated person to monitor and manage complaints
- v. The means by which these will be made available to the public.
- vi. Details of how complaints and any corrective action taken shall be recorded.

[Alternative wording for high risk environments such as nightclubs or bars with extended hours for the playing of loud or amplified music]

Within 1 month of the licence being approved a scheme of control of amplified and live music shall be submitted to and approved in writing by the licensing authority. The scheme shall be written by a suitably qualified person and shall specify but not be limited to;

- i. Frequency and noise level with which live and amplified music shall be played
- ii. Technical details of the amplifier and noise limiter, including where necessary digital signal processing and frequency management capabilities
- iii. The arrangement mounting and power output of the speakers
- iv. Suitable supporting schematic diagrams of all elements of the music system Including amplifiers and speakers
- v. The management control measures that will be used and
- vi. Details of the complaint recording and management plan.

62) During any regulated entertainment, or in any case after (time), all external doors (including lobby doors) and windows to the premises shall remain closed, other than for access and egress.

63) Any sound amplification equipment shall be routed through a noise limiter device. The device must be of a type, in a location and set at a level [specify if known] [approved in writing by the appropriate officer of the Council]. The unit must be secured to prevent tampering and the limiter shall not be altered without prior agreement of the Council.

64) Prominent, clear and legible notices are to be displayed and maintained at all exits requesting customers to respect the needs of local residents and to leave the

premises and area quietly. All reasonable steps shall be taken to ensure that people entering or leaving the premises do so in an orderly manner and do not in any way cause annoyance to residents and people passing by the premises.

- 65) No customers shall be permitted to remain on the premises between (*time*) and (*time*).
- 66) Staff shall actively discourage and disperse persons who congregate outside the premises so as to minimise disturbance to local residents.
- 67) During operating hours, the DPS or a nominated representative shall be available to receive and respond to nuisance-related complaints. A contact number shall be readily available to residents upon request.

Use of outside areas

- 68) All outside areas shall be closed to customers after (*time*) with the exception of the external smoking area [as identified on the plan]. This area shall be monitored by the DPS or nominated staff to ensure noise is kept to a minimum so as not to cause nuisance to residents.
- 69) There shall be no consumption of food or drink in the outside areas of the premises after (*time*).
- 70) All external tables and chairs shall be removed by (*time*) each night.
- 71) No speakers or amplification equipment shall be provided in external areas of the premises.

Monitoring

- 72) The external areas of the premises shall be monitored by the DPS or a nominated person every 30 minutes from the start of any regulated entertainment and for a further 30 minutes after the permitted closing time of the premises, to ensure there is no noise which is likely to cause a nuisance to local residents. The monitoring log must set out as a minimum: time and date of observation, observer, observation, action taken to resolve situation, and a note of the noise level: 0 = satisfactory level of noise, unlikely to cause disturbance, up to 5 = severe disturbance. The log shall be kept at the premises and made available upon request by authorised officers of the Council or the Police.

Outdoor events

- 73) The licensee shall have full control over the sound amplification equipment to the main stage. The volume and tone shall be adjusted accordingly to the requirements of an authorised officer of the Council.
- 74) The specification, location and orientation of all permanently fixed speakers shall be agreed with an authorised officer of the Council.
- 75) Noise emanating from regulated entertainment at any outdoor event shall not exceed [insert noise limits] as measured as measured 1 metre from the façade of the nearest noise sensitive premises. The noise level shall be measured as an LAeq,15minutes.
- 76) During all outdoor events the received noise level (MNL) (LAeq 15mins)

measured 1m from the façade of the nearest noise sensitive premises shall not exceed the background noise level (L90) by more than 15dB(A).

- 77) Music Sound Pressure Levels (SPL) measured at the sound mixing desk(s) shall not exceed [insert limit].
- 78) At least 14 days' notice shall be given to the Council in respect of any entertainment involving the use of explosives, pyrotechnics, fireworks or other things of a similar nature which could cause disturbance in surrounding areas.

Light Pollution and Odour

- 79) Flashing or bright lights which cause a nuisance to nearby properties shall not be permitted.
- 80) All external lighting shall be positioned in such a way so as not to disturb or intrude upon local residents or businesses. Lighting shall be switched off at (*insert hours*).
- 81) Noxious smells shall not be permitted to emanate from the premises so as to cause a nuisance to nearby properties.

Leaflets and Fly Posting

- 82) No soliciting for custom, including the distribution of leaflets, shall take place from the premises, immediately outside the premises, or within [insert distance] of the premises.
- 83) The premises licence holder shall ensure that advertising or promotional material for licensable activities at the premises is not placed on any street furniture or structure on the public highway not belonging to the premises licence holder.
- 84) No poster, advertisement, or similar which is unsuitable for general exhibition to children shall be displayed in a public place. If the licensee is notified by the Council in writing that it objects under this rule to a poster, advertisement or similar it shall not be displayed, sold or supplied.

Waste and Cleansing

- 85) The immediate vicinity outside of the premises and any external areas associated with the premises shall be kept clear of litter.
- 86) Notices shall be exhibited in prominent positions to ask patrons to dispose of their rubbish in the bins provided.
- 87) An adequate number of waste receptacles for use by patrons shall be provided and emptied at appropriate intervals.
- 88) All refuse and bottles shall be disposed of in bins quietly so as not to disturb local residents. There shall be no disposal of glass bottles outside between 21:00 hours and 07:00 hours.
- 89) All packaging and utensils for use by customers shall be made of biodegradable or recyclable materials.

Part D - Conditions Relating to the Protection of Children from Harm

Access for Children to Licensed Premises

It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for the supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or temporary event notice, when open for the purposes of being used for the supply of alcohol for consumption there. It is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5 am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice.

Age Restrictions

- 90) Persons under the age of 18 shall not be admitted to the premises at any time / between the hours of (*time*) and (*time*).
- 91) Persons under the age of 18 shall only be admitted to the premises if they are accompanied and supervised by an adult whilst on the premises.
- 92) Persons under the age of 18 shall not be admitted to the premises when adult entertainment is taking place.
- 93) Films shall be classified in the following way:
 - Universal (U) – suitable for audiences aged four years and over.
 - Parental Guidance (PG) – some scenes may be unsuitable for young children.
 - 12A – passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
 - 15 – passed only for viewing by persons aged 15 years and over.
 - 18 – passed only for viewing by persons aged 18 years and over.
- 94) Where a programme includes a film recommended by the Council as falling into an age restrictive category, no person appearing to be under the age specified shall be admitted to any part of the programme. Where a programme includes a film recommended by the Council as falling into a category requiring any persons under a specified age to be accompanied by an adult, no person appearing to be under the age specified shall be admitted to any part of the programme unaccompanied by an adult, and the licence holder shall display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements. Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction. This condition does not apply to members of staff under the relevant age while on duty provided the written consent of the person's parent or legal guardian has first been obtained.

Performances for or involving children

- 95) During entertainment presented especially for under-18s, a member of staff shall be stationed in each area occupied by children, and in the vicinity of each exit, so that on each level occupied by children the minimum number of responsible adult members of staff on duty shall be one for every 50 children or part thereof.
- 96) During entertainment aimed specifically at under-18s, there shall be a minimum

of two door supervisors on duty at all times including at least one door supervisor of each sex.

- 97) Any supervisors and chaperones at performances for children shall be appropriately checked by the Disclosure and Barring Service or any equivalent body. Records of these checks shall be retained at the premises for a period of not less than six months and be available on request by any authorised officer of the Council or Surrey Police
- 98) Children shall be kept under adult supervision at all times, including their transfer between stage and dressing room and anywhere else on the premises.
- 99) Measures shall be put in place to ensure that the children can be accounted for at all times in case of an evacuation or emergency.

Age Verification Policy

- 100) The licensee shall devise, implement and maintain a Challenge 25 policy as part of their policy relating to alcohol sales. Clear signage relating to the policy shall be displayed at the premises. Only a valid driver's licence showing a photograph of the person, a valid passport, national identity card or proof of age card showing the "PASS" hologram are to be accepted as identification.
- 101) All staff employed (whether paid or unpaid) in the sale of alcohol shall be trained in respect of the law relating to the sale of alcohol, proxy purchases, identification checking, the company's proof of age policy and the procedure on handling and recording refusals. Refresher training shall be carried out every six months. Such training sessions are to be documented and records shall be kept for a minimum of one year and be made available upon request to an authorised officer of the Council, Buckinghamshire & Surrey Trading Standards and Surrey Police.

Refusals Log

- 102) A refusal register (written or electronic) shall be maintained at the premises to record sales of age restricted products that have been refused. The register is to be made available upon request by Surrey Police, Buckinghamshire & Surrey Trading Standards Officers and Licensing Officers. The register should include details of the time, date, member of staff refusing the sale, reason for refusal (for example intoxication or underage) and a brief description of the person refused.

Provision of Alcohol

- 103) Alcohol shall be kept behind the kiosk/counter with no public access to this area.
- 104) All alcoholic products shall be labelled to identify the premises from which it was sold.
- 105) The premises shall at all times operate as a restaurant, with waiter and waitress service to tables, serving substantial food where alcohol is only sold ancillary to said food order. There shall be no vertical drinking permitted at the premises.

Safeguarding and Child Sexual Exploitation

- 106) All cash transactions for hotel bookings shall require photographic identification from the person making the booking. Only a valid British drivers' licence showing a photograph of the person, a valid passport, proof of age card showing the 'Pass'

hologram or military identity cards are to be accepted as identification for the purposes of this condition.

- 107) The management of the premises shall ensure that all staff complete training in safeguarding and child sexual exploitation that is of a standard agreed with Surrey Police and the Council within 28 days of employment. Refresher training shall take place every six months. Signed records of all training shall be maintained for at least two years, and be made available upon request to an authorised officer of the Council and Surrey Police.

Alcohol Delivery Services

- 108) Deliveries of alcohol shall only be made to residential dwellings or a place of work with a recognisable postcode. The delivery shall only take place if the person receiving the alcohol is inside the property, or inside a communal doorway, and able to prove to the person delivering the alcohol they are a resident or employee at the premises. Alcohol shall not be delivered to a person who is in a public place e.g. in a street, a park etc. and no sales will take place directly from the delivery vehicle.
- 109) All payments for alcohol to be delivered shall be made by credit card only. Upon receipt of an order including alcohol to be delivered, the customer shall be clearly advised that the delivery will only be made to the person named on the credit card and that if they appear to be under the age of 25 they shall be required to produce an approved form of identification, the name of which corresponds with the name on the credit card. Failure to provide the requested identification and or credit card shall result in non-delivery of the alcohol and a refund in respect of that part of the order which relates to the alcohol only.
- 110) For every delivery a customer will sign a delivery note which shall contain:
- a) Date & time
 - b) Name of person making order
 - c) Address of delivery
 - d) Details of ID provided if Challenge 25 policy applies
 - e) Items delivered
 - f) Member of staff making delivery

Delivery notes shall be kept and made available for inspection by Surrey Police or authorised officer of the Council for 6 months from the date of delivery.

Appendix 6 - Procedure at Licensing Sub Committee Hearings

Agenda Item 1 - Apologies for absence

Agenda Item 2 - Election of Chair

Chair's introduction

- Housekeeping.
- The Chairperson will introduce the Sub-Committee members and introduce officers.
- The Chairperson will ask the other parties present to introduce themselves in the following order;-
 - Applicant
 - Responsible authorities
 - Anyone who has made representation and any one they have asked to speak on their behalf

Agenda Item 3 - Declarations of Interest

Agenda Item 4 - Determination of application

The Chairperson will provide an overview of the hearing;-

- The hearing will take the form of a discussion led by the members of the Sub-Committee.
- The Sub-Committee may ask questions to other attendees at any time.
- Cross examination will not, normally, be allowed unless the sub-committee considers it necessary

The Chairperson will ask the Licensing Officer to present his report.

Opening Statements

- i) The Chairperson will ask the applicant to presents his/her case.
 - (a) The Chairperson will ask any responsible authority, followed by any interested party, if there are any questions of clarification for the applicant.
 - (b) The Chairperson will ask the Sub-Committee members if there are any questions of clarification for applicant.

- ii) The Chairperson will ask any responsible authority to present its case.
 - (a) The Chairperson will ask the applicant, followed by any interested party, if there are any questions of clarification for the responsible authority.
 - (b) The Chairperson will ask the Sub-Committee members if there are any questions of clarification for the responsible authority.
- iii) The Chairperson will ask any interested parties to present their case.
 - (a) The Chairperson will ask the applicant, followed by any responsible authority, if there are any questions of clarification for any interested parties.
 - (b) The Chairperson will ask the Sub-Committee if there any questions of clarification for the interested parties.

Closing Remarks

- i) The Chairperson will ask any responsible authority to sum up its case.
- ii) The Chairperson will ask any interested party to sum up its case.
- iii) The Chairperson will ask the applicant to sum up his/her case.

Decision Making

The meeting will be adjourned to enable the sub-committee to make its decision.

The meeting will reconvene to deliver the decision.

The Chairperson will ask the legal adviser to summarise any advice given to the Sub-Committee in private.

The Chairperson will announce the Sub-Committee's decision on the application.

A decision letter confirming the decision and the reasons for the decision will be sent within five working days of the hearing.

Virtual hearings

Meetings of the Licensing Sub Committee may be held virtually via Zoom if it is considered to be in the public interest to do so.

In such cases a separate document will be sent to participants with the meeting ID and password. A link for the general public to watch the meeting will be available on the Council's website. Meetings held virtually will generally follow the same procedure as set out above, however participants are asked to observe the following meeting etiquette and rules;-

- All parties should join the meeting 15 minutes early to confirm the technology is working correctly.
- All parties should keep their video cameras on at all times if possible. The meeting will be accessible to the public so surroundings will be visible. For this reason, participants should consider their surroundings, a non-descript background is recommended.
- If possible, participants should find a quiet location where they will not be disturbed, background a potential noise interruptions can be distracting.
- All parties must only address the hearing when invited to do so by the Chairman.
- All parties must keep their microphones on mute unless they are speaking.
- If a party wishes to interject, they should use the raise hand feature available in Zoom, the Chairman will invite the party to speak at an appropriate stage in the hearing.
- If there are intermittent connection issues the Chairman may ask the speaker to repeat a point. If an individual loses connection during the meeting, the Chairman may call a short adjournment to assess whether a connection can be re-established. If the connection can't be re-established the Chairman will consider whether it is necessary to adjourn the meeting to a later date.

SAFEGUARDING CHILDREN

These premises are licensed in accordance with Licensing Act 2003 and as such is in accordance with the national objective of safeguarding children.

This establishment has a Safeguarding Children Policy which each member of staff should consult and familiarise themselves with.

If you are concerned about the welfare of any child or suspect that a child/children are being abused in connection with your establishment do not keep these concerns to yourself

Discuss them with your nominated Safeguarding Children person, the local Children's Social Services and the local Police.

Your nominated Safeguarding Children person is

Children's Social Services	0300 470 9100 cspa@surreycc.gov.uk
Emergency (out of office hours) Duty Team	01483 517898
Police Station (non-emergency)	101
In the case of an emergency dial	999

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