

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 [TBC], unless revised beforehand.

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

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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 authorisation 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 [date] and came into force on [date]. 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 2005 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
- 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.

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; and
- 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 Councillors 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.

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.

- 39.3 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 F 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 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 circumstances. 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.

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