

**DOCUMENT WITH TRACK CHANGES SHOWN  
JUSTIFICATIONS AND COMMENTS INCLUDED  
(Incorporating The Initial Views Of The Responsible Authorities That  
Responded To The Pre Consultation Process)**



# Licensing Act 2003

## Licensing Policy Statement

January 2008

<b>PARAGRAPH</b>	<b>SUBJECT</b>	<b>PAGE</b>
1	INTRODUCTION	3
2	CONSULTATION	3
3	SCOPE OF THE POLICY	3
4	ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS	4
5	FUNDAMENTAL PRINCIPLES	5
6	THE LICENSING OBJECTIVES – (1) PREVENTION OF CRIME AND DISORDER	7
	- CUMULATIVE IMPACT	8
7	THE LICENSING OBJECTIVES – (2) PUBLIC SAFETY	8
8	THE LICENSING OBJECTIVES – (3) PREVENTION OF NUISANCE	9
9	THE LICENSING OBJECTIVES – (4) PROTECTION OF CHILDREN FROM HARM	10
	-ACCESS TO LICENSED PREMISES	10
	-ACCESS TO CINEMAS	11
	-CHILDREN AND REGULATED ENTERTAINMENT	11
	-ILLEGAL SALE OF RESTRICTED GOODS	11
10	LICENSING HOURS	12
11	INTEGRATING STRATEGIES AND AVOIDING DUPLICATION	13
12	ENFORCEMENT	14
13	PARTNERSHIP	15
ANNEX 1	LIST OF CONSULTEES	16
ANNEX 2	TABLE OF DELEGATIONS OF LICENSING FUNCTIONS	17
ANNEX 3	FURTHER GUIDANCE ON OTHER REGULATORY REGIMES	18
ANNEX 4	CONTACT DETAILS FOR RESPONSIBLE AUTHORITIES	20

ANNEX 5	SUMMARY OF EFFECTIVE INTERVENTIONS	22
ANNEX 6	GLOSSARY	29

## **1.0 INTRODUCTION**

- 1.1 The Licensing Act 2003 (Act) imposes a statutory duty upon district councils to produce, develop and review a licensing policy.
- 1.2 The aim of the policy is to secure the safety and amenity of residential communities whilst facilitating a sustainable entertainment and cultural industry. Reigate & Banstead Borough Council (R&BBC) in adopting this licensing policy recognises both the needs of residents for a safe and healthy environment to live and work and the importance of prosperous and well run retail/entertainment premises to the local economy and vibrancy of the Borough. It also recognises the need to provide opportunities and support for leisure and culture within the Borough. To achieve this aim R&BBC is committed to partnership working with police, fire service, local businesses, licensing trade, residents and others towards the promotion of the objectives as set out in this policy.
- 1.3 This policy provides information and guidance to licence applicants, objectors and interested parties on the general approach that R&BBC will take in terms of licensing. Although each type of application will be considered individually on its own merits, R&BBC in adopting this licensing policy is indicating that wider considerations other than the fitness of the applicant and suitability of premises will be taken into account when making an appropriate determination.

*Justification; Policy covers all applications, not just new ones ie reviews, closures interim authority not fully considered when policy was first written in 2004*

- 1.4 R&BBC will work with local authorities, particularly in Surrey, to ensure that as far as possible a consistent approach is taken to licensing matters whilst respecting the differing needs of the individual communities throughout the county.
- 1.5 Nothing in this policy document should be regarded or interpreted as an indication that any requirement of licensing or other law may be overridden or add to their scope.

## **2.0 CONSULTATION**

- 2.1 This policy has been reviewed in consultation with the responsible authorities listed in Annex4, bodies representing existing licence holders, representatives of registered clubs and businesses and residents in the Borough – see Annex 1. Responses have been made to those individuals or bodies, who replied to the consultation, and these have been incorporated into the revised version of the policy.

## **3.0 SCOPE OF THE POLICY**

- 3.1 R&BBC is the licensing authority for the purposes of the Licensing Act 2003 ('the Act') and is responsible for granting licences, certificates and notices in the Borough of Reigate and Banstead in respect of activities described by the Act as 'Licensable Activities'. These activities include: -
  - 3.1.1 Retail sale of alcohol
  - 3.1.2 Supply of alcohol to club members
  - 3.1.3 Provision of 'regulated entertainment' (listed below) – to the public, to club members or with a view to profit
    - a) A performance of a play
    - b) An exhibition of a film
    - c) An indoor sporting event
    - d) Boxing or wrestling entertainment

- e) A performance of live music
  - f) Any playing of recorded music
  - g) A performance of dance
  - h) Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance
- 3.1.4 Provision of facilities for dancing, making music or entertainment of a similar description
- 3.1.5 The supply of hot food and/or drink from any premises between 11pm and 5am
- 3.2 This policy has been prepared and revised in accordance with the provisions of the Act and guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Act. It will take effect on 7<sup>th</sup> January 2008 and will remain in force for a period of not more than 3 years.
- 3.3 The Act requires that during each 3-year period R&BBC will keep this policy under review. Revisions will also be made to it, at such times, as it is considered appropriate. Any revisions will be subject to consultation with the statutory consultees as listed in Sec.5 (3) of the Act together with those listed in Annex 1.
- Justification: Guidance ref paragraph 1.22. Licensing Committee questioned the need for holding open meetings, and felt this was aspirational rather than essential.*
- 3.4 In exercising its functions under the Act, R&BBC will pay due regard to the guidance issued to it by the Secretary of State under section 182 of the Act (available from [www.culture.gov.uk/what\\_we\\_do/Alcohol\\_entertainment/advice\\_and\\_guidance/licensing\\_authorities\\_and\\_police](http://www.culture.gov.uk/what_we_do/Alcohol_entertainment/advice_and_guidance/licensing_authorities_and_police)). R&BBC will consider attaching conditions to licences and certificates where they are necessary to prevent crime and disorder, promote public safety, prevent public nuisance and protect children from harm. (The four licensing objectives under the Licensing Act 2003.) These may include conditions drawn from the Model Pools of Conditions listed in the guidance copies of which are available on the website detailed at 3.4 above. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.
- 3.6 In the case of exceptionally high capacity venues used exclusively or primarily for the 'vertical' consumption of alcohol ie with little or no seating for patrons, R&BBC where necessary and appropriate, may also impose conditions relating to;
- 3.6.1 Capacity
  - 3.6.2 Appropriate ratio of tables and chairs to customers
  - 3.6.3 The presence of a Security Industry Authority (SIA) registered security team to control entry and deny entry to individual who appear drunk or disorderly.

*Justification: Use language as in para 10.42 of guidance*

#### **4. ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS**

- 4.1 In the interests of speed, efficiency and cost-effectiveness to all parties involved in the licensing process, R&BBC has established a Scheme of Delegation to deal with applications received under the Act. The table in Annex 2 sets out the delegation of decisions and functions to Licensing Committee, Sub-Committees and Officers
- 4.2 This Scheme of Delegations is without prejudice to Officers referring an application to a Sub-Committee, or a Sub-Committee to Full Committee, if considered appropriate in the circumstances of any particular case.

4.3 A table of applications dealt with by Officers will be reported annually to the Committee for the purposes of information and comment only.

*Justification: Table of decisions made by officers under delegated authority reported in March 07. Committee found this informative and requested annual reports.*

## **5. FUNDAMENTAL PRINCIPLES**

5.1 This policy will promote the four licensing objectives contained in the Act ;

5.1.1 the prevention of crime and disorder

5.1.2 public safety

5.1.3 the prevention of public nuisance

5.1.4 the protection of children from harm

5.2 Nothing in the policy will:

5.2.1 undermine the rights of any person to apply under the Act for a variety of permissions and have such application considered on its individual merits, and/or

5.2.2 override the right of any person to make representations on any application or seek a review of a licence or certificate where provision has been made for them to do so under the Act

5.3 Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act. The licensing function cannot be used for the general control of anti-social behaviour once consumers are beyond the direct control of the individual, club or business holding the licence, certificate or other authorisation concerned. R&BBC expects every holder of a licence, certificate or permission to make every effort to minimise the impact of their activities and anti-social behaviour by their patrons within the immediate vicinity of their premises. Furthermore they should ensure that, as required by the Act, alcohol is not served to persons who are intoxicated.

*Justification: Previous consultation highlighted that it is excessive consumption inside the premises that causes problems outside.*

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

5.5 When considering these conditions, R&BBC will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

5.6 R&BBC is keen to promote the artistic and cultural life of the Borough, and licensing will be approached with a view to encouraging cultural activities and innovative forms of public entertainment for the wider cultural benefit of communities generally. Only conditions strictly necessary for the promotion of the licensing objectives will be attached to a licence for activities of this nature as R&BBC is aware of the need to avoid imposing substantial indirect costs. Where there is any indication that licensing requirements is deterring such events, the policy will be reviewed with a view to investigating how the situation may be remedied.

5.7 R&BBC's aim is to create a safe and family friendly environment in all areas of the Borough, including town centres. Applicants should give consideration to this when preparing their operating plans. However, this will not be the only factor taken into

consideration. Examples of family friendly environments would include, amongst others, where there is a children's play area, when children's menus are provided.

- 5.8 R&BBC requires every sale of alcohol to be authorised by the holder of a personal licence. Where the personal licence holder is absent from the premise they will still be ultimately responsible for the actions of those they authorise to make such sales. R&BBC would recommend that written authorisation is provided, as it clearly demonstrates due diligence in the event of any review or prosecution.

*Justification: Added by revised guidance at para 10.45, 10.50*

- 5.9 R&BBC is aware that different areas of the Borough have different characteristics and where possible will ensure that licence conditions reflect these

*Justification: Licensing Committee questioned value – felt it was aspirational. Guidance refers to statutory responsibilities under the RRA*

- 5.10 R&BBC acknowledges the advice received from Department for Culture Media and Sport (DCMS) that the views of vocal minorities should not be allowed to predominate over the general interests of the community.

- 5.11 R&BBC will only impose conditions on the licence in line with the Licensing Act and the guidance issued under Section 182 of that Act. In particular it will have regard to the following paragraphs:-

*'10.7 The conditions that are necessary for the promotion of the licensing objectives should emerge initially from a prospective licensee's or certificate holder's risk assessment which applicants and clubs should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule which must also set out the proposed hours of opening.*

*10.11 The licensing authority may not impose any conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may then only impose conditions that are necessary to promote one or more of the four licensing objectives. Such conditions must also be expressed in unequivocal and unambiguous terms to avoid legal dispute.*

*Justification: Latest guidance changes paragraph references and wording*

- 5.12 R&BBC would advise that in order to minimise problems and the necessity for hearings, it would be sensible for applicants and clubs to consult with responsible authorities when schedules are being prepared. This would allow for proper liaison before representations prove necessary.'

*Justification: Included previously as part of para above – both officers and Committee have commented on the lack of pre consultation on applications and are considering how we can further encourage applicants to follow this advice from para 10.8 in the guidance*

- 5.13 R&BBC would encourage relevant businesses to adopt voluntary industry Codes of Practice which cover irresponsible drinks promotions, such as that produced by the British Beer and Pub association

*Justification: Promotions have previously been of concern to some Councillors. Para 10.35 guidance refers*

## **6. THE LICENSING OBJECTIVES – (1) PREVENTION OF CRIME AND DISORDER**

- 6.1 R&BBC will expect applications to show what actions are to be taken to assist in the reduction and prevention of crime and disorder.

- 6.2 In addition to conditions from the 'Model Pool of Conditions' relating to Crime and Disorder, R&BBC may attach additional conditions that as far as possible reflect local crime prevention strategies as appropriate
- 6.3 R&BBC recognises that there are a number of mechanisms for addressing unlawful or anti-social behaviour, which occurs away from licensed premises. These include;
- 6.3.1 planning controls
  - 6.3.2 positive measures to provide a safer and clean town centre environment in partnership with local businesses, transport operators, the Crime and Disorder Partnership and other departments of the Council (see also Annex 5 Summary of Effective interventions to reduce alcohol related disorder and crime produced by Surrey Community Safety Unit - which has a specific Strategic Aim, to reduce short and long term drug and alcohol related crime and disorder in the Borough)
  - 6.3.3 the provision of CCTV in town centres, ample taxi ranks, provision of public toilets late at night, street cleaning and litter patrols
  - 6.3.4 powers to designate parts of the Borough as places where alcohol may not be consumed publicly
  - 6.3.5 police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices and consideration of Anti-Social Behaviour Orders by both the Police and R&BBC.
  - 6.3.6 the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk or under age
  - 6.3.7 confiscation of alcohol from adults and others in designated areas
  - 6.3.8 police powers to close down instantly for up to 24 hours, any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder, or excessive noise emanating from the premises
  - 6.3.9 the power of police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question

*[Justification: To acknowledge and include list of identified interventions available](#)*

- 6.4 In considering licence applications, R&BBC will have regard to the following:
- 6.4.1 the ability of the person in charge of the premises to monitor the premises at all times it is open;
  - 6.4.2 the training given to staff in crime and disorder prevention measures appropriate to those premises;
  - 6.4.3 physical security features installed in the premises. This may include matters such as the position of cash registers, where alcohol is stored in 'off-licences', the standard of CCTV that is installed, the use of toughened drinking glasses in pubs and clubs, or the secure storage of waste which could potentially be used as weapons;
  - 6.4.4 management attitudes, such as the willingness to stagger trading hours with nearby competing businesses to avoid all of their patrons subsequently competing for the limited public transport late at night and the use of responsible pricing promotions;
  - 6.4.5 participation in a local Pubwatch or Shopwatch scheme,
  - 6.4.6 any other such measures as may be appropriate, such as 'music wind—down policies', restrictions on 'happy hours', 'No entry No re-entry' policies related to specific times, the provision of food and non alcoholic drinks;
  - 6.4.7 the measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies;



- 6.4.8 where premises are subject to age-restrictions, the procedures in place to conduct age verification checks;
- 6.4.9 the likelihood of any violence, public order or policing problem if the licence is granted

## **CUMULATIVE IMPACT**

- 6.5 R&BBC will not take 'need' (i.e. the commercial demand for premises offering a particular type of licensable activity) into account when considering a licensing application, as this is a matter for the market. R&BBC may be able to consider the need for a licensed activity (and for any activity it would displace) through planning control. However, the impact of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and disorder outside or some distance from the premises. This is described as the 'cumulative impact', and is a proper matter for consideration by the Council as Licensing Authority.

## **7. THE LICENSING OBJECTIVES – (2) PUBLIC SAFETY**

- 7.1 R&BBC will expect applicants to include in their Operating Schedule, steps they propose to take to promote public safety.
- 7.2 The Regulatory Reform (Fire Safety) Order 2005, replaces previous fire safety legislation and removes any fire certificates –which included maximum capacity conditions. The Order requires the responsible person to carry out a suitable and sufficient fire risk assessment. As part of this fire risk assessment, the occupancy numbers should be calculated giving a maximum number of persons that can safely occupy the premises at any one time.

*Justification: Legislation change as highlighted by pre-consultation response from both H&S officer and Fire authority. Wording suggested by Fire authority. Reference 2.19 in guidance*

- 7.3 Where no safe capacity has been imposed by other legislation, R&BBC will consider attaching a 'safe capacity' to licences and certificates when it appears necessary to ensure public safety or to prevent crime and disorder.

*Justification Updated guidance para 2.26:*

(See Annex 3 for further guidance on other relevant regulatory regimes)

## **8. THE LICENSING OBJECTIVES – (3) PREVENTION OF NUISANCE**

- 8.1 R&BBC will take an objective view as to the potential for nuisance and will seek to attach appropriate and proportionate conditions to licences and certificates where necessary in order to prevent it. In considering applications R&BBC will have regard to the following;

- 8.1.1 the steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music; noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies; sound limitation devices together with proper management procedures to ensure these are effective.
- 8.1.2 the steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises
- 8.1.3 the steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable then

queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction

- 8.1.4 the steps taken or proposed to be taken by the applicant to ensure staff leave the premises quietly
  - 8.1.5 the arrangements made or proposed for parking by patrons in car parks under the control of the licensee, and the effect of that parking by patrons on local residents
  - 8.1.6 whether any consideration has been given to the impact of patrons leaving the premises if no public transport facilities are available.
  - 8.1.7 the installation of any special measures where licensed premises are or are proposed to be located near sensitive premises such as residential houses, nursing homes, hospitals, hospices or places of worship
  - 8.1.8 the use of gardens and other open-air areas
  - 8.1.9 delivery and collection areas and times
  - 8.1.10 the siting of external lighting, including security lighting that is installed inappropriately
  - 8.1.11 the siting and insulation of plant and extraction machinery
  - 8.1.12 whether the premises would lead to increased refuse storage or disposal problems, or additional litter (including fly posters and illegal placards) in the vicinity of the premises
  - 8.1.13 the history of previous nuisance complaints made against the premises, or applicant, particularly where statutory notices have been served on the present licensees.
- 8.2 Paragraphs 8.1.1 to 8.1.11 will be especially relevant for premises operating between 11pm and 7 am.
- 8.3 Stricter conditions in respect of noise control may be imposed where premises are situated in areas that have denser residential accommodation or are close to sensitive areas. However, regard will be given to the individual merits of any application.

## **9. THE LICENSING OBJECTIVE – (4) PROTECTION OF CHILDREN FROM HARM**

- 9.1 [R&BBC encourages the display of any publicity provided by Surrey Safeguarding Children's Board and its partners aimed at raising the awareness of protecting children from harm.](#)

*Justification: Addition requested by SCC Safeguarding Board in pre-consultation*

### **ACCESS TO LICENSED PREMISES**

- 9.2 R&BBC will consider the individual merits of each application before deciding whether it is necessary to limit the access of children to any given premises for the prevention of physical, moral or psychological harm. The following are examples of premises that will raise concern:
- 9.2.1 where the existing business has been convicted of selling/serving alcohol to minors or with evidence of underage drinking
  - 9.2.2 where there is a known association with drug taking or dealing
  - 9.2.3 where there is a strong element of gambling on the premises
  - 9.2.4 where films with age-restricted classifications are to be shown

- 9.2.5 where the supply of alcohol is the exclusive or primary purpose of the services provided by the premise
- 9.2.6 where entertainment or services of an adult or sexual nature are commonly provided eg topless bar staff, striptease, lap, table or pole dancing, performances including feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

*Justification: Pre-consultation response from trading Standards states that they do not generally prosecute sellers unless in extenuating circumstances, usually prosecute existing company, sole trader or business.*

- 9.3 The following options are available to R&BBC when it considers that the access of children to licensed premises should be limited in order prevent harm:
  - 9.3.1 Limitations on the hours when children may be present
  - 9.3.2 Limitations on ages below 18
  - 9.3.3 Limitations or exclusion when certain activities are taking place
  - 9.3.4 Restrictions or exclusions in respect of parts of premises
  - 9.3.5 Requirements for an accompanying adult
  - 9.3.6 Full exclusion of people under 18 from the premises when any licensable activities taking place

The imposition of complete bans will, however, be rare..

- 9.4 R&BBC considers the organisation as listed in Annex 4 under Child Protection Authority, to be competent in advising the Council on matters relating to the protection of children from harm. Applicants for premises and club premises certificates should send copies of their applications to this body.
- 9.5 The Act requires personal licence holders not to serve alcohol to children under 18, except in the limited circumstances allowed for by law. R&BBC recommends referencing the following documents to verify a person's proof of age;
  - 9.5.1 passport
  - 9.5.2 a photocard driving licence issued in an European Union country
  - 9.5.3 a Proof of Age card as issued by the Portman Group (details from [www.portman-group.org.uk](http://www.portman-group.org.uk) )
  - 9.5.4 a Citizen Card, supported by the Home Office (details from [www.citizencard.net](http://www.citizencard.net))
  - 9.5.5 Validate UK card (details from [www.validateuk.co.uk](http://www.validateuk.co.uk))
  - 9.5.6 Connexions card (details from [www.connexionscard.com](http://www.connexionscard.com) )
  - 9.5.7 an official identity card issued by HM Forces or by a European Union country bearing the photograph and date of birth of the bearer.
  - 9.5.8 any other nationally or locally recognised schemes as may from time to time be agreed eg Challenge 21

The Council recommends that any system should be accredited and approved by the British Retail Consortium's Proof of Age Standards Scheme.

- 9.6 R&BBC commends the Code of Practice on Naming Packaging and Promotion of Alcoholic Drinks issued by the Portman Group as an important tool in protecting children from harm.

### **ACCESS TO CINEMAS**

- 9.7 R&BBC expects the Operating Schedule of premises giving film exhibitions to include arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification.

### **CHILDREN AND REGULATED ENTERTAINMENT**

- 9.8 Where a large number of children are expected to attend regulated entertainment (e.g. theatre production or film shows), R&BBC will require the applicants to show they have considered issues of child safety that relate specifically to their premises and to have prepared adequate policies to deal with these.

### **ILLEGAL SALES OF AGE RESTRICTED GOODS**

- 9.9 R&BBC, Surrey County Council and the Police take a serious view of the sale to minors of age-restricted goods. Surrey Trading Standards will continue to seek to ensure that there is no illegal sale of age-restricted goods. The work of the Trading Standards Department in setting up covert operations to detect sales to minors is acknowledged and welcomed by R&BBC. This work will continue and R&BBC will work closely with the Trading Standards Service and will share information on premises that may be breaking the law.

- 9.10 The Council will expect measures to be taken to ensure the following:

- 9.10.1 Procedures to be in place to train and remind staff that all age restricted products may only be sold in accordance with the relevant legislation so that proof of age may be sought where needed Staff training to include checking identification (ID) for proof of age through a secure system (see also Paragraph 9.5)
- 9.10.2 A responsible person [as identified by Section 153 (4)] of the Act who is present and responsible for transactions made through staff who may be under 18 years of age
- 9.10.3 Staff training records and associated documentation to be kept available for inspection.
- 9.10.4 Consideration to be given for procedures to be in place to record refusals of sales, with such records kept available for inspection
- 9.10.5 Vending machines dispensing age-restricted goods to be positioned to allow for proper supervision at all times.
- 9.10.6 Where an Electronic Point of Sale (EPOS) system is in use, particularly where alcohol is not the main item sold, warnings should be set up to act as a reminder to staff to check the age of the purchaser for age restricted products.

### **GENERAL**

- 9.11 No conditions will be imposed requiring children be admitted to any premises and this will be left to the discretion of the individual licensee or club (except if there are conditions imposed).
- 9.12 Nothing in this policy seeks to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them.

## **10. LICENSING HOURS**

### **SALE OF ALCOHOL**

- 10.1 R&BBC recognises that in some cases longer licensing hours for the sale of alcohol can help to ensure that large concentrations of people do not leave premises at the same time. This may reduce the friction at late night fast food outlets, taxi ranks, minicab offices and other sources of transport that can lead to disorder and disturbance. Providing consumers with choice and flexibility is an important consideration, but R&BBC will balance this carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.

*Justification: Supplementary guidance changed initial guidance which indicated a presumption in favour of longer hours (The S of S wrote to LAs shortly after the implementation of the Act to emphasise that there was no such presumption).*

- 10.2 Fixed trading hours within a designated area (also known as 'zoning') will not normally be set as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, resulting in concentrations of disturbance and noise. This would also treat residents in busy town centres less favourably than residents in areas with a higher concentration of residential housing. However if there is sufficient evidence that the opening hours are deleteriously affecting the licensing objectives then R&BBC may consider that such a condition may be appropriate.

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

- 10.4 R&BBC will normally license shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for shopping unless it considers there are very good reasons for restricting those hours. For example, a limitation may be appropriate following police representations in the case of isolated shops known to be the focus of disorder and disturbance.

## **11. INTEGRATING STRATEGIES AND AVOIDING DUPLICATION**

- 11.1 R&BBC will avoid duplication with existing legislation and other regulatory regimes that already place obligations on employers and operators. Where regulations etc do not cover the unique circumstances that arise in connection with a licensable activity R&BBC may, for example, attach conditions to premises licences and club premises certificates considered necessary for the promotion of the licensing objectives that are not already provided for in any other legislation. Additional guidance regarding other regulatory regimes is detailed in Annex 3.

### **PLANNING**

- 11.2 There will be a proper separation of the planning and licensing regimes to avoid duplication and inefficiency. Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the Local Planning Authority or permissions granted on appeal. Conversely, the Council will not seek to use its planning powers to duplicate or predetermine issues more relevant to licensing.
- 11.3 Where appropriate, reports will be sent from the Licensing Committee to the Planning Committee on the situation regarding licensed premises in the Borough, including the general impact of alcohol related crime and disorder.

### **OTHER REGULATORY REGIMES/ STRATEGIES**

- 11.4 The Community Plan sets out R&BBC's priorities for the future with an agreed and shared vision. These priorities also underpin the Corporate Plan, which through nine principal objectives, states how R&BBC intends to improve the quality of life in the Borough in partnership with other agencies.
- 11.5 Within R&BBC a Policy Framework sets out the overall structure for the development and review of strategic and policy frameworks. The Local Development Framework (LDF) is integral to this and will contain policies based on the Community Plan priorities. A Spatial Strategy will facilitate the establishment of Area Action Plans, which will be closely linked to Local Area Action Plans. These will work towards bringing communities and stakeholders together. In the future the Council will be publishing a Statement of Community Involvement that will set out the process of consultation and development of the LDF.
- 11.6 Within R&BBC, the multi-disciplinary Policy Development Team is responsible for ensuring the integration of all strategies which include the Community, Local Crime Prevention, Planning, and Transport Strategy.

*Delete para now covered by local initiatives*

- 11.7 Arrangements will be made for the Licensing Committees to receive further information on relevant matters to ensure that they may inform their considerations eg:
- 11.7.1 the cultural strategy for the Borough, and,
  - 11.7.2 the employment situation in the Borough and the need for new investment and employment
- 11.8 R&BBC will seek to discharge its licensing responsibilities with due regard to other Government policies, strategies, responsibilities and guidance documents that impact upon the licensing objectives e.g.
- 11.8.1 Community Safety Strategy, Drug and Alcohol Strategies, Cultural and Tourism Strategies, objectives of the Private Security Industry Authority, Crime and Disorder Reduction Partnership – Local Action Strategies

*Justification: Statutory requirement from April 2008*

- 11.8.2 Responsibilities under the Anti Social Behaviour Act 2003.
- 11.8.3 Home Office Safer Clubbing Guide. ([www.drugs.gov.uk](http://www.drugs.gov.uk) )
- 11.8.4 LACORS/TSI Code of Practice on Test purchasing. ([www.lacors.gov.uk](http://www.lacors.gov.uk) )
- 11.8.5 National Alcohol Harm reduction Strategy

11.10 R&BBC will have particular regard to how applications and operating plans militate against any form of disability discrimination when considering the operation and management of all proposed licence applications, renewals and variations of conditions. Applicants will need to be aware of their obligations under the Disability Discrimination Act 1995 (see also Annex 3).

## **12. ENFORCEMENT**

12.1 The Act provides a light touch for business and community activities which benefit and enhances people's lives by providing opportunities for the enjoyment of leisure time. R&BBC will focus on premises failing in terms of the licensing objectives and have been identified as a priority for inspection and/or action by nature of their location, operating hours, type of venue, customer make-up, and professionalism of the management

*Justification: Guidance para 13.6 refers to principle of risk assessment and targeting inspections. LACORS has been involved in looking at a risk rating scheme. Alcohol Harm reduction strategy also refers to targeted inspections and further research into relevant factors. Rogers review highlights Licensing as a priority. Propose to ask question re other relevant factors in consultation document*

12.2 Following the grant of a premises licence a responsible authority or interested party may apply for a review of the licence. There are a range of powers available to R&BBC in determining the review, that include modifying existing conditions, suspending the licence and revoking the licence. In order to maximise the benefit of co-operation, R&BBC would advise authorised persons and responsible authorities to give licence holders early warnings of their concerns and of the need for improvement, a failure to respond to such warnings is expected to lead to a decision to request a review.

*Justification: Addition to update policy and acknowledge that we are now in the implementation and enforcement stages rather than transition – when the original policy was written. In part added due to comments at pre-consultation from Trading standards who suggested there be a mention of the review process in the policy. Guidance refers para 11.9*

12.3 Protocols with Surrey Police Service regarding the enforcement of licensing law will be established. These will provide for the efficient deployment of officers engaged in enforcing licensing law and inspecting licensed premises, in order to ensure that resources are targeted at problem and high-risk premises.

*Protocol with fire service not required as they do not have responsibilities for enforcing the Act*

12.4 R&BBC has adopted a licensing enforcement policy, based around the principles of consistency, transparency and proportionality set out in the Department of Trade and Industry's *Enforcement Concordat* and which also takes into account the Code for Crown Prosecutors for bringing prosecutions. The Enforcement Policy is available on request or can be found at [www.reigate-banstead.gov.uk](http://www.reigate-banstead.gov.uk)

## **13. PARTNERSHIP**

13.1 R&BBC will support multi agency teams responding to individual local problems, that bring together a full range of powers to deal with irresponsible licensed premises, criminal and disorderly behaviour, and provide the local infrastructure to support and manage the night-time economy.

*Justification: Considered to be an effective mechanism (targeting) – to avoid creating cumulative impact. policies see 6.5 above Level of support as required or as resources allow, consistent with other priorities.*

13.2 R&BBC will continue to support and participate in the Surrey Countywide Licensing Forum - a local forum whose aims are;

13.2.1 To aid consistency between the statutory agencies responsible for licensed premises.

13,2,2 To develop potential for a joint approach to implementation and administration

13.2.3 To act as a strategic forum for Licensing in Surrey

13.2.4 To develop policy and technical guidance

13.2.5 To develop liaison with agencies and organisations

13.2.6 To promote best practice

13.2.7 To explore the potential for sharing resources



**DRAFT LIST OF CONSULTEES**

R&BBC Chief Executives Department  
R&BBC Department of Policy and Environment  
R&BBC Department Of Resources  
R&BBC Department of Services to the Community  
Head of Legal Services  
All R&BBC Elected Members  
Surrey County Council – Trading Standards  
Surrey Police  
Surrey Fire and Rescue Service  
British Transport Police  
Justices Clerk to S.E.Surrey Magistrates Court  
Horley Town Council  
Salfords & Sidlow Parish Council  
4x Town Centre Management Groups  
64x Residents Association Chairpersons  
3x Chambers of Commerce  
Crime and Disorder Reduction Partnership  
Surrey Alcohol and Drug Advisory Service (SADAS)  
Surrey Drugs Action Team  
Association of Convenience Stores  
Association of Licensed Multiple Retailers  
Bar, Entertainment and Dance Association  
British Beer and Pub Association  
British Retail Consortium  
British Institute of Innkeeping  
Brewers & Licensed Retailers Ass  
Federation of Licensed Victuallers Associations  
Federation of Small Businesses (Surrey & Sussex)  
Federation of Small Businesses (Redhill And Reigate)  
Society of Independent Brewers  
Wine & Spirit Ass  
Greene King  
J D Wetherspoons PLC  
Scottish & Newcastle PLC  
Fullers Smith and Turner PLC  
Mitchell & Butler PLC  
Whitbread Group PLC  
Shepherd Neame Ltd  
Young and Co  
East Surrey Health Authority  
East Surrey Primary Care Trust  
Surrey & Sussex Healthcare NHS Trust  
East Surrey Health Promotion  
3x CABx  
4x Licensing solicitors  
Redhill and Reigate Taxi Association  
Arriva  
Metrobus  
Circus Arts Forum  
Equity

## TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COMMITTEE	SUB-COMMITTEE	OFFICERS
Application for personal licence		If a representation made	If no representation made
Application for personal licence, with unspent convictions		All cases	
Application for premises licence/club Premises certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application to vary premises licence/club registration Certificate		If a representation made	If no representation made
Application to vary designated premises supervisor		If a police representation	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police representation	All other cases
Application for Interim Authorities		If a police representation	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint 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 a police representation to a temporary event notices		All cases	
<a href="#">Issue Counter Notices where the limitations relating to temporary event notices are exceeded.</a>			<a href="#">All cases</a>

*[Justification: Amended delegation as approved by Executive 17 November 2005](#)*

## FURTHER GUIDANCE ON OTHER REGULATORY REGIMES

### PLANNING

Planning permission is usually required for the establishment of new premises and the change of use of premises. Planning permissions that are relevant to licensed premises include:

- a retail shop, licensed for the sale of liquor for example (A1);
- food and drink sold and consumed on the premises or where hot food is sold for consumption off the premises, including restaurants and bars (A3); and
- assembly and leisure uses, including cinemas, concert and indoor/outdoor sports and recreation (D2).
- a hotel that has a restaurant or bar included in its authorised use.

Under the current Use Classes Order, planning permission is generally required if the use of an existing premises changes use class. For example, planning permission would be required for a change from a shop (A1) to a restaurant or bar (A3). When applying for planning permission the Council, as local planning authority, will consider the potential impact from the proposed use within the context of the Development Plan and relevant Government guidance. The impact of a proposal may be considered in other ways, including the loss of the previous use (especially shops within town centres and local shopping centres) and the likely affect on neighbours. Planning permission is not required if the use of existing premises changes to a use within the same use class. For example, planning permission would not normally be required for a change from a restaurant (A3) to a bar (A3), or shop (A1) to an off –licence (A1).

Where restriction have been placed on the use of premises (through the imposition of planning conditions) prior to an application being made for a licence, certificate or provisional statement, consideration will be given to the extent to which the application meets the overall licensing objectives and the policies contained within this statement. Where necessary, conditions will be attached to a certificate, licence or provisional statement in order to achieve the objectives of this policy. The granting of a licence, certificate or provisional statement will not override any requirement of the planning system or vice versa. The licensing system will provide the detailed control of operational matters, which are unlikely to be addressed through planning processes. However there will be overlapping issues of interest i.e. disturbance, which will remain material considerations for planning purposes.

### BUILDING CONTROL

Building Regulations govern a variety of issues, which will directly contribute to the licensing objectives, including means of escape, structural integrity, accessibility and public safety. “Approved Inspectors” offer a private sector alternative to local authority Building Control services. Building Regulations Approval and Completion Certificates will be required prior to the use of premises for licensable activities.

### PAVEMENT CAFÉ LICENCES

Surrey County Council will continue to issue highway consents under section 115E of the Highways Act 1980 for pavement cafes. (tel 0847 009009 website [www.surreycc.gov.uk](http://www.surreycc.gov.uk) ) You may also need Planning permission from Reigate and Banstead. If alcohol is to be served you will also need to obtain a Premises Licence.

### HEALTH & SAFETY AT WORK ETC ACT 1974

The Health & Safety at Work etc Act 1974 (and other relevant statutory provisions) impose duties on employers, employees and persons in control of premises to prevent where possible or minimise the risk of injury or ill health to people affected by work activities or the condition of the premises. Local authorities are the enforcing authority for the majority of premises where licensable activities mentioned in the policy are carried out; in other cases the Health & Safety Executive is responsible.

Licensing objectives overlap with health and safety requirements in so far as foreseeable risks to public safety would be covered by the duties imposed by relevant legislation. However these general duties, for example risk assessment under the Management of Health and Safety at Work Regulations 1999, may not adequately cover specific issues which arise from licensable activities i.e. aspects of entertainment. In these cases it may be more prudent to use conditions to ensure that an appropriate degree of control exists at all times during the operation of licensable activities.

## **DISABILITY DISCRIMINATION ACT 1995**

The Disability Discrimination Act 1995 introduced measures to tackle discrimination encountered by disabled people in the areas of employment, access to goods, facilities and services and the management, buying or renting of land or property. For service providers, such as licensees:

- since December 1996 it has been unlawful to treat disabled people less favourably than other people for a reason related to their disability;
- since October 1999 they have had to make reasonable adjustments for disabled people, such as providing extra help or making changes to the way they provide their services; and
- from 2004 they will have to make reasonable adjustments to the physical features of their premises to overcome physical barriers to access.

## **HUMAN RIGHTS ACT 1998**

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- Article 6 that in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
- Article 8 that everyone has the right to respect for his home and private life; and
- Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his or her possessions, including for example the possession of a licence.

## **ENVIRONMENTAL PROTECTION ACT 1990**

The Environmental Protection Act 1990 gives the Local Authority the ability to prevent and abate Statutory Nuisances by the service of Notice or in extreme cases applying for an injunction. The notice may require the abatement of the nuisance or prohibit or restrict its recurrence; require such works as necessary to abate the nuisance; specify the time in which the notice must be complied with.

(Statutory Nuisances are defined in Section 79 and include Noise from Premises, a vehicle, machinery or equipment in a street that are prejudicial to health or a nuisance).

**CONTACT DETAILS**

Further details about the licensing process, including application packs can be obtained from;

- R&BBC web site [www.reigate-banstead.gov.uk](http://www.reigate-banstead.gov.uk)
- Questions can be emailed to [licensing@reigate-banstead.gov.uk](mailto:licensing@reigate-banstead.gov.uk)
- Contact the Licensing Team directly on 01737 276428, or Council Helpline 01737 276000, between 08.45 – 17.00hrs (Monday to Thursday), 08.45 to 16.45 Friday
- By post to ; Licensing Manager  
Environmental Health Services  
Town Hall  
Reigate  
RH2 0SH
  - Tel 01737 276428
  - Fax to 01737 276404

**Responsible authorities can be contacted as follows;**

- Surrey Police Service  
The Licensing Officer  
Reigate Police Station  
79 Reigate Road  
Reigate  
RH2 0RY
- Surrey Fire and Rescue Service  
Fire Safety  
St Davids Wray Park Road  
Reigate  
RH2 0OJ  
Tel 01737 224041  
Fax 01737227603
- HSW Enforcement Agency  
Health and Safety Manager  
Environmental Health Service  
Reigate & Banstead BC  
Town Hall  
Castlefield Road  
Reigate  
RH2 0SH  
Tel: 01737 276420  
Fax: 01737276404
- Planning  
Head of Building and Development Services  
Building and Development Service  
Reigate & Banstead BC  
Town Hall  
Castlefield Road  
Reigate  
RH2 0SH  
01737276000
- Environmental Protection  
Environmental Protection Manager  
Environmental Health Service

Reigate & Banstead BC  
Town Hall  
Castlefield Road  
Reigate  
RH2 0SH  
Tel: 01737 276406  
Fax: 01737 276404

- Child Protection Authority  
Head of Statutory Child Protection and Child Care  
Child Protection & Independent Review Unit  
Fairmont House  
Bull Hill  
Kingston Road  
Leatherhead  
Surrey  
KT22 7AH  
Tel : 01372 833310
- Surrey Trading Standards  
SCC Trading Standards Service,  
Mid-Surrey Area Office,  
Bay Tree Avenue,  
Kingston Road,  
Leatherhead,  
Surrey  
KT22 7SY  
Tel: 01372-371717  
Email: [trading.standards@surreycc.gov.uk](mailto:trading.standards@surreycc.gov.uk)

## SUMMARY OF EFFECTIVE INTERVENTIONS

Surrey Community Safety Unit, Cedar Road, Cobham, Surrey KT11 2AE  
Tel 01932 795200 Fax 01932 795207

### SUMMARY OF EFFECTIVE INTERVENTIONS TO REDUCE: ALCOHOL RELATED DISORDER AND VIOLENT CRIME

This is one of a series of summary documents produced by Surrey Community Safety Unit containing a selection of successful initiatives introduced throughout the UK that have had some success in tackling the problem. More detailed information is available in the links referred to in the document.

This summary draws extensively on the Home Office Toolkit which can be found at [www.crimereduction.gov.uk/violence17](http://www.crimereduction.gov.uk/violence17) and the Together website [www.together.gov.uk](http://www.together.gov.uk)  
**January 2006**

The initiatives outlined in this section are in three categories: LOCATION, VICTIM AND OFFENDER. They are then split into three types according to the approach they adopt: ENFORCEMENT, INTERVENTION AND PREVENTION.

#### LOCATION

The Home Office Together web site contains a How To Guide for Tackling Alcohol Fuelled Disorder in Town and City Centres. In summary, the guide recommends that local agencies should:

- Build an evidence base from police, council departments, citizens and other agencies to identify premises linked to disorder and inform license reviews when necessary
- Target enforcement efforts at staff and licensees in problem premises for serving alcohol to under-18s or to people who are drunk. Aim to change corporate behaviour in all local premises by hitting problem premises visibly, systematically and hard
- Where there is evidence, review licences and place appropriate conditions to reduce the impact of disorder
- Monitor closely whether conditions are adhered to and in the event of a breach consider exercising new police closure powers, or review licences again to further constrict or revoke the license
- Deploy enhanced emergency 24-hour closure powers in the face of imminent violence or public nuisance

Places where violent crime is a high risk come in two forms:  
**OPEN PUBLIC SPACES** and **INSIDE LICENSED PREMISES**.

The following measures are aimed at **OPEN SPACES**.

#### Enforcement

The various ways of controlling public open spaces include:

- Targeted high visibility patrolling during peak times, using police officers, Special Constabulary, Police Community Support Officers (PCSOs) or town / community wardens
- Deployment of a mobile CCTV / video team - this can be used to confront licensees about poor practice such as drunken people leaving premises still drinking etc
- Deployment of a mobile police station to high demand areas
- Search Powers, Section 60 of the Criminal Justice and Public Order Act 1994 - giving officers the authority to search people and vehicles coming into a certain area
- Confiscation of alcohol from youths under the Confiscation of Alcohol (Young Persons) Act 1997 and Section 155 Licensing Act 2003 which includes confiscating open and closed containers
- Creating Designated public place orders under s.13 Criminal Justice and Police Act 2001 (see Appendix 1 for a summary of new powers in this act) to limit alcohol consumption
- Creating dispersal of groups zones under s.30 Anti-Social Behaviour Act 2003

- Issuing warnings for anti-social behavior such as bad language and urinating in the street. The offender's details are then recorded on a database and if they are warned again within 6 months a prosecution will follow
- Use of fixed penalty notices under the Criminal Justice and Police Act 2001 for non-drunk offences on the streets. One problem with this is that it won't then show as a conviction/caution - which could cause problems as to when a decision is made for a prosecution.

### **Interventions**

Initiatives that seek to intervene and reduce disorder in public places are:

- CCTV in fixed strategic locations - so police resources can be better directed at peak times
- Mobile CCTV systems to respond to any displacement of disorder due to fixed CCTV systems
- A combination of high profile patrols, CCTV and improved lighting along specific routes
- Deployment of bus or taxi marshals at designated taxi ranks and bus stations
- Creating temporary pedestrian zones in areas with multiple late night venues to prevent disputes over passing taxis
- Deploy mobile Accident and Emergency centres for major pre-planned events to reduce the deployment of police staff to violent incidents at A&E
- If there is more than one taxi rank, they should be equal distance from the pubs and clubs but in opposite directions to ensure the dispersal of large groups
- In conjunction with the Local Transport Executive, ensure public transport provision is in place at peak times. Consider a cash free bus, where tickets are bought in clubs and pubs. Police the transport system by police officers, town wardens or other guardians

### **Prevention**

- Deploy specialist teams of Police Community Support Officers, Trading Standards Officers and Youth Personal Advisors to divert people away from alcohol related disorderly behavior and educate retailers on the law and steps (such as staff training and proof of age schemes) they should be taking to avoid selling alcohol to young people
- Deploy refuse collectors at peak times to remove potential weapons e.g. bottles.
- Secure all glass and bottle banks
- Encourage voluntary staggered closing times of pubs and clubs to minimise the number of people competing for transport and food etc This cannot be made a condition of licence, however, as under the 2003 Licensing Act. Each premise has to be dealt with on individual merits without regard to other premises in the vicinity
- when a premises applies to vary their hours, require them to put in a "no admittance or re-admittance after x hrs" so to avoid people leaving one pub and moving on mass to another
- Employ guardians at taxi ranks and bus stations. If this is not possible small measures such as railings to form queues will encourage some order

The following measures are aimed **INSIDE LICENSED PREMISES**

### **Enforcement**

- Routine visits to hot spots - including the use of video recording inside premises
- Joint visits by the Fire Service, Environmental Health Officers and local authority licensing officers regarding compliance with relevant legislation
- Consider the use of local authority Health and Safety Inspectors to reinforce crime reduction advice given to licensees
- Provide a 'Quality Charter Mark' such as the "Best Bar None" system which is being introduced in Guildford borough to set the standards for licensed premises. This standard should be set by the industry and local authorities and can be used by pubs and clubs to attract custom. Regular checks of this standard should also be carried out
- Use sniffer dogs on queues for clubs and pubs. This will act as a deterrent to potential drug dealing and use, which can lead to violent crimes
- Use powers likely to be in the Violent Crime Reduction Act 2006 (when enacted) such as alcohol disorder zones (where licensees may be charged for the costs of policing), license reviews and closure notices for persistently selling alcohol to children
- Make use of the new and consolidated powers in the Licensing Act 2003 (see Appendix 2)

### **Interventions**

- Serviceable CCTV installed in premises as part of license conditions.
- Night Net Radio / paging systems for all pubs within close proximity. The systems should also be directly linked to the police. This enables a rapid response from police to problems before they have time to escalate. Extending Pubwatch communications radio link to all licensed premises and late night refreshment houses



- There should be a licensing team to ensure that licensees and door staff are adequately trained and aware of their responsibilities
- Ensure door staff conform to the Security Industry Authority guidelines and the Private Security Industry Act 2001
- Introducing a Citizens Card, other voluntary proof of age scheme or other means of establishing age and identity. The Licensing Act 2003 requires a defendant to take all reasonable steps to establish the age of the purchaser
- Introducing of a Standard Code of Conduct for licensed premises to include; a generic incident report form, incident mapping systems, and an offence violations system
- Introducing Amnesty Boxes and Metal Detectors into all clubs and pubs
- Creation of a dedicated telephone number for the public to phone the police and confidentially report under age sales of alcohol.
- Test purchasing operations by Trading Standards and Police to find out if sales are made to under-age young people

### **Prevention**

- Gather evidence about problem premises to vary, revoke or add conditions to licences
- Education of the licensed trade on the law and steps (such as staff training) they should be taking to avoid selling alcohol to young people
- Implement safety glasses or plastic glasses and bottles, to eliminate the use of them as weapons
- Door staff to wear high visibility jackets and photo ID badges. This will make them easily recognisable thus acting as a deterrent and making people feel safer in this environment
- Discourage 'happy hours' and drinks promotions
- Toilet attendants or CCTV in communal toilet areas. Toilet attendants provide authority figures as well as other hygiene and washroom related services

## **THE VICTIM**

### **Enforcement**

- Offer referral schemes for victims of crime whose own drunkenness may have contributed to them being a victim
- Take photos of injuries for use as evidence later

### **Interventions**

- Involve NHS and Primary Care Trusts (PCTs) in intelligence gathering. They may be able to help gather more accurate figures on violent crime because a lot of violence goes unreported. Agree a Protocol with NHS / PCT for them to ask victims a standard pre-set questions
- Consider a free-phone direct line for victims at A&E to speak to police
- The creation of a licensees' forum can provide a stronger voice for pub owners, so they can voice issues of concern to local authorities, police and the alcohol industry
- Setting up pubwatch or clubwatch schemes

### **Prevention**

- A media campaign to make potential victims aware of the risks associated with drunkenness. Marketing can also offer advice on safe routes home, taxi schemes and buses
- A referral to Victim Support for all victims, increasing the confidence in support services and increasing the likelihood of the victim supporting a prosecution

## **THE OFFENDER**

### **Enforcement**

- Use of exclusion orders under the Licensed Premises Act 1980. This can be used to prevent a person convicted of a violent offence on licensed premises entering that or other specified premises again (this is likely to be up-dated in the Violent Crime Reduction Act 2006 as exclusions from licensed premises)
- Make use of other powers in the Violent Crime Reduction Act (when enacted) such as the power to require a person to leave a locality and drinking banning orders
- Use Anti-Social Behaviour Orders (ASBOs) and acceptable behaviour contracts to tackle aggressive and drunken forms of ASB
- ASBOs on conviction under Section 1C of the Crime and Disorder Act (CDA) can be imposed after an offender has been convicted and sentenced to an offence. Bail conditions should be set to monitor the defendants behaviour whilst awaiting court appearances
- Forces should have a policy of positive action for low level public disorder to reinforce what is acceptable behaviour within the night-time economy
- The accurate recording of alcohol related violence together with making links between premises is vital for evidential purposes and for police tasking and co-ordination
- Police should have a policy of victimless prosecutions where admissible evidence is available i.e. CCTV, showing disorder related to an assault where the victim will not press charges

- Make use of the new fixed penalty notice offences under the Criminal Justice and Police Act 2001
- Full use of all offences under the Licensing Act 2003 such as a drunk/disorderly person attempting to enter or refusing to leave a licensed premises (see Appendix 2)

#### **Interventions**

- Establish a licensing database to monitor licensees, licensed premises and registered door staff. This will be invaluable to monitoring the movement of rogue door staff
- Establish an alcohol treatment service for people who commit serious offences or persistently offend under the influence of alcohol

#### **Prevention**

- News of convictions should be publicised internally and locally, in newspapers, local radio and via internal communication mechanisms. This will act as a deterrent to others
- Promotion of the 'No ID no entry' theme
- Development of alcohol arrest referral scheme
- Education about safe use of alcohol and personal safety

## APPENDIX 1

### **Provisions for combating alcohol-related disorder in the Criminal Justice and Police Act 2001**

#### **Alcohol consumption in designated public places (12-16)**

The Act gives local authorities (districts and unitary authorities) the power to designate public areas in which it will become an offence to drink alcohol after being required by a police officer not to do so. The police will have the power to require the surrender of alcohol and containers in these circumstances, and those who fail to comply with either requirement will be liable to arrest. Only those public areas where disorder or public nuisance is associated with public drinking can be designated. Where areas are designated the provisions will replace public drinking byelaws that many local authorities have adopted for this purpose. This will create more uniform and comprehensive powers.

Before making an order a local authority has to consult: the chief police officer, the parish or community council, licensees and relevant landowners. The local authority has to publicise the proposed scheme. An order will not be granted until at least 28 days after the initial publicity. If an order is granted the local authority again has to publicise the scheme. Signs must be erected to clearly identify the area to the public.

#### **Closure of unlicensed premises (19-28)**

It is an offence to use unlicensed premises for the sale of alcohol, and alcohol on such premises may be confiscated. However, the profits of unlicensed drinking establishments are such that the owners of these premises can often absorb the costs of police raids on them, the seizure of alcohol and the prosecution of staff working in such premises. In practice therefore the premises often re-open quickly having been re-stocked and re-staffed. **The Act provides the police and local authorities with powers to obtain court orders to close down such premises.** This would prevent owners from quickly re-stocking and re-opening the premises.

## APPENDIX 2

### **New police powers under the Licensing Act 2003**

- expand police powers to close down disorderly and noisy licensed premises including all entertainment premises, night cafés and night take-aways;
- empower the police, residents and others to seek a review of licences, backed by an extended range of measures which impact on businesses and their profits including limiting opening hours;
- increase fines - as well as the potential suspension for up to six months or forfeiture of personal licences, following conviction for offences of allowing disorderly conduct or sales of alcohol to people who are drunk;
- increase penalties for breach of licence conditions - a person faces a maximum fine of £20,000 or imprisonment for up to six months or both; and
- increase penalties for selling alcohol to children (up to £5000) and make it possible for courts to suspend or forfeit personal licences at first offence and not only on second conviction as now.

### **A number of offences and powers are created or consolidated in the Part 7 of the Act:**

Section 136 - Unauthorised licensable activities  
Section 137 - Exposing alcohol for unauthorised sale  
Section 138 - Keeping alcohol on premises for unauthorised sale  
Section 139 - Defence of due diligence  
Section 140 - Allowing disorderly conduct on licensed premises etc.  
Section 141 - Sale of alcohol to a person who is drunk  
Section 142 - Obtaining alcohol for a person who is drunk  
Section 143- Failure to leave licensed premises when drunk and instructed to do so by a constable  
Section 144 - Keeping of smuggled goods  
Section 145 - Unaccompanied children prohibited from certain premises.  
Section 146 - Sale of alcohol to children  
Section 147 - Allowing sale of alcohol to children  
Section 148 - Sale of liqueur confectionery to children under 16  
Section 149 - Purchase of alcohol by or on behalf of children  
Section 150 - Consumption of alcohol by children  
Section 151 - Delivering alcohol to children  
Section 152 - Sending a child to obtain alcohol  
Section 153 - Prohibition of unsupervised sales by children  
Section 154 - Enforcement role for weights and measures authorities  
Section 155 - Confiscation of sealed containers for alcohol  
Section 156 - Prohibition of sale of alcohol on moving vehicles  
Section 157 - Power to prohibit sale of alcohol on trains  
Section 158 - False statements made for the purposes of this Act

### **Part 8: Closure of premises**

Section 160 - Order to close premises in an area experiencing disorder

**SUMMARY OF EFFECTIVE INTERVENTIONS TO REDUCE:  
ALCOHOL RELATED DISORDER AND VIOLENT CRIME**

<b>OPEN SPACES</b>	<b>LICENSED PREMISES</b>	<b>VICTIM</b>	<b>OFFENDER</b>
<b>ENFORCEMENT</b>			
High visibility patrolling	Routine visits to hot spots	Referral schemes for victims of crime whose own drunkenness may have contributed to them being a victim	Exclusion orders
Mobile CCTV	Joint visits regarding compliance with relevant legislation		Use of other powers in the Violent Crime Reduction Act
Search Powers	Health and Safety Inspectors		Use Anti-Social Behaviour Orders (ASBOs) and acceptable behaviour contracts
Confiscating open and closed containers	Provide a 'Quality Charter Mark'	Take photos of injuries for use as evidence later	Use of ASBOs on conviction
<u>Designated public place orders</u>	Use sniffer dogs on queues		A policy of positive action for low level public disorder
<u>Creating dispersal of groups zones</u>	Use of powers likely to be in the <u>Violent Crime Reduction Act 2006</u>		Accurate recording of alcohol related violence
Issuing warnings for anti-social behaviour in the street.	Use of new and consolidated powers in the <u>Licensing Act 2003</u>		A policy of victimless prosecutions
Use of fixed penalty notices			Use of the new fixed penalty notice offences
			Use of all offences under the Licensing Act 2003
<b>INTERVENTIONS</b>			
CCTV in fixed strategic locations	CCTV installed in premises	Involve NHS and <u>Primary Care Trusts (PCTs)</u> in intelligence gathering	Establish a licensing database to monitor licensees
Pubwatch communications radio link			
CCTV and improved lighting along specific routes	Establish a joint licensing team to ensure that licensees and door staff are adequately trained	Free-phone direct line for victims at A&E to speak to police	Establish an alcohol treatment service
Bus or taxi marshals	Door staff conform to the <u>Security Industry Authority guidelines</u>	The creation of a licensees' forum	
Temporary pedestrian zones	Voluntary proof of age scheme	Setting up pubwatch or clubwatch schemes	
Mobile Accident and Emergency centres	Standard Code of Conduct for licensed premises		
Taxi ranks equal distance from the pubs and clubs but in opposite directions	Amnesty Boxes and Metal Detectors		
Public transport provision in place at peak times	Telephone number for the public to confidentially report under age sales of alcohol		

	Test purchasing operations		
<b>PREVENTION</b>			
Divert people away from alcohol related disorderly behaviour and educate retailers	Gather evidence about problem premises	A media campaign to make potential victims aware of the risks associated with drunkenness	Convictions should be publicised
Refuse collectors to remove potential weapons	Education of the licensed trade		Promotion of the 'No ID no entry' theme
Secure glass and bottle banks	Implement safety glasses or plastic glasses and bottles	Referral to Victim Support for all victims	Alcohol arrest referral scheme
Encourage voluntary staggered closing times of pubs and clubs	Door staff to wear high visibility jackets and photo ID badges		Education about safe use of alcohol and personal safety
"No admittance or re-admittance after xxxx hrs"	Discourage 'happy hours' and drinks promotions		
CCTV in taxis	Toilet attendants or CCTV in communal toilet areas		
Railings to form queues			

27 January 2006

**GLOSSARY**

DCMS	Department of Culture Media and Sport
R&BBC	Reigate and Banstead Borough Council
SIA	Security Industry Authority
'Designated Premises Supervisor'	means the person (who must be a Personal Licence holder), in the case of premises selling alcohol, who will have been given day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises licence holder himself (who must also be a Personal Licence holder)
'Interested Party'	means any of the following: <ul style="list-style-type: none"> <li>• a person living in the vicinity of the premises</li> <li>• a body representing persons who live in that vicinity</li> <li>• a person involved in a business in that vicinity</li> <li>• a body representing persons involved in such businesses</li> </ul>
'Late Night Refreshment'	means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11pm and 5am
'Licensable Activities'	means: <ul style="list-style-type: none"> <li>• the sale by retail of alcohol</li> <li>• the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club</li> <li>• the provision of Regulated Entertainment</li> <li>• the provision of Late Night Refreshment</li> </ul>
'Operating Schedule'	means a document containing a statement of the following matters (and any others that may be prescribed): <ul style="list-style-type: none"> <li>• the relevant Licensing Activities</li> <li>• the times at which the Licensable Activities are to take place and any other times the premises are open to the public</li> <li>• information regarding the person who will be specified in the Premises Licence as the Premises Supervisor</li> <li>• where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises</li> <li>• the steps being taken to promote the Licensing Objectives</li> </ul>
'Regulated Entertainment'	means: where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators <ul style="list-style-type: none"> <li>• a performance of a play</li> <li>• an exhibition of a film</li> <li>• an indoor sporting event</li> <li>• a boxing or wrestling entertainment</li> <li>• a performance of live music</li> <li>• any playing of recorded music</li> <li>• a performance of dance</li> <li>• entertainment of a similar description to that falling in the previous three categories listed above</li> </ul>

‘Responsible Authority’

means any of the following:

- the Chief Officer of Police
- the Fire Authority
- the enforcing authority for Health and Safety
- the local Planning Authority
- the local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health
- the body representing matters relating to the protection of children from harm

‘Temporary Event Notice’

means the notification of a Permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations:

- duration – limited to events lasting up to 96 hours
- scale – not more than 499 people present at any one time
- use of same premises – same premises cannot be used on more than 12 occasions in a calendar year, but subject to an aggregate limit of not more than 15 days irrespective of number of occasions
- number of notices by an individual – Personal Licence holder limited to 50 notices in one year, anyone else limited to 5 in a similar period

- in all other circumstances a Full Premises Licence or a Club Premises Certificate will be required for the period of the event involved