



Licensing Act 2003

Draft

Licensing Policy Statement

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1.0 INTRODUCTION

- 1.1 The Licensing Act 2003 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 Reigate & Banstead BC 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 Reigate and Banstead will take in terms of licensing. Although each application will be considered individually on its own merits, the Council 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 in making an appropriate determination.
- 1.4 The Council 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 Statement has been prepared in consultation with the Surrey Police, the Surrey Fire and Rescue Service and bodies representing existing licence holders (including justices licences, public entertainment, theatre, cinema and late night refreshment licences), representatives of registered clubs and businesses and residents in the Borough. The views of all these bodies listed in Annex 1 have been taken into account in the determination of this Statement

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 Statement of Licensing Policy has been prepared in accordance with the provisions of the Act and the guidance issued under Section 182. It will take effect on 7th February 2005 and will remain in force for a period of not more than 3 years
- 3.3 During each 3-year period R&BBC will keep this policy under review this will include open meetings at which the community will be able to express how well the Licensing Objectives are being met. Revisions will 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.
- 3.4 Every application considered by R&BBC, will be considered on its own merits. R&BBC will pay due regard to the guidance issued to it by the Secretary of State under section 182 of the Licensing Act (available from www.culture.gov.uk/alcohol_and_entertainment/licensing_act.htm).
- 3.5 R&BBC will consider attaching Conditions to licences and certificates where they are necessary to prevent crime and disorder, to promote public safety, to prevent public nuisance and to harm to children. These may include Conditions drawn from the Model Pool of Conditions listed in the Department of Culture Media and Sports (DCMS) guidance and reproduced at the end of this policy for information. 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 large capacity venues used exclusively or primarily for the 'vertical' consumption of alcohol RBBC may impose conditions relating to
- Capacity
 - Appropriate ratio of tables and chairs to customers
 - The presence of a Security Industry Authority (SIA) registered security team

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 proposed delegation of decisions and functions to Licensing Committee, Sub-Committees and Officers

- 4.2 This form 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 Any applications dealt with by Officers will be reported to the next meeting of the Committee for the purposes of information and comment only.
- 4.4 The Committee or Sub-Committee will determine any applications in respect of premises owned or run by the Council where objections are made except where the objection is deemed to be frivolous vexatious or repetitious.

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 'Statement of 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. **However, 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**
- 5.4 Terms and conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others granted such authorisations.
- 5.6 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.
- 5.7 The Council 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.

- 5.8 R&BBCs aim is to create a safe and family-friendly environment within the Borough, particularly within the town centres. Applicants should give consideration to this when preparing their operating plans. However, this will not be the only factor taken into consideration.
- 5.9 The Council expects that Personal Licence Holders should normally be on the premises when alcohol is supplied. Where they are absent from the premise they will still be ultimately responsible for the actions of those they authorise to make such sales. It is expected that any such Authorisation will be in writing.
- 5.10 The Council is aware that different areas of the Borough have different characteristics and where possible will ensure that licence conditions reflect these. In particular
 - 5.10.1 Villages of a more quiet and rural nature
 - 5.10.2 Urban Centres – particularly where re-development and /or regeneration is being encouraged
- 5.11 The Race Relations Act, as amended, places a duty on RBBC to assess and consult on the impact of policies on race equalities. This will be continuously monitored and reported to the Licensing Committee.
- 5.12 R&BBC acknowledges the advice received from DCMS that the views of vocal minorities should not be allowed to predominate over the general interests of the community.

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

- 6.1 R&BBC will expect applications to demonstrate that a positive reduction in crime and disorder will result, or that it will not increase, as a result of the application being granted.
- 6.2 In addition to conditions from the Model Pool 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 The Council 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 Community Safety Strategy 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 the Borough.
- 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
- 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
- 6.3.8 the power of police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question

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, their willingness to limit sales of bottled alcohol for immediate consumption; and the use of responsible pricing promotions;
- 6.4.5 participation in a local Pubwatch scheme,
- 6.4.6 any other such measures as may be appropriate, such as 'music wind—down policies', restrictions on 'happy hours';
- 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

(See appendix 4 for contacts who may be able to give further advice)

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. The Council 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 The Council will consider attaching a 'safe capacity' to licences and certificates when it appears necessary to ensure public safety or to prevent crime and disorder. The purpose of imposing a maximum number of persons to be in the premises at any one time is to ensure the safety of those persons at the premises and to ensure a safe means of escape from fire. The Council may set occupancy limits in consultation with the Fire & Rescue Service and Building Control Officers for the following premises:

(1) Nightclubs

(2) Cinemas

(3) Theatres

(4) Other premises where regulated entertainment is being provided within the meaning of the Act

7.2 In accordance with the Secretary of State's guidance, premises when a fire safety certificate issued under the Fire Precautions Act 1971 which imposes an occupancy limit, will not have an occupancy limit imposed under the premises licence, unless the fire authority recommends a change.

(See annexe 4 for contacts who may be able to give advice)

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. This will be of greater importance between 10 p.m. and 7 a.m. than at other times of the day

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, and the effect of parking by patrons on local residents

- 8.1.6 whether there is sufficient provision for public transport (including taxis and private hire vehicles) for patrons
- 8.1.7 whether licensed taxis or private hire vehicles are likely to disturb local residents
- 8.1.8 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
- 8.1.9 the use of gardens and other open-air areas
- 8.1.10 delivery and collection areas and times
- 8.1.11 the siting of external lighting, including security lighting that is installed inappropriately
- 8.1.12 whether the premises would lead to increased refuse storage or disposal problems, or additional litter (including flyposters 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.
- 8.1.14 the siting and insulation of plant and extraction machinery
(See appendix 4 for contacts who may be able to give advice)

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

ACCESS TO LICENSED PREMISES

- 9.1 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:
 - 9.1.1 where there have been convictions of current members of staff for serving alcohol to minors or with evidence of underage drinking
 - 9.1.2 where there is a known association with drug taking or dealing
 - 9.1.3 where there is a strong element of gambling on the premises
 - 9.1.4 where films with age-restricted classifications are to be shown
 - 9.1.5 where the supply of alcohol is the exclusive or primary purpose of the services provided by the premise
 - 9.1.6 where entertainment or services of an adult or sexual nature are commonly provided

With regard to the last of point it may include 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.
- 9.2 The following options are available to the Council when it considers that the access of children to licensed premises should be limited in order prevent harm:
 - 9.2.1 Limitations on the hours when children may be present
 - 9.2.2 Limitations on ages below 18

- 9.2.3 Limitations or exclusion when certain activities are taking place
- 9.2.4 Restrictions or exclusions in respect of parts of premises
- 9.2.5 Requirements for an accompanying adult
- 9.2.6 Full exclusion of people under 18 from the premises when any licensable activities taking place

The imposition of complete bans will, however, be rare

9.3 R&BBC considers the Area Child Protection Committee [see annexe 4 for contact details] 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

9.4 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).

9.6 The Act requires personal licence holders not to serve alcohol to children under 18, except in the limited circumstances allowed for by law. The Council recommends that the only way to verify a person's proof of age is with reference to;

9.6.1 passport

9.6.2 a photocard driving licence issued in an European Union country

9.6.2 a Proof of Age card as issued by the Portman Group (details from www.portmen-group.org.uk)

9.6.4 a Citizen Card, supported by the Home Office (details from www.citizencard.net)

9.6.5 validate UK (details from www.validateuk.co.uk)

9.6.6 connexions (details from www.connexionscard.com)

9.6.7 an official identity card issued by HM Forces or by a European Union country bearing the photograph and date of birth of the bearer.

9.6.8 any other nationally or locally recognised schemes as may from time to time be agreed

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

9.7 RBBC 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

9.8 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

- 9.9 Where a large number of children are expected to attend regulated entertainment (e.g. theatre production or film shows), R&BBC will require the following arrangements in order to control their access and egress and to assure their safety;
- 9.9.1 'Lost child' policy which identifies arrangements for the safe care of lost children until they are reunited with their parent / guardian.

ILLEGAL SALES OF RESTRICTED GOODS

- 9.10 The Council, Surrey County Council and the Police take a serious view on 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 systems to avoid sales to minors taking place is acknowledged and welcomed by Reigate and Banstead Council. This work will continue and the Council will welcome reports from the Trading Standards Service addressing problems caused by the link between alcohol sales to minors and crime and disorder issues. The Council will expect measures to be taken to ensure the following:
- Staff training on the law with regard to restricted sales
 - Training records and documentation to be kept available for inspection
 - Staff training to include checking identification (ID) for proof of age through a secure system (see also Paragraph 9.6.)
 - 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
 - Procedures in place to train and remind staff that all age restricted products may only be sold in accordance with the Licensing Act 2003 (and other legislation) so that proof of age may be sought where needed
 - Procedures in place to record refusals of sales, with such records kept available for inspection
 - Vending machines dispensing age-restricted goods to be positioned to allow for proper supervision at all times
 - A warning message where an Electronic Point of Sale (EPOS) system is in use especially where alcohol is not the main item sold

GENERAL

- 9.11 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 longer licensing hours for the sale of alcohol are important to ensure that large concentrations of people do not leave premises at the same time. This may reduce the friction at late night fast food outlets, taxi ranks, minicab offices and other sources of transport that can lead to disorder and disturbance.

- 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 the Council may consider that such a condition may be appropriate
- 10.3 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

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 because youths gather there.

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 entertainment 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 Reigate and Banstead's priorities for the future with an agreed and shared vision. These priorities also underpin the Council's Corporate

Plan, which through nine principal objectives, states how the Council improve Quality of Life in the Borough in partnership with other agencies.

- 11.5 Within the Council 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 the Council, the multi-disciplinary Policy Development Team is responsible for ensuring integration of community, local crime prevention, planning, transport, tourism and cultural strategies.
- 11.7 Where necessary, R&BBC will arrange protocols with the Surrey Police to provide for reports to the local authority on the need for the swift and safe dispersal of people from the town centre to avoid concentrations, which can produce disorder and disturbance.
- 11.8 Arrangements will be made for the Licensing Committees to receive reports on the following matters to ensure these are reflected in their considerations:
- a. the cultural strategy for the Borough, and,
 - b. the employment situation in the Borough and the need for new investment and employment
- 11.9 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.
- 11.9.1 Community Safety strategy, Drug and Alcohol Strategies, Cultural and Tourism Strategies, objectives of the Private Security Industry Authority
- 11.9.2 Responsibilities under Anti Social Behaviour Act 2003.
- 11.9.3 Home Office Safer Clubbing Guide. (www.drugs.gov.uk)
- 11.9.4 LACORS/TSI Code of Practice on Test purchasing. (www.lacors.gov.uk)
- 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

12. ENFORCEMENT

- 12.1 Protocols with Surrey Police and Surrey Fire and Rescue Service on 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.

12.2 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 Attorney-General's Guidelines to Crown Prosecutors for bringing prosecutions. The Enforcement Policy is available on request or can be found at www.reigate-banstead.gov.uk

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

- a) To aid consistency between the statutory agencies responsible for licensed premises.
- b) To develop potential for a joint approach to implementation and administration
- c) To act as a strategic forum for Licensing in Surrey
- d) To develop policy and technical guidance
- e) To develop liaison with agencies and organisations
- f) To promote best practice
- g) To explore the potential for sharing resources

Appendix 1

Draft List Of Consultees (to be finalised)

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**
All R&BBC Elected Members

Surrey County Council
Surrey Police
Surrey Fire and Rescue Service
British Transport Police
Justices Clerk to SW.Surrey Magistrates Court

Horley Town Council
Salfords & Sidlow Parish Council

Town Centre Management Groups
Residents Association Chairpersons
Chambers of Commerce

SADAS
Surrey Drugs Action Team

Association of Convenience Stores
Federation of Licensed Victuallers Associations
British Institute of Innkeeping
British Beer and Pub Association
Bar, Entertainment and Dance Association
Brewers & Licensed Retailers Ass
Society of Independent Brewers
Wine & Spirit Ass
Association of Licensed Multiple Retailers
British Retail Consortium

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 Primary Care Trust
Surrey & Sussex Healthcare NHS Trust
East Surrey Health Promotion

CABx
Local licensing solicitors

Redhill and Reigate Taxi Association
Arriva
Metrobus

Circus Arts Forum
Equity

ANNEX 2

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	

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) 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

The Environmental Protection Act 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

ANNEX 4

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

- R&BBC web site www.reigate-banstead.gov.uk
- Questions can be emailed to licence@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
- Fax to 01737 276404

Responsible authorities can be contacted as follows;

Police - to be determined

Surrey Fire and Rescue Service - to be determined

HSW Enforcement Agencies

Health and Safety Manager
Environmental Health Service
Town Hall
Reigate
RH2 0SH
Tel: 01737 276420
Fax: 01737276404

Health and Safety Executive
Pheonix House,
23-25 Cantelupe Road
East Grinstead
West Sussex
RH19 3BE
Tel: 01342 334200
Fax: 01342 334222

Planning

Head of Building and Development Services
Building and Development Service
Town Hall
Reigate
RH2 0SH

Environmental Protection

Environmental Protection Manager
Environmental Health Service
Town Hall
Reigate
RH2 0SH
Tel: 01737 276406
Fax: 01737 276404

Child Protection – to be determined