

To: All Members of the LICENSING AND  
REGULATORY COMMITTEE  
(Other Members for Information)

When calling please ask for:

Ema Dearsley, Democratic Services Officer  
**Policy and Governance**

E-mail: [ema.dearsley@waverley.gov.uk](mailto:ema.dearsley@waverley.gov.uk)

Direct line: 01483 523224

Calls may be recorded for training or monitoring

Date: 8 June 2018

**Membership of the Licensing and Regulatory Committee**

Cllr Maurice Byham  
Cllr Patricia Ellis  
Cllr John Fraser  
Cllr Michael Goodridge  
Cllr Tony Gordon-Smith  
Cllr Simon Inchbald

Cllr Peter Isherwood  
Cllr Anna James  
Cllr Carole King  
Cllr Robert Knowles  
Cllr Libby Piper  
Cllr Bob Upton

**Substitutes**

Cllr Val Henry  
Cllr Nick Williams

Cllr John Ward

**Members who are unable to attend this meeting must submit apologies by the end of Monday, 11 June 2018 to enable a substitute to be arranged.**

Dear Councillors

A meeting of the LICENSING AND REGULATORY COMMITTEE will be held as follows:

DATE: MONDAY, 18 JUNE 2018

TIME: 10.00 AM

PLACE: COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS,  
GODALMING

The Agenda for the meeting is set out below.

Yours sincerely

ROBIN TAYLOR  
Head of Policy and Governance

Most of our publications can be provided in alternative formats. For an audio version, large print, text only or a translated copy of this publication, please contact [committees@waverley.gov.uk](mailto:committees@waverley.gov.uk) or call 01483 523351

This meeting will be webcast and can be viewed by visiting [www.waverley.gov.uk](http://www.waverley.gov.uk)

## **NOTE FOR MEMBERS**

Members are reminded that contact officers are shown at the end of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

## **AGENDA**

1. **APPOINTMENT OF CHAIRMAN**

To confirm the appointment of Councillor Simon Inchbald as Chairman of the Licensing and Regulatory Committee for the Council Year 2018-19.

2. **APPOINTMENT OF VICE-CHAIRMAN**

To confirm the appointment of Councillor Bob Upton as Vice-Chairman of the Licensing and Regulatory Committee for the Council Year 2018-19.

3. **MINUTES**

To receive the minutes of the meeting held on 5 March 2018 (to be laid on the table half an hour before the meeting).

4. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

To receive apologies for absence and to report any substitutions

5. **DECLARATIONS OF INTEREST**

To receive from members declarations of interest in relation to any items included on the agenda for this meeting, in accordance with the Waverley Code of Local Government Conduct.

6. **QUESTIONS FROM MEMBERS OF THE PUBLIC**

The Chairman to respond to any questions received from members of the public in accordance with Procedure Rule 10.

7. **QUESTIONS FROM MEMBERS**

The Chairman to respond to any questions received from Members in accordance with Procedure Rule 11.

8. ACTION AUTHORISED

To receive any action taken by the Chief Executive after consultation with the Chairman and Vice-Chairman since the last meeting.

**LICENSING ACT 2003 ITEMS**

9. LICENSING ACT 2003 - PUBLIC CONSULTATION ON REVIEW OF THE COUNCIL'S STATEMENT OF LICENSING POLICY (Pages 5 - 50)

The purpose of this report is to enable the Council to consider comments following consultation and on the review of the Statement of Licensing Policy for Waverley, against which applications for licences under the Licensing Act 2003 are considered.

Recommendation

**It is recommended that the Licensing and Regulatory Committee consider the representations in Annexe 3 to this report and make recommendations as appropriate to the Executive so that a final revised version of the Statement of Licensing Policy for Waverley can be approved by the Council and with a view to formal adoption in order that the revised Policy may be in place by August 2018.**

**OTHER LICENSING ITEMS**

10. MINUTES OF THE MEETINGS OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE (Pages 51 - 58)

To receive the Minutes of the Meeting of the Licensing (General Purposes) Sub-Committee held on 21 May 2018.

Recommendation

**It is recommended that the Minutes of the Meeting of the Licensing (General Purposes) Sub-Committee held on 21 May 2018 be noted.**

11. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation on the motion of the Chairman:-

Recommendation

That pursuant to Procedure Rule 20 and in accordance with Section 100B(5) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in the appropriate paragraph(s) of the revised Part 1 of Schedule 12A to the Act (to be identified, as necessary, at the meeting).

12. LEGAL ADVICE

To consider any legal advice relating to any items in the agenda.

**For further information or assistance, please telephone  
Ema Dearsley, Democratic Services Officer, on 01483 523224 or by  
email at [ema.dearsley@waverley.gov.uk](mailto:ema.dearsley@waverley.gov.uk)**

## WAVERLEY BOROUGH COUNCIL

LICENSING AND REGULATORY COMMITTEE – 18 JUNE 2018

EXECUTIVE –10 JULY 2018

COUNCIL – 17 JULY 2018

---

### Title:

**LICENSING ACT 2003 - PUBLIC CONSULTATION ON REVIEW OF THE  
COUNCIL'S STATEMENT OF LICENSING POLICY**

**[Wards Affected: All]**

---

### Summary and purpose:

The purpose of this report is to enable the Council to consider comments following consultation and on the review of the Statement of Licensing Policy for Waverley, against which applications for licences under the Licensing Act 2003 are considered.

---

### How this report relates to the Council's Corporate Priorities:

Licensing contributes to improving lives and protecting the environment in Waverley.

### Equality and Diversity Implications:

There are no equality implications.

### Environment and Climate Change Implications:

There are no Environmental and Climate change implications in this report.

### Resource/Value for Money implications:

There are no immediate resource implications in this report.

### Legal Implications:

There are legal implications for the Council in that it will need to be prepared to defend the revised Policy, if challenged. Members will note that the existing Policy has worked well in practice for the past five years. There are also Human Rights considerations in the processes under this Act, and these will be taken into account.

---

### Background

The Licensing Act 2003 requires Waverley to have a Statement of Licensing Policy, to keep this under review, at least every five years. The current Waverley Policy has been in place since August 2013, and requires updating following changes to legislation, including the Immigration Act 2016 in relation to the prevention of illegal working in licensed premises and the issuing of the latest revised guidance under section 182 of the Licensing Act 2003 (effective from 6 April 2018). In addition, the Home Office has issued its Modern Crime Prevention Strategy (March 2016) which potentially impacts on licensing, including the encouragement of partnership working

schemes, improved local intelligence systems for use as evidence in licensing hearings, and support to local authorities in efforts to diversify late night economy away from alcohol-led premises, and which is available on the Home Office website at . <https://www.gov.uk/government/publications/modern-crime-prevention-strategy>  
The Policy has been reviewed and was subject to public consultation between 09 March 2018 and 01 June 2018, (a twelve week period).

## **Introduction**

### **Statement of Licensing Policy - Public Consultation**

1. The existing Statement of Licensing Policy was adopted by the Council in December 2007, reviewed and updated (last) in January 2013 following a period of public consultation. However, the legislation obliges licensing authorities to review their licensing policies on a five-year cycle.
2. A copy of the existing Statement of Licensing Policy, incorporating the changes proposed and amendments from Officers is attached at Annexe 1. The tracked changes are shown in colour.
3. The consultation has been conducted by written process to all Responsible Authorities, bodies representing existing licence holders, representatives of registered clubs, businesses and residents in the Borough, Town and Parish Councils, and via the Waverley website.
4. There have been six responses in total to the consultation, four of which make no comment or suggestion which are attached at Annexe 2 and two further responses with proposed changes/comments relating to 'safeguarding and local initiatives' attached at Annexe 3. Officers have suggested a proposed amendment to the policy following the comments received - 18.3 page 26 of the licensing policy

### **Licensing objectives**

5. Historically alcohol related crime and anti-social behaviour has been a significant problem in parts of the Borough before the introduction of the Licensing Act 2003. Waverley continues to work in close partnership with the Relevant Authorities, (including Immigration Services a new Relevant Authority) to ensure that the potential impact as a result of extended licensing hours does not adversely impact upon the situation and community. The Council continues to promote all four of the key licensing objectives of preventing crime and disorder, public safety, preventing public nuisance and protecting children from harm, working in close conjunction with its partners to achieve its aims. This close working, normally a two- or three-pronged approach, as needed, has proved very effective. Input from the Licensing Manager and Enforcement Officers have been a helpful additional tool, as /they are removed from the Responsible Authorities and can therefore have an independent position and added impact where problems arise in licensed premises.

6. The Council has agreed a Licensing Joint Enforcement Protocol with Surrey Police, Surrey Fire and Rescue Service, Environmental Health, Surrey Trading Standards and other colleagues/agencies, whereby enforcement activity is targeted and its results monitored. Representatives from all agencies, are invited to meet monthly, as the Joint Action Group (JAG), in order to review any problems arising during the previous weeks. This meeting is co-ordinated by the Council's Community Safety team and chaired by the Waverley's Head of Communities and Major Projects. Reports of crimes and incidents relating to licensed premises are shared at JAG meetings, and a "traffic lights" priority system is then agreed to target enforcement resources.
7. The result has been a very focused partnership-working approach, which has also involved working with licensees through the four Pubwatch schemes in the Borough.

### **Fees and licences - for background information**

8. For information, the current licence fees set by the Government under the Licensing Act 2003 are as follows, together with information by way of context to date:-

	<u>Fee</u>	<u>Duration</u>
Personal licences	£37	Surrender/revocation
Premises licence and Club Premises Certificate	£100-635 depending on rateable value	Life of business
Premises annual fee	£70-350 depending on rateable value (with additional fee for very large events)	1 year
Variations/transfers	£23	
Temporary event notices	£21 each event	Up to 96 hours for one event

9. Certain premises are exempt from premises licence fees. These are generally village, parish, and community halls for providing regulated entertainment only. They are not exempt from temporary event notice fees.
10. The Licensing Act 2003 was implemented on 24th November 2005. To date around 1,640 personal licences have been issued, and there are currently 463 valid premises licences/club certificates (391/72) in Waverley, and a

continuing succession of variations to licences, premises supervisors and transfers of licences (ownership issues).

Around 7,016 temporary event notices (TENs) have been dealt with since 2008 (no records are held between the introduction of the legislation in November 2005 and the end of 2007).

In May 2012, 'Late TENs' were introduced, and since then to date 940 Late TENs have been processed.

The total amount of TENs and Late TENs since 2008 amounts to ,7956, averaging 796 TENs a year.

11. Since December 2007, one appeal has been lodged at the Magistrates' Court against decisions of the various Licensing Sub-Committees in relation to licensed premises, and there have been none within in the period of the last statement of licensing policy or since then:-
  - House of Blues, Godalming – Appeal against decision to attach certain condition to a premises licence, removal of DPS and some Licensable activities – Appeal withdrawn
12. The Government has stated that the income received from licence fees under the Licensing Act 2003 should cover all Council costs, including the consultation exercise. This is a general principle for all licensing although it is rarely achieved. The Council's budget book shows that the Council recovers only approximately around 88% of its Licensing Act 2003 costs from the fee structure. The income and expenditure issue is looked at during budget consideration in the autumn of each year.

#### Human Rights Implications

13. The Human Rights Act 1998 incorporated into English law the protection of human rights enshrined in the European Convention on Human Rights (ECHR). The Council must have regard to the human rights of individuals affected by its decisions. Although there are no direct implications in this report, the Council will have regard to the following matters in considering applications for licences under the Licensing Act 2003.
14. Article 1 of the First Protocol of the ECHR provides for the protection of private property and possessions. In addition to Article 1 of the First Protocol, the Council must comply with the principles of Article 6, which provides for the right to a fair hearing in determining civil rights and obligations. This necessitates a fair and public hearing undertaken within a reasonable time by an independent and impartial tribunal established by law. In providing for determination of licensing matters by a local authority the legislation also provides for appeal to the Magistrates' Court, so that there is access to an independent and impartial tribunal and a public hearing.



15. Article 8 of the ECHR confirms that everyone has the right to respect for his private and family life, his home and his correspondence. Accordingly, when making decisions on the grant of licences, the Council (the Committee) will consider representations on the effect of businesses on the amenities of residents living in the vicinity of premises which benefit from the licences.

### **Conclusion**

The Committee is asked to consider the comments and proposed changes on the Statement of Licensing Policy and make its recommendations for amending the Policy to the Executive. The Policy is ultimately set by the Council as part of the Policy Framework, on the recommendation of the Executive, and the activity under the Policy is the remit of this Committee and its Licensing Act Sub-Committees.

### **Recommendation**

It is recommended that the Licensing and Regulatory Committee consider the representations in Annexe 3 to this report and make recommendations as appropriate to the Executive so that a final revised version of the Statement of Licensing Policy for Waverley can be approved by the Council and with a view to formal adoption in order that the revised Policy may be in place by August 2018.

---

### **Background Papers**

Immigration Act 2016 and revised Guidance under section 182 of the Licensing Act (effective April 2018).

---

### **CONTACT OFFICER:**

**Name:** Paul Hughes

**Telephone:** 01483 523189

**E-mail:** [paul.hughes@waverley.gov.uk](mailto:paul.hughes@waverley.gov.uk)

This page is intentionally left blank



**STATEMENT OF LICENSING  
POLICY**

**Effective Period:  
01 August 2018 to 31 July 2023**

Approved by the Council at its meeting on ????? 2018

# CONTENTS

<u>Section</u>	<u>Title</u>	<u>Page</u>
1.	Introduction	2
2.	The Statement of Licensing Policy	4
3.	Consultation	4
4.	Administration, Exercise and Delegation of Functions	4
5.	Fundamental Principles	5
<b>The Four Licensing Objectives</b>		
6.	Prevention of Crime and Disorder (LO 1)	8
7.	Public Safety (LO 2)	13
8.	Prevention of Public Nuisance (LO 3)	15
9.	Protection of Children from Harm (LO 4)	17
10.	Licensing Hours	21
11.	Transfer of Licences	21
12.	Variation of Licences	21
13.	Provisional Statements	22
14.	Sexual Entertainment Venues	22
15.	Complaints / Review of Licences	22
16.	Permitted Temporary Activities	22
17.	Shops, Stores and Supermarkets	23
18.	Integrating Strategies and Avoiding Duplication	23
19.	Enforcement	26
20.	Appeals	26
21.	Further information	26
Annex 1	Responsible Authorities	27
Annex 2	Useful sources of information	29
Annex 3	Table of Delegations of Licensing Functions	30

## 1. INTRODUCTION

- 1.1 Waverley Borough covers an area of 345 square kilometres in southwest Surrey and is the largest district by geographic area in Surrey. The Borough is predominantly rural; three-quarters of the area is agricultural land and woodland, 61 per cent is Green Belt and 80 per cent is covered by environmental protection policies including the Surrey Hills Area of Outstanding Natural Beauty. Waverley is 35 miles from central London and is served by good strategic road and rail links but has a predominantly rural road network and limited public transport.
- 1.2 According to the 2011 Census, Waverley has a population of 121,572, of whom three-quarters live in the Borough's four main settlements; Farnham, Godalming, Haslemere and Cranleigh. The proportion of young people (0-14 years) is 18.4 per cent and is close to the regional and national averages. The district has 19.5 per cent of the population above pension age. The mean age is 41.5 years old. The proportion of people from ethnic groups other than 'white British' is 3.9 per cent; this compares with 9.3 per cent for the South East and 15.6 per cent for England.
- 1.3 The Council's Vision is “. ‘Making Waverley a better place to live and work’.
- 1.4 The Council recognises that the entertainment and leisure industry, and shopping, contribute to Waverley's urban and rural economies. These have a part to play in attracting tourists and visitors and are major employers.
- 1.5 Rural pubs and restaurants are an important part of village life, and pubs, bistros and restaurants contribute to the vitality of Waverley's towns, together with the arts and entertainment venues throughout the Borough.
- 1.6 In the past in Waverley, some licensed premises have caused nuisance to residents, either from noise or from behaviour of customers. Waverley wants to encourage all licensees to operate premises in a way that minimises future impact on neighbouring residents.
- 1.7 Waverley will also take into account wider issues of crime, disorder and nuisance including noise, littering and fouling of streets, street crime, together with the capacity of public transport and police to cope with concentrations of customers, particularly at night time.
- 
- 1.8 This Statement of Licensing Policy (“this Policy”) will both guide the Council in exercising its licensing functions as Licensing Authority for the Borough, and provide clarity for applicants for licensing and for residents.
- 1.9 Applicants are required when submitting operating schedules associated with their licensing applications to show how their proposals will meet this Policy and the Government's stated Licensing Objectives.
- 1.10 The Council is the “Licensing Authority” for the purposes of the Licensing Act 2003 (“the Act”) and is responsible for granting licences, certificates and notices in the Borough of Waverley for the activities described by the Act as “Licensable Activities”. These activities include:-

- (a) Retail sale of alcohol, including pubs, nightclubs and shops
- (b) Supply of alcohol to club members
- (c) Provision of “regulated entertainment” (listed below) – to the public, to club members or with a view to profit
  - (1) A performance of a play (more than 500 persons and/or between 2300 and 0800)
  - (2) A showing of a film
  - (3) An indoor sporting event (more than 1000 persons and/or between 2300 and 0800)
  - (4) Boxing or wrestling entertainment (whether indoor or outdoor for more than 1000 persons and/or between 2300 and 0800))
  - (5) A performance of live music (but note the changes brought in by the Live Music Act 2012-see ‘NOTE’ below;
  - (6) Any playing of recorded music (but note the changes brought in by the Live Music Act 2012-see ‘NOTE’ below;
  - (7) A performance of dance (more than 500 persons and/or between 2300 and 0800)
  - (8) Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance, and including karaoke

NOTE

The Live Music Act 2012 and Deregulation Act 2015 amended the Licensing Act 2003 by deregulating aspects of the performance of live and recorded music so that, in certain circumstances, it is not a licensable activity. However, live and recorded music remains licensable;

- Where a performance of live (amplified or unamplified) and/or recorded music– whether amplified or unamplified – takes place before 0800 and after 2300 on any day
- Where a performance of amplified live and/or recorded music does not take place either on relevant licensed premises, or at a workplace that is not licensed other than for the provision of late night refreshment
- Where a performance of amplified live and/or recorded music takes place at relevant licensed premises, at a time when those premises are not open for the purposes of being used for the supply of alcohol for consumption on the premises
- Where a performance of amplified live and/or recorded music takes place at relevant licensed premises, or workplaces, in the presence of an audience of more than 500 people or
- Where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act when imposing a

condition on a premises licence or certificate as a result of a licence review

NOTE The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 (from 27 June 2013) deregulates aspects of the performance of a play, performance of dance and indoor sporting events.

- It deregulates performance of plays / dance for audiences of up to 500 people, between the hours of 08:00 and 23:00 (with the exception of dancing for which a Sexual Entertainment Venue Licence is required);
- It deregulates indoor sporting events for audiences of up to 1000 people, between the hours of 08:00 and 23:00; and
- It clarifies that Combined Fighting Sports (Mixed Martial Arts etc) are a form of Boxing and Wrestling and will continue to be regulated.

(d) The supply of hot food and/or drink from any premises between 11.00 pm and 5.00 am – the provision of “Late Night Refreshment”.

## **2. THE STATEMENT OF LICENSING POLICY (Section 5(1) of Act)**

2.1 The Act requires that the Licensing Authority publishes a “Statement of Licensing Policy” that sets out the policies the Licensing Authority will apply in the exercise of its licensing functions under the Act. The Licensing Authority is obliged by the Act to review this Policy every five years.

2.2 This Policy has been prepared in accordance with the provisions of the Act and having regard to the statutory (amended April 2018<sup>87</sup>) guidance issued under Section 182 of the Act (“the Guidance”). This Policy will take effect on 1<sup>st</sup> August 2018 and will remain in force for a period of not more than 5 years, during which time it will be kept under review.

## **3. CONSULTATION**

3.1 This Policy has been prepared in consultation with the “Responsible Authorities” listed in Annex 1 to this Policy, bodies representing existing licence holders, representatives of registered clubs and businesses, residents in the Borough and advertised on Waverley’s website. The views of all these bodies, and evidence presented, have been given due weight in the determination of this Policy.

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

4.1 The powers of the Licensing Authority under the Act may be carried out by the Council’s Licensing and Regulatory Committee, by its Licensing Sub-Committees or by one or more officers acting under delegated authority.

- 4.2 In the interests of speed, efficiency and cost-effectiveness to all parties involved in the licensing process, the Council has established a scheme of delegation to deal with applications received under the Act.

CONSULTATION



- 4.3 This form of delegation is without prejudice to the Officers referring an application to a Sub-Committee, or a Sub-Committee to the Licensing and Regulatory Committee, if considered appropriate in the circumstances of any particular case, and only in accordance with the Act.
- 4.4 Any applications dealt with by Officers will be reported weekly via email to the Licensing Chairman and Vice Chairman for the purposes of information and comment only.
- 4.5 The Council's approved table of delegation, showing the decision-making process for applications under the Licensing Act 2003, is attached at Annex 3 to this Policy document.

## 5. FUNDAMENTAL PRINCIPLES

- 5.1 The Act requires that the Licensing Authority carry out its various licensing functions so as to promote the following four licensing objectives:-
- **the prevention of crime and disorder**
  - **public safety**
  - **the prevention of public nuisance**
  - **the protection of children from harm.**
- 5.2 Each objective is of equal importance. It is important to note that there are no other licensing objectives, and therefore these four objectives are paramount considerations at all times. These four licensing objectives are considered in more detail in sections 6 to 9.
- 5.3 Due to the similarity between the application processes for both premises licences and club premises certificates, a reference to a premises licence in this section will also be a reference to a club premises certificate.
- 5.4 All applications for new premises licences and variations need to be supported by an operating schedule. The schedule must specify (amongst other things) the steps which the applicant proposes to promote each of the four licensing objectives.
- 5.5 If no Responsible Authority or 'other person' lodges an objection (known as a 'relevant representation') to the application, the Licensing Authority must grant the application as set out in the operating schedule, subject only to mandatory conditions under the Act. The steps proposed by the applicant will become licence conditions. The Licensing Authority will have no discretion to refuse the application or to alter or add to the conditions arising from the operating schedule.
- 5.6 Where, however, there are relevant representations, then a hearing of the opposed application before a Licensing Sub-Committee will normally follow. At the hearing the Sub-Committee must, having regard to the representations, take such steps as it considers appropriate to promote the four licensing objectives. These may include refusing the application or adding to or modifying the conditions proposed in the operating schedule.

- 5.7 In exercising its discretion, the Licensing Sub-Committee will have regard (amongst other things) to this Policy. Therefore, in drawing up their operating schedule, applicants would be well advised to read this Policy carefully. Where an operating schedule complies with this Policy, it is generally less likely that any 'other person' or responsible authority will object to it, or that an objection will succeed. Therefore, compliance with this Policy is likely to assist the applicant to avoid the delay and expense of a contested licensing hearing, and the risk of a refusal or the addition of unwanted conditions.
- 5.8 This is not to say that an opposed application which complies with this Policy will necessarily be granted or that an opposed application which does not comply with it will necessarily be refused. Where there have been relevant representations, the Licensing Authority will always consider the merits of the case, and interfere with the operating schedule only when, and to the extent, appropriate to promote the four licensing objectives. Nor will blanket or standard conditions be applied without regard to the merits of the individual case. So, for example, the Licensing Authority will not interfere with an operating schedule which does not comply with this Policy where the steps proposed are sufficient to meet the four licensing objectives in the individual circumstances of the case.
- 5.9 However, this Policy represents the Licensing Authority's view of the best means of securing the four licensing objectives in most normal cases. It has been drawn up in consultation with other expert bodies and Responsible Authorities, together with community stakeholders. While the contents of the operating schedule are a matter for the applicant, where there is objection to a schedule which departs from this Policy, the Licensing Sub-Committee hearing an opposed application will normally expect to be given a good reason for the departure if it is asked to make an exception to this Policy.
- 5.10 In this Policy, there are a number of references to the Licensing Authority's expectation of applicants. As explained above, this Policy is only engaged where the Licensing Authority has a discretion following the receipt of a relevant representation. In such cases, the Licensing Authority will not apply this Policy rigidly, but will always have regard to the merits of the case with a view to promoting the four licensing objectives.
- 5.11 Further, the Licensing Authority may use this Policy when exercising other licensing functions. For example, when considering an application for review of a licence, the Licensing Authority is likely to view with concern premises which are being operated in clear breach of the terms of this Policy.
- 5.12 Nothing in this Policy will:-
- undermine the rights of any person to apply under the Act for a variety of permissions and have each such application considered on its individual merits, and/or
  - 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.
- 5.13 The Licensing Authority's purpose in licensing activities in premises is to work with the business community to maintain the level of business activity in towns and villages in a manner that has due regard for public enjoyment, health and safety in the area.

- 5.14 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs or at temporary events within the terms of the Act, and the conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity. Whether or not incidents can be regarded as being “in the vicinity” of licensed premises is a question of fact and will depend on the particular circumstances of the case.
- 5.15 In addressing this matter, the Licensing Authority 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 vicinity concerned.
- 5.16 The Licensing Authority acknowledges that licensing law is not the primary mechanism for the general control of nuisance or anti-social behaviour by individuals once they are away from the premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy.
- 5.17 The Act requires applicants to consider carefully this Policy when drafting their applications. Applicants will show that they have considered the practical effects of managing their business to accord with this Policy.
- 5.18 Waverley expects holders of a Premises Licence, Club Premises Certificate and Temporary Event Notice to make every effort to minimise the impact of their activities and any nuisance or anti-social behaviour by their patrons within the vicinity of their premises.
- 5.19 The Human Rights Act 1998, incorporating the European Convention on Human Rights, makes it unlawful for a local authority to act in a way, which is incompatible with a Convention right. The Licensing Authority will have regard to the Human Rights Act when exercising its licensing functions, with particular reference to the following relevant provisions of the European Convention on Human Rights:-
- Article 6 – In the determination of civil rights and obligations every person is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law
  - Article 8 – Every person has the right to respect for his home and private and family life.
  - Article 1 of the First Protocol – Every person is entitled to the peaceful enjoyment of his or her possessions.

## **THE FOUR LICENSING OBJECTIVES**

### **6. PREVENTION OF CRIME AND DISORDER**

**For how this Policy is to apply, please see section 5 (“Fundamental Principles”).**

- 6.1 The essential purpose of the premises licence or club premises certificate in the context of this licensing objective is to regulate the behaviour of people while on, or in the immediate vicinity of the premises as they seek to enter or leave.

## **Best Practice in crime prevention**

- 6.2 The Licensing Authority strongly encourages the implementation of best practice in licensed premises in the Borough in order to promote the crime prevention objective. Types of premises vary throughout the Borough, as do the types of licensable activities carried on at those premises, and therefore the steps appropriate to promote this objective will vary by premises.

## **Operating Schedules**

- 6.3 When preparing their operating schedules, applicants are encouraged to carry out a risk assessment of their premises by reference to the following items of best practice:-
- 6.3.1 Training given to staff in crime prevention measures appropriate to the premises;
  - 6.3.2 The physical security features installed in the premises. This may include matters such as the position of cash registers; the place where alcohol is stored in "off-licences"; the standard of CCTV that is installed; the use of plastic, toughened or similar safety drinking glasses in pubs and clubs; and the secure storage of waste which could potentially be used as weapons;
  - 6.3.3 The avoidance of irresponsible pricing or other promotions that contravene the four licensing objectives. As of 1 April 2010, the Act imposes a mandatory condition on all premises licences and club premises certificates requiring the responsible person to take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises (the only exception being where a licence or certificate only authorises the sale or supply of alcohol for consumption off the premises);
  - 6.3.4 Measures to prevent the supply and consumption of illegal drugs, including any search procedures and entry policies. As of 1 April 2010, the Act imposes a mandatory condition on all premises licences and club premises certificates requiring the responsible person to ensure that free tap water is provided on request to customers where it is reasonably available (the only exception being where a licence or certificate only authorises the sale or supply of alcohol for consumption off the premises);
  - 6.3.5 Measures to raise staff awareness of, and discourage and prevent the use of, drugs on the premises;
  - 6.3.6 Arrangements to provide secure facilities to store seized drugs in a secure place. Where drugs have been seized, records should be kept and all entries in the log witnessed. This log should be made available to any Police Constable or authorised officer of the Licensing Authority. The Police should be advised immediately of any confiscated item;
  - 6.3.7 Variations in staffing levels or music style or volume before the premises closes;
  - 6.3.8 Where premises are subject to age restrictions, procedures to conduct age verification checks, e.g. adoption and use of secure proof of age scheme, for example, driving licence or passport;

As of 1 October 2010, the Act imposes a mandatory condition on all premises licences and club premises certificates requiring the premises licence holder or club premises certificate holder to ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark;

6.3.9 The likelihood of any violence, public order or policing problem if the licence or certificate is granted;

6.3.10 Whether the applicant is a member of one of the four Pubwatch schemes in the Borough.

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

6.5 The steps volunteered in the operating schedule will become conditions of the licence or certificate, and therefore applicants should consider carefully the steps appropriate for the promotion of the four licensing objectives at their particular premises.

### **Opposed Applications**

6.6 If a relevant representation is made, the Licensing Authority will have discretion to take such steps as are appropriate to promote the four licensing objectives. In exercising its discretion, it may where relevant take into account whether the applicant proposes to follow the best practice set out above.

6.7 The Council, and therefore the Licensing Authority, also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions on, and to do all it reasonably can to prevent, crime and disorder in the Borough.

6.8 As set out in section 18 of this Policy, the Licensing Authority recognises the need to avoid duplication with other regulatory regimes as far as possible, including avoiding replicating offences set out in the Act and other legislation. The Licensing Authority will, when considering an application following receipt of relevant representation, consider attaching conditions to licences and certificates intended to prevent and deter crime and disorder, and these should reflect the general principles regarding licence conditions set out in Chapter 1 of the guidance.

6.9 Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected/permitted/licensed to take place there.

- 6.10 The Licensing Authority will work in partnership with the local Pubwatch Schemes in supporting licence holders to actively prevent crime and disorder and to form strategies to reduce current levels by meeting as necessary with members of the Scheme. The strategies seek to address matters such as under-age sales, problems associated with drunken individuals, prevention of use of drugs, violent and anti-social behaviour.

#### **Early Morning Restriction Orders (EMRO)**

- 6.11 The Licensing Authority after consultation with Surrey Police, has decided it is not appropriate for any area of the Borough to be covered by an EMRO at present.

The Licensing Authority will review the need for an EMRO's at least every five years as part of the review of this policy to see if circumstances have changed and any are needed, however Waverley would consider an EMRO at any time if circumstances changed and evidence supported this course of action.

#### **Late Night Levy**

- 6.12 The Licensing Authority after consultation with Surrey Police has decided, it is not appropriate for the Borough to be covered by a Late Night Levy at present.

The Licensing Authority will review the need for a Late Night Levy at least every five years as part of the review of this policy to see if circumstances have changed and one is needed, however Waverley would consider a Late Night Levy at any time if circumstances changed and evidence supported this course of action.

#### **Cumulative Impact**

- 6.13 The Licensing Authority has decided that, at present, it is not appropriate for any area of the Borough to be covered by a special policy on cumulative impact. There is therefore no special policy creating a rebuttable presumption that applications within a particular area of the Borough for new premises licences or club premises certificates or material variations thereto will normally be refused, if relevant representations are received about the cumulative impact on the four licensing objectives. The views of Surrey Police were taken into account when the Licensing Authority made this judgement.

- 6.14 The Licensing Authority will review the need for a special policy on cumulative impact at least every five years as part of the review of this policy to see if circumstances have changed and one is needed.

- 6.15 The Licensing Authority would not use such a special policy solely:-

- ♦ as grounds for revoking a licence when representations are received about problems with an existing licensed premises, or,
- ♦ to refuse applications to vary an existing licence, except where the modifications are directly relevant to this Policy. For example, where the application is for a significant increase in the capacity limits of a premises, and are appropriate for the promotion of the four licensing objectives.

- 6.16 The Licensing Authority will not take “need” (i.e. the commercial demand for premises offering a particular type of licensable activity) into account when considering an application that has attracted relevant representations, as this is a matter for planning control and the market. 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 and some distance from the premises. This is described as the “cumulative impact”, and is a proper matter for consideration by the Licensing Authority in the future.
- 6.17 The absence of a special policy does not prevent any responsible authority or any ‘other person’ making representations on a new application for the grant, or variation, of a premises licence or club premises certificate on the grounds that the premises will give rise to a negative cumulative impact on one or more of the four licensing objectives.
- 6.16 However, there will be no quota imposed by the Licensing Authority to restrict the number of premises or licences in the area as a whole.
- 6.19 The Licensing Authority will consider representations based upon the impact on the four licensing objectives if a particular application were to be granted. However, the onus would be on the individual or organisation making the objection to provide evidence to support their assertion that the addition of the premises in question would produce the cumulative impact on the objectives claimed, taking into account that the impact will be different for premises with different styles and characteristics.
- 6.20 The Licensing Authority will only consider restrictions relating to any cumulative effect regarding a particular application where relevant representations have been made on the grounds that the premises will give rise to a negative cumulative impact on one or more of the four licensing objectives, and then only where such restrictions are considered appropriate for the promotion of the four licensing objectives.
- 6.21 The Licensing Authority recognises that there are a number of other mechanisms, both within and outside the licensing regime, for addressing unlawful or anti-social behaviour which occurs away from licensed premises. These include:-
- planning controls;
  - positive measures to provide a safe and clean town or village centre environment in partnership with local businesses, transport operators and other departments of the Licensing Authority;
  - the provision of CCTV surveillance in town centres,..... (see Licensing Act guidance version April 2018<sup>7</sup> paragraphs [-2.3, 2.8, 10.10, 12.16 and 14.47-14.49](#))
  - powers to designate parts of the Borough as places where alcohol may not be consumed publicly;
  - police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices;
  - prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
  - confiscation of alcohol from adults and others in designated areas;

CONSULTATION



- police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises;
- the powers of police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question
- Early Morning Alcohol Restriction Orders (EMROs)
- Late Night Levy

6.22 The Licensing Authority will address a number of these issues in line with the strategic objectives for crime and disorder reduction within the Borough.

## 7. PUBLIC SAFETY

**For how this Policy is to apply, please see section 5 (“Fundamental Principles”).**

- 7.1 The public safety objective is concerned with the physical safety of the people, including any performers appearing at the premises, attending licensable activities at the relevant premises.
- 7.2 The Licensing Authority is committed to ensuring public safety across the Borough by working in close partnership, in particular with Surrey Police, Surrey Fire and Rescue, and licensees, and with any other relevant bodies.

### **Best Practice in public safety**

- 7.3 The Licensing Authority strongly encourages the implementation of best practice in licensed premises in the Borough in order to promote the public safety objective. Types of premises vary throughout the Borough, as do the types of licensable activities carried on at those premises, and therefore the steps appropriate to promote this objective will vary by premises.

### **Operating Schedules**

- 7.4 When preparing their operating schedules, applicants are reminded that it is a requirement of legislation that any licensed premises carry out a Fire Risk Assessment and to record the significant findings in writing (Regulatory Reform (Fire Safety) Order 2005 Article 9 paragraph 6.

When preparing their operating schedules, risk assessments of the premises should make reference to the following items of best practice:-

- 7.4.1 **Occupancy Limits** – The authority will not generally impose conditions as to occupancy levels where these are adequately addressed by other controls but may do so in any other case where relevant representations are made. Capacities should be addressed in the fire risk assessment.
- Fire Safety** – The fire risk assessment completed in relation to the use of the premises, should assist applicants in satisfying the Fire and Rescue Authority that the Public Safety objective will be met.
- 7.4.2 Levels of door supervision adequate to control access to and egress from premises in order to ensure the public safety;

- 7.4.3 Training for current and future staff in matters relating to public safety, where not already required by other legislation;
- 7.4.4 Prevention of injury – Where there is evidence of a current or past problem in relation to particular premises or a particular locality, or in all circumstances it is considered likely that such a problem might occur, and/or premises are to be used primarily for the sale or supply and consumption of alcohol on premises (particularly if those premises have little seating for patrons relative to their size/capacity), applicants should give consideration to a policy of using plastic, polycarbonate or toughened glass, and a policy not to pass glass bottles over the bar, either throughout the period of operation or at certain times or on certain occasions.
- 7.4.5 Measures to reduce the impact of noise both in terms of staff safety and protection of hearing of the public and staff at the premises, where such measures are not already required by other legislation;
- 7.4.6 Measures to ensure that litter does not cause a nuisance, health hazard to the public or a fire hazard to the vicinity, as generated by the activity at or near to the premises.
- 7.5 Applicants are expected to include the above items of best practice in their operating schedules, where relevant to the premises. Where they elect not to do so, they are strongly advised to include information explaining the omission. This might be because a risk assessment has shown that the step is unnecessary or because the item is already the subject of another consent, e.g. a planning permission or statutory obligation. If such information is not included, it is more likely that a relevant representation will be made, leading to the cost and delay of a hearing before a licensing sub-committee.
- 7.6 The steps volunteered in the operating schedule will become conditions of the licence or certificate, and therefore applicants should consider carefully the steps appropriate for the promotion of the four licensing objectives at their particular premises.

### **Opposed Applications**

- 7.7 If a relevant representation is made, the Licensing Authority will have discretion to take such steps as are appropriate to promote the four licensing objectives. In exercising its discretion, it may where relevant take into account whether the applicant proposes to follow the best practice set out above.
- 7.8 As set out in section 18 of this Policy, the Licensing Authority recognises the need to avoid duplication with other regulatory regimes as far as possible, including avoiding replicating offences set out in the Act and other legislation. The Licensing Authority will, when considering an application following receipt of relevant representation, consider attaching conditions to licences and certificates intended to prevent public nuisance, and these should reflect the general principles regarding licence conditions set out in Chapter 1 of the guidance.
- 7.9 Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected/permitted/licensed to take place there.

7.10 When exercising its functions regarding premises licences and club premises certificates, the Licensing Authority will take into account (where relevant) applicants' requests for terminal hours in the light of the four licensing objectives and this Policy, and in view of:-

- environmental quality;
- residential amenity;
- character or function of a particular area; and
- nature of the proposed activities to be provided at the premises.

7.11 The terminal hours will normally be approved where it is shown that the proposal would not adversely affect the issues listed in 7.10 above. The Licensing Authority may set an earlier terminal hour where it considers this is appropriate to the nature of the activities and the amenity of the area having regard to the four licensing objectives and representations from responsible authorities or any 'other person'.

## **8. PREVENTION OF PUBLIC NUISANCE**

**For how this Policy is to apply, please see section 5 ("Fundamental Principles").**

8.1 In considering the promotion of this licensing objective, the Licensing Authority will focus on impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate or unreasonable.

8.2 The Licensing Authority will mainly be concerned with noise nuisance, light pollution, noxious smells and litter.

8.3 Under the Act, "public nuisance" retains its broad common law meaning. The prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include, in appropriate circumstances, the reduction of the living and working amenity and environment of any other person.

### **Best practice in the prevention of public nuisance**

8.4 The Licensing Authority strongly encourages the implementation of best practice in licensed premises in the Borough in order to promote the prevention of public nuisance objective. Types of premises vary throughout the Borough, as do the types of licensable activities carried on at those premises, and therefore the steps appropriate to promote this objective will vary by premises.

### **Operating Schedules**

8.5 When preparing their operating schedules, applicants are encouraged to carry out a risk assessment of their premises by reference to the following items of best practice:-

- 8.5.1 Measures 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 (though these may add to the problem, especially if left on overnight), acoustic lobbies and sound limitation devices;
  - 8.5.2 Measures to prevent disturbance by patrons/customers arriving at or leaving the premises, particularly between the hours of 10.00 pm and 7.00 am;
  - 8.5.3 Measures to prevent queuing or, if queuing is inevitable, to divert queues away from neighbouring premises, or otherwise to manage the queue to prevent disturbance or obstruction;
  - 8.5.4 Measures to ensure that customers/patrons and staff leave the premises quietly;
  - 8.5.5 Arrangements for parking by patrons/customers, and minimisation of the effect that parking will have on local residents and businesses;
  - 8.5.6 Measures to reduce the impact that the use of gardens or other open-air areas will have on local residents and businesses;
  - 8.5.7 The siting of external lighting, including security lighting that is installed appropriately;
  - 8.5.8 Accessibility to local public transport services, including taxis and private hire vehicles;
  - 8.5.9 Measures to minimise the impact of refuse storage or disposal (including noise associated with bottle delivery and disposal), or additional litter (including fly posters and unauthorised placards) in the vicinity of the premises.
- 8.6 Applicants are expected to include the above items of best practice in their operating schedules, where relevant to the premises. Where they elect not to do so, they are strongly advised to include information explaining the omission. This might be because a risk assessment has shown that the step is unnecessary or because the item is already the subject of another consent, e.g. a planning permission or statutory obligation. If such information is not included, it is more likely that a relevant representation will be made, leading to the cost and delay of a hearing before a licensing sub-committee.
- 8.7 The steps volunteered in the operating schedule will become conditions of the licence or certificate, and therefore applicants should consider carefully the steps appropriate for the promotion of the four licensing objectives at their particular premises.

### **Opposed Applications**

- 8.8 If a relevant representation is made, the Licensing Authority will have discretion to take such steps as are appropriate to promote the four licensing objectives. In exercising its discretion, it may where relevant take into account whether the applicant proposes to follow the best practice set out above.

- 8.9 As set out in section 18 of this Policy, the Licensing Authority recognises the need to avoid duplication with other regulatory regimes as far as possible, including avoiding replicating offences set out in the Act and other legislation. The Licensing Authority will, when considering an application following receipt of relevant representation, consider attaching conditions to licences and certificates intended to prevent public nuisance, and these should reflect the general principles regarding licence conditions set out in Chapter 1 of the guidance.
- 8.10 Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected/permitted/licensed to take place there.
- 8.11 If the applicant has previously held a licence within the Borough, the history of any enforcement or any relevant action arising from the previously licensed premises (e.g. a noise abatement notice) may be requested by the Licensing Authority, where relevant, should relevant representations be received in respect of the application.
- 8.12 Similarly, the enforcement history of the premises the subject of the application may also be requested from the appropriate responsible authority where considered relevant, and then only where relevant representations are received in respect of the application.

## **9. PROTECTION OF CHILDREN FROM HARM**

**For how this Policy is to apply, please see section 5 (“Fundamental Principles”).**

- 9.1 The protection of children from harm includes the protection of children from moral, psychological and physical harm, and this would include the protection of children from too early an exposure to strong language and sexual expletives, for example, in the context of film exhibitions or where adult entertainment is provided. Surrey County Council Child Employment Services in particular are the relevant authority competent to advise on the protection of children from harm.
- 9.2 However, in the context of many licensed premises such as pubs, restaurants, café bars and hotels, the Licensing Authority recognises that the development of family-friendly environments should not be frustrated by overly restrictive measures in relation to children.
- 9.3 The Licensing Authority recognises that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting conditions unless the Act itself imposes such a restriction or there are good reasons to restrict entry or to exclude children completely. The Licensing Authority will focus on enforcing the law concerning the consumption of alcohol by minors.

### **Access to Licensed Premises**

- 9.4 The Act prohibits unaccompanied children from entering certain premises and between certain hours. It is an offence under the Act to:-
- (a) permit children under the age of 16 who are not accompanied by an adult (aged 18 or over) to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises under the authority of a premises licence, club premises certificate or temporary event notice, and

- (b) permit the presence of children under the age of 16 who are not accompanied by an adult between midnight and 5.00 am at other premises supplying alcohol for consumption on the premises under the authority of a premises licence, club premises certificate or temporary event notice

Other than set out above, and subject to the licensee's discretion, the Act does not prevent unaccompanied children from having free access to any licensed premises where the consumption of alcohol is not the exclusive or primary activity

9.5 The Licensing Authority will consider the individual merits of each application, and then only when an application attracts relevant representations, before deciding whether it is appropriate to limit the access of children to any given premises. The following are examples of premises that will raise particular concern:-

- where there have been convictions for serving alcohol to minors or with a reputation for under-age drinking;
- where there is a known association with drug taking or drug dealing;
- where there is a strong element of gambling on the premises;
- where entertainment of an adult or sexual nature is provided;
- where films with age-restricted classifications are to be shown.

9.6 Where relevant representations are received in respect of an application, the Licensing Authority may consider the following additional measures (which may be adopted in combination) for limiting the access of children to licensed premises in order to prevent harm:-

- Limitations on the hours when children may be present;
- Limitations on ages below 18;
- Limitations or exclusion when certain activities are taking place;
- Restrictions or exclusions in respect of parts of premises;
- Requirements for an accompanying adult;
- Full exclusion of people who are under 18 years of age from the premises when any licensable activities are taking place.

9.7 No conditions will be imposed requiring that children be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee or club or person who has served a temporary event notice on the Licensing Authority.

9.8 Applicants for premises licences and club premises certificates must send copies of their applications to the Surrey Safeguarding Children Unit (see list at Annex 1) on any application that indicates that there may be concern over access for children.

## **Illegal sales of restricted goods**

- 9.9 The Licensing Authority and the Police take a serious view of the sale to minors of age-restricted goods. Trading Standards in Surrey 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 the Licensing Authority. This work will continue and the Licensing Authority will welcome reports from the Trading Standards Department on any licensing matter. The Licensing Authority has particular regard to addressing problems caused by the link between alcohol sales to minors and crime and disorder issues.

## **Best practice in the protection of children from harm**

- 9.10 The Licensing Authority strongly encourages the implementation of best practice in licensed premises in the Borough in order to promote the protection of children from harm objective. Types of premises vary throughout the Borough, as do the types of licensable activities carried on at those premises, and therefore the steps appropriate to promote this objective will vary by premises.

## **Operating Schedules**

- 9.11 When preparing their operating schedules, applicants are encouraged to carry out a risk assessment of their premises by reference to the following items of best practice:-
- 9.11.1 Staff training on the law with regard to restricted sales;
  - 9.11.2 Training records and documentation to be kept available for inspection;
  - 9.11.3 Staff training to include checking identification (ID) for proof of age through a secure system. As of 1 October 2010, the Act imposed a mandatory condition on all premises licences and club premises certificates requiring the premises licence holder or club premises certificate holder to ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark;
  - 9.11.4 A responsible person (as identified by Section 153 (4) of the Act) who is present and responsible for transactions made through staff that may be under 18 years of age;
  - 9.11.5 Procedures in place to train and remind staff that all age-restricted products may only be sold in accordance with the Act (and other legislation) so that proof of age may be sought where needed;
  - 9.11.6 Procedures in place to record refusals of sales, with such records kept available for inspection;
  - 9.11.7 Vending machines dispensing age-restricted goods to be positioned to allow for proper supervision at all times;

9.11.8 Arrangements for restricting children from viewing age-restricted films, classified according to the recommendations of the British Board of Film Classification (BBFC) or the Licensing Authority.

9.11.9 Where the majority of the intended audience at regulated entertainment is expected to be children or the entertainment offered is of a nature likely to be of interest to children (e.g. theatre productions or film shows), the following are considered best practice arrangements in order to control their access and egress and to assure their safety:-

- Each event/facility to assess requirements has undertaken specific risk assessments to identify ratios/regulations required for applicant may be asked to provide proof of risk assessment.
- A “Lost Child” policy which identifies arrangements for the safe care of lost children until they are reunited with the parent/guardian.
- A staff-to-children ratio which will ensure adequate supervision.

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

9.13 The steps volunteered in the operating schedule will become conditions of the licence or certificate, and therefore applicants should consider carefully the steps appropriate for the promotion of the four licensing objectives at their particular premises.

### **Opposed Applications**

9.14 If a relevant representation is made, the Licensing Authority will have discretion to take such steps as are appropriate to promote the four licensing objectives. In exercising its discretion, it may where relevant take into account whether the applicant proposes to follow the best practice set out above.

9.15 As set out in section 18 of this Policy, the Licensing Authority recognises the need to avoid duplication with other regulatory regimes as far as possible, including avoiding replicating offences set out in the Act and other legislation. The Licensing Authority will, when considering an application following receipt of relevant representation, consider attaching conditions to licences and certificates intended to protect children from harm, and these should reflect the general principles regarding licence conditions set out in Chapter 1 of the guidance.

9.16 Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected/permitted/licensed to take place there.



## **10. LICENSING HOURS**

- 10.1 The Act does not promote or prohibit longer licensing hours. However, the Licensing Authority recognises that the Guidance emphasises that the aim through the promotion of the four licensing objectives should be to reduce the potential for concentrations of, and a slower dispersal of, people from licensed premises through flexible opening times. This may be important to ensure that large concentrations of people do not leave premises at the same time and it may reduce the friction at late night hot food outlets, taxi ranks (hackney carriage stands), taxi or private hire operators' offices and other sources of transport that can lead to disorder and disturbance.
- 10.2 The Licensing Authority will not set fixed opening hours within certain areas, as this may lead at particular times to the movement of significant numbers of people seeking premises opening later, resulting in concentrations of disturbance and noise.
- 10.3 The Licensing Authority may consider imposing stricter conditions in respect of noise control where premises are situated in areas that have dense residential accommodation and/or are close to sensitive areas, for example hospitals, schools, places of worship, nursing homes. However, regard will be given to the individual merits of any application, and the Licensing Authority would only have discretion to consider attaching such conditions where a relevant representation is received in respect of an application, and then only where considered appropriate for the promotion of the four licensing objectives.

## **11. TRANSFER OF LICENCES**

When considering an application for the transfer of a premises licence, the authority will only have regard to the exceptional circumstances of the case as set out in any objection raised by the police on the grounds that the transfer will undermine the crime prevention objective. The effect on the crime prevention objective will be considered against the background of the policies contained in this document.

## **12. VARIATION OF LICENCES**

- 12.1 When considering an application for the variation of a licence, the authority will consider the impact of the variation in terms of the policies in this document and the four licensing objectives. It will not use such an application as a means to review the licence terms and conditions already granted.
- 12.2 Minor Variations - A premises licence/club premises certificate holder may apply under the minor variation procedure for small variations that will not impact adversely on the four licensing objectives. There is no right to a hearing if the minor variation application is rejected. In its place a full variation application may be made.
- 12.3 Disapplication of Designated Premises Supervisor – Where community premises hold a premises licence allowing the sale/supply of alcohol, the licence holder can apply to have the mandatory condition requiring a Designated Premises Supervisor to be appointed, be removed. This passes the responsibility for the sale/supply of alcohol to the premises Management Committee.

### **13. PROVISIONAL STATEMENTS**

An application for a provisional statement will be considered in the same way as would an application for a premises licence or club premises certificate, on the assumption that the works are completed as per the schedule of works submitted by the applicant.

### **14. SEXUAL ENTERTAINMENT VENUES**

14.1 Where premises are to be used on twelve or more occasions within a 12-month period for relevant sexual entertainment, the premises must also be licensed as a Sexual Entertainment Venue. Relevant sexual entertainment includes lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows. This activity is the subject of a separate Council policy.

14.2 This licence only applies in areas where Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009) has been adopted.

### **15. COMPLAINTS / REVIEW OF LICENCES**

15.1 The Licensing Authority will investigate complaints relevant to the four licensing objectives in relation to licensed premises. In the first instance, complainants will be encouraged to raise the complaint directly with the licensee or business concerned. Where a Responsible Authority or any 'other person' has made:

- (a) valid representations about licensed premises; or
- (b) a valid application for a licence to be reviewed

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

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

### **16. PERMITTED TEMPORARY ACTIVITIES**

16.1 Where a person wishes to use premises for one or more licensable activities for a period not exceeding 168 hours, that person can serve a;

- Standard Temporary Event Notice (TEN) on the Licensing Authority in notifying it of the event. The TEN must be served on the Licensing Authority and a copy served on the Police and Environmental Health, as Responsible Authorities no later than ten clear working days before the event is to begin. To avoid confusion, the ten working days does not include weekends, public holidays, the day of receipt of the TEN and the day of the event itself.
- Late Temporary Event Notice (LATE TEN) on the Licensing Authority in notifying it of the event. The TEN must be served on the Licensing Authority and a copy served on the Police and Environmental Health, as Responsible Authorities no later than 5 working days before the first day of the event and no earlier than 9 working days before the first day of the event

- 16.2 The maximum number of persons allowed on the premises at the same time during the temporary event is 499.
- 16.3 If alcohol is to be supplied, all supplies must be carried out by or under the authority of the person serving the TEN, and that person need not hold a personal licence.
- 16.4 Only the Police and Environmental Health may object to the staging of a temporary event. If they believe that any of the of the four licensing objectives will be undermined by the event they will issue an 'Objection Notice'
- 16.5 Where an Objection Notice is received in relation to a standard TEN, a licensing Panel will be held to determine the notice within seven working days of the Objection Notice being issued. The Licensing Authority will notify all relevant parties of the time and venue for the hearing. A hearing will not always be necessary if an agreed modification can be made beforehand. Where an Objection Notice is received in relation to a Late TEN, the event will automatically be refused authorisation. There is no right of appeal in this instance.
- 16.6 There are limitations on the number of TENs that individuals can give and which can be given in relation to particular premises.
- 16.7 A Licensing Authority may impose conditions on a TEN if it considers that this promotes the licensing objectives. A Licensing Authority can only impose such conditions if an objection has been made by at least one relevant person (and the licensing authority considers that permitting the event to proceed would promote the licensing objectives), and at least a part of the premises in relation to which the TEN is given is already subject to a premises licence or club premises certificate. Any such conditions must be consistent with the activity authorised by the TEN and existing conditions attaching to the subsisting licence or certificate.
- 16.8 Where the limitations on a temporary event cannot be fulfilled, for example due to the large numbers attending, a premises licence will be required. The Licensing Authority would expect early notice of such a major event to allow Responsible Authorities to discuss and agree operating schedules.

## **17. SHOPS, STORES AND SUPERMARKETS**

- 17.1 The Licensing Authority will consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for shopping.
- 17.2 The Licensing Authority may consider whether there are very good reasons for restricting those hours. For example, a limitation of opening hours may be appropriate following relevant representations from the Police in the case of shops known to be the focus of disorder and disturbance because people gather there and engage in nuisance and/or anti-social behaviour.

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

- 18.1 The Licensing Authority recognises the need to avoid duplication with other regulatory regimes as far as possible. This Policy is not intended to duplicate existing legislation and regulatory regimes that place duties upon employers and operators. In the event that conduct of activity related to the business has been found to be in contravention of other regulatory regimes the Licensing Authority will have regard to such conduct in considering licensing applications.

18.2 Some regulations do not cover the particular circumstances that arise in connection with entertainment. The Licensing Authority may, for example, attach conditions to premises licences and club premises certificates where these are considered appropriate for the promotion of the four licensing objectives and are not already provided for in any other legislation.

18.3 The Council has set up multi-disciplinary working groups to ensure the proper integration of local crime prevention, (e.g. Joint Action Group (JAG).

The Council has also set up a Joint Enforcement Initiative (JEI) to protect the borough's environment by combating environmental crime, and to work more cohesively and effectively to enforce against anti-social behaviour.

Waverley is committed to support Safeguarding Children and Vulnerable People. Waverley's Safeguarding Policy can be found at;

[http://www.waverley.gov.uk/info/870/community\\_safety/920/safeguarding/1](http://www.waverley.gov.uk/info/870/community_safety/920/safeguarding/1)

And Safer Waverley Partnership Draft Partnership Strategy and Plan 2017-20 at;

[http://www.waverley.gov.uk/downloads/file/5767/safer\\_waverley\\_partnership\\_SWP\\_partnership\\_and\\_strategy\\_plan\\_2017-2020](http://www.waverley.gov.uk/downloads/file/5767/safer_waverley_partnership_SWP_partnership_and_strategy_plan_2017-2020)

### **Planning**

18.43 The Licensing Authority recognises that there should be a proper separation of the planning and licensing regimes to avoid duplication and inefficiency. Licensing applications should not be a re-run of planning applications and should not cut across decisions taken by the Council's Area and Joint Planning Committees (or their successor committees) or following appeals against decisions taken by those Committees. Similarly, applicants for premises licences are responsible for making sure that they have the appropriate planning permission to reflect the proposals in their operating schedule and to enable them to comply with the commitments to service provision detailed in their operating schedule. Applicants should not propose in their operating schedule management measures affecting health and safety that conflict with planning or listed building control.

18.54 The Waverley Borough Local Plan 2002 and the emerging Local Plan acknowledges that restaurants, public houses and other such uses are important elements in the mix of uses found in town centres and to the evening economy. Food and drink uses are considered under Policy S6 of the Local Plan (Chapter 8 development plan policy). Planning cannot take into account the possible behaviour or public order issues resulting from new development or changes of use, as these are not land-use issues. It does, however, recognise that such uses can cause disturbance to neighbours and can have an adverse effect on the character of an area. It seeks to eliminate or limit such adverse impacts in various ways, by imposing reasonable planning conditions restricting hours of operation, and ensuring that parking activities are controlled, particularly at unsocial hours.

18.65 The Council's planning policies are set out in the Waverley Borough Local Plan 2002, the emerging Local Plan and supplementary planning guidance.

~~18.6 The Council has set up multi-disciplinary working groups to ensure the proper integration of local crime prevention, (e.g. Joint Action Group (JAG).~~

### **Crime Prevention**

- 18.7 Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention and crime and disorder strategies and applicants will be expected to address these in their operating schedules.

**Cultural Strategies**

- 18.8 The Licensing Authority will monitor the impact of licensing on regulated entertainment particularly live music, dance and theatre. The Licensing Authority aims to support the development of Cultural Services.

CONSULTATION

18.9 Specific reference is made within Waverley's Cultural Strategy to support for the development of arts centres, including provision of live music, dance and theatre. The Strategy also seeks to continue to promote the use of parks in the Borough as a venue for seasonal live theatre events.

18.10 As part of implementing the Cultural Strategy, the Licensing Authority recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community, particularly for young people. It is also keen to promote new and to continue existing cinema provision in the Borough.

### **Sports**

18.11 The Council encourages local sporting organisations, through its Cultural Strategy, to generate revenue by making best use of their pavilions and any other facilities they may have.

### **Transport**

18.12 Where appropriate, the Licensing Authority will arrange for protocols with the Surrey Police to provide for reports to the Local Authority Committee responsible for transport matters on the need for the swift and safe dispersal of people from the town centres to avoid concentrations, which can produce disorder and disturbance.

### **Tourism & Employment**

18.13 Arrangements will be made for the Licensing & Regulatory Committee to receive reports on the following relevant matters to ensure these are reflected in their considerations:-

- the needs of the local tourist economy and cultural strategy for the Borough, and,
- the employment situation in the Borough and the need for investment and employment where appropriate.

18.14 The Licensing Authority will seek to discharge its licensing responsibilities with due regard to other Government strategies that impact upon the four licensing objectives e.g.

- Safer Clubbing
- National alcohol harm reduction strategy
- Home Office Action Plan for tackling alcohol-related crime, nuisance and disorder
- LACORS/TSI Code of Best Practice on test purchasing

HSE Events Guide (particularly, but not exclusively, for temporary events and Temporary Events Notices)

**19. ENFORCEMENT**

- 19.1 The Licensing Authority has established a protocol with the Responsible Authorities on the enforcement of the Act. This provides for the efficient deployment of Authority Officers engaged in enforcing the Act and inspecting licensed premises, in order to ensure that resources are targeted at problem and high-risk premises. The Council's Licensing Enforcement Protocol is available at Waverley Borough Council's website.
- 19.2 The Licensing Authority is also subject to a corporate Enforcement Policy and Concordat, based on the principles of consistency, transparency and proportionality as set out in the Department of Trade and Industry's Enforcement Concordat. This ensures that any enforcement action taken is proportionate and reflects the risk posed to the promotion of the four licensing objectives, and that it is carried out in a fair and consistent manner, including prosecution where appropriate.
- 19.3 Waverley will continue to support and participate in the Surrey county-wide licensing forum – a local forum which aims to:-
  - help develop consistency between the statutory agencies responsible for licensed premises;
  - develop potential for a joint approach to implementation and administration;
  - act as a strategic forum for licensing in Surrey;
  - develop liaison with agencies and other relevant organisations;
  - promote best practice;
  - enhance the potential for sharing resources.

**20. APPEALS**

Applicants and those making representations in respect of applications and reviews to the Licensing Authority have a right of appeal to the Magistrates' Court against the Authority's decisions. Further information on how to appeal can be obtained by contacting the Guildford Magistrates' Court, The Law Courts, Mary Road, Guildford, Surrey GU1 4PS. Tel: 01483 405300.

**21. FEES**

Following amendments that came into force in October 2012 the Licensing Act 2003 requires a Licensing Authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due.

**22. FURTHER INFORMATION**

If you need more details about the licensing process or making an application please contact the Licensing Section, Waverley Borough Council, The Burys, Godalming, Surrey, GU7 1HR. Tel: 01483 523033

\*\*\*\*\*

RESPONSIBLE AUTHORITIES

- (a) **Police Authority**  
Chief Officer of Police, c/o Waverley Licensing Officer, Surrey Police, P O Box 101,  
GU1 9PE  
Tel: 01483 639512
- (b) **Fire Authority**  
Surrey Fire and Rescue Service, Headquarters, Croydon Road, Reigate, Surrey,  
RH2 0EJ.  
Tel: 01483 517277
- (c) **Trading Standards**  
Surrey County Council Trading Standards, Consort House, 5-7 Queensway, Redhill,  
Surrey, RH1 1YB  
Tel: 01372 371700
- (d) **Health and Safety at Work**  
Head of Environment, Waverley Borough Council, The Burys, Godalming, Surrey,  
GU7 1HR.  
Tel: 01483 523333
- (e) **Local Planning Authority**  
Head of Planning, Waverley Borough Council, The Burys, Godalming, Surrey,  
GU7 1HR.  
Tel: 014873 523333
- (f) **Local Authority – Prevention of Pollution (to environment or harm to human health)**  
Head of Environment, Waverley Borough Council, The Burys, Godalming, Surrey,  
GU7 1HR.  
Tel: 01483 523333
- (g) **Protection of Children from Harm**  
County Child Employment and Strategy Manager, Quadrant Court, 35 Guildford  
Road, Woking, Surrey, GU22 7QQ  
Tel: 01483 517838
- (h) **Licensing Authority (Other than the relevant licensing authority) in whose area part of the premises is situated**
- (i) **Public Health**  
Room G55, County Hall, Penrhyn Road, Kingston Upon Thames, KT1 2DN  
Tel: 01737 733746
- (j) **Home Office (Immigration Enforcement)**  
Alcohol Licensing Team, Lunar House, 40 Wellesley Road, Croydon, Surrey, CR9  
2BY

To be advised on individual cases

- (j) **In relation to a vessel - Navigation Authority**



Navigation Manager, National Trust, River Wey Navigations, Dapdune Wharf, Wharf  
Road, Guildford, Surrey, GU1 4RR.  
Tel: 01483 561389

CONSULTATION

OTHER USEFUL SOURCES OF INFORMATION

- A. The Licensing Act 2003 can be viewed on the web site at [www.legislation.gov.uk/ukpga/2003/17/contents](http://www.legislation.gov.uk/ukpga/2003/17/contents)
- B. The latest revised Guidance for the Licensing Act 2003 (April 2017) can be viewed on the web site at <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)
- C. The Home Office has issued its Modern Crime Prevention Strategy (March 2016) which potentially impacts on licensing, including the encouragement of partnership working schemes, improved local intelligence systems for use as evidence in licensing hearings, and support to local authorities in efforts to diversify late night economy away from alcohol-led premises, and which is available on the Home Office website at:  
<https://www.gov.uk/government/publications/modern-crime-prevention-strategy>
- DG. The Government's Alcohol Harm Reduction Strategy can be viewed at <https://www.gov.uk/government/publications/alcohol-strategy>
- ED. The Licensing Authority's latest licensing information can be found on its own web site at [www.waverley.gov.uk/site/scripts/services\\_info.php?serviceID=220](http://www.waverley.gov.uk/site/scripts/services_info.php?serviceID=220)
- FE. [www.ias.org.uk](http://www.ias.org.uk) (the website of the Institute of Alcohol Studies)
- GF. Registration and training of doorstaff (from 2005) has been the responsibility of the Security Industry Authority. Information can be obtained from <https://www.sia.homeoffice.gov.uk/Pages/home.aspx>
- HG. The British Institute of Innkeeping (BII) is a trainer and an awarding body for the appropriate qualifications. It can be contacted on [www.bii.org/](http://www.bii.org/) or 01276 684 449, email [enquiries@bii.org](mailto:enquiries@bii.org)
- IH. Surrey Safeguarding Children Board - information can be obtained from <http://www.surreyscb.org.uk/> or 01372 833330 or email; [sscb@surreycc.gov.uk](mailto:sscb@surreycc.gov.uk)
- JJ. Surrey Alcohol and Drug Advisory Service. Information can be found at <http://www.catalystsupport.org.uk/> or 01483 590150 or email; [info@catalystsupport.org.uk](mailto:info@catalystsupport.org.uk)

## TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

Approved by the Council 20th July 2004

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COMMITTEE</b>	<b>SUB-COMMITTEE (3 MEMBERS)</b>	<b>AUTHORISED OFFICERS</b>
Application for personal licence		If an objection made	If no objection 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 for Minor Variation to vary premises licence/club registration certificate			All Cases
Application to vary premises licence/club registration certificate		If a representation made	If no representation made
Application to vary designated personal licence holder		If a police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for Interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises Registration		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 lead authority		All cases	

Determination of a police and/or Environmental health representation to Standard temporary event notices		All cases	
Determination of a police and/or Environmental health representation to 'Late' temporary event notices			Officers to reject application in all cases

CONSULTATION

**Paul Hughes**

---

**From:** Andrew Bolton  
**Sent:** Friday 09 March 2018 15:02  
**To:** Paul Hughes  
**Subject:** RE: Licensing Policy Consultation

Thank you

Councillor Andrew Bolton  
Godalming Central & Ockford

---

**From:** Paul Hughes  
**Sent:** 09 March 2018 14:57  
**To:** Andrew Bolton  
**Subject:** RE: Licensing Policy Consultation

Dear Cllr Bolton,

Please find attached a copy with track changes shown.

Kind regards

Paul Hughes  
Licensing Manager  
Waverley Borough Council  
01483 523189

---

**From:** Andrew Bolton  
**Sent:** Friday 09 March 2018 14:50  
**To:** Paul Hughes  
**Subject:** RE: Licensing Policy Consultation

Dear Paul

I can't see amendments on the attached document. Can you send a version which shows the amendments?

Councillor Andrew Bolton  
Godalming Central & Ockford

---

**From:** Paul Hughes  
**Sent:** 09 March 2018 14:34  
**To:** Licensing Policy  
**Subject:** Licensing Policy Consultation

**CONSULTATION - REVIEW OF WAVERLEY BOROUGH COUNCIL'S STATEMENT OF LICENSING POLICY - GIVE YOUR VIEWS BY 01st JUNE 2018**

---  
**Subject:**  
**Attachments:**

FW: Licensing Policy Consultation  
Revised Statement of Licensing Policy 2018 draft CONSULTATION.pdf

Dear Paul,

Thank you for your e-mail.

I confirm I have reviewed your statement of licensing policy and have no comments regarding the proposed changes.

Kind regards.

## Paul Hughes

---

**From:** Jenny de Q <Jenny.Deq@farnham.gov.uk>  
**Sent:** Tuesday 03 April 2018 15:49  
**To:** Paul Hughes  
**Subject:** RE: Licensing Policy Consultation


Dear Paul

Thank you so much.

Regards  
Jenny



Farnham Town Council, Council Offices, South Street, Farnham, Surrey, GU9 7RN  
Switchboard: 01252 712667 (Calls maybe recorded for monitoring or training purposes)  
Web: [www.farnham.gov.uk](http://www.farnham.gov.uk)

 Please consider the environment before printing this email.

This e-mail and any files attached are confidential and intended for the addressee(s) only. If you are not the intended person please notify the sender immediately. Unless otherwise stated, opinions of the author are not necessarily the opinions of Farnham Town Council. Farnham Town Council operates anti-virus programmes but can not accept any responsibility for viruses being passed on.

**From:** Paul Hughes [mailto:Paul.Hughes@waverley.gov.uk]  
**Sent:** 03 April 2018 14:50  
**To:** Jenny de Q <Jenny.Deq@farnham.gov.uk>  
**Subject:** RE: Licensing Policy Consultation

Dear Jenny,

Please see Policy with track changes.

Regards

Paul Hughes  
Licensing Manager  
Waverley Borough Council  
01483 523189

---

**From:** Jenny de Q [mailto:Jenny.Deq@farnham.gov.uk]  
**Sent:** Tuesday 03 April 2018 13:10  
**To:** Paul Hughes  
**Subject:** FW: Licensing Policy Consultation

Dear Paul

Do you have a revised document for review showing the changes from the current Policy please?

**From:** Kathy Victor [mailto:[bramleyparish@gmail.com](mailto:bramleyparish@gmail.com)]  
**Sent:** Thursday 05 April 2018 11:29  
**To:** Licensing Policy  
**Subject:** Re: Licensing Policy Consultation

Thank you for forwarding details of the current consultation on Waverley Borough Council's Statement of Licensing Policy.

Members of Bramley Parish Council have reviewed the revised Policy and have no comments to make.

Yours sincerely

Kathy Victor  
Clerk to Bramley Parish Council

Tel: 01483 894138  
Mobile: 07976 290211  
Office open Tuesday & Thursday, 9:00am to 12:00pm

On 9 March 2018 at 14:34, Paul Hughes <[Paul.Hughes@waverley.gov.uk](mailto:Paul.Hughes@waverley.gov.uk)> wrote:

**CONSULTATION - REVIEW OF WAVERLEY BOROUGH COUNCIL'S STATEMENT OF LICENSING POLICY - GIVE YOUR VIEWS BY 01st JUNE 2018**

The Licensing Act 2003 requires Waverley to have a Statement of Licensing Policy, that it keeps this under review, and that it must completely review the Policy within every five year period. The current Waverley Policy has been in place since August 2013. The policy will be reviewed over the next few months, this will lead to a new Policy being in place by August 2018 for a five-year period, unless amended earlier.



## **Paul Hughes**

---

**From:** Jenny Else  
**Sent:** Monday 12 March 2018 12:14  
**To:** Paul Hughes; Licensing Policy  
**Cc:** Kevin Deanus  
**Subject:** RE: Licensing Policy Consultation

Dear Paul

I have read some of this carefully and scanned other parts but can see no reference to Waverley's own Safeguarding Policy or indeed JET initiative and I wonder if I have missed something If not would it be useful if there was?

If they aren't included somewhere in this document would it be worth considering some cross referencing in the same way as you mention Surrey's Safeguarding?

I have copied Kevin Deanus in to this.

Kind regards,

Jenny

Jenny Else  
Waverley Borough Councillor  
Elstead, Thursley & Brook  
01252702036  
Portfolio: Health, Wellbeing & Culture

---

**From:** Paul Hughes  
**Sent:** 09 March 2018 14:34  
**To:** Licensing Policy  
**Subject:** Licensing Policy Consultation

### **CONSULTATION - REVIEW OF WAVERLEY BOROUGH COUNCIL'S STATEMENT OF LICENSING POLICY - GIVE YOUR VIEWS BY 01st JUNE 2018**

The Licensing Act 2003 requires Waverley to have a Statement of Licensing Policy, that it keeps this under review, and that it must completely review the Policy within every five year period. The current Waverley Policy has been in place since August 2013. The policy will be reviewed over the next few months, this will lead to a new Policy being in place by August 2018 for a five-year period, unless amended earlier.

In the first instance, Council Officers have looked at the Policy, and made some necessary changes to it as a result, before the formal consultation began. The Council is now formally seeking your views on its Statement of Licensing Policy. Please find a copy of the amended policy attached;

If this is not a convenient format for you, and you do not already have a copy of the current Policy, please contact this office and ask for a copy to be sent to you.

There are two ways that you may comment on the existing Policy or propose changes, making sure that the comments arrive here not later than 01st June 2018:

- You may email your comments to [licensing@waverley.gov.uk](mailto:licensing@waverley.gov.uk) or
- You may write to us, sending your letter to the Licensing Section, Council Offices, The Burys, Godalming, Surrey GU7 1HR.

## Paul Hughes

---

**From:** Kevin Deanus  
**Sent:** Monday 12 March 2018 13:41  
**To:** Jenny Else; Paul Hughes; Licensing Policy  
**Subject:** RE: Licensing Policy Consultation

Dear all,

Councillor Else is absolutely correct. Everything we do as a council should have safeguarding and prevent as a main ingredient.

Happy to discuss further,

Regards

KD

Kevin Deanus  
Councillor Alfold, Cranleigh Rural and Ellens Green.  
Portfolio Holder for Community Services.

-----Original Message-----

**From:** Jenny Else  
**Sent:** Monday, March 12, 2018 12:13 PM GMT Standard Time  
**To:** Paul Hughes; Licensing Policy  
**Cc:** Kevin Deanus  
**Subject:** RE: Licensing Policy Consultation

Dear Paul

I have read some of this carefully and scanned other parts but can see no reference to Waverley's own Safeguarding Policy or indeed JET initiative and I wonder if I have missed something If not would it be useful if there was?

If they aren't included somewhere in this document would it be worth considering some cross referencing in the same way as you mention Surrey's Safeguarding?

I have copied Kevin Deanus in to this.

Kind regards,

Jenny

Jenny Else  
Waverley Borough Councillor  
Elstead, Thursley & Brook  
01252702036  
Portfolio: Health, Wellbeing & Culture

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE - 21 MAY  
2018

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING – 18  
JUNE 2018

(To be read in conjunction with the Agenda for the Meeting)

**Present**

Cllr Simon Inchbald  
Cllr Anna James

Cllr Bob Upton

Cllr Carole King (Substitute)

**Apologies**

Cllr Maurice Byham and Cllr Patricia Ellis

1. APPOINTMENT OF CHAIRMAN (Agenda item 1.)

RESOLVED that Cllr Simon Inchbald be appointed as Chairman of the Sub-Committee for the 2018/19 Council Year.

2. APPOINTMENT OF VICE-CHAIRMAN (Agenda item 2.)

RESOLVED that Cllr Bob Upton be appointed as Vice Chairman of the Sub-Committee for the 2018/19 Council Year.

3. MINUTES (Agenda item 3.)

The Minutes of the Meeting held on 5 March 2018 were confirmed and signed.

4. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (Agenda item 4.)

Apologies for absence were received from Cllrs Maurice Byham and Patricia Ellis. Cllr Carole King attended as a substitute.

5. DECLARATIONS OF INTEREST (Agenda item 5.)

There were no declarations of interest in connection with items on the agenda.

6. EXCLUSION OF PRESS AND PUBLIC (Agenda item 6.)

At 10.05am, it was

RESOLVED that, pursuant to Procedure Rule 20 and in accordance with Section 100B(5) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt information (as defined by section 100I of

the Act) of the description specified in paragraph 1 of the revised Part 1 of Schedule 12A to the act, namely:-

1. Information relating to any individual

7. REVIEW OF HACKNEY CARRIAGE DRIVER'S LICENCE (Agenda item 7.)

The Sub-Committee considered a report regarding a review of a Hackney Carriage Driver's Licence.

The driver was in attendance at the meeting and confirmed that he had read and understood the papers that he had received. Members asked questions of the driver and what led to the matters referred to in the exempt report.

The Sub-Committee withdrew at 10.48am to consider whether or not the driver could continue to operate. Following the Sub-Committee's deliberation the meeting resumed at 12.03pm. The Council's solicitor had been asked to advise the Sub-Committee during their deliberations on the wording of their decision.

RESOLVED that the driver's licence be suspended for a period of 3 calendar months, during which time the driver would be required to successfully complete a suitable test. The suspension would take effect at the end of the period of 21 days which commenced on the day on which notice of the suspension was given to the driver in writing (midnight on 12 June 2018). Full reasons for the decision would be noted in the (exempt) annexe to these minutes.

**The meeting commenced at 10.00 am and concluded at 12.06 pm**

**Chairman**

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank