

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

When calling please ask for:  
Kimberly Soane, Democratic Services Officer  
**Legal & Democratic Services**  
E-mail: [kimberly.soane@waverley.gov.uk](mailto:kimberly.soane@waverley.gov.uk)  
Direct line: 01483 523258  
Calls may be recorded for training or monitoring  
Date: 19 May 2023

### **Membership of the Licensing and Regulatory Committee**

Cllr Jacquie Keen (Chair)	Cllr David Munro
Cllr George Murray (Vice Chair)	Cllr Ruth Reed
Cllr Jerome Davidson	Cllr John Robini
Cllr Maxine Gale	Cllr James Staunton
Cllr Michael Goodridge	Cllr John Ward
Cllr Michael Higgins	

### **Substitutes**

**Members who are unable to attend this meeting must submit apologies by the end of Friday, 26 May 2023 to enable a substitute to be arranged.**

Dear Councillors

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

DATE: MONDAY, 5 JUNE 2023  
TIME: 10.00 AM  
PLACE: COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS,  
GODALMING

The Agenda for the meeting is set out below.

The meeting can be viewed remotely via the Council's YouTube channel or  
[www.waverley.gov.uk/webcast](http://www.waverley.gov.uk/webcast).

Yours sincerely

**Susan Sale,**  
**Executive Head of Legal & Democratic Services & Monitoring Officer**

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

## **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. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

To receive apologies for absence and to report any substitutions

2. **MINUTES** (Pages 5 - 8)

To receive the minutes of the meeting held on 27 February 2023.

3. **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.

4. **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.

5. **QUESTIONS FROM MEMBERS**

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

6. **ACTION AUTHORISED**

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

### **PART I - RECOMMENDATIONS TO THE COUNCIL**

There were no matters falling within this category.

7. **LICENSING ACT 2003 - REVIEW OF THE COUNCIL'S STATEMENT OF LICENSING POLICY** (Pages 9 - 50)

The purpose of this report is to enable the Committee to consider comments, following public consultation, on the five-year review of the Statement of Licensing Policy 2023-2028 for Waverley, against which applications for

licences under the 2003 Licensing Act (the Act) are considered.

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 Council

## **PART II - MATTERS OF REPORT**

### 8. **LICENSING FEES UPDATE** (Pages 51 - 52)

On 27 February 2023 the Licensing & Regulatory Committee approved the schedule of Taxi and Private Hire Licensing Fees and Charges for 2023/24 as part of the Budget process. Update on consultation.

## **LICENSING ACT 2003 ITEMS**

### 9. **LICENSING SUB COMMITTEES SINCE LAST MEETING.** (Pages 53 - 62)

To note the minutes from the licensing Sub Committees held since the last meeting.

Licensing B – 27 February 2023

Licensing A – 17 April 2023

Licensing B – 24 April 2023

### 10. **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).

### 11. **LEGAL ADVICE**

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

**For further information or assistance, please telephone  
Kimberly Soane, Democratic Services Officer, on 01483 523258 or by  
email at [kimberly.soane@waverley.gov.uk](mailto:kimberly.soane@waverley.gov.uk)**

This page is intentionally left blank

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING AND REGULATORY COMMITTEE - 27 FEBRUARY  
2023

SUBMITTED TO THE COUNCIL MEETING – 21 MARCH 2023

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

**Present**

Cllr Robert Knowles (Chair)	Cllr Anna James
Cllr Michael Goodridge (Vice Chair)	Cllr David Munro
Cllr Jerome Davidson	Cllr Ruth Reed
Cllr Patricia Ellis	Cllr John Ward
Cllr Jerry Hyman	

**Apologies**

Cllr Martin D'Arcy and Cllr Jacquie Keen

**Also Present**

LIC16/20 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (Agenda item 1.)

Apologies were received from Cllrs Martin D'Arcy and Jacquie Keen.

LIC17/20 MINUTES (Agenda item 2.)

The minutes of the meeting held on 23 May 2022 was agreed as a correct record.

LIC18/20 DECLARATIONS OF INTEREST (Agenda item 3.)

There were no declarations of interest submitted.

LIC19/20 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 4.)

There were no questions submitted by members of the public.

LIC20/20 QUESTIONS FROM MEMBERS (Agenda item 5.)

There were no questions submitted by members.

LIC21/20 ACTION AUTHORISED (Agenda item 6.)

The Chair advised that no actions had been authorised since the last meeting.

LIC22/20 DRAFT LICENSING POLICY & REPORT (Agenda item 7.)

Paul Hughes outlined the changes made to the policy which were minimal.

Officers were asked if the Hackney Carriage and Private Taxi Policy should be included in the bibliography at the end of the document.

The Committee queried the wording of Safeguarding Children and felt it should state safeguarding all vulnerable people not just children. It agreed this would be added.

**The Committee RESOLVED to approve the draft revised Statement of Licensing Policy for consultation.**

LIC23/20 FEES (Agenda item 8.)

Rosie Plaistowe-Melham attended for this item. She outlined the draft Revenue Estimates and Fees and Charges for 2023/24 as part of the Budget process.

She advised that most fees must provide a 'break even' as licensing could not be profit making. Fees generally update by inflation therefore an average 9% fee increase has been implemented (rounded up or down to nearest pound).

The Committee were advised that in accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, any proposed increase to certain fees must be advertised and this relates to hackney carriage proprietors' licences, private hire vehicle licences and private hire operators' licences. Any representations received in response to the advertisement will be brought back to the Licensing and Regulatory Committee in due course.

Paul Hughes advised that the next available Licensing and Regulatory meeting would be 5 June 2023 and would then go to Full Council on 18 July.

The Licensing and Regulatory Committee:

- a) **Noted the draft Revenue Estimates for 2023/23 as shown at Annexe 1; and**
- b) **noted the proposed level of fees and charges for 2023/24 in accordance with the schedule at Annexe 3, noting that various fees will be subject to advertisement and consultation prior to implementation.**

LIC24/20 LICENSING AND GENERAL PURPOSE AND LICENSING SUB A,B AND C (Agenda item 9.)

The committee NOTED the Licensing and General Purpose and Licensing Sub Committees minutes held since the last meeting.

LIC25/20 EXCLUSION OF PRESS AND PUBLIC (Agenda item 10.)

There were no items to discuss in exempt session so the Chairman closed the meeting.

**The meeting commenced at 10.00 am and concluded at 10.45 am**

**Chairman**

This page is intentionally left blank



## Waverley Borough Council

**Report to: Licensing and Regulatory Committee**

**Date:** 05 June 2023

Ward(s) affected: All Wards

**Report of Director: Community Wellbeing/Place/Transformation & Governance**

**Author:** Paul Hughes

Licensing and Environmental Enforcement Manager

**Tel:** 01483 523189

**Email:** paul.hughes@waverley.gov.uk

**Executive Portfolio Holder/ Lead Councillor responsible:** **To be confirmed by Leader of the Council**

**Tel:** TBC

**Email:** Paul.follows @waverley.gov.uk

**Report Status:** Open

# Licensing Act 2003 – Review of the Council’s Statement of Licensing Policy

## 1. Executive Summary

- 1.1 The purpose of this report is to enable the Committee to consider comments, following public consultation, on the five-year review of the Statement of Licensing Policy 2023-2028 for Waverley, against

which applications for licences under the 2003 Licensing Act (the Act) are considered.

- 1.2 The Committee is asked to consider the report, details of the public consultation process undertaken, details of the comments received during the consultation period on the Statement of Licensing Policy and make its recommendations to the Council

## **2. Recommendation**

- 2.1. That members of the Licensing Committee approve the revised Statement of Licensing Policy with any amendments they feel necessary and refer the matter to Full Council for approval

## **3. Reason(s) for Recommendation:**

- 3.1. It is recommended that the Licensing and Regulatory Committee consider the two representations in **Annexe 1** to this report and make recommendations to the Council so that the final revised version of the Statement of Licensing Policy for Waverley can be approved by the Council and be formally adopted in order to have the new Policy in place by August 2023.

## **4. Exemption from publication**

- 4.1. No

## **5. Purpose of Report**

- 5.1. To review feedback from the public consultation

## **6. Strategic Priorities**

- 6.1. The Statement of Licensing Policy and Principles under the Licensing Act 2003 whilst being a statutory duty of the Council helps to deliver the Council's strategic outcomes in promoting a thriving local economy, supporting business and employment, encouraging small

businesses and promoting the health and wellbeing of our communities, helping to ensure that licensing activity is safe and controlled.

## **7. Background**

7.1. The Licensing Act 2003 came into effect on 25 November 2005. The Act introduced a new regime for the licensing of alcohol, regulated entertainment and late night refreshment, to be administered by the local licensing authority (within Waverley, this Council.) Section 5(1) of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. During the five-year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the licensing objectives are being met.

7.2. The Statement of Licensing Policy ('the Policy') is expected to set out, for the benefit of applicants, responsible authorities and members of the community how the Licensing Authority intends to exercise its powers under the Act, including:

- How the Licensing Authority will use its regulatory powers in relation to applications and reviews of licensed activities, to the extent that it is allowed by statute
- The Authority's approach to regulation
- A Scheme of Delegation.

The Policy must also comply with the statutory guidance issued under section 182 of the Act.

7.3. In determining the Policy, the Authority must conduct a statutory consultation as set out in the Act and which includes the following consultees:

- The Chief Officer of Police for the Licensing Authority area
- The Fire and Rescue Authority for the area

- Such persons as the Licensing Authority consider to be representative of the holders of existing premise and personal licences
  - Such persons as the Licensing Authority consider to be representative of the holders of existing club premises certificates issued by the Authority
  - Such persons as the Licensing Authority consider to be representative of businesses and residents in the Authority's area
  - Director of Public Health.
- 7.4. The Council's current Policy has been in place since 01 August 2018 and will expire on 1 August 2023. The policy deals with the sale of alcohol, the supply of alcohol by or on behalf of a club, the provision of regulated entertainment and the provision of late night refreshment. The policy covers all types of applications that can be made under the Act, outlines other licensing functions which are linked with these applications and details other associated strategies which support the wider Council ambitions and visions.
- 7.5. The policy will also guide the Licensing Sub Committee when determining applications and assists the Licensing Authority in administering and enforcing the Licensing Act systems in accordance with the four core licensing objectives.
- 7.6. Whilst reviewing its policy the Licensing Authority has gone through a strict consultation process in line with the process carried out for the last policy review, as well as what is stipulated in legislation.
- 7.7. The Statement of Licensing Policy was initially reviewed and updated by officers to propose:
- Updated information regarding Waverley's population following the 2021 Census
  - Reference to the revised (Dec 2022) statutory guidance
  - Updates to the Council's vision/policies/partnerships/and weblinks/email addresses

- Addition of measures in line with updated Home Office strategy and other guidance to prevent spiking sexual harassment, together with the promotion of Pubwatch and the campaign 'Ask for Angela'
  - Updating 'sources of information' organisations, websites and contact details
  - General formatting/grammatical changes
- 7.8. A draft proposed Statement of Licensing Policy, incorporating the suggested amendments from the existing Statement of Licensing, was approved for consultation by members at the 27 February 2023 Licensing & Regulatory Committee.  
A copy of the policy approved for consultation is attached at **Annexe 2.**

## **8. Consultation**

- 8.1. The consultation was conducted through a written process to all Responsible Authorities, local Pub Watch Schemes, Citizens Advice Centres, Chambers of Commerce, Town and Parish Councils and via the Council's website.
- 8.2. The timetable for the review and implementation of the Statement of Licensing Policy 2023-2028 was/is as follows:
- 03 March 2023 the review commenced, this was a written process by email/letter to consultees, and consultation information was placed on the Council's website.
  - Consultation period ended 19 May 2023 (11 weeks) - followed by:
  - Licensing and Regulatory Committee to consider the outcome of the consultation and determined whether the draft policy is recommended to Full Council for adoption 05 June 2023
  - Full Council 18 July 2023
  - Publication on Council's website 01 August 2023
  - Policy comes into effect 01 August 2023

- 8.3. There have been two responses in total to the consultation, both of which suggest changes to the job titles in Annexe 1 of the policy on;
- (page 32 (e)) Head of Planning needs to be replaced with Executive Head of Planning
  - (page 32 (d) and (f)) Head of Environment needs to be replaced by Executive Head of Regulatory Services

There was also a note as to whether reference to ‘Martyn’s Law’ should be included in the policy. Martyn's law is proposed legislation to better protect the public from terrorism in any place or space to which they have access.

## **9. Key Risks**

- 9.1. The Statement of Licensing Policy is in place to ensure public safety when using these services and to ensure the appropriate balances and mitigations are in place to minimise risk to public safety whilst enabling businesses to trade effectively, efficiently and legally.

The Statement of Licensing Policy is required to comply with the legislation. Failure to do so would invite legal challenge to decisions on applications and reviews subsequently made under the Act.

## **10. Financial Implications**

- 10.1. There are no immediate resource implications in this report; resources required to fulfil the Council’s duties in respect of the licensing process are met from the existing budget.

## **11. Legal Implications**

- 11.1. Section 5(1) of the Licensing Act 2003 requires the Licensing Authority to prepare and publish a Statement of Licensing Policy every 5 years. When determining its policy, the Council is exercising a licensing function and as such must have regard to the Guidance issued by the

Secretary of State under section 182 of the Act. It must also give appropriate weight to the views of those persons/bodies listed in section 5(3) of the Act which it is required to consult before determining its policy.

## **12. Human Resource Implications**

12.1. There are no additional human resource implications

## **13. Equality and Diversity Implications**

13.1. The Licensing Policy sets out the framework within which decisions are made that impact crime and disorder, public safety, public nuisance and the protection of children from harm. There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the Council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

## **14. Climate Change/Sustainability Implications**

14.1. There are no implications arising from the recommendations contained within this report in terms of meeting the Council's climate change obligations.

## **15. Summary of Options**

15.1 To approve the contents of the report; the attachments and the consultation that has taken place

15.2 To refer the Statement of Licensing Policy to full Council for approval

## **16. Conclusion**

16.1 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 Council. The Policy is ultimately set by the Council as part of the Policy Framework, on the recommendation of the Licensing Regulatory Committee, and the activity under the Policy is the remit of this Committee and its Licensing Act Sub-Committees.

## **17. Background Papers**

17.1 Licensing Act 2003 and revised Licensing Act Guidance (December 2022)

## **18. Appendices**

18.1 Annexe 1 – The two comments received following the public consultation.

18.2 Annexe 2 – A draft revised Statement of Licensing Policy approved for consultation is attached at Annexe 2.

Please ensure the following service areas have signed off your report. Please complete this box, and do not delete.

<b>Service</b>	<b>Sign off date</b>
Finance / S.151 Officer	
Legal / Governance	
HR	
Equalities	
Lead Councillor	



CMB	
Executive Briefing/Liaison	
Committee Services	

This page is intentionally left blank



# **STATEMENT OF LICENSING POLICY**

**Effective Period:  
01 August 2023 to 31 July 2028**

Approved by the Council at its meeting on (To Be Confirmed)

## Contents

STATEMENT OF LICENSING POLICY	2
1. INTRODUCTION	2
2. THE STATEMENT OF LICENSING POLICY (Section 5(1) of Act)	4
3. CONSULTATION	4
4. ADMINISTRATION, EXERCISE & DELEGATION OF FUNCTIONS	4
5. FUNDAMENTAL PRINCIPLES	5
THE FOUR LICENSING OBJECTIVES	7
6. PREVENTION OF CRIME AND DISORDER (LO 1)	7
7. PUBLIC SAFETY (LO 2)	12
8. PREVENTION OF PUBLIC NUISANCE (LO 3)	15
9. PROTECTION OF CHILDREN FROM HARM (LO 4)	17
10. LICENSING HOURS	20
11. TRANSFER OF LICENCES	20
12. VARIATION OF LICENCES	21
13. PROVISIONAL STATEMENTS	21
14. SEXUAL ENTERTAINMENT VENUES	21
15. COMPLAINTS / REVIEW OF LICENCES	21
16. PERMITTED TEMPORARY ACTIVITIES	22
17. SHOPS, STORES AND SUPERMARKETS	23
18. INTEGRATING STRATEGIES AND AVOIDING DUPLICATION	23
19. ENFORCEMENT	25
20. APPEALS	26
21. FEES (Non Payment of)	26
22. FURTHER INFORMATION	26
ANNEXE 1 RESPONSIBLE AUTHORITIES	27
ANNEXE 2 OTHER USEFUL SOURCES OF INFORMATION	28
ANNEXE 3 TABLE OF DELEGATIONS OF LICENSING FUNCTIONS	29

## STATEMENT OF LICENSING POLICY

### 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 2021 Census, Waverley has a population of 128,200, of whom three-quarters live in the Borough's four main settlements; Farnham, Godalming, Haslemere and Cranleigh. In Waverley 17.9% of the population is under 15, 60.4% are 15-64 and 21.8% are over 65.
- 1.3 The Council's decision making and work plans are underpinned by a set of policies, strategies and plans. A list of these policies is available on the Council's website ([Link to Waverley Borough Council Corporate Strategy 2020-25](#)). In particular the Council's vision sets the high level priorities for the council and *is that Waverley will be environmentally, economically and financially sustainable with healthy, inclusive communities and housing available for all who need it.*
- 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 Licensed premises can cause 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 the 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, 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 When submitting an application, applicants should consider how proposals in their operating schedules 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 hours)
  - (2) A showing of a film
  - (3) An indoor sporting event (more than 1000 persons and/or between 2300 and 0800 hours)
  - (4) Boxing or wrestling entertainment (whether indoor or outdoor for more than 1000 persons and/or between 2300 and 0800 hours))
  - (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 hours)
  - (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 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 guidance issued under Section 182 of the Act (“the Guidance” amended December 2022). This Policy will take effect on 1<sup>st</sup> August 2023 and will remain in force for a period of not more than 5 years, during which time it will be kept under review as circumstances require/dictate.

## **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.

- 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 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 (LO 1)**

**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. 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. 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 To have a zero tolerance of and Measures to raise staff awareness of use of drugs on the premises and staff training which deals with issues of drug use;
  - 6.3.6 Arrangements to provide appropriate 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;

- 6.3.9 Measures to prevent spiking and sexual harassment through training of staff, and effective CCTV. Applicants and licence holders are encouraged to engage in national and local schemes that promote customer safety, such as joining Pubwatch, promoting 'ask for Angela' in venues. Applicants and licence holders are encouraged to make sure that staff are trained to identify and report issues including awareness and safety of lone customers leaving the venue; and unwanted contact (touching) between customers. Applicants should ensure that the correct staff are in place, make sure that staff are aware of the closest taxi rank and bus stops that offer an evening / late night service and have contact details available for taxi and private hire schemes, booking a vehicle for customers if needed; have a safe place to take customers if required; and have signage in place at entrances and within the venue with regard to customer welfare and safety. 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;
- 6.3.10 The likelihood of any violence, public order or policing problem if the licence or certificate is granted;
- 6.3.11 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 promote best practice and combat crime disorder and anti-social behaviour 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. Further information on Pubwatch can be found on the National Pubwatch site ([Link to pubwatch website](#))

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

- 6.11 The power conferred to licensing authorities (full Council) to make vary or revoke an Early Morning Alcohol Restriction Order (EMRO) is set out in the Act. This power enables licensing authorities to prohibit the sale of alcohol for a specified period between the hours of midnight and 6 am in the whole or part of its area, if they consider this appropriate for the promotion of the licensing objectives.

EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder at specific areas at specific times, serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributed to specific premises.

Following consultation with Surrey Police and Environmental Health the Licensing Authority has decided it is not appropriate for any area of the Borough to be covered by an EMRO at present. Waverley would consider an EMRO at any time if circumstances changed and evidence supported this course of action.

If an EMRO is not in place the Licensing Authority will review the need for an EMRO at least every five years as part of the review of this policy to see if circumstances have changed. If an EMRO is in place it will be reviewed every 3 years in line with legislation.

### **Late Night Levy**

- 6.12 The late night levy ('the levy') enables licensing authorities to raise a contribution from late-opening alcohol suppliers towards policing the night-time economy. It is a local power that licensing authorities can choose whether or not to exercise. It must cover the whole of the licensing authority's area. However, the licensing authority will also choose the period during which the levy applies every night, between midnight and 6am, and decide what exemptions and reductions should apply from a list set out in regulations.

Following consultation with Surrey Police the Licensing Authority 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 (or saturation) zone/area**

- 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. If a cumulative impact zone/area is in place it will be reviewed every 3 years in line with legislation.
- 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.
- 6.18 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 December 2022 paragraphs 2.3, 2.8, 10.10, 12.16 and 14.47);
- 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;
- 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 (LO 2)**

**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. All licensed premises should be safe, well managed and maintained. 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.

### **Night Time safety**

- 7.4 Resident and visitor safety, especially the safety of those using the night-time economy, is an important factor that the Council, applicants and licence holders have to take into consideration, especially as national reports of violence against women and girls (the Home Office published the national strategy on tackling this matter on 21 July 2021), and the spiking of drinks and spiking by injection are on the increase.

### **Operating Schedules**

- 7.5 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:-

- 7.5.1 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.
- 7.5.2 Levels of door supervision adequate to control access to and egress from premises in order to ensure the public safety;
- 7.5.3 Training for current and future staff in matters relating to public safety, where not already required by other legislation;
- 7.5.4 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.
- 7.5.5 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;



- 7.5.6 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.
- 7.6 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.
- 7.7 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**

- 7.8 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.
- 7.9 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.
- 7.10 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.
- 7.11 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.
- 7.12 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 (LO 3)**

**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” is not narrowly defined and 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 Hours of operations – the tolerance to disturbance is likely to be reduced at certain times and days. The later into the night the operation continues the greater the likelihood of public nuisance being caused. Particular consideration should be given to minimise disturbance during the night-time hours of between 11:00pm and 7:00am.
  - 8.5.2 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;
  - 8.5.3 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;
  - 8.5.4 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;
  - 8.5.5 Measures to ensure that customers/patrons and staff leave the premises quietly;

- 8.5.6 Arrangements for parking by patrons/customers, and minimisation of the effect that parking will have on local residents and businesses;
  - 8.5.7 Measures to reduce the impact that the use of gardens or other open-air areas will have on local residents and businesses;
  - 8.5.8 The siting of external lighting, including security lighting that is installed appropriately;
  - 8.5.9 Accessibility to local public transport services, including taxis and private hire vehicles;
  - 8.5.10 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, but only where relevant representations are received in respect of the application.

## **9. PROTECTION OF CHILDREN FROM HARM (LO 4)**

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

- 9.1 The Act provides specific protection for children from the sale or provision of alcohol and regulated entertainment. 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 Children 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 County Council Children Services (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, to 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 Environmental Health or the Surrey Police (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 is a statutory member of the Safer Waverley Partnership (SWP). There are a number of mechanisms in place to ensure proper integration of crime prevention and carrying out enforcement action against anti-social behaviour. These are set out in the Safer Waverley Partnership Plan 2022-25.  
[Waverley Borough Council - Safer Waverley Partnership](#)  
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 so that it is a safe place for all to live, work and visit. Waverley is committed to support Safeguarding Children and Vulnerable People. The Council takes the view that safeguarding is everyone's responsibility and everybody has a role to play in protecting children from harm and keeping them safe as well as safeguarding and promoting the welfare of adults at risk. Waverley's Safeguarding Policy can be found at;

[Waverley Borough Council - Safeguarding](#)

### **Planning**

- 18.4 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 Planning 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.

- 18.5 The Council's planning policies are set out in the Waverley Borough Local Plan Part 1: Strategic Policies and Sites, which was adopted by the Council in February 2018, the retained policies from the Waverley Borough Local Plan 2002, made Neighbourhood Plans and supplementary Planning Guidance. In addition, the Council is preparing its Local Plan Part 2: Site Allocations and Development Management Policies which, in time, will replace the retained policies from the 2002 Plan.
- 18.6 Both Local Plan Part 1 and the retained policies in 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. Policy TCS1 in Local Plan Part 1 says that within town centres a variety of town centre uses will be encouraged, including food and drink, leisure and cultural uses that add to the liveliness, attractiveness and vitality and viability of the centre. Policy TD1 of Local Plan Part 1 is an overarching policy on townscape and design. One of its requirements is that new development is designed so that creates safe and attractive environments that meet the needs of users and incorporates the principles of sustainable development. Policy ST1 of Local Plan Part 1 says that new development should make appropriate provision for car parking, having regard to the type of development and its location, in accordance with local standards. Food and drink uses are considered under retained Policy S6 of the 2002 Local Plan. This policy deals with a range of issues associated with such uses, including impact on amenity resulting from matters such as noise, fumes and odours and excessive activity particularly at unsocial hours. It also deals with issues around parking and access associated with such uses. (Chapter 8 development plan policy). Planning cannot take into account/regulate 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.
- 18.7 Where relevant representations are received, any decision on a licence application will not consider whether any decision to grant or refuse planning permission or building control consent was lawful and correct. It will take into account what the impact of granting a licence will be on the licensing objectives.

### **Crime Prevention**

- 18.8 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**

- 18.9 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.  
[Cultural Strategy](#)

18.10 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.

18.11 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**

18.12 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**

18.13 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**

18.14 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.

18.15 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 and the Regulator's Code 2014. 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 (Non Payment of)**

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 or [licensing.policy@waverley.gov.uk](mailto:licensing.policy@waverley.gov.uk)

## ANNEXE 1 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) **Surrey County Council Children Services**  
County Child Employment and Strategy Manager, Quadrant Court, 35 Guildford Road, Woking, Surrey, GU22 7QQ  
Tel: 01483 517838 [cspa@surreycc.gov.uk](mailto:cspa@surreycc.gov.uk)
- (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  
([alcohol@homeoffice.gsi.gov.uk](mailto:alcohol@homeoffice.gsi.gov.uk))  
  
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

## ANNEXE 2 OTHER USEFUL SOURCES OF INFORMATION

- A. The Licensing Act 2003 can be viewed on the GOV.UK website: [\(Link to Licensing Act 2003\)](#).
- B. The latest revised Guidance for the Licensing Act 2003 (December 2022) can be viewed on the GOV.UK website: [\(Link to Government publication 'Explanatory memorandum revised guidance issued under section 182 of the Licensing Act 2003'\)](#)
- 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: [\(Link to policy paper 'Modern crime prevention strategy'\)](#).
- D. The Government's Alcohol Harm Reduction Strategy can be viewed on the GOV.UK website: [\(Link to Government policy paper 'Alcohol strategy'\)](#).
- E. The Licensing Authority's latest licensing information can be found on Waverley Borough Council's website: [\(Link to Waverley Borough Council's Licensing web pages\)](#).
- F. The website of the Institute of Alcohol Studies can be accessed via the following link: [\(Link to Institute of Alcohol Studies website\)](#) .
- G. Registration and training of doorstaff is the responsibility of the Security Industry Authority. Information can be obtained from the Home Office website [\(Link to a policy paper on 'Modern crime prevention strategy'\)](#).
- H. The British Institute of Innkeeping (BII) is a trainer and an awarding body for the appropriate qualifications. It can be contacted via the following link: [\(Link to British Institute of Innkeeping website\)](#) / or 01276 684 449, email enquiries@bii.org.
- I. Surrey Safeguarding Children Board - information can be obtained via the following link: [\(Link to Surrey Safeguarding Children Board website\)](#) or 01372 833330 or email; sscb@surreycc.gov.uk.
- J. Surrey Alcohol and Drug Advisory Service. Information can be found via the following link: [\(Link to catalyst support website\)](#) or 01483 590150 or email; info@catalystsupport.org.uk.
- K. Tackling violence against women and girls strategy published by the Home Office can be found on the GOV.UK website: [\(Link to Government strategy on tackling violence against women and girls\)](#).
- L. Drinkaware is an independent charity funded by the alcohol industry which works to reduce alcohol misuse and harm in the UK. Information can be found on the drinkaware website: [\(Link to drinkaware website\)](#).

### ANNEXE 3 TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	SUB-COMMITTEE (3 MEMBERS) ** FULL COMMITTEE	AUTHORISED OFFICERS
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

\*For applications and guidance please see Waverley Borough Council's website ([link to Waverley Borough Council licensing pages](#)) or call 01483 523219.



## **Response 1**

**From:** Victoria Choularton <Victoria.Choularton@waverley.gov.uk>  
**Sent:** Wednesday, March 8, 2023 12:13 PM  
**To:** Paul Hughes <Paul.Hughes@waverley.gov.uk>  
**Subject:** RE: Waverley Borough Council Licensing Policy 2023 Review

Hi Paul,

I've cant see any comment to make - I've also sent to Beth to if she has any comments.

The only thing I would say that 'Head of Planning' in Annexe 1 needs to be changed to ' Executive Head of Planning Development'

Vicky

Victoria Choularton  
Planning Enforcement Team Leader  
Waverley Borough Council  
Tel: 01483 523008  
[www.waverley.gov.uk/planning](http://www.waverley.gov.uk/planning)

## **Response 2**

**From:** Jeanette Guy <Jeanette.Guy@waverley.gov.uk>  
**Sent:** Friday, May 5, 2023 7:01 PM  
**To:** Paul Hughes <Paul.Hughes@waverley.gov.uk>  
**Cc:** Gillian Carson-Jones <Gillian.Carson-Jones@waverley.gov.uk>  
**Subject:** FW: Waverley Borough Council Licensing Policy 2023 Review

Hi Paul

Just briefly scanned. Just a couple of thoughts:

Annexe 1 – Should the Head of Environment now say, 'Head of Regulation'.

Public Safety – Operating Schedule – Should you put something in there re potential impending requirements re Martyn's Law.

Hope that helps

J

### **Jeanette Guy**

*Environmental Health Manager (Environmental Protection)*  
Waverley Borough Council, Council Offices, The Burys, Godalming, Surrey, GU7 1HR  
Tel: 01483 523005  
Email: [Jeanette.guy@waverley.gov.uk](mailto:Jeanette.guy@waverley.gov.uk)  
[www.waverley.gov.uk](http://www.waverley.gov.uk)

This page is intentionally left blank

## **DRAFT FACE ITEM**

### **Licensing Fees Update**

On 27 February 2023 the Licensing & Regulatory Committee approved the schedule of Taxi and Private Hire Licensing Fees and Charges for 2023/24 as part of the Budget process.

In accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, any proposed increase to certain fees must be advertised and this relates to hackney carriage proprietors' licences, private hire vehicle licences and private hire operators' licences.

The Local Government (Miscellaneous Provisions) Act 1976 prescribes the procedure that a district council must follow when setting fees for vehicle and operators' licences.

Section 70(3)-(5) states that if a district council sets fees in excess of;

- for the grant of a vehicle licence in respect of a hackney carriage, twenty-five pounds;
- for the grant of a vehicle licence in respect of a private hire vehicle, twenty-five pounds; and
- for the grant of an operator's licence, twenty-five pounds per annum;

it must consult by placing a notice in a local newspaper circulating in the district and allowing for a consultation period of no less than twenty-eight days. If any person makes an objection to the proposed fees, a further date (not later than two months after the first specified date) must be set to allow the council to consider the objection and to vary the fees if applicable.

The fee adoption and variation process is important for the trade to be aware of because, if a district council does not comply with the advertising and consultation requirements, the fees set by it would be unlawful and open to challenge and claims for restitution.

In accordance with legislation the proposed fees were advertised in the Surrey Advertiser on Friday 31<sup>st</sup> March 2023 and the Farnham herald on Thursday 30 March 2023, on the Councils website and at the Councils offices. The taxi trade were emailed on the 29<sup>th</sup> March 2023.

A closing date of midnight on the 30 April 2023 was given for objections and a scheduled date of the 30<sup>th</sup> May was given if no objections were made or maintained for the fees to come into effect.

No objections were received and therefore in accordance with the legislation the Scale of fees agreed by Licensing & Regulatory Committee on 27 February 2023, and advertised as stated above will take effect on the 30 May 2023.

This page is intentionally left blank

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE B - 27 FEBRUARY 2023

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING – 5  
JUNE 2023

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

**Present**

Cllr Michael Goodridge  
Cllr Anna James

Cllr David Munro

**Apologies**

Cllr Jacquie Keen

40. ELECTION OF CHAIRMAN (Agenda item 1.)

Cllr Michael Goodridge was nominated by Cllr Anna James as Chair for the purpose of this hearing. This was agreed.

41. LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE-  
HUSKINS, 10 QUEENS STREET, GODALMING GU7 1BD (Agenda item 2.)

The Committee **RESOLVED** to grant the premises licence for Huskins/Waffles and stuff limited for the supply of alcohol (on sales) at 10 Queen Street, Godalming, GU7 1BD for the hours set out in the application, as amended during the course of the hearing as follows:-

Alcohol on sales

Monday to Saturday 11am to 10.45pm

Sunday 11am to 3.45pm

Opening hours

It was noted that the applicant proposed revised opening hours of 8am to 11pm (Monday to Saturday) and 8am to 4pm (Sunday)

And conditions that the (a) no rubbish including bottles shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours; and (b) notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

Reasons

This was an application by Waffles and stuff limited for a premises licence in respect of the premises known as Huskins, 10 Queen Street, Godalming GU7 1BD.

In reaching their decision to grant the application, the Sub-Committee considered both written and oral representations from the applicant and other persons. The Sub-committee considered the matter on its merits and in accordance with the Council's statement of licensing policy.

It was noted that the representation received raised concerned the licensing objective of the prevention of public nuisance (noise). The sub-committee noted that there had been no representations received from 'responsible authorities'.

The sub-committee was pleased at the applicants willingness to listen to the objector's comments and to address those by reducing the hours sought for the sale of alcohol with a view to addressing concerns raised.

The Committee noted that in light of the reduced hours, the application for late night refreshment (after 11pm) fell away.

The Sub-Committee was mindful of the concerns expressed regarding the impact of the existing and proposed activities on the neighbours in the close proximity of the premises (immediately upstairs). It was felt that it would be appropriate and proportionate to add conditions by way of measures to minimise the impact of refuse storage and disposal, in line with paragraph 8.5.9 of Waverley's statement of licensing policy. In addition, it was felt appropriate to require the establishment to put in place notices reminding patrons to leave the area quietly. The committee felt that these two additional conditions were appropriate in order to promote the licensing objective regarding public nuisance.

The Sub-Committee reiterated that there are arrangements set out within the Licensing Act 2003 for reviewing premises which represents a key protection for the community where problems associated with the licensing objectives occur after the grant of a licence where appropriate to promote the licensing objectives. In addition, that licensing authorities should not duplicate other statutory provisions.

The applicant was reminded that licensing and planning systems operate independently and that any decision on an application for premises licence does not relieve the premises of any requirements under planning law. Further that premises operating in breach of planning permission may be liable to prosecution under planning law.

In reaching the decision the sub-committee had regard to all the relevant considerations and considered that this decision was appropriate and proportionate.

42. LEGAL ADVICE (Agenda item 3.)

Legal advice was sought by the Committee whilst making their decisions.

**The meeting commenced at 11.00 am and concluded at 11.50 am**

**Chairman**

This page is intentionally left blank



WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE A - 17 APRIL 2023

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING – 5  
JUNE 2023

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

**Present**

Cllr Jerome Davidson

Cllr Patricia Ellis

**Apologies**

Cllr John Ward

72. ELECTION OF CHAIRMAN (Agenda item 1.)

Cllr Jerome Davidson was nominated and elected as Chair for the purpose of the meeting.

Cllr John Ward sent late apologies.

73. DISCLOSURE OF INTERESTS (Agenda item 2.)

There were no disclosure of interests for this meeting.

74. LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE-  
BREWERY AND TAPROOM, PIERREPOINT FARM, THE REEDS ROAD,  
FRENHAM, FARNHAM, SURREY. GU10 3BS (Agenda item 3.)

The Committee **RESOLVED** to grant the premises licence for the Brewery & Taproom for the supply of alcohol at Pierrepont Farm for the hours set out in the application (section J and L of the application), subject to the addition of the following condition:

- that no licensable activities are to take place on the premises after 9.00pm daily other than in connection with a pre-booked and bona fide private function or event to which members of the public are not admitted.
- For each event relevant to this condition the Designated Premises License Holder shall agree with the person booking the event a written Transport Plan. The plan shall detail how those attending the event shall arrange their transport away from the premises; having regard to the need to minimise nuisance to any residents or generally outside the license premises; not to leave engines running when vehicles are parked; and not to obstruct the highway.
- For any event relevant to this condition for a period of at least 30 minutes prior to the end of the pre-booked event and until the last person (excluding staff) has departed from the wider area of Pierrepont Farm there shall be at least one member of staff situated near the junction of the private farm track and The Reeds Road to facilitate the delivery of the Transport Plan.

- For the purposes of this condition pre-booked shall mean arranged no less than 24 hours in advance of the event, and confirmed in writing.
- There shall be a log of all pre-booked events kept on the premises, and made available on request to an authorised officer of the Council. The log shall include the date of the booking, date of the event and name of the person making the booking.
- A copy of the relevant written Transport Plan shall be kept on the premises during the event relevant to this condition and for at least 30 days following an event, and made available on request to an authorised officer of the Council.
- So far as is reasonably practicable the Premises Licence Holder shall ensure that the event relevant to this condition is run in accordance with the relevant agreed Transport Plan.

### Reasons

This was an application by Mr Bevan of Farnham Brewing Co. Ltd for a premises licence in respect of the premises known as Brewery & Taproom, Pierrepoint Farm, The Reeds Road, Frensham, Farnham, Surrey, GU10 3BS.

In reaching their decision to grant the application, the Sub-Committee considered both written and oral representations from the applicant and the written comments of both those objecting and supporting the application through the consultation process. The Sub-Committee also considered the verbal comments of those objectors who attended the Sub-Committee meeting. The Sub committee considered the matter on its merits and in accordance with the Council's statement of licensing policy. The Sub-Committee recognised that not all of the written comments related to matters which were relevant to the licensing objectives and only took into account those matters which were relevant to their considerations.

It was noted by the Sub-Committee that there had been a previous license for the premises which had been surrendered. That license had longer operating hours than that proposed in the application. The Sub-Committee noted that that the principle representations raised concerning the licensing objectives of the prevention of public safety and public nuisance (noise) were based on a combination of previous experience and a significant amount of conjecture as to the impact of the perceived operating approach of the applicants. The sub-committee noted that there had been no representations received from 'responsible authorities'. 'Although some of the representations alluded to concerns relating to parking and noise, the sub-committee noted that evidence provided related to the previous occupants and was in part beyond the direct control of the business concerned..

The Sub-Committee acknowledged the confirmation from the applicants that the area being licensed was restricted to the red lined area of the inside of the building known as the Tap Room and the Brewery. Although acknowledging that the license was for both on and off sales.

The Sub-Committee was mindful of the concerns expressed regarding the impact of the existing and proposed activities on the neighbours in the close proximity of the

premises. As well as the points raised in relation to the local residents rights to both private and family life and peaceful enjoyment of their property. The Sub-Committee recognised that this is not an absolute right and it was felt that sufficient consideration had been given to the proximity and the steps set out within the application's operating schedule were also sufficient in all the circumstances and reflected the licensable activities proposed. The Sub-Committee received a verbal offer from the applicant at the meeting of a condition related to the management of events ending after 9pm; this condition (with details added) has been adopted as a mechanism to ensure that the interference caused to neighbouring properties can be mitigated in relation to the issues raised from those departing the premises late at night. The Sub-Committee acknowledged that this would not necessarily mean that there will be absolutely no disturbance but that the disturbance would be managed and limited, and that this was a proportionate balance between the impact on residents and the ability of the business to trade.

The Sub-Committee reiterated that there are arrangements set out within the Licensing Act 2003 for reviewing premises whose operation does not promote the licensing objectives which represents a key protection for the community where problems occur after the grant of a licence.

In reaching the decision the sub-committee had regard to all the relevant considerations and considered that this decision was appropriate and proportionate.

75. LEGAL ADVICE (Agenda item 4.)

Legal advice was obtained during the Committees deliberations.

**The meeting commenced at 10.00 am and concluded at 12.20 pm**

**Chairman**

This page is intentionally left blank

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE B - 24 APRIL 2023

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING – 5  
JUNE 2023

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

**Present**

Cllr Michael Goodridge  
Cllr Anna James

Cllr David Munro

43. ELECTION OF CHAIRMAN (Agenda item 1.)

Cllr Michael Goodridge was nominated and elected as chairman for the purpose of the meeting.

44. LICENSING ACT 2003 - APPLICATION FOR A STREET TRADING CONSENT - MILFORD & WITLEY LTD, CHURCH ROAD, MILFORD, GODALMING, GU8 5JA. (Agenda item 2.)

The Committee considered carefully the application and supporting information together with the street trading policy, committee report, and comments received both in support and the objection received.

With regards to the concern raised (objection by Surrey County Council - Highways authority) the Committee carefully took account of the street trading policy considerations and in particular the paragraphs relating to public safety and nuisance. Further, local observations/knowledge were considered relevant to the appropriate weight to be attributed to the comments received.

The Committee was satisfied that the standard consent conditions (including in relation to litter) satisfactorily covered the concerns raised. and that no additional conditions were necessary in the circumstances. The Committee determined that the application fell within the scope of the policy and made a finding that the application did not represent a substantial risk to the public or risk of nuisance to the public. The Committee noted that the applicant had successfully traded from the site for a significant period without any concerns of safety and or nuisance being raised to the Council.

The Committee therefore agreed to GRANT street trading consent for a period of a year with standard conditions (as applied for) and felt that no further conditions were necessary or proportionate in the circumstances.

45. LEGAL ADVICE (Agenda item 3.)

Legal advice was sought during deliberation.

**The meeting commenced at Time Not Specified and concluded at Time Not Specified**

**Chairman**