

# **Epsom & Ewell Borough Council**

## **Statement of Licensing Policy (Licensing Act 2003)**

**Effective from 11 December 2018**

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## 1. Introduction

- 1.1 Epsom & Ewell is the smallest of Surrey's 11 boroughs and districts and the most densely populated.

Bordered by outer London boroughs to the north and rolling hills, designated areas of outstanding natural beauty, to the south, the borough is home to approximately 80,000 people. The area comprises three main conurbations; the main town of Epsom, the village-like Ewell and the 1930's development of Stoneleigh. In the last couple of decades the area has experienced major housing expansion but retains significant areas of protected open green space.

The borough boasts excellent road and rail links, with central London less than 30 minutes distant and access to the rest of county facilitated by the adjacent M25.

While Epsom & Ewell's workforce mostly comprises of London commuters, there is a vibrant local economy in the retail, engineering and leisure sectors. The Borough is home to a number of major international and national headquarters, to small independent enterprises and everything in between.

The area is probably best known worldwide for the running of the Derby at Epsom Downs Racecourse. Horse racing has taken place in Epsom for over 350 years (the first recorded race days were in the 1640's). As well as being a significant local employer, the horse racing industry adds around £13million annually to the local economy.

There is a large youth community residing and regularly visiting the area, with the borough hosting campuses for the University for the Creative Arts, the North East Surrey College of Technology and Laines Theatre Arts.

The area is wealthy, with residents earning higher than the national average and with unemployment less than half the national average.

The council's aim is for the borough to remain affluent, by anticipating and responding to changes in employment and business patterns and stimulating both. We recognise that the area needs to keep its high income and highly skilled residents, while also continuing to invest in skills provision and graduate retention.

We also acknowledge the needs and concerns of licensed businesses. The presence of good quality, diverse and varied licensed premises which are responsibly managed with due regard to the local community, will be a positive factor for many residents, businesses and those working in the Borough. The licensed retail and hospitality industry makes a significant contribution to the local economy, job market and social environment within the Borough.

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## **2. Licensable activity**

2.1 Epsom & Ewell Borough Council (the Authority) is the Licensing Authority for the licensing of licensable activities under the provisions of the Licensing Act 2003 (the Act). Licensable activities are defined in the Act and include:

**a) the retail sale of alcohol**

**b) the supply of alcohol by or on behalf of a club**

**c) the provision of regulated entertainment, being**

- (i) **performance of a play** (where the audience consists of more than 500 persons and/or; takes place between the hours of 11.00pm and 8.00am.)
  - ii) **exhibition of a film**
  - iii) **an indoor sporting event** (where the audience consists of more than 1000 persons and/or; takes place between the hours of 11.00pm and 8.00am)
  - iv) **boxing or wrestling entertainment or combined fighting sports** (combines boxing or wrestling with one or more martial arts)
  - v) **performance of live music** (unamplified live music between the hours of 11.00pm and 8.00am; amplified live music which takes place in unlicensed premises or a workplace or in a licensed premises to an audience of over 200 persons and takes place between 11pm and 8am; or where a condition has been imposed following a licence review).
  - vi) **playing of recorded music (excluding incidental music)**
  - vii) **a performance of dance** (where the audience consists of more than 500 persons and/or; takes place between the hours of 11.00pm and 8.00am and/or; is relevant entertainment within the meaning of Schedule 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 – “sexual entertainment venue”).
  - viii) **entertainment of a similar description to that falling within v),vi) and vii) where the entertainment takes place in the presence of an audience**
- d) late night refreshment - the supply of hot food and/or hot drink from any premises between 11pm and 5am for consumption on or off the premises.**

*Note: The above licensable activities are correct at the time of consultation, and may be subject to legislative amendments throughout the validity of this policy.*

## **3. LIVE MUSIC, DANCING AND THEATRE**

3.1 The Authority recognises that as part of implementing local authority cultural strategies, it is appropriate to encourage and promote a broad range of entertainment, in particular live music, dancing and theatre, for the wider cultural benefit of communities.

3.2 Live performance is central to the development of cultural diversity and vibrant, exciting communities, particularly traditional entertainment such as circus and street arts. The Authority subscribes to the view expressed in the Guidance that the absence of cultural provision in any area can lead itself to a loss of community awareness and can expose young people to anti- social activities that damage local communities.

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#### **4. ADMINISTRATION AND DELEGATION**

- 4.1 Licensing relates to the control of licensed premises, qualifying clubs and temporary events within the terms of the Act. The Authority may attach conditions to the licence (as per those detailed within the operating schedule or after a Hearing) that focus on matters which are within the control of the individual licensee or premises supervisor, provided that such conditions are appropriate for the promotion of one or more of the licensing objectives, and only submitted within the operating schedule.
- 4.2 On receipt of a valid application the Authority may consider it necessary to inspect premises that have not been previously licensed by the Authority to ensure compliance with the relevant technical guidance, the licensing objectives and this Policy.

#### **Applications for the Grant and non-minor Variation of Licences**

- 4.3 When considering the application, and any relevant special licence conditions, the Authority will primarily focus on the direct impact of the licensable activities on members of the public living, working or visiting the area. The Authority acknowledges that the licensing function cannot be used for the general control of anti-social behaviour once customers are beyond the direct control of the individual, club or business holding the licence, but will require the licensee to take steps within his/her own premises to control the likelihood of such anti-social behaviour occurring.
- 4.4 The policy will not deter any person from making representations in respect of any application or seeking a review of a licence. The Authority will consider all representations that are relevant to the promotion of the licensing objectives that are not frivolous or vexatious.
- 4.5 Nothing in the policy will deter an individual making an application, and all applications will be considered on their merits but will be qualified by the following policy presumptions based upon the location of the premises.

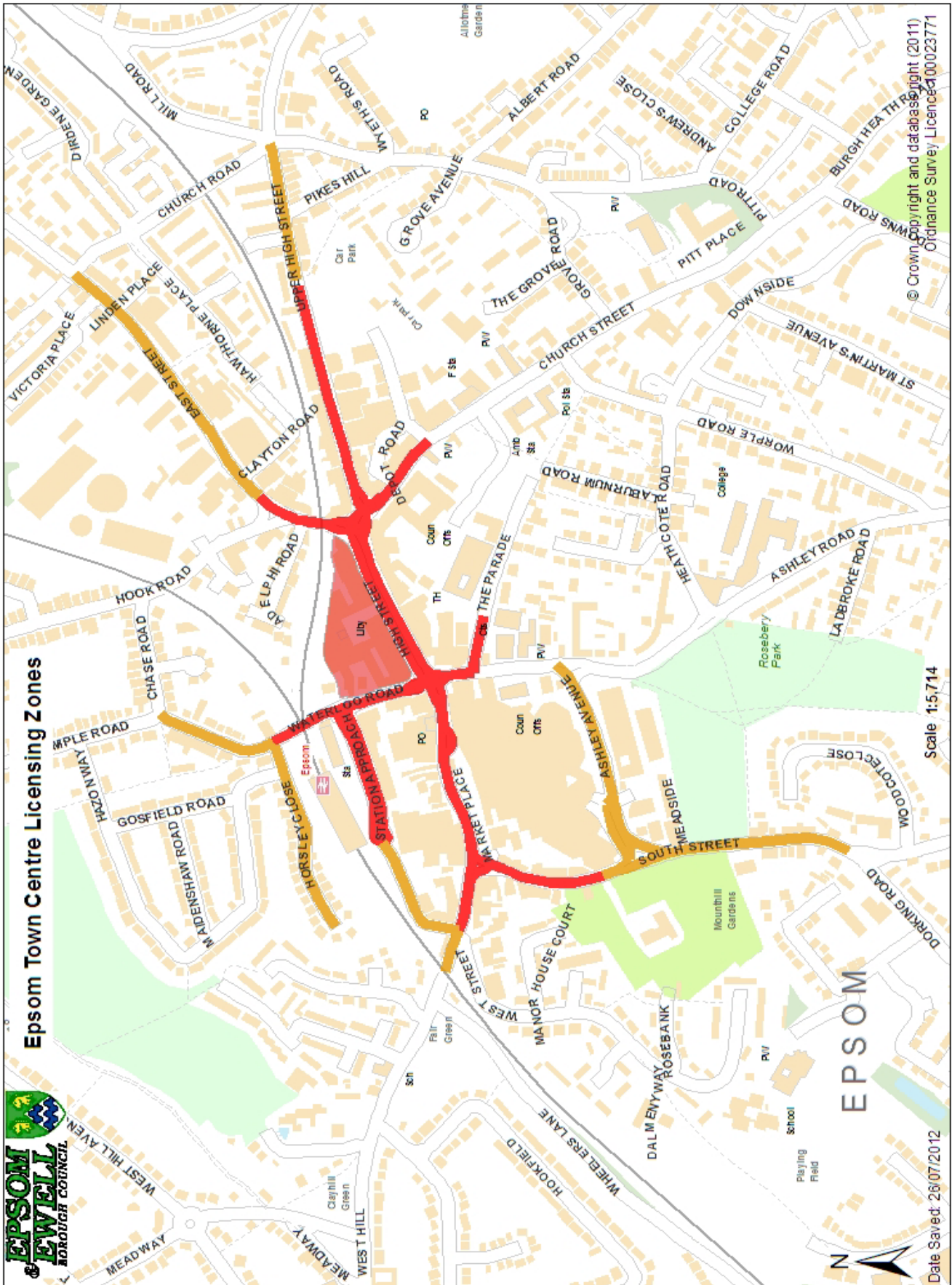
#### **Licensing Red Zone (all premises fronting/within and on both sides of the following streets/roads in Epsom Town Centre)**

- **High Street**
- **Derby Square and Oaks Square**
- **Waterloo Road** (to junction with Horsley Close)
- **The Parade** (to no.2)
- **Station Approach** (to Central Walk apartments)
- **West Street** (to junction with Station Approach)
- **Church Street** (to junction with Depot Road)
- **Upper High Street** (to entrance with Upper High Street Car Park)
- **Ashley Road** (to junction with The Parade)
- **South Street** (to junction with Saddlers Court)
- **East Street** (to the junction with Hook Road)

#### **Amber Zone** (Town Centre except the above, namely remaining parts of:)

- **West Street**
- **Upper High Street**
- **South Street**
- **Station Approach**
- **Waterloo Road and Horsley Close**
- **East Street**
- **Ashley Avenue**

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## **Red Zone**

Within this area, there is already a **concentration of premises**, and whilst the Authority feels licensing plays a critical role to the well-being and character of the area the impact of those premises may be detrimental to public safety, confidence and the wellbeing of residents, business and/or other users.

The concentration of premises in the red zone will be a consideration in all applications for the grant and full variation of licences to maintain a balance in favour of the well being and character of the area.

New applications and full variations will accordingly be processed as follows:

Night Clubs and adult entertainment venues	Applications for licensable activities up to 1am only will generally be granted if the applicant satisfies the criteria listed below AND the applicant can clearly demonstrate that the premises will not add to the cumulative impact for the area.  Applications beyond the 1am terminal hours will be refused unless it satisfies the criteria listed below AND the applicant can clearly demonstrate that the premises will not add to the cumulative impact for the area.
Pubs and café bars and other food-led establishments open beyond midnight	Application will be refused unless it satisfies the criteria listed below AND the applicant can clearly demonstrate that the premises will not add to the cumulative impact for the area
Pubs and café bars open until midnight	Will generally be granted, unless it can be shown that the application would undermine the licensing objectives.
Restaurants and Cafes;	Will generally be granted, (with the sale of alcohol for consumption off the premises permitted only until 11pm) unless it can be shown that the application would undermine the licensing objectives.
Qualifying Clubs	Will generally be granted, unless it can be shown that the application would undermine the licensing objectives.
Hotel Bars	Will generally be granted (to allow alcohol sales and late night refreshment to residents 24 hours a day), unless it can be shown that the application would undermine the licensing objectives.
Take aways open beyond 1am	Application will be refused unless it satisfies the criteria listed below AND the applicant can clearly demonstrate that the premises will not add to the cumulative impact for the area.
Take aways open up until 1am	Will generally be granted, unless it can be shown that the application would undermine the licensing objectives.
Off licences and stores with off sales beyond 11pm	Application must clearly demonstrate that the premises will not add to the cumulative impact for the area,
Off licences and stores with off sales up to 11pm	Will generally be granted, unless it can be shown that the application would undermine the licensing objectives.

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## **Amber Zone**

Within this area the Authority feels licensing plays a major role but the impact of these premises is less likely to impact on public safety, confidence and the well-being of residents without significant growth in this sector.

This area would be deemed suitable for increases in licensed premises, with the exception of pubs and clubs beyond midnight, where the policy presumption would be to refuse the application, unless the applicant can clearly demonstrate that the granting of the application would not add to the cumulative impact for the area, and it satisfies the criteria listed below.

## **Green Zone** (The remaining parts of the Town Centre and Borough)

In this area factors outside of licensing such as residential usage only or parkland limit the growth and number of licensed premises in that area and no further licensing criteria are required at this time. There will be a policy presumption to grant the licence application unless relevant representations are received and it can be shown that the application would undermine the licensing objectives.

## **Criteria for Nightclubs, Pubs and Bars (take away premises criteria is marked with a “\*”)**

1. Location of entry and departure points.\*
2. Door control.\*
3. Control and prevention of queuing.\*
4. Put in place robust systems to monitor and control the access of young people.\*
5. Ensure door supervisors are trained and empowered to deal with underage drinking.
6. The premises age policy to include “challenge 25”.
7. The age policy on checking age to be displayed.
8. Consider whether the design and layout of the premises are likely to lead to local overcrowding.\*
9. Put in place measures to discourage excessive drinking and drunkenness.
10. Put in place measures to promote ‘sensible drinking’ including measures to encourage the purchase of soft drinks including the pricing of soft drinks to below that of alcoholic drinks.
11. Regard paid to good practice guides and industry codes; e.g. on advertising, packaging, labelling and drink promotions.
12. Consider whether drinking vessels are made of toughened glass or plastic and are designed to not have a sharp edge when broken.
13. Consider whether drinks are to be supplied in glass bottles.
14. Consider whether the taking of drinking vessels or bottles outside the premises is proposed to be permitted.
15. Consider whether licensed door supervisors are to be deployed and their responsibilities for the prevention of disorder in the vicinity of the premises.
16. Consider whether suitable use of CCTV is proposed inside and outside the premises to provide recordings of a quality to be of use in prosecutions. **A fully operating and recording digital CCTV system shall be installed at the premises. At least one internal camera should achieve clear evidential images of all persons entering and exiting the premises. Access to images must be available to Police and any other responsible authority on request within 24 hours. CCTV recording shall be kept for a minimum of 28 days**

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17. Put in place adequate measures to prevent the use and supply of illegal drugs.\*
  18. Put in place adequate search procedures to prevent the bringing of illegal drugs or weapons onto the premises.\*
  19. Information displayed for staff and patrons and the training of staff on drug awareness including the spiking of drinks with drugs.
  20. Procedures agreed with the police, for searches, the surrender and seizure of drugs and weapons.
  21. Participation in the local pub watch scheme .
  22. Control of amplified and un-amplified music and voices.\*
  23. Steps to be taken to achieve good behaviour within and outside the premises.\*
  24. Communication with customers (signs, announcements and other means)\*
  25. Management of the use of outdoor areas, (including smoking areas).
  26. Steps taken to ensure customers leave quietly.\*
  27. Arrangements for dedicated taxi or licensed private hire vehicles to collect patrons in a manner so as to minimise any disturbance.
  28. Limits set on hours for servicing and deliveries.\*
  29. Guidance to drivers to limit noise during deliveries.\*
  30. Providing quiet means for storage and movement of waste and recycling materials.\*
  31. Provisions to control noise emissions from doors and windows\*
  32. Provision for control and monitoring of entertainment noise audible external to the premises\*
  33. Provisions for management and control of noise and disorder from persons either in the premises or immediately external to the premises such as in a smoking area\*
  34. Considerations on control of noise from fixed plant such as air conditioning and refrigeration hardware\*
  35. Policy on emptying of rubbish including glass so as to limit the impact of associated noise\*
  36. Policy on dispersal and procedures to ensure customers and staff leave quietly\*
  37. Consideration of avoidance of nuisance through artificial lighting and littering\*
  38. Consideration of structure borne/air borne and flanking transmission of entertainment noise\*
  39. Where the premises form part of the same building structure, and/or where the designated outdoor area is coterminous with the footprint of the residential areas the steps taken to minimise nuisance to residents by way of noise, smoke and odours entering windows and doors of the residential unit(s)\*.
- 4.6 Should representations be made against an application, additional special conditions may be imposed if the Licensing Committee or its Licensing Hearings Panel is satisfied that the imposition of the conditions are appropriate due to the nature of the representations made.
- 4.7 The Authority will exercise and delegate functions in accordance with the table contained in **Appendix A**. This form of delegation does not prevent Officers referring an application to the Licensing Hearings Panel or the Licensing Committee if considered appropriate.
- 4.8 The Authority recognises that a partnership approach is more likely to ensure the licensing objectives are achieved and maintained. Pre-application discussions between the applicants, the Authority and the other relevant agencies are strongly encouraged so that the licensing process itself can be as trouble free as possible. The Environmental Health Department would welcome discussions to address possible noise reduction measures that could be proposed.

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## **5. PROMINENT PERIODS (TEMPORARY ACTION PLANS)**

- 5.1 On occasion, where it is expected that there is significant risk of crime and disorder the Licensing Authority and Surrey Police would work with the premises to reach voluntary agreements, which could include; but not restricted to, the need for (additional) door staff, reduced opening hours or limits on the numbers of patrons for a specified time period. The agreement would only be in place for a time period agreed as appropriate by all parties. The intention being the temporary measures would negate the need for a standard or expedited review, and reduce the potential impact on the area.

## **6. THE POLICY STATEMENT**

- 6.1 The Act requires that the Authority publishes a “Statement of Licensing Policy” that sets out the policies with respect to the exercise of its licensing functions. The Act also requires the Authority to consult various bodies before determining the policy. A list of the consultees is contained in **Appendix B**.
- 6.2 The Statement of Licensing Policy has been prepared in accordance with the provisions of the Act and the Guidance issued under Section 182, and will be effective for a period of no more than five years. Within the five year period the Authority will keep the policy under review and will make amendments as it considers appropriate to support the licensing objectives. Any changes considered necessary between the five yearly reviews will be referred to the full Council, subject to consultation in accordance with the provisions of the Act.
- 6.3 Nothing in this Policy document should be regarded or interpreted as an indication that any requirement of licensing or other law may be overridden or added to their scope.

## **7. THE LICENSING OBJECTIVES**

The Council’s Statement will promote the four licensing objectives, namely:

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- The protection of Children from harm
- The prevention of crime and disorder

- 7.1.1 The Authority 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.
- 7.1.2 The Authority will also seek to discharge its responsibilities by linking to Government and Council strategies and policies so far as they impact on the objectives of the Act.
- 7.1.3 The Authority may, when relevant representations have been received, attach conditions to licences and certificates to prevent crime and disorder, and these may include Conditions relating to Crime and Disorder contained within the Guidance issued under Section 182 of the Licensing Act 2003. Any conditions imposed will be appropriate to the style and characteristics of the premises, the type of activities expected to take place there, and will reflect the local crime prevention strategies, and promote the four licensing objectives.

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7.1.4 The Authority recognises that there are a number of mechanisms for addressing anti-social or unlawful behaviour which occurs both at and away from licensed premises. These include:

- The powers given under the Police Reform and Social Responsibility Act 2011, including the ability for a Licensing Authority as a Responsible Authority, to review licences (Section 103). It is not expected that the Licensing Authority will act on behalf of other Responsible Authorities, or on behalf of other persons such as local residents or community groups. However the Licensing Authority may apply for a review if it is concerned about licensed activities at a premises and wants to intervene early without waiting for representations from other parties.
- The power of the Police, other responsible authority, local businesses and residents (regardless of their locality to the premises in question), to oppose or seek a review of the licence or certificate in question.
- Planning controls
- Positive measures to provide a safer and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council
- Powers to designate parts of the Borough as places where alcohol may not be consumed publicly, and powers for an Authority to designate Early Morning Restriction Orders.
- Police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices
- The power of the Police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question.
- Confiscation of alcohol from adults and others in designated areas by police officers.
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises
- Anti Social Behaviour Act 2003 powers for Local Authorities to issue closure orders on premises for 24 hours for premises from which noise is causing a public nuisance

However, the Authority expects every holder of a licence, certificate or permission to make every effort to minimise the impact of their activities and anti-social behaviour by their patrons within the immediate vicinity of their premises. This includes, where appropriate, the provision of adequate refuse storage/collection facilities to reduce the potential for arson.

## **7.2 Public Safety**

7.2.1 The Authority will, in appropriate circumstances, attach conditions to licences and certificates to promote public safety, and these may include Conditions drawn from the Model Pool of Conditions relating to Public Safety and Cinemas and Fire Safety contained within the Guidance issued under Section 182 of the Licensing Act 2003. Any conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.

7.2.2 The Authority will consider attaching a “safe capacity” to licences and certificates when it appears necessary to ensure public safety or to prevent crime and disorder. This will be decided and carried out in consultation with the Surrey Fire and Rescue Service.

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- 7.2.3 The Authority will continue to liaise with Surrey Police and Surrey Fire and Rescue Service and when necessary and appropriate, will undertake joint inspections of licensed premises.
- 7.2.4 The Authority recognises that there are a number of ways to address public safety, these include the enforcement of current legislation by: Planning, Building Control, Surrey Fire and Rescue Service, Surrey Police and Environmental Health.
- 7.2.5 Applicants will be encouraged to seek advice from the Authority's Licensing Service and the Surrey Police and Fire and Rescue Services as well as taking into account other relevant local strategies, such as crime prevention strategies when preparing their operating schedules for submission.
- 7.2.6 The Regulatory Reform (Fire Safety) Order 2005, came into force on 1 October 2006 and affects virtually all premises in England and Wales other than single family dwellings. The legislation emphasises the prevention of fires and reducing risk and makes it the responsibility of the premises licence holder/company to ensure the safety of everyone who uses the premises or may be in the immediate vicinity and may be affected. The regulations require the responsible person to carry out a fire risk assessment and to act on the findings of the assessment and record them. In addition, it is necessary to review the premises Fire Risk Assessment either on a regular basis (recommended to be at least once a year), or if there is reason to suspect that it may no longer be valid, or there has been a significant change to the matters to which it relates.

Where as a result of any such review, the provisions of the fire risk assessment are shown to be inadequate, the findings must be acted upon and the responsible person concerned shall make a time specific corrective action plan to mitigate the risks. Information on the Regulatory Reform (Fire Safety) Order 2005 and the appropriate supporting guidance documents for your type of premises can be obtained from the following website:  
[www.firesafetyguides.communities.gov.uk](http://www.firesafetyguides.communities.gov.uk)

### **7.3 The prevention of public nuisance**

- 7.3.1 When relevant representations have been received, the Authority will take an objective view as to the potential for nuisance and may seek to attach appropriate and proportionate conditions to licences and certificates in order to promote the licensing objective. These may include Conditions drawn from the Model Pool of Conditions relating to Public Nuisance contained within the Guidance issued under Section 182 of the Licensing Act 2003.
- 7.3.2 In promoting this objective, the Authority will consider the impact of the licensable activities at the specific premises that are disproportionate and unreasonable, for persons living and working (including doing business) in the area.
- 7.3.3 Applicants will be recommended to seek advice from the Authority's Environmental Health Officers before preparing any plans and submitting any operating schedule, to ensure consideration is given to the criteria detailed in paragraph 4 (as appropriate).

### **7.4 The protection of children from harm**

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- 7.4.1 The Authority will consider the individual application before deciding whether it will be necessary to limit the access of children to any premises. The following are examples of premises that may raise concern:
- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
  - With a known association with drug taking or dealing
  - Where there is a strong element of gambling on the premises
  - Where entertainment or services of an adult or sexual nature are commonly provided.
- 7.4.2 The Authority will impose conditions to restrict children from viewing age-restricted films classified in accordance with the British Board of Film Classification guidelines.
- 7.4.3 The Authority will, in appropriate circumstances, attach conditions restricting the access of children to licensed premises in order to prevent harm. Such restrictions could include:
- Limit on the hours when children may be present
  - Limitations or exclusions during specific activities
  - Requirements for an accompanying adult
  - Full exclusion of people under the age of 18 from the premises when any licensable activities are taking place.
- 7.4.4 The Authority will, in appropriate circumstances, attach conditions to licences and certificates to prevent harm to children, and these may include Conditions drawn from the Model Pool of Conditions relating to the Protection of Children from harm contained within the Guidance issued under Section 182 of the Licensing Act 2003.
- 7.4.5 The Authority recognises and commends the Portman Group Code of Practice on the Naming, Packaging and promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older. The Authority accepts the statement in the Guidance that the Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors. The Authority will also seek to discourage promotions which encourage excessive consumption of alcohol within a short time period.
- 7.4.6 The Authority expects personal licence holders, and others working under their supervision, not to serve alcohol to children under 18, except in the limited circumstances allowed for by Law. The Authority recommends that where necessary proof of a person's age is obtained by reference to a valid Passport, a Photocard driving licence issued in E.U. or a Proof of age card issued under the PASS accreditation scheme.

The Authority is aware of a number of fake identification being presented to licensed premises, and premises may wish to purchase a UV light to assist in the detection of such.

## **8. RELAXATION OF OPENING HOURS FOR LOCAL, NATIONAL AND INTERNATIONAL OCCASIONS**

- 8.1 The Authority considers that applicants for premises licences and club premises certificates should be in a position to anticipate special occasions which occur regularly each year, such as Bank Holidays, and be in a position to incorporate appropriate hours for these occasions in their operating schedules.

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8.2 On occasions, there may be an exceptional event of local, national or international significance arising, which could give rise to the need to vary the conditions of large numbers of premises licences and club premises certificates. In such circumstances it will be open to the Secretary of State to make a licensing hours order to provide for premises to open for specified, generally extended, hours on these special occasions, such as for a one-off festival, World Cup, Olympic Games or a Royal Jubilee.

## **9. PLANNING USE**

9.1 In general, the Authority will expect that prior to the submission of a licensing application the appropriate planning permission will have been obtained in respect of the premises, and that any operating hours sought do not exceed those authorised by the planning permission. It is recognised that in certain circumstances a provisional statement licensing application may be sought alongside planning permission. A Licence shall not negate the need for appropriate planning permission to be in place for the use/hours.

9.2 In determining applications for licensing applications, there will not be a re-run of the planning application, and it will not cut across decisions taken by the Planning Committee or following appeals against decisions taken by that Committee. Similarly, the granting of applications by the Licensing Committee of any variation of a licence which involves a material alteration to a building would not negate the need for the applicant to apply for planning permission or building control where appropriate.

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

10.1 The Authority recognises the need to avoid duplication with other regulatory regimes so far as possible. However, some regulations do not cover the unique circumstances that arise in connection with licensing. The Authority may, for example, attach conditions to premises when it is considered necessary for the promotion of the licensing objectives and where there is no provision in any other legislation.

10.2 In undertaking its licensing functions, the Authority will be mindful of other legislation and strategies which may impact on the promotion of the licensing objectives. Whilst not exhaustive these will include:

- Police Reform and Social Responsibility Act 2011
- Section 17 Crime and Disorder Act 1988
- Human Rights Act 1998
- The Health & Safety at Work Act 1974
- The Environmental Protection Act 1990
- Alcohol Harm Reduction Strategy for England
- Home Office Action Plan for tackling alcohol related crime, nuisance and disorder
- LACORS/TSI Code of Best Practice on test purchasing
- Health Act 2006

## **11. TACKLING DISORDER AND PARTNERSHIPS**

11.1 The Authority will continue to build on its links with Surrey Police, and will continue its active role in working parties to ensure the proper integration of local crime prevention, planning, transport, tourism and cultural strategies. The Police will utilise management data to record incidents within premises, and this data may guide interventions.

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- 11.2 The Authority will continue to work to established protocols with Surrey Police on the enforcement of licensing law. These will provide for the efficient deployment of Police and Council Officers engaged in enforcing licensing law and inspecting licensed premises, in order to ensure that resources are targeted at problem and high-risk premises.
- 11.3 The Authority will maintain a commitment to supporting the local PubWatch meetings.
- 11.4 The Authority will continue to work to joint inspection regimes with Surrey Police and Surrey Fire and Rescue Service, to ensure the promotion of initiatives such as the prevention of crime and disorder and public safety.

## **12. ENFORCEMENT**

- 12.1 The Council will adopt a risk-based approach to the inspection of licensed premises. This will allow for the targeting of high-risk premises, or those where a breach would have serious consequences. Premises that are low risk and/or well run will be subject to a less frequent inspection regime.

Where necessary, appropriate enforcement (including prosecution) will be carried out in a fair and consistent manner in accordance with

- The Enforcement Concordat
- Epsom and Ewell Borough Council's Environmental Health Service Enforcement Policy
- The Regulators Compliance Code (Statutory Code of Practice for Regulators) December 2007. The Regulators Compliance Code stresses the need for regulators to adopt a positive and proactive approach towards ensuring compliance by helping and encouraging regulated entities to understand and meet regulatory requirements more easily; and responding proportionately to regulatory breaches.

The Council will endeavour to avoid duplication with other regulatory regimes so far as possible, and ensure that data is shared where possible and practicable.

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

- 13.1 Surrey County Council Trading Standards Service and the Police take a very serious view on the illegal sale of alcohol and other age-restricted goods. The Trading Standards Service will continue to seek to ensure that there are no illegal sales of alcohol and other age-restricted goods and they see the licensing regime as a potentially effective way of tackling this issue.
- 13.2 The sale of alcohol to minors is a criminal offence and Surrey Trading Standards Service has, over time, worked to advise the off-licensed trade in particular about how to set up systems to avoid sales taking place. Trading Standards may conduct covert test purchasing exercises with volunteers in response to complaints and local intelligence.
- 13.3 The Authority will expect applicants for licences to demonstrate that they have ensured that all their frontline staff have received adequate training on the law with regard to age restricted sales and that this has been properly documented and training records kept, and must be made available for inspection by the Licensing Authority, Trading Standards or the Police if requested. Training will need to be refreshed periodically.
- 13.4 The Authority will expect staff training to include a basic understanding of the law and must include a requirement of checking identification (ID) for proof of age; paragraph 6.4.6 details

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the forms of ID that the Authority recommends. Should such form of identification (or other means of ID which may be approved subsequent to the adoption of the Policy) proving the purchaser is over 18 years of age not be produced, the sale must be refused. The Authority together with Surrey Trading Standards promote Challenge 25 Schemes in licensed premises as an extra safeguard.

- 13.5 Employees themselves must be over 18 years of age to sell alcohol, unless the sale is authorised by someone who is over 18. If a sale is authorised in this way, the person making the authorisation is also responsible for ensuring that the purchaser is over 18. In addition, where employees have reason to suspect the purchase of alcohol is being bought for anyone under the age of 18, the sale must be refused.
- 13.6 Licensees or employees actually engaged in selling alcohol will need to have a reasonable understanding of English in order that they are able effectively to question purchasers so that they are satisfied that they are over 18 years of age.
- 13.7 The Authority will actively encourage licensees to keep registers of refused sales (refusals books) where sales of alcohol and any other age-restricted goods have been refused for any reason. Keeping such records will help to demonstrate that responsibilities for checking ages of purchasers are being taken seriously. Refusals books should be kept on the licensed premises and be made available for inspection by the Licensing Service, Trading Standards or the Police.
- 13.8 Particularly in premises where alcohol is not the main product sold, for example, food retailers and corner shops - the Authority will actively encourage the use of warning messages where an EPOS (electronic point of sale) system is in use. Such a warning system is of help to employees and it will prompt them to check the age of purchasers of alcohol or other age restricted products that are presented at the check out.
- 13.9 The work of Surrey Trading Standards Service will continue to take place under the Licensing regime. The Licensing Authority will take a very serious view of any transgression reported to it, whether or not a successful prosecution results, under the provisions of the Licensing Act 2003 or any Trading Standards legislation.
- 13.10 Surrey Trading Standards provide a free advice service on how to avoid selling age restricted goods. Contact details can be found in Annexe C in the Policy.

#### **14. PROMOTION OF EQUAL OPPORTUNITIES**

- 14.1 The Authority has published an Equal Opportunities Strategy. The Authority wishes to ensure equality of access to opportunities in the Borough and thereby avoid discrimination, including having regard to the nine protected characteristics, namely; age, disability, sex, religion or belief, marriage and civil partnership, pregnancy and maternity, race, gender reassignment and sexual orientation. The Authority has also produced a Race Equality Scheme, and will remain focused upon, and will work to promote this.

#### **15. LATE NIGHT LEVIES AND EARLY MORNING RESTRICTION ORDERS**

- 15.1 The Authority has considered the provisions made available under the Police Reform and Social Responsibility Act 2011, and following consultation with Surrey Police, has

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determined not to implement these powers at this time, however this will be reviewed on an ongoing basis.

## **APPENDIX A**

<b>Matter to be dealt with</b>	<b>Council</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence		If an objection made	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application to vary premises licence/club premises certificate		If a representation made	If no representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases

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Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc.			All cases
Decision on whether to apply (as the Licensing Authority) for a review of a premises licence/club premises certificate			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application			All cases
Determination of a Police/Environmental Health objection to a temporary event notice		All cases	
Adoption of the Statement of Licensing Policy	All		

## **APPENDIX B**

### **List of consultees**

**Surrey Police**

**Surrey Fire and Rescue Service**

**Surrey Trading Standards**

**Surrey Primary Care Trust**

**Surrey Chambers**

**Epsom & Ewell Planning Authority**

**Epsom & Ewell Environmental Health Department**

**Health and Safety Executive**

**Epsom Civic Society**

**Representatives of local residents**

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**Representatives of the licensed trade**

**The Association of Licensed Multiple Retailers**

**Home Office Immigration**

**General public consultation by way of notification on the Council's website throughout the consultation period**

## **APPENDIX C**

### **Responsible Authorities**

Licence applications must be sent to the Licensing Authority, and copies sent to the Responsible Authorities and other bodies prescribed by Regulation, as appropriate upon the type of application. The contact details of most of the Authorities are detailed below, and are correct as at April 2010. Applicants should therefore confirm with each Authority that the contact details are correct at time of application.

#### **Licensing Authority**

Licensing, Grants and HIA Service  
Epsom and Ewell Borough Council  
Town Hall  
The Parade  
Epsom  
Surrey  
KT18 5BY

Telephone: 01372 732000 Fax: 01372 732452 Email: [licensing@epsom-ewell.gov.uk](mailto:licensing@epsom-ewell.gov.uk)

#### **Surrey Police**

#### **Surrey Fire and Rescue Service**

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Licensing Epsom  
Surrey  
Police  
PO Box 101  
Guildford  
Surrey GU1 9PE

Telephone: 01372 721212

Licensing Team  
Service Headquarters  
Croydon Road  
Reigate  
Surrey  
RH2 0EJ

Telephone: 01737 733733

**Primary Care Trust**

Public Health Business Manager  
Public Health NHS Surrey  
Room G55  
County Hall  
Penrhyn Road  
Kingston Upon Thames  
KT1 2DN

Telephone : 01737 737109

**Surrey Social Services**

Joanne Booth  
County Child Employment & Strategy Manager  
Quadrant Court  
35 Guildford Road  
Woking  
Surrey  
GU22 7QQ

Telephone: 01483 517838

**Health and Safety at Work etc Act 1974 Enforcing Authority**

The enforcement function is undertaken by either the Local Authority or Health and Safety Executive dependant upon the nature of the premises. An overview is given below, but for specific guidance please contact the Environmental Health Service.

**Environmental Health Service**

(Public Houses, Restaurants, Churches and Church Halls, Shops, Sport Centres etc.)

**Epsom and Ewell Borough Council  
Environmental Health Service  
Town Hall  
The Parade  
Epsom  
Surrey  
KT18 5BY**

Telephone: 01372 732000

Email: [contactus@epsom-ewell.gov.uk](mailto:contactus@epsom-ewell.gov.uk)

**Health and Safety Executive**

(Local Authority premises, railways, Police or Fire Authority premises, fairgrounds, agricultural shows etc.)

**Health and Safety Executive  
The Council Offices  
Station Road East**

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Oxted  
Surrey  
RH8 5BY

**Planning Authority**

Planning Department  
Epsom and Ewell Borough Council  
Town Hall  
The Parade  
Epsom  
Surrey  
KT18 5BY

Telephone: 01372 732000  
Fax: 01372 732109  
Email: [planning@epsom-ewell.gov.uk](mailto:planning@epsom-ewell.gov.uk)

**Home Office (Immigration Enforcement)**

Alcohol Enforcement Team  
Lunar House  
40 Wellesley Road  
Croydon  
CR9 2BY  
Email: [alcohol@homeoffice.gsi.gov.uk](mailto:alcohol@homeoffice.gsi.gov.uk)

**Trading Standards**

Surrey Trading Standards Service  
Consort House  
5-7 Queensway  
Redhill  
Surrey  
RH1 1YB

Telephone: 08454 04 05 06  
Email: [trading.standards@surreycc.gov.uk](mailto:trading.standards@surreycc.gov.uk)

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