

REVIEW OF STATEMENT OF POLICY LICENSING ACT 2003

Head of Service:	Rod Brown, Head of Housing & Community
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Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
Appendices (attached):	Appendix 1 – Statement of Policy made under the Licensing Act 2003 Appendix 2 – Epsom and Ewell Borough Map Appendix 3 – ASB and Serious Violence Hotspots Appendix 4 – Review of Alcohol related Hospital Admissions and 999 Call-outs Appendix 5 – Epsom Town Centre Special Stress Area Appendix 6 – Licensing Best Practice Measures for consideration within the Special Stress area Appendix 7 –Table of Delegations of Licensing Functions

Summary

The Statement of Policy under the Licensing Act 2003, constitutes the Council's policy on how authorisations for alcohol, regulated entertainment, and late night refreshment is considered and regulated. The Act requires the Council to review and readopt a statement of policy at least once every five years and to consult on the draft before it is adopted. This report seeks the Committee's approval to go out to consultation on an updated draft Statement of Policy.

Recommendation (s)

The Committee is asked to:

- (1) The Committee is requested to approve the draft Statement of Policy under the Licensing Act 2003 for consultation.

1 Reason for Recommendation

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- 1.1 The current Statement of Licensing Policy has passed its renewal date and must be reviewed, and a revised draft consulted on prior to adoption for a further 5-year period. This is a statutory requirement, and as such there is no alternative option.

2 Background

- 2.1 The Council is the licensing authority (LA) responsible for granting licences, certificates and notices in the Epsom & Ewell Borough in respect of licensable activities including the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment. Currently the Borough has 214 Premise Licences, and 14 Club Premises Certificates, and 1083 Personal Licences in effect. In a typical year the Licensing Authority is served with approximately 240 Temporary Event Notices.
- 2.2 There are four licensing objectives under the Licensing Act 2003 (the Act) which guide the way that LAs perform their functions and the way that licensable activities are carried on. These four objectives are:
 - the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm

3 Review of the Statement of Principles

- 3.1 The Statement of Policy under the Act constitutes the Council's policy on how applications for associated licences are considered and regulated. It provides guidance to applicant's, objectors and responsible authorities on Epsom & Ewell Borough Council's approach to licensable activities in the Borough. Under the Act the Council is required to review and readopt a statement of policy at least once every five years and to consult on the draft before it is adopted.
- 3.2 The Council's current Statement of Policy was last reviewed more than five years ago, and as such it has been reviewed and redrafted.
- 3.3 The current Statement of Policy includes a zoning policy for Epsom town centre, aimed at addressing concerns that the density of licensed premises in Epsom was contributing to high levels of antisocial behaviour in the area. The zoning policy stated that the Council would not grant licences after certain hours unless the applicant could clearly demonstrate that the premises would not add to the cumulative impact for the area, in addition to satisfying specified requirements.

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- 3.4 By creating a presumption to refuse certain premises based on the perceived cumulative impact of these premises in the town centre, the zoning policy is a 'Cumulative Impact Policy' ('CIP') as defined by the Policing and Crime Act 2017. The 2017 Act requires CIP to be evidenced based and subject to 3 yearly review. The evidence necessary to justify a CIP would largely rely on data provided by the police, but to date Surrey Police have not requested a CIP for Epsom Town Centre, and has not provided evidence to support a CIP.
- 3.5 The revised policy replaces the zoning policy for Epsom with a Special Stress Area ('SSA') policy. New and varied applications for late night premises and club premises certificates within the SSA will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to include positive proposals to ensure that their operation will not add to the levels of reported antisocial and violent behavior in this area.
- 3.6 Based on publicly available crime data, Appendix 5 of the Statement of Policy shows the proposed extent of the SSA, and Appendix 6 of this policy sets out a list of measures the licensing authority considers it appropriate for applicants to consider with respect to premises in this area. These may be more or less appropriate depending upon the style of operation applied for.
- 3.7 On receipt of any application for a premises in the SSA, where a relevant representation has been made, the SSA policy requires the licensing authority will scrutinise the application carefully and look at the measures proposed in the operating schedules, and compare them to the measures set out in Appendix 6, Licensing Best Practice Measures. Where discretion has been engaged, those applications which fall short in considering appropriate measures may have conditions applied to comply with the policy measures, or if they are totally inadequate at promoting the licensing objectives in the local context, refused.

4 Consultation

- 4.1 A twelve-week public consultation exercise on the revised Statement of Policy will be undertaken, and the results of the consultation will be reported back to the 10 March 2026 meeting of this Committee.
- 4.2 The Act sets out statutory consultees as follows:
- the chief officer of police for the licensing authority's area,
 - the fire and rescue authority for that area,
 - the Local Health Board for an area any part of which is in the licensing authority's area,
 - each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area
 - Persons/ bodies representative of local premises licence holders

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- Persons/ bodies representative of local club premises certificate holders
- Persons/ bodies representative of local personal licence holders
- Persons/ bodies representative of businesses and residents in its area

4.3 In addition the Licensing Authority has consulted with:-

- Buckinghamshire & Surrey Trading Standards,
- Surrey Safeguarding Children Board,
- Epsom & Ewell Borough Council's Environmental Health service
- Epsom & Ewell Borough's Planning service.
- Surrey District and Borough Licensing Authorities
- Epsom Business Improvement District ('Go Epsom')
- Borough Councillors
- Epsom Pubwatch
- The Epsom and Ewell Community Safety Partnership

5 Risk Assessment

Legal or other duties

5.1 Equality Impact Assessment

5.1.1 The revised Statement of Policy considers the duties imposed by the Equalities Act 2010. It is not considered necessary for a separate Equalities Impact Assessment to be documented.

5.2 Crime & Disorder

5.2.1 The Act places a duty on both the Council to carry out its functions with a view to promoting the licensing objectives, including the prevention of crime and disorder. The revised Statement of Policy reflects this duty, and the prevention of crime and disorder, along with the promotion of the other licensing objectives, underpins the policy

5.3 Safeguarding

5.3.1 The Act places a duty on both the Council to carry out its functions with a view to promoting the licensing objectives, including the protection of children from harm. The revised Statement of Policy reflects this duty, and the protection of children from, along with the promotion of the other licensing objectives, underpins the policy.

6 Financial Implications

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- 6.1 The costs associated with consulting on the revised policy will be contained within existing budgets. The fees chargeable by LAs for Licensing Act licences and notifications are set by the Home Office and have not been reviewed since their introduction in 2005. The Council charges the maximum fees permissible.
- 6.2 **Section 151 Officer's comments:** None arising from the contents of this report.

7 Legal Implications

- 7.1 Under the Licensing Act 2003 the Council is required to review and readopt a statement of principles at least once every five years and to consult on the draft before it is adopted. Adoption of the Council's Licensing Act policy is a function of Full Council.
- 7.2 **Legal Officer's comments:** As per above, section 5 (1) of the Act specifies that a licensing authority must determine its policy and publish it every 5 years. The statutory guidance issued under section 182 of the Act, states that the policy must be published before the authority carries out any licensing functions. Substantial revisions to the previously adopted policy have been necessary due to the Terrorism (Protection of Premises) Act 2025 receiving Royal assent and the fact that the licensing authority has decided to replace the red and amber zones detailed in its previous policy and introduce the SSA as an alternative. There are also additions aimed to address the potential problems arising from the relatively new prevalence of delivery services.

8 Policies, Plans & Partnerships

- 8.1 **Council's Key Priorities:** The review of the Statement of Principles is a statutory requirement and does not engage with any of the Key Priorities.
- 8.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 8.3 **Climate & Environmental Impact of recommendations:** Climate & Environmental Impact are not licensing objectives under the Licensing Act 2003, and as such to the Council's Statement of Policy is neutral with respect to these matters.
- Sustainability Policy & Community Safety Implications:** The revised Statement of Policy sets out how the Council carry out its functions with a view to promoting the licensing objectives, including the prevention of crime and disorder.
- 8.4 **Partnerships:** The draft Statement of Policy sets out how the Council will work in partnership with other public bodies to regulate licensable activity.

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- 8.5 **Local Government Reorganisation Implications:** It is a statutory requirement that each Licensing Authority publishes a Statement of Policy. If a new LA is created as a result of the Local Government Reorganisation, then it will be necessary for a new Statement of Principles to be published in due course.

9 Background papers

- 9.1 The documents referred to in compiling this report are as follows:

Previous reports:

- None

Other papers:

- [Section 182 Guidance issued by the Secretary of State](#). Paragraphs 14.20-14.46 explain the requirement around developing a Cumulative Impact Policy
- Current [Statement of Licensing Policy](#)