



Statement of Policy made under the Licensing Act 2003

Setting out how Epsom & Ewell Borough Council proposes to exercise its functions under the Licensing Act 2003.

This policy is in force between [TBC], unless revised beforehand.

Issued in accordance with section 5 of the Licensing Act 2003.

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Document history

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Part A Introduction and Legislative Basis

1. Introduction

- 1.1 Epsom & Ewell Borough Council ('EEBC'), as the licensing authority for the Borough of Epsom & Ewell, is required by section 5 of the Licensing Act 2003 ('the Act') to publish and keep under review a policy with respect to the exercise of its licensing functions.
- 1.2 This policy, along with the Act, secondary legislation and current national guidance issued by the Secretary of State, forms the basis on which licensing decisions are made and how licensed premises are likely to be permitted to operate.
- 1.3 It is intended that this policy provides guidance to a wide range of people in the Borough - EEBC Councillors and officers, organisations who need authorisations under the Act, residents and others who may be affected by their activities, and the statutory bodies with responsibilities under the Act
- 1.4 EEBC, in adopting this policy, aims to strike a balance between the needs of residents and visitors for a safe and healthy environment and the importance of prosperous and well-run entertainment, recreational and cultural premises to the local economy and vibrancy of the town centres and Borough as a whole.
- 1.5 To achieve this, EEBC is committed to working in partnership with enforcement agencies, local businesses, the licensed trade, residents and others towards the promotion of the four licensing objectives set out in the Act

2. Scope of this Policy

- 2.1 EEBC is a licensing authority for the purposes of the Act and is responsible for granting licences, certificates and notices in the Epsom & Ewell Borough in respect of activities described by the Act as 'Licensable Activities'.
- 2.2 Licensable activities include:
 - Retail sale of alcohol
 - Supply of alcohol to club members
 - The provision of regulated entertainment
 - The provision of late night refreshment
- 2.3 Regulated entertainment is entertainment falling with the following description;-
 - Performance of a play
 - An exhibition of a film
 - An indoor sporting event
 - Boxing or wrestling entertainment

- A performance of live music
- Any playing of recorded music
- A performance of dance
- Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance

That is provided:

- a) For members of the public or a section of the public,
- b) Exclusively for members of a club which is a qualifying club in relation to the provision of regulated entertainment, or for members of such a club and their guests, or
- c) In cases not falling within paragraph (a) or (b), for consideration and with a view to profit, and includes:

There are a number of exemptions and details of these are set out in full in Part 2 of [Schedule 1 of the Licensing Act 2003](#). A summary of when a licence is likely to be required is provided on the [Entertainment Licensing](#) page of .GOV.UK

Irrespective of whether the provision of music is regulated entertainment you may still need permission from the Performing Rights Society if you are playing music for customers, employees or for the public that is copyrighted. The requirements for a PRS licence is outside the scope of this policy, please contact the PRS for advice. Their website is www.prsformusic.com/

2.4 Late night refreshment is the supply of hot food and/or drink from any premises, other than private members clubs, between 11pm and 5am. There are a number of exemptions and details of these are set out in full in Part 3 to 5 of [Schedule 2 of the Licensing Act 2003](#).

2.5 Part 2 of Schedule 2 of the Act allows the licensing authority to exempt from the requirement for a late night refreshment licence either;-

- Certain types of designated premises, or
- premises within a designated area, or
- activities within a designated time period (e.g. 11pm to midnight),

Epsom & Ewell Borough Council has not exempted any such premises, locations or periods from the requirement for a late night refreshment licence.

2.6 This policy will set out how EEBC as the Licensing Authority will seek to promote the licensing objectives through the issue of licences and the assessment of notices covered by the Act. These are:

- Personal Licences for individuals – necessary where alcohol is to be sold or provided on premises.
- Premises Licences and Club Premises Certificate – subject to suitability of premises and measures taken by applicant to ensure the promotion of the licensing objectives.

- Temporary Event Notice – a simplified process for occasional events of a smaller scale.

Detailed information on the process for obtaining these authorisation is provided on [Alcohol and Entertainment page of EEBC's website](#).

- 2.7 This policy does not depart from the statutory guidance issued under section 182 of the Act.

3. Policy consultation

- 3.1 In determining this policy the Licensing Authority has undertaken formal consultation with members of the public, community stakeholders, specific groups and individuals as listed in section 5(3) of the Licensing Act 2003. These are;

- 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
- 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

- 3.2 In addition the Licensing Authority has consulted with:-

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

The draft policy has also been published on Epsom & Ewell Borough Council's website.

- 3.3 The views of all these bodies and the evidence presented have been given due weight in the determination of this policy. Further details of the consultation process and the results of the consultation are set out in Appendix 1 [to be attached following consultation].

4. Policy Review

- 4.1 The policy will be regularly reviewed and formally re-published every 5 years. Any changes considered necessary between the 5 yearly reviews will be referred to Full Council, subject to consultation in accordance with the provisions of the Act, and revisions published accordingly.
- 4.2 Subject to approval of the Chair of the Licensing Committee and in consultation with the Council's Monitoring Officer, inconsequential changes to the policy (e.g. updating contact details/links) may be updated without the requirement for formally reviewing the policy or consultation. Any such inconsequential changes will be logged in the 'Document History' section of this policy.

Part B Epsom & Ewell Borough Council as Licensing Authority

5. Fundamental principles

5.1 The Council will carry out its various licensing functions with a view to promoting the four licensing objectives:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm

Each objective is of equal importance.

5.2 Each licence application will be considered on its own merits in the context of the four licensing objectives.

5.3 Although the four objectives are the only matters that the licensing authority may take into account when making licensing decisions, as a public body the licensing authority is also required:

- Under the Crime and Disorder Act 1998 to have due regard of the crime and disorder implications of any of its decisions, including the adoption of this policy;
- To implement the Licensing Act in a manner consistent with the Human Rights Act 1998 by giving due consideration to the rights contained in the European Convention on Human Rights and Fundamental Freedoms;
- To implement the Licensing Policy in a manner consistent with its legal requirement under the Equality Act 2010, to ensure that all decisions made give due consideration to the Council's Public Sector Equality Duty.
- To act in accordance with the Regulators Code under the Legislative and Regulatory Reform Act 2006
- To fulfil its obligations under the Immigration Act 2016 and the Modern Slavery Act 2015, including identifying and supporting victims of modern slavery.

5.4 Unless relevant representations or objections are received with respect to an application the licensing authority has no discretion to impose conditions on a licence other than those proposed within an application.

5.5 The Council recognises that proper account will have to be taken of the need to encourage and promote live music, dancing and theatre for the wider

cultural benefit of the community. Conditions to be imposed on relevant licences will not, therefore, discourage the promotion of such entertainment but will relate solely to the promotion of the licensing objectives.

- 5.6 The Council acknowledges that licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and 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 in town and city centres.
- 5.7 Nothing in the policy statement should be regarded or interpreted as an indication that any requirement of licensing or other law may be overridden.
- 5.8 Nothing in this policy overrides the right of any person to make an application, make representations about an application or apply for a review of a licence. Each will be considered on its own merits and in accordance with the statutory requirements of the Act.
- 5.9 As this policy cannot foresee every scenario or set of circumstances, EEBC may depart from this policy where, in the Council's view, the matter requires it; in any such case the Licensing Authority will give full reasons, in writing, for this decision.

6. The Local Context

- 6.1 A map showing the geographical area covered by this Statement of Policy can be viewed at Appendix 2.
- 6.2 Epsom & Ewell Borough has a population of approx. 82,000 people; it is Surrey's smallest borough geographically but the most densely populated.
- 6.3 The Borough is bordered by outer London boroughs to the North (with some of the Borough's urban areas forming part of the wider Greater London Built-up Area), and the Surrey Hills National Landscape to the South (designated an Area of Outstanding Natural Beauty). The neighbouring districts are Reigate and Banstead, Mole Valley, Kingston upon Thames and Sutton.
- 6.4 The borough is located entirely within the M25 motorway, and boasts excellent transport links, with direct train lines to Waterloo, London Bridge, and London Victoria, and with Gatwick Airport only 20 miles south of Epsom.
- 6.5 Epsom & Ewell Borough has a vibrant local economy in the retail, engineering and leisure sectors. The area comprises three main conurbations;
- Epsom, a historic market town with a vibrant evening economy.
 - Ewell Village, with renowned taverns and independent shops, cafés and restaurants .

- Stoneleigh, with a parade of shops and restaurants located near open spaces and a nearby park.
- 6.6 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 Derby Festival also indirectly benefits significantly the hospitality sector and local suppliers across the Borough, as well as the wider Surrey area.
- 6.7 The Borough is home to significant educational establishments, with the borough hosting campuses for the University for the Creative Arts, the North East Surrey College of Technology and Laines Theatre Arts.
- 6.8 Epsom & Ewell Borough is a relatively economically prosperous area, with the Borough [having the highest employment rate across Surrey](#), with resident's earning on typically higher than the national average. However, this picture does mask pockets of deprivation across the borough, for example, Court Ward is the 4th most deprived ward in Surrey.
- 6.9 Epsom & Ewell Borough has a relatively low crime rate when compared with the rest of the country, although [within Surrey the total number of recorded offences](#) is slightly above average. Of the crimes reported in the Borough, violence and sexual offences is the most prevalent crime type, although this category is usually the largest in any urban area (partly because 'Violent Crime' covers so many offences compared to say Burglary). The next most prevalent crime is antisocial behaviour, followed by public order offences
- 6.10 Surrey Police have mapped incidents of antisocial behaviour and serious violence across Surrey, and identified Epsom as a primary hotspot, along with Guildford, Woking / Knaphill, Redhill, Staines and Camberley. The primary area of interest in Epsom is around the High Street and Station Approach, and the Ashley Shopping Centre. Two peak times for incidents have been identified: 17:00 – 20:00 and 00:00 – 04:00 at the weekends. A summary of the police hotspot mapping is attached at Appendix 3. The last train from Epsom usually departs around 23:49, and the second peak of incidents may be related to associated problems with dispersal from the town when late night licensed venues close.
- 6.11 Public Health is not a licensing objective, however health data may be helpful in assessing the related impact of alcohol on Public Safety. [The Surrey Office of Data Analytics](#) produced a summary of alcohol related hospital admissions and 999 Call-outs in the Epsom & Ewell, and a copy of this is attached as Appendix 4. This showed that within Epsom & Ewell, Epsom Town ward saw the highest numbers for both alcohol related admissions and 999 call-outs. The age ranges from 41 onwards had the higher number of alcohol related admissions. Ewell East had a very large number of alcohol related admissions for 81-90 year olds. Alcohol related 999 call-outs were the highest for 51-70 year old range. It should be noted though that within Surrey, Epsom & Ewell Borough has the [second lowest rate of alcohol related hospital admissions](#), although this data may not produce an accurate picture, as it is based on the

home address of the person being admitted, rather than the location of any alcohol related incident.

- 6.12 To help tackle anti-social behaviour in the Borough, in May 2025 EEBC implemented a Public Spaces Protection Order. This order, which can last up to three years, allows authorised individuals like police officers and council staff to address prohibited activities, including alcohol consumption in public spaces after a warning. EEBC has also within this policy created a 'Special Stress Area', designed to promote good practice and minimise the adverse impact from alcohol-use in Epsom Town centre.
- 6.13 At the time of publication of this Statement there were 214 Premise Licences, and 14 Club Premises Certificates in the Borough, and 1083 Personal Licences in effect within the Epsom & Ewell Borough. In a typical year the Licensing Authority is served with approximately 240 Temporary Event Notices.

7. Council aspirations and vision for the place

- 7.1 Five distinct themes come together to create the Council's vision for Epsom and Ewell;-

- Green & Vibrant

*Where people are passionate about the environment
Rich with biodiversity and the best that nature has to offer
A great place to go walking or cycling with friends and family
A place with access to fantastic countryside and clean air
Tree lined streets with some of the best examples of eco-buildings
Clean and well-maintained environment
Beautiful and well-designed public spaces*

- Opportunity & Prosperity

*A great place to start and grow your business
An ambitious place where there is investment in the future
A place to innovate and try out new ideas
Affordable homes for families and local workers
There's an excellent education
A place that offers an excellent start in life whatever your background
Where ambition is encouraged and nurtured*

- Safe and Well

*Where I can feel safe and secure at any time of day
A place that is family friendly, where people support each other
Easy access to world class health and wellbeing services
Where it's easy to keep healthy and active
Where I can breathe clean air Where there is a strong community spirit
Where people come before traffic*

- Cultural & Creative

*Proud of the rich local history and heritage
A clear and compelling identity that excites and inspires
A thriving market and unique retail offer
A home for creative enterprises
There's a wide range of local events and activities for people to take part in
A great place to meet up after work with friends and family
Where people work together for the benefit of the community*

- Smart & Connected

*Easy to get around and get things done
Climate friendly public transport options
A strong community where it's easy to network and meet like-minded people
Part of Zone 6 and Cross Rail 2
Where it's easier not to own a car
Innovative and forward looking with the right skills for the future
High speed digital connectivity where it's easy to plug in*

7.2 It is the aspiration of this Statement of Licensing Policy to support these themes through the promotion and application of the four licensing objectives.

7.3 In accordance with these priorities Epsom & Ewell Borough Council would positively encourage applications that:-

- support the use of open space, sport and recreation facilities to meet current and future requirements.
- promote a broad range of entertainment, particularly live music, dance and theatre for the wider cultural benefit of the community
- support local community events and organisations.
- commit to involvement in community safety partnership initiatives
- reduce traffic growth by providing local community services
- through innovation, are likely to ensure the Borough's towns and village centres remain successful and viable places for people to live, shop and spend their leisure time.

When considering applications for such events and the imposition of conditions on licences or certificates, the Licensing Authority will carefully balance the wider benefits with the necessity of promoting the licensing objectives.

7.4 The Licensing Authority believe that as long as licensed premises operate as compliant, well-regulated businesses and that their management acts responsibly in promoting the licensing objectives i.e.; run safe, well managed venues and facilities; and engage and work with the local authority, its partners and the local community; then the premises make a positive

contribution toward building community cohesion and cultural development. It is also important to appreciate that alcohol plays an important and inherent role within the leisure and entertainment industry.

- 7.5 However, it is equally recognised that negative impacts will occur if good management practices are not followed by licensed premises. These can include anti-social behaviour, nuisance and disturbance caused to local residents, sometimes together with serious crime and disorder problems. Alcohol, in particular, is an important contributing factor to all of these issues. Alcohol-related violence, disorder and rowdiness impact on our community, public health and the public purse through the demands made upon hospital attendances and admissions; additional policing; additional street cleaning; and the criminal justice system. The Authority does not consider that it is reasonable for local residents and compliant businesses to suffer because of a small number of irresponsible, poorly managed operators.
- 7.6 This Statement of Licensing Policy, therefore, seeks to provide a necessary balance between providing a platform upon which compliant, well-regulated businesses may operate and contribute towards a successful business and night-time economy, and ensuring that the quality of life of those who live and work in the Borough is protected through the licensing system. We believe these aims are achievable if all parties concerned work together.
8. Cumulative Impact, Special Stress Area Policy, Early Morning Restriction Orders (EMRO), and Late Night Levy
- 8.1 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 (as per section 5A Licensing Act 2003). 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 will normally be refused, if relevant representations are received.
- 8.2 However, Epsom town centre is deemed an area of special concern in terms of the level of crime and disorder, particularly at night, and is recommended for further monitoring and detailed guidance as set out in the Special Stress Area ('SSA') section in Part C. 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 make fulsome, written positive proposals to ensure that their operation will not add to the problems faced in these areas. Appendix 5 shows the 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. On receipt of any application in the SSA, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and will 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 be refused or conditions applied to comply with policy measures.

- 8.3 The Licensing Authority has decided that at present it is not appropriate for any area of the Borough to be covered by an Early Morning Alcohol Restriction Order (EMRO). This Licensing Authority does not consider it appropriate for the promotion of the licensing objectives to restrict sales of alcohol in the whole or a part of the Borough for any specified period between 12 midnight and 6 am.
- 8.4 The Licensing Authority has decided that, at present, it is not appropriate for the Borough to be covered by a late-night levy. The Licensing Authority does not consider it desirable that all licence holders operating a licence which allows for the sale of alcohol between midnight and 6am be required to pay into the levy for policing the night-time economy.
- 8.5 The Licensing Authority will keep the need for a special cumulative impact policy, a SSA policy, EMRO and late-night Levy under review. Should the authority find that problems of crime and disorder are not improving, or are worsening, the Statement of Policy will be reviewed.

9. Promotion of equality

- 9.1 The Equality Act 2010 imposes a duty on the Council as the Licensing Authority to have due regard to the need to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations between people with different protected characteristics.
- 9.2 To show how the Council meets its Equality Duty the Council publishes a Diversity, Equity & Inclusion Report, available on the [Council's website](#).
- 9.3 All licensed premises are subject to the Equality Act 2010 which lists a number of protected characteristics that must not be used as a reason to treat a person less favourably than another person, these are;
- Age
 - Disability
 - Gender reassignment
 - Marriage and civil partnerships
 - Pregnancy and maternity
 - Race (this includes colour; nationality; ethnic and national origins)
 - Religion or belief
 - Sex
 - Sexual orientation.
- 9.4 Treating a person less favourably than someone else because that person has one or more of these characteristics is discriminatory.

- 9.5 The Equality Act 2010 also imposes a duty on any person providing a service to the public, including operators of licensed premises, to make reasonable adjustments to enable disabled people to access the service, where a disabled person would be at a substantial disadvantage compared to a non-disabled person.
- 9.6 The Licensing Authority urges applicants and existing operators to plan ahead to meet their legal responsibilities under the Equality Act 2010. Further information and guidance can be obtained from the Home Office website.

10. Exercise and delegation of function

- 10.1 The powers of the Licensing Authority under the Act may be carried out by the Council's Licensing Committee, Licensing Sub-Committees or by one or more officers acting under delegated authority.
- 10.2 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. A table of these delegations are shown in Appendix 7.

11. Partnership working

- 11.1 The promotion of the licensing objectives relies on a partnership between licence holders, authorised persons, residents, responsible authorities and the Authority. The Authority is keen to work in partnership with licensees and with bodies such as licensee forums, pub watches, Business Improvement Districts (e.g. [Go Epsom](#)), tenants' and residents' groups and those representing such groups to develop a prosperous and well managed economy whilst promoting the licensing objectives.
- 11.2 The Council has set up multi-disciplinary working groups to ensure the proper integration of local crime prevention (e.g. Joint Action Group (JAG), Community Harm and Risk Management Meeting (CHaRMM)). The Council also has a role in the Business Improvement District's Business Crime Reduction Partnership.

12. Planning

- 12.1 The planning and licensing regimes operate independently, involving consideration of different, albeit related, matters. The Licensing Authority is not bound by planning decisions, and vice versa. The two schemes take different matters into account when determining hours, so differences between terminal hours may arise, with the more restrictive set of hours always applying.
- 12.2 Nevertheless, where applicants have indicated that they have also applied for planning permission or that they intend to do so, and where relevant

representation has been received, officers will consider discussion with their planning service prior to determination with the aim of recommending mutually acceptable operating hours and scheme designs to the Licensing Sub-Committee. Licensing decisions will not normally cut across planning decisions, however the licensing regime will not seek to duplicate the role of the Local Planning Authority.

- 12.3 It is noted that any decision of the Licensing Authority on an application for a premises licence does not relieve the premises user of any requirements under planning law for appropriate planning permission where it is required. Premises operating in breach of their planning permission could ultimately be liable to prosecution under planning law. Applicants are recommended to obtain planning consents prior to applying for a licence to avoid potentially inoperative licences.

13. Fire safety

- 13.1 The Regulatory Reform (Fire Safety) Order 2005 requires the responsible person to make a suitable and sufficient assessment of the risks from fire, to which relevant persons are exposed, and to remedy any findings of the assessment. The risk assessment should be conducted by a suitably competent person.
- 13.2 Licensed Premises are required under the above legislation to document the Fire Safety arrangements and any significant findings resulting from the required risk assessment.
- 13.3 A Licensing Authority may not allow fire-safety related conditions to be applied to a licence. However, all applicants and licence holders are reminded that current fire safety legislation requires an employer or other responsible person to carry out a regular review of their fire risk assessment and as a result of changes to the workplace, revise the fire safety arrangements to reduce any increased risk. Please refer to the [Government's guidance on completing fire risk assessments](#) for more information.

14. Integrated Strategies

- 14.1 This Licensing Policy supports the Community Safety Partnership Action Plan which looks at reducing crime and disorder by working with various agencies to address community safety issues.

15. Responsible authority and children

- 15.1 The Council considers Surrey County Council's Children's Services competent to act as the responsible authority in relation to the Protection of Children from harm.

16. The Licensing Authority as a responsible authority

- 16.1 Within the Act provision is made for a licensing authority itself to make representations. However, the Licensing Authority will not normally make representations that should be made by another responsible authority with the expertise in that area.
- 16.2 However, the Licensing Authority may in exceptional circumstance wish to make representations on its own account. For example, reasons could include bringing together a number of minor unconnected complaints that in themselves do not require another responsible authority to make a representation, but when taken together may constitute a public nuisance, represent breaches of licence conditions only observed by licensing authority officers or which undermine the licensing objectives.

17. Information sharing

- 17.1 Epsom & Ewell Borough Council is committed to open data principles. Subject to the provisions of the Data Protection Act 2018 and General Data Protection Regulation 2016/679 and any other applicable legislation, the Authority will share information about licensees, licensed premises and activities associated with them to all partners. Operating schedules, results of compliance checks, and details of enforcement action may also be shared.

18. Minor errors in applications

- 18.1 Applications will not be returned if they contain obvious and minor errors such as typing mistakes, or small errors that can be rectified with information already in the authority's possession.

19. Significant errors in applications

- 19.1 If required information is missing or incorrect, the Council will 'hold' the application until the applicant has supplied all the required information. This resets the 28-day period for determining an application and may be done any number of times until the application form is complete. The Council will ensure that they notify the applicant as quickly as possible of any missing (or incorrect) information, and explain how this will affect the statutory timescale and advertising requirements.
- 19.2 If an application has been given at the weekend, the notice advertising the application (where applicable) may already be displayed outside the premises by the time that the licensing authority downloads the application. If we are holding an application, the Council will inform the applicant that the original (or if necessary, amended) notice must be displayed until the end of the revised period. The Council advise the applicant that they should not advertise the application in a local newspaper until they have received confirmation from

the licensing authority that the application includes all the required information.

- 19.3 If an applicant persistently fails to supply the required information, the licensing authority may refuse the application, and the applicant must submit a new application. If the applicant has not sought pre-application advice or followed the application guidance provided on the Council's website, the full application fee will be retained by the Licensing Authority.
- 19.4 The Council may also 'defer' electronic applications once if the application is particularly complicated, for example if representations are received and a hearing is required. This allows the licensing authority to extend the statutory time period for the determination of the application by such time as is necessary, including, if required, arranging and holding a hearing. Licensing authorities must ensure that applicants are informed as quickly as possible of a decision to defer, and the reasons for the deferral, before the original 28 days has expired.

Part C Premises Licences and Club Premises Certificates

20. Pre-application discussions

- 20.1 The Licensing Authority would strongly encourage applicants to hold pre-application discussions with Licensing Officers, other relevant statutory bodies and local residents or businesses before submitting all but the most straightforward applications. Taking this step may prevent misunderstandings as to what is being proposed and stop formal representations being made that will result in licensing hearings.

21. Promoting the licensing objectives

- 21.1 The Licensing Authority expects all applicants for licences to demonstrate that they have addressed any local concerns and have thought about how the premises will be run responsibly and in such a way as to promote the licensing objectives. A risk assessment approach is strongly encouraged such that appropriate controls can be identified to manage such risks, and incorporated within the operating schedule of the application.
- 21.2 The operating schedule forms the basis of any conditions placed on a licence other than those which are mandatory. It provides valuable information to interested parties and responsible authorities assisting their assessment of the impact of the licensed activity on the licensing objectives and provides information about how the applicant will address these issues. It is likely to form the basis of any decision to submit a representation against the application.
- 21.3 Providing as much information as possible in the operating schedule demonstrates that the applicant has seriously considered the issues, is aware of their duty to promote the licensing objectives at all times and is aware of how this may be best achieved. The Licensing Authority considers the effective and responsible management of the premises, including instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of the licensing objectives. For this reason, the Council expects applicants and licence holders to consider the risks associated with their activities, in the context of the local environment, and to identify appropriate measures. These measures should be specifically considered, detailed and addressed within an applicant's operating schedule
- 21.4 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 the licensing objectives will vary by premises, so the measures identified below should not be considered exhaustive.

22. Crime and Disorder

Examples of measures that may be appropriate to control Crime and Disorder

- The employment of Security Industry Authority licensed door staff
- The advertised use of CCTV in and around the premises
- Ensuring adequate lighting
- Managing the flow of people and reducing congestion
- Effective and responsible management and supervision of a premises, including associated outside areas
- Incident and refusals log books
- Acceptance of only accredited proof of age documentation;
- [‘Ask for Angela’](#) training for all staff
- It is mandatory for premises that sell or supply alcohol to have an age verification policy in place. The Authority favours the adoption of the Challenge 25/Check 25 type schemes.
- Appropriate ‘drinking up times’ or ‘winding down’ periods to avoid customers being ejected en masse from the premises the moment the entertainment finishes, or immediately after being served alcohol for consumption on the premises. To allow for the safe and orderly dispersal of customers the Licensing Authority would expect the premises to close at least 20 minutes later than the finishing time allowed for the licensed activity.
- Undertaking right to work checks on all staff employed (whether permanent or temporary) at the licensed premises, with a physical copy of any document checked as part of a right to work check retained at the licensed premises, or a digital copy be immediately accessible from the premises, to be made available to a licensing officer, the police or the home office on request.

Possible measures where the risk of theft is identified (from both customers and premises)

- The provision of clips fitted to tables, walls bars etc to secure personal belongings and prevent bag snatching
- Posters/Training on staff to advise customers not to leave bags etc on the back of chairs
- For off-licences, storing high strength alcohol products (those most likely to be stolen and cause harm) behind the counter;

Possible measures where the risk of the sale of and use of psychoactive substances on premises is identified

- Measures and policies to prevent the use or supply of illegal substances or the illegal supply of alcohol, including search and entry policies.
- An agreed protocol with the police on the handling and disposal of illegal drugs founds on the premises.
- Measures and policies specifically designed to address the risk of drug or alcohol spiking on the premises such as:-
 - more rigorous searches by SIA door staff,
 - the provision of covers/stoppers for drinks, and

- training for staff on how to identify the symptoms of drink or drug spiking
- the collection of unintended drinking vessels as soon as possible to avoid the risk of injuries or drink spiking
- reporting and recording of incidents to the police

Possible measures where a risk of violence is identified

- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of crime and disorder, including measures to ensure that alcohol is not served to persons who are drunk, and that empty glasses are collected as soon as possible
- Policies to manage capacity
- Procedures for the management of customers congregating outside of premises (in particular late night refreshment houses)
- Dispersal arrangements, considering the potential effect of the premises on dispersal arrangements from other licensed premises or the cumulative impact in the area.

23. Prevention of Public Nuisance

Examples of measures that may be appropriate to control Public Nuisance

- Effective and responsible management and supervision of the premises, including associated open areas
- Adoption of and adherence to best practice guidance, for example, the Noise Council Code of Practice on Environmental Noise Control at Concerts, and other recognised codes of practice
- The adoption of procedures and policies to actively manage noise on an ongoing basis
- Policies for the timely dispersal of customers
- Appropriate closing times having regard to the nature of the surrounding area, for example in predominantly residential areas and/or in areas where vehicular noise related to departing patrons may be a source of noise nuisance
- Appropriate instruction, training and supervision of those employed or engaged to prevent public nuisance from arising
- Measures to prevent excessive noise from customers eating, drinking or smoking in external areas to the premises
- Keeping doors and windows closed and providing adequate mechanical ventilation
- Reducing sound levels and installing a sound limiting device to prevent sound exceeding the appropriate level
- Installing sound proofing measures to contain sound and vibration
- Making contact telephone numbers available to local residents
- Displaying prominent notices asking customers to leave the premises quietly
- Provision of adequate litter bins and regular emptying/collection of rubbish
- Measures for the prevention of noxious smells arising from the premises, for example, in relation to the provision of late night refreshment

- Measures to prevent unreasonable disturbance arising from deliveries of alcohol to premises and/or collections of e.g. refuse.

24. Public Safety

Examples of measures that may be appropriate for public safety

- Appropriate access for emergency services and vehicles such as ambulances
- Good communication with local authorities and emergency services;
- Ensuring the presence of sufficient trained first aiders on the premises and appropriate first aid kits.
- For larger public events, including those in public spaces, an appropriate risk assessment and event management plan
- Any capacity issues not covered by the Fire Safety regime
- Adoption of and adherence to best practice guidance and other recognized codes of practice. For example, when holding events with an anticipated larger capacity, the Purple Guide
- Measures and policies to prevent the use or supply of illegal substances, including search and entry policies
- Physical safety features e.g. use of safety/ toughened glass
- Written policies on dealing with accidents and personal injury incidents and drunkenness
- The promotion of schemes to discourage drink driving
- Dispersal policies including provisions for the safe dispersal of the vulnerable; and/or policies concerning the safe and responsible ejection or refusal of entry of vulnerable or potentially vulnerable people.

25. The Protection of Children from Harm

Examples of measures that may be appropriate the protection of children from harm

- Adoption of a voluntary age verification policy such as Challenge 25
- Acceptance of accredited proof of age documentation
- Effective and responsible management and supervision of the premises, including associated open areas
- Appropriate instruction and training for those employed or engaged to prevent harm to children, in particular, child sexual exploitation (CSE)
- Provision of effective CCTV in and around premises
- Refusals log books
- Measures to deter proxy sales
- For off licence premises, a restriction on sales of individual cans or bottles of alcohol (as the reduced cost may make the purchase of alcohol more accessible to those under 18)
- Exclusions at certain times, or when adult entertainment is being provided.
- Policies or procedures in respect of: restrictions on the hours children may be present and parts of the premises to which they may not have access

to; excluding children under a certain age when specified activities are taking place; accompanying adults

- Policies and procedures for e.g. lost and found children at events
- Systems for the collection of glass and bottles to minimise the risk of young people finishing off dregs.
- Staff to receive regular and adequate training on the law and practice relating to age restricted sales (including challenging purchasers, checking identification), such training to be properly documented and records made available for inspection.
- Where necessary, measures limiting the access of children to licensed premises where that is appropriate for the prevention of harm to children e.g.:-
 - adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

Possible measures where entertainment takes place on licensed premises and is directed specifically at children:-

- Children-specific risk assessments being carried out in advance and, where appropriate, in consultation with the appropriate authorities including the Police
- Appropriate vetting of staff on duty
- Appropriate child safeguarding training for all staff
- Ensure that all staff have read and know where to find the Government Guidance: ["What To Do If You're Worried a Child is Being Abused"](#)
- Record all concerns raised by staff;
- Provide advice and support to staff when they have a concern about safeguarding a child;
- Additional measures to ensure that no sales of alcohol to children are made
- Additional measures to ensure attendees are safely dispersed following the event

Conditions requiring the admission of children cannot be attached to licences or certificates.

26. Special Stress Area ('SSA) Policy

- 26.1 The map attached at Appendix 5 shows the area of Epsom town centre delineated in red which is deemed an area of special concern in terms of the level of crime and disorder, particularly between 17:00 – 20:00 and 00:00 – 04:00 at the weekends. The Special Stress Area ('SSA') includes premises on:-
- The High Street
 - The following areas immediately adjacent to the High Street: The Ashley Centre, Oak Square, Derby Square, the Market Place, and 2 Church Street
 - Station Approach
 - Waterloo Road, from the railway bridge to the junction with Ashley Road
 - Ashley Road, from the junction with Waterloo Road to the junction with Ashley Avenue
 - The Parade, from the junction with Ashley Road to the first vehicle entrance to the Town Hall
 - Ashley Avenue
 - South Street, from the junction with West Street/High Street to the junction with Ashley Avenue
 - West Street, from the junction with High Street and South Street to the junction with Station Approach
- 26.2 In order to address these concerns within the SSA, applications for premises within this area will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems identified in these areas.
- 26.3 New and varied applications for late night premises and club premises certificates within the SSA will **not** be subject to the presumption of refusal. However, where representation has been made, the licensing authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules to address the local issues identified within the SSA. In some cases, where there is significant concern associated with an application and its impact on the licensing objectives, and insufficient mitigation has been proposed within the applicants' operating schedule or through further submissions, the Licensing Authority may have no other option than to refuse the application.
- 26.4 Appendix 6 of this policy sets out a list of potential measures the licensing authority expects applicants to consider when applying for late licences in the SSA. These may be more or less appropriate depending upon the style of operation applied for. For example, applications for non-alcohol lead premises, that do not offer late night refreshment for consumption off the premises, and with no outside areas of service (e.g. theatres, cinemas), are unlikely to contribute negatively to the SSA, and will likely not need to consider adopting the measures proposed in Appendix 6 in their operating schedules.
- 26.5 Each application will be considered on individual merits

27. Films

- 27.1 Where films are intended to be shown, the Licensing Authority will expect Operating Schedules to include arrangements to prevent children viewing age-restricted films as classified by the BBFC or by the Licensing Authority itself.

28. Alcohol Delivery Services

- 28.1 Since the last Statement of Licensing Policy there have been an increasing number of applications for licences relating to delivery services. These tend to fall into three groups:
- Premium specialist product mail order-type services;
 - Food delivery services (both meal and grocery) that include alcohol delivery but are primarily food lead; and
 - Convenience-type alcohol delivery services that are targeted at convenience for those drinking at home.
- 28.2 Although these types of services are not provided for in the Licensing Act 2003 in any way differently from other licensed premises they do provide their own unique circumstances that need to be addressed. In particular the Licensing Authority expects licence applications for delivery services that include the delivery of alcohol will ensure the following:
- Age verification at both purchase point and delivery point;
 - The safety of delivery drivers at point of delivery;
 - Possible public nuisance caused by delivery drivers collecting deliveries from the licensed premises.

29. Large-Scale Events

- 29.1 While the Licensing Authority encourages all applicants to consider contacting Responsible Authorities in advance of any application, where the application is unusual because of its size (e.g. in excess of 500 people) or type (e.g. a festival) the Licensing Authority expects that early contact is made well in advance of any application being made. This will ensure that appropriate consideration can be given to a bespoke programme of consultation which might, as the case may be, include submission of risk assessments, a full event management plan and/or the convening of a Safety Advisory Group ('SAG') to advise on the implications of the proposed application.
- 29.2 The SAG, consisting of the emergency services and other statutory agencies such as the highways authority, advise and co-ordinate planning for public events in the Borough, whether or not a premises licence or a temporary event notice is needed. Large-scale event organisers are encouraged to consult with the Safety Advisory Group as part of their event planning

process. The SAG organiser can be contacted via contactus@epsom-ewell.gov.uk

- 29.3 Organisers of large-scale events must be mindful that a premises licence application may take up to two months to determine should representation be received. Notwithstanding these minimum requirements, the Licensing Authority advises anyone organising a large scale event to consider using the [Epsom & Ewell Template Event Management Plan](#) as early as possible, as it includes helpful guidance notes as well as ensuring that all the necessary information is provided. Even if you do not need to notify the Epsom & Ewell SAG of your event you may find the template a useful tool to help you in planning your event. This will ensure that partner organisations receive adequate notice of the event so it can take place safely and successfully.
- 29.4 The Licensing Authority expects organisers of large events to have regard to the following documents as appropriate:
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) <https://www.thepurpleguide.co.uk/> (requires subscription)
 - Managing Crowds Safely (HSE 2000) <https://www.hse.gov.uk/event-safety/crowd-management.htm>
 - 5 Steps to Risk Assessment: <https://www.hse.gov.uk/simple-health-safety/risk/steps-needed-to-manage-risk.htm>
 - The Guide to Safety at Sports Grounds <https://sgsa.org.uk/document/greenguide/>

30. Martyn's Law

- 30.1 The Terrorism (Protection of Premises) Act 2025, also known as Martyn's Law, received Royal Assent on Thursday 3 April 2025. Certain larger premises will be required to consider and, where appropriate, take reasonably appropriate steps to reduce their vulnerability to acts of terrorism.
- 30.2 A tiered approach is established under the new Act, with those responsible for premises and events in scope required to fulfil different requirements according to the number of individuals it is reasonable to expect may be present.
- 30.3 Smaller premises where 200 to 799 individuals may be present will be in the 'standard tier'. The requirements in this tier are centred on simple, low-cost activities designed to ensure those working at premises or events are better able to reduce harm, and save lives, in the event of an attack.
- 30.4 Larger premises – and qualifying public events – where 800 or more individuals may be present will be in the 'enhanced tier'. In addition to the requirements for the standard tier, these larger premises and events will have further requirements placed upon them. This includes having in place, so far as is reasonably practicable, appropriate public protection measures to

reduce their vulnerability to acts of terrorism and the risk of physical harm if an act of terrorism was to occur.

30.5 The legislation established the Security Industry Authority as the regulator of Martyn's law, and the SIA and the Government will be issuing guidance to support qualifying premises. In advance of this guidance being published, the Council expects the following measures to be taken with respect to qualifying premises:-

- Ensure that the management team of the business register and successfully complete the nationally recognised counter terrorism training product referred to as ACT e-learning package. Further information can be found at: [E-Learning | Protect UK](#). ACT awareness trained staff are better prepared to recognise and respond accordingly to threats from extremist and civil emergencies, as well as the everyday criminality that affects communities.
- Ensure that the existing CCTV systems are correctly working and are compliant with the Data protection Act 1998, Information Commissioners requirements, and other local CCTV Code of Conduct produced by the Police or Local Authority. Imagery must be retained for at least 28 days and images produced to a Police Officer or Local Authority Enforcement Officer upon reasonable request. Faults which render the CCTV system or parts of it inoperable should normally be rectified within 24 hours.
- The applicant should consider their Security Minded Communications and adopt the NPSA Employee Vigilance Campaign. Further information can be found here: [Employee vigilance campaign | NPSA](#)
- Any implemented application should consider ingress/egress routes of those within the premises, along with the safety of adjacent carriageway users, and those with disabilities etc. Allowances should be made for rapid dispersal of people in the event of an emergency/incident.

30.6 Applicants are encouraged to view the Protect UK website which is an official platform that provides some good information, guidance and leading advice, to help detect vulnerabilities and connect with some useful resources. Further information can be found at: www.protectuk.police.uk

31. Music entertainment at alcohol on-licensed premises

31.1 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. A summary of when a licence is likely to be required is provided on Entertainment Licensing page of .GOV.UK

31.2 As a result of the deregulation a licence is not required to stage a performance of live music, or the playing of recorded music if:

- it takes place between 8AM and 11PM; and

- it takes place at an alcohol on-licensed premises; and
 - the audience is no more than 500 people
- 31.3 Any conditions relating to musical entertainment on a premises licence do not have effect when the above requirements are met. However, if the premises licence is reviewed as a result of musical entertainment causing a nuisance the Licensing Authority can exert control by re-imposing conditions relating to music, or may add a new condition as if music were regulated entertainment.
- 31.4 Many of the Borough's licensed premises are often in older historic buildings located in constrained locations, where it may not always be possible to contain the noise from music entertainment. However, the Licensing Authority recognises that alcohol licensed premises have a rich history of supporting music entertainment in the community, and considers it unlikely that public nuisance will result from a well-managed weekly performance that ends at 11PM.

32. Outside spaces

- 32.1 Outside spaces are an increasingly popular part of licensed premises, particularly in summer where there is more demand for outside drinking and eating options. There is a need for all outside spaces that are used for smoking, eating and drinking by patrons of licensed premises to be well managed to reduce the potential for nuisance to be caused to nearby residents.
- 32.2 Where smoking, eating and drinking takes place outside, the Authority expects applicants to provide comprehensive details in their operating schedule on:
- the location of outside areas and the times when they will be available for use;
 - how the outside areas will be managed to prevent:
 - a) noise;
 - b) smell; and
 - c) pavement obstructions, and littering.
 - the arrangements for clearing tables and chairs; and
 - preventing nuisance from smoke fumes to residents living in close proximity to smoking areas.
- 32.3 Where outside spaces are used for eating, and where children may also be present in the outside space, the Authority expects applicants to provide details as to how smoking areas will be separated from the general use areas of the outside space.
- 32.4 Licensees must take into account the needs of patrons with disabilities and comply with the requirements of the Equalities Act 2010.
- 32.5 Where the use of outside spaces by the patrons of a licensed premises is unplanned and makes use of the pavement there is need for specific

consideration. Members of the public can sometimes feel intimidated and crowds of drinkers spilling out onto the street may cause obstruction. Safety problems can also be caused with drinkers moving into the road. Wherever possible drinking should be contained within areas that are part of the licensed premises, such as beer gardens, terraces or where a pavement licence has been granted by Surrey County Council for tables and chairs on the public highway, and consideration should be made for local residents with mobility difficulties.

- 32.6 Applications for the use of licensing of tables and chairs on the highway are not within the remit of this policy. In the event that the hours under any such licence do not match those on a licence issued under the Licensing Act 2003 the earlier hours will apply.

33. Use of space adjacent to vehicular highway

- 33.1 At time of publication the current UK threat level from terrorism is assessed as SUBSTANTIAL - an attack is likely. Threat levels are based upon the intent and capability of our adversaries. Threat is a snapshot in time and it must be recognised that attacks can take place with little or no notice.
- 33.2 The most likely attack methodologies expected within the UK include Vehicle as a Weapon (VAW) attacks.
- 33.3 There is no specific information or intelligence to suggest that the Borough is under any immediate threat to the above type attack, however applicants and licence holders should be mindful of the risks to events or land outside of premises which may be accessed by vehicles. It should be borne in mind that even if the use of outside space offered is relatively modest (i.e. providing seats for a few customers), other nearby premises with similar arrangements may ease the identification and attractiveness of the location as a whole to an attacker, as a potential target.
- 33.4 Applicants for premises including the use of spaces adjacent to the vehicular highway should consider the risks of VAW, and should include the following in their operating schedule if appropriate:
- Ensure that the management team of the business register and successfully complete the nationally recognised counter terrorism training product referred to as ACT e-learning package. Further information can be found at: [E-Learning | Protect UK](#). ACT awareness trained staff are better prepared to recognise and respond accordingly to threats from extremist and civil emergencies, as well as the everyday criminality that affects communities.
 - Ensure that the existing CCTV systems are correctly working and are compliant with the Data protection Act 1998, Information Commissioners requirements, and other local CCTV Code of Conduct produced by the Police or Local Authority. Imagery must be retained for at least 28 days and images produced to a Police Officer or Local Authority Enforcement Officer upon reasonable request. Faults which

render the CCTV system or parts of it inoperable should normally be rectified within 24 hours.

- The applicant should consider their Security Minded Communications and adopt the NPSA Employee Vigilance Campaign. Further information can be found here: [Employee vigilance campaign | NPSA](#)
- Any implemented application should consider ingress/egress routes of those within the premises, along with the safety of adjacent carriageway users, (this includes patrons using the proposed tables and chairs) and those with disabilities etc. (as per National Conditioning Guidance of the Business & Planning Bill 2020). Allowances should be made for rapid dispersal of people in the event of an emergency/incident. The tables and chairs should NOT impede this.
- Subject to opening hours, adequate lighting should illuminate the deployment of the tables and chairs.
- All tables and chairs must be removed when the premises is closed & should be monitored for inappropriate use. 'Customer Only' signage may assist with this.

33.5 Applicants are encouraged to view the Protect UK website which is an official platform that provides some good information, guidance and leading advice, to help detect vulnerabilities and connect with some useful resources. Further information can be found at: www.protectuk.police.uk

34. Public Spaces Protection Order

- 34.1 In May 2025 EEBC implemented a Public Spaces Protection Order (PSPO'). This order, which can last up to three years, allows authorised individuals like police officers and council staff to address prohibited activities, including alcohol consumption in public spaces after a warning.
- 34.2 The PSPO does not apply to premises authorised by a premises licence to be used for the supply of alcohol or for areas of the public highway within a current pavement licence relating to an alcohol licensed premises.

35. Variation of licences

- 35.1 Applicants for standard variations of premises licences or club premises certificates are expected to conduct a thorough risk assessment with regard to the licensing objectives when preparing their applications (see above). Any new control measures identified as necessary to promote the licensing objectives should be included within the application.
- 35.2 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. Minor Variations are decided by licensing officers under delegated powers, and there is no right to a hearing if the minor variation application is rejected. Where there is any doubt as to any adverse impact the licensing officer will contact the relevant responsible authority for

advice before determining an application. If the application is refused the Licensing Authority will give the applicant reasons for the decision.

36. Shadow Licences

- 36.1 A “shadow licence” is a simple way of describing a licence which has been obtained by one party in respect of premises to which another licence has already been granted to someone else. The usual reason for this would be to protect the landlord in case the tenant surrenders the licence without giving the landlord any notice or if review proceedings are brought against the licence and the licence is revoked and the landlord has no knowledge of this. In such a scenario there is a primary or live licence operated usually by a tenant and the ‘shadow licence’ is an additional licence often by the landlord which sits behind the primary licence.
- 36.2 The word Shadow Licence is used in practice, but has no legal definition. It is simply another licence on exactly the same terms as the first licence, normally granted to a landlord, whose sole purpose is to provide the landlord with the comfort and protection of having a licence in its own name. If the original operating licence then lapses or is surrendered, the landlord is able to use the Shadow Licence to replace it and market the premises as having the benefit of a licence of the same quality.
- 36.3 The Authority recognises that there is no restriction in the Licensing Act 2003 for there to be more than one licence to be in effect at any one time at the same premises. The Licensing Authority has concerns however that the holding of additional licences has the potential to undermine the decisions made as a result of determining applications to review a premises licence whereby if one licence was modified, suspended or revoked the premises could effectively continue to operate under the second licence.
- 36.4 Similarly Responsible Authorities, including the Police, Trading Standards and the Licensing Team, have expressed concerns regarding the enforcement of the terms and conditions of the premises licences if it is unclear under the authorisation of which premises licence the licensable activities are taking place and who is the relevant premises licence holder and DPS.
- 36.5 In order to promote the licensing objectives and provide clarity as to which premises licence is being used to provide licensable activities , the licensing authority would expect applicants for shadow licences to consider the following measures within the operating schedule:
- The Licensing Authority and Police shall be informed at least 14 days prior to the provision of licensable activities under this licence.
 - When this licence is used to provide licensable activities and the licence summary is displayed on the premises, the licence summary of any other premises licence shall not be displayed at the same time.
 - The premises licence holder shall not trade/operate the premises for a period of 3 months after the revocation of the existing trading premises

licence. This condition will not apply if the aforementioned licence is surrendered or lapses due to insolvency or death.

- The conditions will remain in exactly the same terms as licence number [LICENCE NUMBER]

37. Pool of Model Conditions

- 37.1 Where the applicant volunteers conditions as part of their operating schedule they will be imposed on any licence granted, unless amended at a hearing following receipt of representation. The Council has published on its website a Pool of Model Conditions to assist applicants in considering and promoting the licensing objectives, within the context of their application. Applicants are under no compulsion to use these when preparing their operating schedules, but may find the wording helpful when identifying the appropriate steps to ensure the promotion of the licensing objectives.

Part D Temporary Event Notices

38. Limits

- 38.1 Temporary Event Notices('TENs') authorise 'one-off' activities not otherwise authorised by a premises licence, for example, later hours than those permitted by the premises licence for a particular event, or licensable activities on premises without a premises licence..

Events authorised by a TEN must:

- have fewer than 500 people at all times – including staff running the event
- last no more than 168 hours (7 days)

An applicant must be at least 18 to apply for a TEN.

A TEN is required for each event held on the same premises.

Someone who does not hold a personal licence can get up to 5 TENs a year. A holder of a personal licence to sell alcohol can be given up to 50 TENs a year.

A single premises can have up to 15 TENs applied for in one year, as long as the total length of the events is not more than 21 days.

Consecutive events authorised by separate TENs must have at least a 24 hour gap between them.

- 38.2 A standard TEN must be served on the licensing authority 10 clear working days before the event. Clear working days do not include the day we receive your application or the day of the event.
- 38.3 However it is possible to serve a 'late TEN' for a limited number of events. The latest a 'late TEN' can be served is 5 clear working days before the event (but not earlier than 9 clear working days). If the applicant does not hold a personal licence, they can serve up to 2 late TENs per year. If the applicant hold a personal licence, the limit is 10 late TENs in a calendar year. Late TENs count towards the total number of permitted TENs.
- 38.4 Notwithstanding these minimum requirements as to notice, the Licensing Authority recommends anyone thinking of applying for a TEN to do so at least 6 weeks in advance of the event to avoid disappointment, as the less notice that is given may increase the likelihood of the police or environmental health objecting.

39. Risk Assessment

- 39.1 When organising any small-scale event, organisers should conduct a risk assessment. It may be that the short-term, small-scale nature means the risks

resulting from the event would not be the same as for a premises licence (see section 19), but the following are examples of what the licensing authority would expect to be considered as a minimum:

Public Safety

- the fire alarm in the premises – how does it work? Has it been tested and maintained? Are all staff aware of how to raise the alarm in an emergency?
- fire extinguishers – are the correct number and type available? Have they been serviced within the last year?
- is emergency lighting needed and is it suitable for the purpose? Has it been tested and maintained?
- have you considered whether you need to make any provision for First Aid should anyone need it, and the means for calling the emergency services?

Prevention of Crime and Disorder

- have any crime prevention measures been considered – for example, will steps be taken to regularly bank large amounts of cash during the event, or to keep it in secure location?
- Are there a suitable number of stewards or door supervisors available?
- Have right to work checks been completed on all staff employed (whether permanent or temporary) at the licensed premises, with a physical copy of any document checked as part of a right to work check retained at the licensed premises, or a digital copy be immediately accessible from the premises, to be made available to a licensing officer, the police or the home office on request?

Prevention of Public Nuisance

- have nearby occupiers been considered – have you notified neighbours of the event and provided a contact telephone number?
- have you considered noise reduction measures (such as keeping windows and doors shut or turning noise down late at night)? Have you considered how visitors will arrive and leave the event?

Protection of Children from Harm

- if alcohol is being sold, what are the age verification measures?
- if films are being shown that have been classified as not being suitable to all age groups, how is the admission of children to a film being controlled.

Where the risk assessment identifies that the event may be detrimental to the promotion of a licensing objectives advice should be sought from Epsom & Ewell Environmental Health (ehpublichealth@epsom-ewell.gov.uk) or East Surrey Police Licensing Department (LicensingEastern@surrey.pnn.police.uk)

40. Errors with notice

- 40.1 Temporary Event Notices will not be accepted for the purposes of calculating the date received until all significant errors are corrected.

Part E Policy for representations/objections

41. Representations made electronically

- 41.1 The licensing authority encourage representation to be made electronically, and has waived the requirement that a subsequent hard copy needs to be submitted.

42. Disclosure of personal details

- 42.1 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.
- 42.2 In exceptional circumstances, persons making representations may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.
- 42.3 Where the Authority considers that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, it may consider alternative approaches.
- 42.4 For instance, the Authority may advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.
- 42.5 The Licensing Authority's policy with regards to disclosure of details will depend on the merits of each individual case. The Authority will decide whether to withhold some or all of the person's personal details from the applicant, possibly giving only minimal details (such as street name or general location within a street). However, withholding such details will only be considered where the circumstances justify such action and those making representations should be aware their details will ordinarily form part of a report and will be published before any hearing.

43. Determining relevance of representations

- 43.1 Only where a representation concerning the licensing objectives is made about a proposed operating schedule and it is 'relevant' will the Licensing Authority's discretion be engaged. 'Relevant' means that they relate to the application and the way in which the application might impact on one or more of the licensing objectives.

- 43.2 The licensing authority cannot accept representations that it considers frivolous or vexatious. Additionally, in the case of a review of a licence or certificate, repetitive representations are also invalid. Normally more than one review originating from a person other than a responsible authority in relation to a particular premises within a 12-month period on similar grounds would be considered repetitious, save in compelling circumstances or where it arises following a closure order or illegal working compliance order.
- 43.3 Licensing authority officers will determine whether a representation is irrelevant, frivolous, vexatious or repetitive in accordance with the Licensing Act and Guidance. In cases of doubt the representation will be allowed to stand and to be considered by a Licensing Sub-committee.
- 43.4 Where the Licensing Authority determines that a representation is invalid it will notify the person of the decision and the reason. Where time exists, the person will be invited to make a further valid representation.
- 43.5 When a representation is made which purports to be on behalf of a group, society or other association, the Licensing Authority will require reasonable proof to verify that a signatory is genuinely speaking on behalf of the members of that group. This could take the form of minutes to a meeting, a resolution passed or similar documentation. 'Group' has a wide meaning and can include a residents' association or similar.
- 43.6 Petitions will be accepted by the Licensing Authority. The Licensing Authority's approach will be to enquire how the petition was compiled, and whether each signatory signed in full knowledge of the facts of the application in order to assess how much weight to give the petition when determining the application. Names and addresses will be examined to ensure they appear to be prima facie genuine, and that signatories have not also submitted their own representation independently of the petition.
- 43.7 In the absence of contrary evidence, the organiser(s) of the petition will be deemed to have been the person making the representation. Consequently they will be deemed to have the right to speak at and present evidence to any Licensing Sub-committee and to exercise any right of appeal. They may invite other petitioners to speak and present evidence on their behalf but the other petitioners may not do so on their own behalf. The other petitioners will not be treated as parties to the hearing unless they have submitted their own independent and relevant representations.
- 43.8 The Licensing Authority will carefully scrutinise representations to ensure signatories have signed in full knowledge of the facts of the application. It is likely that more weight will be given to standard or 'round robin' letters than to petitions. Each signatory on a standard or 'round robin' letter will be deemed to be a party to the application with their own right to speak and present evidence to any Licensing Sub-Committee, and to exercise any right of appeal.

44. Mediation

44.1 Where a Responsible Authority or any other person has made:

- valid representations about an application; or
- 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.

44.2 This process will not override the right of any Responsible Authority or any individual 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.

44.3 The Licensing Act 2003 makes specific allowance for a hearing being dispensed with for new and variation applications when the Authority and anyone who has made representations agree that the hearing is unnecessary. Notwithstanding that the Act does not make the same specific provision with respect to review applications, the Licensing Authority will normally dispense for the need for a hearing where the applicant for review and anyone who has made representations agree that the hearing is unnecessary.

45. Licensing Sub-Committees

45.1 Where representations have been received and not withdrawn a Sub-Committee is required to determine the application. Where no representations have been received, the Authority must grant the authorisation in the terms sought.

45.2 Licensing Sub-Committees shall consist of three members unless there is reason to have more members for a particular hearing.

45.3 To avoid potential conflicts of interests, members will not normally consider applications relating to premises located in their ward.

45.4 No member will be permitted to sit on a committee or Sub-Committee without first having been formally trained. All training will be formally recorded by the Council and require a signature by the councillor. Training will be refreshed at regular intervals, for example, following changes in legislation.

45.5 The procedure to be followed at the hearing is set out in Section 2.14 of the Council's [Code of Conduct and Procedure in Licensing Matters](#). Hearings will normally be held in person. Virtual hearings will normally only be considered in truly exceptional circumstance (e.g. a pandemic).

46. Determination of variations of licence

46.1 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.

47. Approach to setting conditions

- 47.1 When deciding to grant or vary a premises licence under the Licensing Act 2003, the Licensing Authority may do so subject to conditions which it considers are appropriate in promoting the licensing objectives.
- 47.2 Conditions should be individual to a premise and tailored to meet the individual merits of an application, area and other contextual factors. Standardised conditions often do not reflect the individual aspects of applications and should be avoided. The Council has published on its website a Pool of Model Conditions to assist with the drafting of unambiguous and enforceable conditions to address properly evidenced licensing objective concerns, before considering whether to refuse an application.
- 47.3 The Licensing Authority shall avoid attaching conditions that duplicate other regulatory regimes as far as possible. It is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators e.g. The Health & Safety (First Aid) Regulations 1981 and the Regulatory Reform (Fire Safety) Order 2005.

48. Approach to licensing hours

- 48.1 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, 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 operator's offices and other sources of transport that can lead to disorder and disturbance.
- 48.2 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.
- 48.3 The Licensing Authority may consider imposing stricter conditions in respect of noise control where premises are situated in areas of dense residential accommodation and/or are close to sensitive areas, for example hospitals, schools, places of worship or nursing homes. However, regard will be given to the individual merits of any application, and the Licensing Authority would only have discretion to consider restricting licence hours 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.

Part F Ensuring effective control of licensed premises

49. Complaints

- 49.1 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.

50. Enforcement

- 50.1 The Licensing Authority will carry out its enforcement powers under the Act in a transparent and proportionate way, and consistent with its responsibilities under the Regulator's Code, and its own enforcement policies. The Licensing Authority takes a risk-based approach, pursuant to which, those premises considered lower risk, will be likely to be inspected less frequently than those considered to be higher risk. Epsom & Ewell Borough Council publishes and updates from time to time an Environmental Health & Licensing Enforcement Policy that sets out in detail the approach taken with respect to enforcement under environmental health and licensing legislation. That enforcement policy can be viewed on the [Epsom & Ewell Borough Council's website](#).
- 50.2 The Licensing Authority recognises Surrey Police as the primary agent for enforcement under the Licensing Act 2003, save for enforcement of provisions in respect of the sales of alcohol to children for which the Licensing Authority recognises Buckinghamshire & Surrey Trading Standards as the primary agent for enforcement. Surrey Fire and Rescue are primarily responsible for the enforcement of fire risk legislation in licensed premises and will usually take the lead on such matters, although the Licensing Authority will seek to work in cooperation with them where the matter concerns licensed premises.
- 50.3 Depending on the severity of an offence, the Licensing Authority will usually look to lead on enforcement under s.136 of the Act (unauthorised licensable activities). In such cases the Licensing Authority may seek the support of Surrey Police.
- 50.4 Nothing in the paragraphs above prevents any Responsible or other authority from taking enforcement action, where they are empowered to do so and where circumstances justify.
- 50.5 The Licensing Authority has established protocols with Surrey Police on the enforcement of the Act, including regular discussions and information-sharing concerning applications and notices received and complaints arising from licensed premises. This approach assists with the efficient deployment of the

Police and Licensing Officers engaged in enforcing licensing law and inspecting licensed premises where required, in order to ensure a proportionate approach.

- 50.6 The Licensing Authority takes a serious view of the sale and supply of alcohol to those under age. It will share information and assist Surrey Police and Trading Standards in order to ensure a zero-tolerance approach to such sales.

51. Reviews

- 51.1 Reviews of premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring. If an application is made, the Council is required to ensure the application is not repetitious, frivolous or vexatious before asking a Licensing Sub-Committee to determine the application.
- 51.2 In order that an application for review can achieve its intended aims it should be accompanied by evidence to support the allegations. The determination of the review will be made on the balance of probabilities, that is, that it is more likely than not that the circumstances being complained of did actually occur. However, due to the potentially serious consequences to a licence holder following a licence review, mere anecdotal or hearsay evidence will not be sufficient on its own. Individuals considering making an application for review are strongly encouraged to liaise with the relevant responsible authority who can advise on how evidence may be gathered to support an application.
- 51.3 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, local residents or businesses and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. Responsible authorities are encouraged to give an early warning of concerns about problems identified at the premises concerned and of the need for improvement, although it is recognised this is not always practicable or desirable. It is expected that a failure to respond to such warnings would lead to a decision to request a review.
- 51.4 Generally the Licensing Authority expects each Responsible Authority under the Act to be the primary agent for making representations and/or bringing a review where premises fail to promote the licensing objective for which that Authority is primarily responsible. In exceptional circumstance the Licensing Authority will consider supporting any representations made or reviews brought in its capacity as a Responsible Authority (see para 16.2).
- 51.5 Full details of the review process can be provided by contacting a Licensing Officer or they may be found in Chapter 11 of the [Guidance issued under section 182 of the Act](#).

52. Self-regulation

- 52.1 The Licensing Authority recognises the merit of the PubWatch scheme and the contribution it makes to the promotion of the licensing objectives. The Licensing Authority would encourage licensed premises to join the scheme if it operates in their area.
- 52.2 The Council also recognises and commends the [Portman Group's Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks](#). Compliance with the Code will contribute to the achievement of the licensing objectives and all suppliers of alcohol within the Borough are encouraged to comply with the Code.

53. Personal Licence holders

- 53.1 Personal Licences allow the holder to supply, or authorise the supply of alcohol in accordance with a premises licence. Anyone wishing to be named as a designated premises supervisor must hold a personal licence. There is a prescribed form for applying for a personal licence which can be found on the Council's website.
- 53.2 Where an applicant for a Personal Licence has certain types of conviction (for relevant or foreign offences as defined by the Act) or has been required to pay an immigration penalty, the Authority is obliged to notify the police and, in the case of immigration offences and penalties, the Secretary of State. In these cases a licence will still be granted unless an objection is received within the prescribed period.
- 53.3 Where objection notices are received they will be considered at a hearing of the Licensing Sub-Committee.
- 53.4 Existing Personal Licence holders are under a duty to notify the Authority if they are convicted for a relevant offence, foreign offence or if they are required to pay an immigration penalty and a failure to do so is also a criminal offence. The courts are also obliged to inform the licensing authority of any such conviction. The licensing authority has the power to revoke or suspend personal licences under these circumstance. Whilst this is a discretionary power, this licensing authorities will give consideration to revocation or suspension of all personal licence's where the holder is subject to convictions for relevant offences, foreign offences or civil penalties for immigration matters. Officers will serve a notice on the personal licence holder inviting them to make representations, in accordance with the timescales set out in the legislation, and will then refer the matter for the consideration of the licensing sub-committee for determination. The Act does not require a hearing to be held at any stage during this process.
- 53.5 The Authority has a duty when exercising its licensing functions to promote the prevention of crime and/or disorder and the other licensing objectives. Unless the circumstances are exceptional granting a licence to an individual with a relevant conviction when an objection has been received, would

undermine the Authority's ability to promote the crime prevention objective. Personal Licence holders are expected to act in accordance with the law and will be key to ensuring that the provisions of the Act, and any conditions attached to a premises licence, are complied with. The Authority also has a duty under the Crime and Disorder Act 1998 to have regard to the effect on crime and disorder on the exercise of any of its functions and to do all it can to prevent such crime and disorder. Under this duty it would normally be expected that a Personal Licence would be revoked by the Authority when the individual is subject to convictions for relevant offences, foreign offences or civil penalties for immigration matters.

- 53.6 Where a Personal Licence holder authorises others to make sales of alcohol, the Licensing Authority recommends (although this is not required by the Act) that such authorisations are made in writing and specify the names of those to whom the authority is given; and up-to-date records are kept of any authorisations so made. This is because the Personal Licence holder will remain responsible for any sales made in this way.

54. Designated Premises Supervisors

- 54.1 The Authority strongly believes in the value of working in partnership with the police, other agencies and designated premises supervisors to promote the licensing objectives that may be associated with premises licensed for the sale of alcohol.
- 54.2 Designated premises supervisors (and the holders of premises licences or club premises certificates) for any other premises may be invited to a meeting where the police or licensing authority feel it is appropriate – for example, where there has been a prior history of the premises being run badly, or following a licence review or enforcement action.
- 54.3 The Authority does not expect the premises supervisor to be physically present at the premises at all times when it is open. However, they remain responsible for any sales that may be made, and it is expected the premises supervisor to be able to exercise sufficient management control over the premises and for the responsible authorities to be able to contact them easily in the event of problems at the premises.

55. Fees

- 55.1 It is the responsibility of the licence holder to pay the annual fee by the due date. Whilst the Licensing Authority may send an invoice for the annual fee, it is not obliged to do so. If for any reason a prompt for payment is not received by the licence holder they should contact the Licensing Authority so that arrangements for payment can be made.
- 55.2 Where an annual fee for a licence or certificate has become due but has not been paid, the Licensing Authority will suspend the licence until that fee is paid, unless the non-payment is due to an administrative error, or where

liability to pay is in dispute and that dispute has been raised in writing with the Council prior to the fee falling due. The Licensing Authority will normally only provide the statutory minimum notice period before a suspension takes effect. The suspension will cease to be in place when the payment is received.

If you would like the Statement of Policy for the Licensing Act 2003 in large print, Braille, audiotape or in another language, please contact the Licensing Team.

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Appendix 1 Consultation

In determining this policy the Licensing Authority has undertaken a twelve-week consultation with members of the public, community stakeholders, specific groups and individuals as listed in section 5(3) of the Licensing Act 2003. These are;

- 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
- 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

In addition the Licensing Authority has consulted with;-

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

The results of the consultation are summarised below: