

## **APPROVAL OF STATEMENT OF POLICY UNDER THE LICENSING ACT 2003**

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<b>Wards affected:</b>	(All Wards);
<b>Urgent Decision?(yes/no)</b>	No
<b>If yes, reason urgent decision required:</b>	
<b>Appendices (attached):</b>	<b>Appendix 1-</b> Amended Statement of Policy Appendix 2 – Police Alcohol Licensing Officer response to amended Statement of Policy

### **Summary**

A public consultation has been completed on a draft revised Licensing Act 2003 Statement of Policy, and the Committee are asked to consider the responses and approve a revised policy which can be recommended for adoption by Full Council.

### **Recommendation (s)**

**The Committee is asked to:**

- (1) Consider the responses to the public consultation,**
- (2) Agree the amendments to the draft Licensing Act 2003 Statement of Policy**
- (3) Recommend Council adopt the updated Statement of Policy**

### **1 Reason for Recommendation**

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

### **2 Background**

# Licensing and Planning Policy Committee

## 10 March 2026

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

### 3 Consultation

- 3.1 On 23 September 2025 the Licensing and Planning Policy Committee approved officers to consult on a draft revised Statement of Policy. This approval was subject to the draft policy wording being amended, in consultation with Chair and Vice Chair, in order to ensure the wording was sufficiently robust, prior to the public consultation commencement. The Statement of Policy attached at Appendix 1 includes the amendments agreed with Chair and Vice Chair, highlighted as 'track changes'. The Committee also agreed that consultation should be on an extend Special Stress Area, to include Upper High Street and Waterloo Road. Appendix 4 of the Statement of Policy (Appendix 1 to this report) has been updated to show revised Special Stress Area.
- 3.2 The consultation ran from Monday 27 October 2025 until Sunday 18 January 2026.
- 3.3 During the consultation period details on how to comment on the policy were published on the Council's website, advertised on Facebook, Instagram and Nextdoor, featured in the November and December E-Borough Insight, (approx. 1,500 subscribers) and was also advertised on the Council's social media streams. All statutory consultees and ward Councillors were e-mailed inviting them to make comment on draft policy, as were over one hundred people representing licence holders in the Borough.
- 3.4 4 responses were received to the public consultation, as shown in Appendix 1 of the Statement of Policy (Appendix 1).

## Licensing and Planning Policy Committee

### 10 March 2026

- 3.5 One response emphasized how businesses were struggling and was broadly negative towards over regulation.
- 3.6 One comment was supportive of the Special Stress Area being expanded under Waterloo Road bridge .
- 3.7 One comment was supportive of the policy's aims of ensuring premises compliance was monitored, particularly with respect to online deliveries.
- 3.8 A response was received from the Surrey Police Alcohol Licensing Officer. This was supportive of the Special Stress Area ('SSA') policy for Epsom Town Centre, but raised concerns that the policy was ambiguous, possibly resulting in more objections from the police to applications, when instead the policy could 'rule these concerns out' upfront.
- 3.9 Further to this response, the more robust wording 'will require' has been inserted into Sections 22, 23, 24 and 24 replacing 'will expect'. A further section has also been added to 8.2 of the Policy indicating that the police will be the main source of advice on crime and disorder and their recommendations are likely to be followed, if they stand up to scrutiny. However, it should be noted that the Licensing Act 2003 is permissive legislation, and it is a fundamental principle that the Licensing Authority's discretion is only engaged when objections to an application are received, or when an application to review a licence is made, and that each application is considered on its individual merits. In proposing a 'Special Stress Area' policy, the Council is alerting applicants to the concerns of increased antisocial behaviour in Epsom town centre, and placing clear expectations on the measures applicants would be expected to include in their operating schedules. The policy sets out that when valid representations are received, the Licensing Authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules, and where insufficient mitigation has been proposed take the appropriate measure, including if necessary refusing the application. Outside of a Cumulative Impact Policy it is not possible a Statement of Policy to have a presumption of refusal for any type of application, and Surrey Police have never requested the Council consider a Cumulative Impact Policy or provided evidence to support such a policy. For this reason, it is not possible, as suggested in the Surrey Police response, for conditions be included within the policy outlining a minimum requirements, as such minimum requirements would indicate that applications not meeting these requirements should be refused, irrespective of the individual merits of the application or the specific evidence contained within the representation.
- 3.10 The updated Statement of Policy was shared with the Police Alcohol Licensing Officer, and on 24 February 2026 they confirmed the amendments addressed their concerns, and that they were happy with the revised Policy wording. A copy of this e-mail is attached as Appendix 2.

# Licensing and Planning Policy Committee

## 10 March 2026

### **4 National Licensing Policy Framework**

- 4.1 On 26 November the Government published the National Licensing Policy Framework for the hospitality and leisure sectors. This framework encourages licensing authorities to adopt a pro-industry approach to on-trade businesses. In doing so it seeks to rebalancing licensing, moving away from an approach focused solely on risk mitigation towards one designed to enable innovation and investment across the sector.
- 4.2 As the Licensing Policy Framework was published without forewarning in the middle of the Council's policy consultation, it is not possible to review our policy in light of it at this stage. However, many of the principles set out in the Framework are not new, and should really be considered as a reminder to licensing authorities (e.g. the need for proportionate and evidence-led decision-making), and the Licensing Policy consulted on already aligned with these principles. However, having reviewed the Licensing Policy Framework it is recommended that the new paragraph shown at 5.6 of the policy be added, stating that the Council shall have regard to the National Licensing Policy Framework for the hospitality and leisure sectors as guidance when determining applications.

### **5 Surrey Police re-evaluation of ASB and Serious Violence Epsom hotspots**

- 5.1 On 16 January 2026 Surrey Police provide updated data analysis of the reports of antisocial behaviour and serious violence in Epsom, covering the period April 24 to December 25. This analysis showed that the geographic boundaries of the two hotspots in Epsom (High Street and Ashley Centre) remain unchanged, and continued to show significantly higher number of incidents than the surrounding areas. Appendix 4 of the Statement of Policy (Appendix 1 to this report) has been updated to show this analysis.

### **6 Recommendation**

- 6.1 The Licensing Act 2003 was designed to strike a balance between promoting a vibrant, flexible hospitality industry and protecting the public from alcohol-related harm. It shifted away from rigid, court-based licensing to a system that, while more permissive, gave local authorities, police, and residents greater powers to deal with problem premises. Whilst acknowledging the demands on the police that result from the night time economy, a consultation response was also received raising concerns about over regulation, and the new Government National Licensing Policy Framework acts as a reminder that a balance must be found that allows for a pro-hospitality industry approach. It is recommended that the amended policy as attached at Appendix 1 strikes the appropriate balance and should be approved for adoption.

# Licensing and Planning Policy Committee

10 March 2026

- 6.2 Appendix 1 of the Statement of Policy has been updated following the consultation responses (Appendix 1 of this report). This document shows the amendments in 'track changes' format. If approved for adoption, the track changes formatting will be removed for the adopted Statement of Policy.
- 6.3 The amendments to the Statement of Policy are not considered to be significant changes to the policy that would require further consultation.
- 6.4 It is recommended the Committee approve the amendments to the draft Licensing Act 2003 Statement of Policy so the Council can fulfil its statutory obligations under the Act.

## 7 Risk Assessment

Legal or other duties

### 7.1 Equality Impact Assessment/ Crime & Disorder/ Safeguarding

7.1.1 The licensing objectives of 'The Prevention of Crime and Disorder', 'Protection of Children from Harm', and 'Public Safety' are central to the proposed Statement of Policy, and ensure that the Council as Licensing Authority fulfils its statutory duties with respect to Crime & Disorder and Safeguarding.

7.1.2 It is not considered that a separate Equality Impact Assessment is necessary as a result of the proposed changes to the statement of Policy.

## 8 Financial Implications

8.1 Under the Act, the Council has nationally fixed fees and charges to help recover the costs of administering application and monitoring premises licensed under the Act.

8.2 The financial implications associated with the revision of the Statement of Policy can be financed from the Licensing budget.

8.3 **Section 151 Officer's comments:** None for the purposes of this report.

## 9 Legal Implications

9.1 The Council must approve and publish its revised Statement of Policy in order to undertake its role as a Licensing Authority.

# Licensing and Planning Policy Committee

## 10 March 2026

- 9.2 **Legal Officer's comments:** It is a requirement under Section 5 of the Licensing Act that each licensing authority determine and publish a statement of licensing policy every 5 years. The previous policy is significantly out of date and the new Policy must be implemented in order to comply with Statutory requirements. The draft policy strikes a balance between promoting and supporting the hospitality industry and regulating it, along with supporting the Licensing Objectives. The contents of the draft policy are in line with Statutory Guidance and have addressed the aims of the National Licensing Policy Framework.

## 10 Policies, Plans & Partnerships

- 10.1 **Council's Key Priorities:** The following Key Priorities are engaged:
- Opportunity & Prosperity: Boosting the local economy, supporting high streets
  - Safe & Well: Ensuring a safe environment and supporting community health.
- 10.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 10.3 **Climate & Environmental Impact of recommendations:** None identified.
- 10.4 **Sustainability Policy & Community Safety Implications:** None identified.
- 10.5 **Local Government Reorganisation Implications:** There is a legal requirement that the new authority will have an adopted Statement of Policy in place on vestment day. This could be an entirely new document, or, as an interim measure, take the form of an overarching policy document, combining the separate Statement of Policy that would be applied in each area, pending review once the new Council's priorities are established.

## 11 Background papers

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

### Previous reports:

- [Licensing and Planning Policy Committee - Tuesday, 23rd September, 2025 7.30 pm](#)

### Other papers:

- None