

# **Licensing Policy (4th Edition)**

**2016 - 2021**

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## 1. Introduction

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- 1.1 The Licensing Act 2003 ('The Act') imposes a statutory duty upon district councils to produce, develop and then review at least every five years, a Policy. This is the fourth edition of Runnymede Borough Council's Statement of Licensing Policy (SOLP) adopted in January 2016 following consultation with the organisations listed in paragraph 25.
- 1.2 This Policy has been prepared in accordance with the provisions of the Licensing Act 2003, as amended, and takes into consideration the latest, revised Guidance issued by the Home Office under Section 182 of the Act, which came into force in March 2015.  
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>
- 1.3 It also incorporates changes arising from the consultation process and also those identified by officers as a result of having used the Policy in practice.
- 1.4 This Policy will apply for a maximum of five years until January 2021. It will be reviewed when necessary throughout this period to evaluate its effectiveness and take any new legislation or guidance into account. Any material changes to this policy will be subject to consultation. Minor formatting or editorial changes may be made at officer level without recourse to consultation.
- 1.5 Runnymede Borough Council ('the Council') is the Licensing Authority for the purposes of the Act for the Borough of Runnymede. The Licensing Authority's responsibilities include granting premises licences, club premises certificates, the provision of regulated entertainment, the granting of late night refreshment licences, the granting of personal licences for the sale and/or supply of alcohol and the processing of temporary event notices.
- 1.6 The aim of the Policy is to secure the safety and amenity of residential communities whilst encouraging local tourism, entertainment and cultural industry. The Council in adopting this Policy recognises both the needs of residents for a safe and healthy environment in which to live and work and the importance of prosperous and well run retail/entertainment premises to the local economy and vibrancy of the Borough. It also recognises the need to provide opportunities and support for leisure and culture within the Borough. To achieve this aim the Council is committed to partnership working with the police, fire service, local businesses, licensing trade, residents and others towards the promotion of the objectives as set out in this Policy.
- 1.7 This Policy provides information and guidance to licence applicants, persons making representations and those who may wish to initiate a review on the general approach that the Council will take in terms of licensing. Although each application will be considered on its own merits, the Council in adopting this Policy is indicating that wider considerations other than the fitness of the applicant and suitability of premises will be taken into account in making an appropriate determination.
- 1.8 The Council as a Licensing Authority will work with other local authorities, particularly in Surrey, to ensure that as far as possible a consistent approach is

taken to licensing matters whilst respecting the different needs of the individual communities throughout the county.

- 1.9 Nothing in this Policy document should be regarded or interpreted as an indication that any requirement of licensing or other law may be overridden or added to their scope.

## **2. Runnymede**

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- 2.1 Runnymede Borough Council lies in north-west Surrey some twenty miles south-west of Central London. Total area is 7804 Hectares, of which 6078 Hectares are Green Belt. The Borough has three principal towns; these are Chertsey, Egham and Addlestone. Chertsey is a historic town with a famous abbey dating from Saxon times. While it retains its historic character, Chertsey is a thriving modern business centre. Egham lies close to the historic Runnymede Meadow, site of the sealing of Magna Carta in 1215. Several modern office and shopping developments have recently been built around its attractive pedestrianised centre. Addlestone is the Borough's youngest centre, having only grown into a town in the 19<sup>th</sup> century. It is now a busy commercial centre and home to Runnymede Borough Council. Addlestone is in the process of redevelopment with a new hotel, a quality shopping centre and cinema planned for completion in 2017.
- 2.2 The Borough also contains a number of smaller villages and suburban centres including Virginia Water, Thorpe, Englefield Green, Egham Hythe, Woodham, New Haw, Ottershaw and Lyne. Its northern and eastern edges are formed by the rivers Thames and Wey, across which are the towns of Staines and Weybridge. In the North West the Borough contains part of Windsor Great Park, to the west it reaches the edge of Chobham Common and to the south extends almost to Woking. At the time of the 2011 Census there were around 34,206 households in the Borough, accommodating a population of 85,900.
- 2.3 Royal Holloway University of London (RHUL) is situated in the north of the borough and its students make a significant contribution to the local economy. Royal Holloway is one of the UK's leading research-intensive universities, with 19 academic departments spanning the arts and humanities, sciences, social sciences, management and economics. It has over 8,600 students from more than 100 countries and employs around 2,300 staff.
- 2.4 Runnymede has a strong local economic base with many commercial enterprises in the town centres, industrial estates and business parks. Its proximity to Heathrow airport make Runnymede a highly desirable business location. The local economy, in common with the rest of Surrey, is dominated by the service sector, which employs some 83% of the workforce while manufacturing accounts for just 5%. The Borough is a draw for tourism, with attractions such as the River Thames, the site of Magna Carta and Thorpe Park bringing a great number of visitors to Runnymede every year, who are offered a range of high quality hotel accommodation throughout the Borough.

- 2.5 The Borough has excellent access to the motorway network with the M25/M3 and nearby M4, with good road and rail links to London and the West. Heathrow Airport is a short distance from the Borough and is a key reason for many international companies locating HQs in the area.
- 2.6 Within the Borough there are (as of June 2015), 266 licensed premises of all types and over 800 personal licence holders.
- 2.7 A Map of Runnymede is set out at Annex 1.

### **3. Scope of the Policy**

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- 3.1 The Licensing Act 2003 provides the legal framework for licensing in respect of:
- The sale of alcohol by retail
  - The supply of alcohol by or on behalf of a club
  - Regulated entertainment
  - Late night refreshment
- 3.2 The control of these activities is through:
- Premises Licences
  - Club Premises Certificates
  - Personal Licences
  - Temporary Event Notices
- 3.3 There are a number of exceptions: - details of which are set out in part 2 of schedule 1 of the Act.

### **4 Health**

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- 4.1 Following the Police Reform and Social Responsibility Act 2011, local health bodies are now responsible authorities.
- 4.2 It is accepted that as local health bodies revise and develop their strategy for preventing alcohol related harm there may be a need to amend this policy to take these into account.
- 4.3 The Council will consider health related evidence that directly links to a premise when their discretion is engaged after representation where it is considered to impact on one or more of the licensing objectives.
- 4.4 Health data may also be considered where it links to the context and surroundings of a premises where a representation is made on the grounds of cumulative impact, either within or outside a Cumulative Impact Policy area as allowed for in the Act.

### **5. Consultation**

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- 5.1 This Statement of Policy has been prepared following a 10 week consultation with the responsible authorities and bodies representing existing premises

licence and certificate holders (including public entertainment, theatre, cinema and late night refreshment licences), businesses and residents in the Borough. The views of all these bodies have been taken into account in the determination of this Statement.

- 5.2 All premises licence holders, club certificate holders, and designated premises supervisors were written to and made aware of an online survey they could complete in relation to the new policy. Alternatively, they were invited to write or e mail with any comments.
- 5.3 In addition the draft policy has also been published on Runnymede Borough Council's website. This again was linked to an online survey.

## **6. Fundamental Principles**

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- 6.1 The Act requires that the Council will carry out its various licensing functions so as to promote the following four licensing objectives:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm

Each objective is of equal importance

- 6.2 Nothing in the Statement of Policy will:
- undermine the rights of any individual to apply under the Act for a variety of permissions and have any such application considered on its individual merits, and/or
  - override the right of any person to make representations on any application or to seek a review of the licence or certificate where provision has been made for them to do so under the Act.

- 6.3 The Council recognises that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licenced premises and, therefore, beyond 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 Runnymede.

- 6.4 Any conditions attached to various authorisations will be focussed on matters which are within the control of individual licensees and others in possession of relevant authorisations. Conditions will therefore be used to regulate the use of premises for licensable activities and their effects in the vicinity of those premises. Whether or not incidents can be regarded as taking place in the vicinity of licensed premises is a question of fact and will depend on the particular circumstances of the case.

- 6.5 The Council is keen to promote the artistic and cultural life of the Borough, and licensing will be approached with a view to encouraging cultural activities and innovative forms of public entertainment for the wider cultural benefit of communities generally. When a relevant representation is made only conditions strictly necessary for the promotion of the licensing objectives will be attached to a licence as the Council is aware of the need to avoid imposing substantial indirect costs. Where there is an indication that licensing requirements may be deterring such events, where appropriate the Policy may be reviewed with a view to investigating how the situation might be remedied.
- 6.6 The Council is aware that different areas of the Borough have different characteristics and where possible will ensure that licence conditions reflect these. In particular:
- Villages of a more quiet and rural nature
  - Urban Centres – where redevelopment and / or regeneration is being encouraged.
- 6.7 The Council is aware that a variety of premises will be seeking licences, from schools to small private members' clubs, to large well established premises with dancing and entertainment, and where a relevant representation has been made it will ensure that licence conditions reflect the nature of the different types of premises.
- 6.8 Where no responsible authority or other person raises any representations about the application made to the Council as Licensing Authority, it is the duty of the Authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule and any applicable mandatory or standard conditions.
- 6.9 The Licensing Authority will avoid duplication with other regulatory regimes, in particular where primary legislation is already in existence.

## **7. The Licensing Objectives**

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- 7.1 The promotion of the four licensing objectives is fundamental to the Act. Each application for a premises licence must have a full and detailed operating schedule. Any conditions proposed on the operating schedule must be appropriate, proportionate and legally enforceable. The council will expect applicants to have carefully considered how they will promote the licensing objectives within their operating schedule.
- 7.2 Applicants should provide as much information as possible in the operating schedule. This is essential to enable other parties and responsible authorities to assess the impact of the licensable activity on the licensing objectives and demonstrates that the applicant understands and appreciates objectives.
- 7.3 A clear informative operating schedule which demonstrates how the applicant will promote the licensing objectives will be expected in every application for a new premises licence or variation (excepting variation of a designated premises supervisor)

## **8. Prevention of Crime and Disorder**

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- 8.1 Under section 17 of the Crime and Disorder Act 1998 (as amended) local authorities must have due regard to the likely effect of the exercise of their functions on crime and disorder, and do all that it reasonably can to prevent crime in their area.
- 8.2 The Council will expect applicants to include within their operating schedule the steps they propose to take to reduce or deter crime and disorder, both inside and in the immediate vicinity of the premises. These steps will vary from premises to premises and according to the type of licensable activities that are to occur.
- 8.3 The applicant should identify any particular activities or issues which might conflict with those of promoting the crime and disorder objective and include such measures to counteract this effect in the operating schedule.
- 8.4 In particular, the Council will expect applicants to address, where appropriate, in the operating schedule, the following matters:
- physical security features
  - procedures for risk assessments in respect of ‘drinking up time’, special events and promotions
  - membership of the local ‘Pub watch’ scheme, where one exists
  - the use of licensed door supervisors (by the Security Industry Authority) and search procedures as indicated by a risk assessment
  - measures to prevent the use and sale of illegal substances
  - training for staff in crime prevention and dealing with violence as indicated by a risk assessment
  - agreed protocols with the Police to reduce crime and disorder
  - details of CCTV and audio recording equipment to include where cameras are placed and for how long footage is retained before proper and secure disposal
- 8.5 Those premises benefiting from an off-sales facility will be expected to maintain a log of refusal to sell alcohol to a prospective customer giving details of time, and date, the person serving and as many details of the customer as possible. The licensee needs to adhere to the principles of the Data Protection Act 1988, including accuracy and security of information. It would be prudent from the Licensee’s point of view that the ‘Refusals Register’ be kept for a period of three years as a rolling list.
- 8.6 The Council recognises that many premises licensed for on-sales in the Borough are well run and crime free. However, where there is a recent history of patrons being involved in any form of violent incident, within or nearby the premises, and where a relevant representation is made, in any subsequent

review of the premises licence, it is likely that conditions will be placed upon the premises licences which are deemed appropriate, proportionate and enforceable.

- 8.7 The Council will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises.
- 8.8 In its consideration of an application for a Premises Licence from smaller retail outlets and garages the Council will expect that operating schedules will indicate that a personal licence holder will normally be available to supervise the sale or supply of alcohol during the hours of the business, and particularly so between the hours of 6 p.m. and 6 a.m. Personal Licence holders remain responsible at all times for those they supervise.
- 8.9 When preparing their plans and Schedules, applicants are recommended and encouraged to seek advice from Council Licensing Officers and Surrey Police, as well as taking into account as appropriate, local planning and transport policies, tourism and cultural and crime prevention strategies.
- 8.10 The Council is keen to stress however, that as well as the licensing function there are a number of other mechanisms for addressing issues of unruly behaviour which occur away from licensed premises. These include:-
- planning controls
  - ongoing measures to provide a safer and cleaner environment in partnership with local businesses and others
  - powers to designate parts of the Borough as places where alcohol may not be consumed publicly
  - confiscation of alcohol from adults and others in designated areas
  - police enforcement of the law with regard to disorder and anti-social behaviour
  - police powers to close some premises for up to 24 hours in extreme cases of disorder or excessive noise
  - the power of police and other responsible authorities, local businesses and residents to demand a review of the licence
  - enforcement action against those selling alcohol to people who are already intoxicated or inebriated
- 8.11 The Council will address a number of these issues in line with the strategic objectives for crime and disorder reduction in the Borough.
- 8.12 The Council recognises the value of 'Pub watch' schemes for pubs, clubs and bars in the prevention of crime and disorder. The Council also recognises that engagement with pub watch is a key factor in combatting crime and disorder. As such, those with responsibility for a premises, be they Designated Premises

Supervisors, managers or premises licence holders are strongly encouraged to participate in their local pub watch scheme.

### **8.13 Closed Circuit Television (CCTV)**

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8.14 CCTV systems are useful in helping to combat crime. Applicants are encouraged to assess whether the use of CCTV is necessary on their premises. Upon receiving a relevant representation from a responsible authority or other party, it is within the Licensing Sub-Committee's remit to impose a condition requiring CCTV if it is felt to be within the promotion of the licensing objectives. A typical condition may be:

8.15 The CCTV system shall be properly maintained and be of the digital type. The system will incorporate a camera covering each entrance door and be capable of providing an image which is regarded as evidential standard. The CCTV system shall incorporate a recording facility and any recording shall be retained and stored in a suitable and secure manner for a minimum of one calendar month.

The system will comply with other essential legislation and all signs as required will be clearly displayed.

The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. The precise position of the cameras may be agreed with the police from time to time.

The system will be able to retain images for 31 days.

There must be one person on the premises at all times who can operate the CCTV and be capable of downloading images to a memory device if required by an authorised person or Police Officer.

## **9. Public Safety**

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9.1 The Act covers a wide range of premises that require licensing, including, cinemas, concert halls, theatres, nightclubs, public houses, cafés /restaurants and fast food outlets/takeaways. Each of these types of premises presents a mixture of risks, with many common to most premises and others unique to specific operations.

9.2 The Council will expect Operating Schedules to satisfactorily address these issues and applicants are advised to seek advice from Council Environmental Health Officers and the Surrey Fire and Rescue Service before preparing their plans and schedules.

9.3 The Council will work with Surrey Fire and Rescue and other responsible authorities to ensure that fire safety is maintained in all licensed premises. Applicants are advised that the Fire Service will examine all applications to ensure that patrons and customers can be safely accommodated on the premises.

9.4 It is recommended that all new applications and variations (excepting variation of a DPS) are accompanied by a Fire Safety risk assessment as required under the regulatory Reform (Fire Safety) Order 2005. This will assist Surrey Fire and Rescue in assessing the application.

9.5 Where relevant representations are made the Council will consider attaching pertinent conditions to the licence to promote safety.

## **10. Prevention of Nuisance**

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10.1 The Council is committed to minimising the loss of amenity in the Borough by working in partnership with Surrey Police, Safer Runnymede, Environmental Health, Planning and licensees. Applicants should be able to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented to prevent public nuisance. Such measures should be relevant to the particular style and character of the premises and events and seek to minimise any loss of amenity to occupants of any nearby premises.

10.2 The Council intends to interpret “loss of Amenity” in its widest sense to include such issues as noise, light, odour, litter and anti-social behaviour.

10.3 Public nuisance is the most common reason for complaints and representations to be made about applications. It is also the most common cause of complaints about existing premises. It can include low-level nuisance affecting a few people locally as well as major disturbance.

10.4 The potential for nuisance varies according to the nature of the premises. Take-away restaurants, late night off-licences and activities such as drinking alcohol can all contribute to nuisance in a variety of ways and in turn cause adverse effects for nearby residents.

10.5 The Authority will interpret nuisance in its widest sense, and takes it to include such issues as noise (from patrons and music, both inside and outside the premises), light, odour, litter, human waste (such as vomit and urine), fly-posting and anti-social behaviour.

10.6 Noise nuisance is the most common problem. It is particularly intrusive at night when ambient noise levels are lower and residents are trying to sleep and so it is important that applicants can demonstrate how they will effectively manage such issues as:

- the exit and dispersal of their patrons;
- noise from patrons in queues or outside smoking areas;
- patrons returning to cars parked in surrounding residential streets;
- general noise of people arriving and leaving

10.7 Where applicants are completing operating schedules they are expected to have regard to the location of the proposed or actual premises. In particular consideration should be given to whether proposals may have a disproportionate impact in residential areas or near to sensitive premises such as nursing homes, independent living and sheltered accommodation, hospitals, hospices, places of worship and schools.

- 10.8 The use and management of outside spaces within the direct control of the licensee and the associated behaviour of people using outside areas can also be problematic. Applicants should take all reasonable steps to prevent public nuisance outside their premises where and to the extent that these matters are within their control. Such areas can include beer gardens, forecourts, smoking areas and areas where patrons may gather to eat, drink or socialise. The need for control is particularly important over the summer months. Outside drinking can cause a number of problems. 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 the areas that are owned or managed by the licensed premises, such as beer gardens, terraces or, where a street trading licence has been granted by the County Council for tables and chairs, on the public highway
- 10.9 Where a premise does not benefit from such an area and customers wish to smoke outside, they should not be allowed to carry drinks with them for any reason. Applicants should address this in their operating schedule and demonstrate how they will manage any negative impact such as smoke and congestion on the pavement.
- 10.10 The Authority considers that patrons who are using external smoking areas or shelters are there as a direct result of the operation of the licensed premises and are within the control of the licensee. Applicants and existing licence holders are encouraged to assess whether the noise from such patrons could potentially disturb nearby residents and whether there is potential for smoke to drift to nearby residential properties. As the licensed trade can only be responsible for matters within their control, it is recommended that licence holders focus on the effects of smoking on the Premises (as defined by the applicant) where smoking is permitted.
- 10.11 Where relevant representations have been made or a review has been applied for, and where it is considered appropriate, the Authority may impose conditions to address these problems, such as disallowing readmission to the premises or preventing the sale of alcohol for consumption off the premises.
- 10.12 Applicants must consider matters relating to public nuisance when making an application. The Authority requires applicants to consider areas that they should address and to formulate their own operating schedule tailored to the type, nature and characteristics of the specific premises and its neighbourhood. Where appropriate, it is expected that applicants will give consideration to the following issues:
- installation of a sound limiting device
  - sound proofing measures such as keeping doors and windows closed
  - installation of double door entry and exit systems
  - sound proofing measures for external areas of the premises where entertainment is likely to take place
  - measures for the winding down of sales and events
  - accessibility to transport services

- measures to be taken to prevent or minimise nuisance caused by the dispersal of patrons from the premises

10.13 Proximity to residential accommodation is a general consideration with regard to the prevention of public nuisance. The Licensing Authority will treat each case on its individual merits. However, stricter conditions will generally be imposed on premises licences in areas that have denser residential accommodation or residential accommodation in close proximity to them. This may include the Licensing authority imposing an earlier terminal hour than proposed by the applicant. This is regardless of the designation assigned to the area in which the premise is situated under this policy, i.e. as a Major or District Town Centre. In such cases and where relevant representations are received, the Licensing Authority will have regard to the potential for, and the risk of, nuisance occurring to nearby residents.

10.14 The Licensing Sub-Committee may impose conditions on the applicants premises licence relating to littering and refuse collection times. Accordingly, applicants may wish to address as part of their operating schedule any measures they intend to take to control litter. For example:

- Litter patrols directly outside the premises including the picking up of cigarette butts; and
- notices at take-away premises asking patrons to dispose of their litter in bins

10.15 Residents can sometimes be disturbed by early morning trade waste or domestic refuse collections. It is recognised that refuse collection times can sometimes be outside the control of the premises licence holder. However, premises licence holders are encouraged to consider whether their waste/refuse collection time could result in public nuisance and, if so attempt to renegotiate different times with the contractor.

10.16 Applicants are advised to seek advice from appropriate authorities prior to the submission of the operating schedule.

10.17 The Council will consider attaching conditions to licences and permissions to prevent public nuisance and these may include conditions drawn from the Model Pool of Conditions produced by the Home Office relating to 'Public Nuisance'.

## **11. Protection of Children from Harm**

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11.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often by themselves, for food and/or entertainment.

11.2 The Licensing Authority also recognises that children are one of the most vulnerable groups in our society and that some activities associated with licensed premises are not appropriate for children.

- 11.3 The Council will expect applicants to include in their operating schedule the steps which they propose to take to prevent harm to children.
- 11.4 In applications where no representations have been received any restriction on the admission of children which have been included in the operating schedule may be attached as a condition on the licence.
- 11.5 The Council acknowledges that a mandatory condition exists on premises licences and club certificates in relation to an age verification policy.
- 11.6 The Council fully expects applicants to have excellent knowledge of age related sales practices and may request to see the age verification policy on application.
- 11.7 The Council will consult with the approved authority concerned with the Protection of Children from Harm and Child Protection issues on any application where it is indicated that there may be concerns over access for children.
- 11.8 The Council strongly recommends that all licenced premises retain staff training records and that they should make these available on request to Local Authority, Police and Trading Standards Officers.
- 11.9 The Council recognises that limitations may have to be imposed where it is considered necessary to protect children from harm. Following relevant representations, it will consider the imposition of additional controls by way of licence conditions where activities that take place on the premises may present a risk of physical, moral or psychological harm to children. It will also look for strict controls in place to prevent the sale of alcohol to underage children especially in relation to off-licence premises.
- 11.10 The Council will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that will raise concern. Where:
- the current management or staff working at the premises have been prosecuted or have convictions for serving alcohol to minors or with a reputation for under-age drinking
  - there are concerns about drug taking or dealing
  - there is a strong element of gambling on the premises
  - entertainment of an adult or sexual nature is commonly provided or occurs during the course of events
  - films with age restricted classifications are to be shown
  - the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises

- 11.11 The Council will give consideration to the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:
- limitations on the hours when children may be present
  - limitation on access to persons below the age of 18
  - limitations or exclusion when certain activities are taking place
  - requirements for an accompanying adult
  - full exclusion of people under 18 from the premises when any licensable activities are taking place
- 11.12 It is the Council's expectation that all staff responsible for the sale of intoxicating liquor receive information, training and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent underage sales.
- 11.13 The Act details a number of offences designed to protect children in licensed premises and the Council will work closely with the police and trading standards to ensure the appropriate enforcement of the law, especially where it relates to the sale and supply of alcohol to children.
- 11.14 Where underage sales are found the licensing authority supports the use of warning, fixed penalty notices and cautions and prosecutions to enforce the Act .
- 11.15 The Council supports the aims of the Portman Group and commends the Code of Practice operated by it on behalf of the alcohol industry to applicants.
- <http://www.portmangroup.org.uk/codes/alcohol-marketing/code-of-practice/code-of-practice>

## **12. Amusements with Prizes**

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- 12.1 In premises where there are AWP (Amusement with Prizes) and all cash gaming machines, the Council will expect operating schedules to include the measures to be taken to prevent access to them by children in accordance with current Gaming legislation.
- 12.2 The Council will expect that where there is access by children, all machines are located within sight of the bar staff so that machines can be played under direct supervision.
- 12.3 The Council will review this section of the Policy to take account of any changes in the legislation regulating gambling as necessary.

### **13. Access to Cinemas**

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- 13.1 Films cover a vast range of subjects, some of which deal with adult themes and/or contain, for example, scenes of horror or violence that may be considered unsuitable for children within certain age groups.
- 13.2 The Council expects the operating schedules of premises presenting film exhibitions to include arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification (BBFC).
- 13.3 The Council has adopted the following procedure within the Policy which states that:
- i) the licensing authority can be requested to classify films that have already been classified by the BBFC under the following circumstances:
    - a) Where at least three (but no more than seven) members of the Licensing Committee give notice to the Corporate Head of Law and Governance of their wish to call-in a film for classification by the licensing authority; or
    - b) Where a distributor of a film requests that the licensing authority classifies the film into a different category from that applied by the BBFC.
  - ii) The licensing authority can also be requested to classify films that have not been classified by the BBFC.
  - iii) Any request to classify a film under the circumstances referred to in paragraphs (i) or (ii) above shall be referred to and determined by a Licensing Sub-Committee, on behalf of the licensing authority.
  - iv) Any request to classify a film made under paragraph (i)(a) above must be accompanied by reasons for calling-in the film. Such requests will be dealt with as expeditiously as possible, bearing in mind that films are generally only shown in cinemas for relatively short periods.
  - v) In order to avoid the appearance of bias or predetermination, none of the Members of the Licensing Committee or Sub-Committee who call-in a film for classification shall sit on the Licensing Sub-Committee constituted for that purpose.
  - vi) All requests submitted under the circumstances referred to in paragraphs (i)(b) and (ii) above must:
    - a) be accompanied by a synopsis of the film and a full copy of the film in DVD format; and
    - b) give a minimum of 28 days' notice of the proposed screening, and the licensing authority will seek to classify the film within that time period.

- vii) A report containing a synopsis of the film and other relevant information will be submitted to the Licensing Sub-Committee. The Sub-Committee will view the entire film, assess it against the BBFC guidelines (which includes details of various classification categories) and issue the appropriate classification. When considering classification requests, the Sub-Committee must do so with a view to promoting the relevant licensing objective(s).
- viii) The distributor and/or the party requesting the classification, together with the premises licence/club premises certificate, holders for all premises licensed for the exhibition of films in the Borough will be notified in writing, of the Sub-Committee's decision, and the reasons for the decision.

## **14. Children and Public Entertainment**

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- 14.1 Many children go to see and/or take part in entertainment arranged especially for them, for example, children's film shows, dance or drama school productions and amateur dramatics groups and additional arrangements are required to safeguard them while at the premises.
- 14.2 Where a regulated entertainment is especially presented for children, the Council will expect a written risk assessed contingency plan to be available at the premises. It is recommended that the following arrangements are made in order to control access and egress and to ensure their safety:
- An adult member of staff or responsible adult to cover non-school based productions, to be stationed in the vicinity of each of the exits from any level.
  - Organisers should provide a sufficient number of adults to ensure they meet the requirements of the venue or that organisations risk assessment in regards to adult/child ratio.
  - No child unless accompanied by an adult to be permitted in the front row of any balcony
  - No standing to be permitted in any part of the auditorium during the performance.
- 14.3 The Council will expect the operating schedule to satisfactorily address these issues.
- 14.4 Consideration will be given to attaching conditions, where a representation is made by a relevant authority.

## **15. Licensing Hours**

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- 15.1 It is recognised that flexible licensing hours for the sale of alcohol would avoid large numbers of people leaving premises at the same time. This in turn could reduce the friction at late night fast food outlets, taxi ranks, private hire operators and other sources of transport that can lead to disorder and disturbance.

- 15.2 Applicants for premises licences and club premises certificates are asked to note that provision may be made within the licence or certificate for 'opening hours' to differ from the hours during which licensable activities are authorised to take place. The Act does not require that opening hours should be identical to the hours during which, for example, alcohol may be sold or supplied and applicants may therefore wish to incorporate a 'closing time' and 'drinking up time' within their proposals. Similarly applicants may wish to open prior to the licensable activity hours to allow for the provision of hot food and non-alcoholic hot or cold beverages.
- 15.3 The Council will not seek to set fixed trading hours within designated areas.
- 15.4 When considering applications for premises licences after relevant representation from a responsible authority the Council will take into account applicants' requests for terminal hours in the light of the four fundamental principles, and having particular regard to:
- environmental quality
  - residential amenity
  - character or function of a particular area; and
  - nature of the proposed activities to be provided at the premises.
- 15.5 The terminal hours will normally be approved where the applicant can show that the proposal would not have an adverse effect on those issues listed above. Where a relevant representation is made the Council may set an earlier terminal hour where it considers this is appropriate to the nature of the activities and the amenity of the area.

## **16. Shops, Stores and Supermarkets**

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- 16.1 The Council will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any time they are open for shopping.
- 16.2 However, it may be considered that there are valid reasons for restricting those hours, for example, where police representations are made in respect of shops known to be the focus of disorder and disturbance.
- 16.3 Where alcohol is sold ancillary to the main business the operating schedule will have to indicate the procedures in place to ensure alcohol is not sold to a person not entitled to purchase it.
- 16.4 Those premises selling petrol will have to satisfy the council that petrol sales are ancillary to the main retail sales of the premises.

## **17. Integrating Strategies, Partnership working and Avoiding Duplication**

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- 17.1 In the adoption of this Policy the Council will avoid duplication with other regulatory regimes. In particular where primary legislation is already in existence.
- 17.2 There are a number of stakeholders in the leisure industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance. Many of their strategies deal, in part, with the licensing function and the Council has set up a local Community Safety Partnership to ensure proper integration of local crime prevention, planning, transport, tourism and cultural strategies.
- 17.3 The Council will endeavour to:
- i) Work with partner agencies that are involved either directly or indirectly in delivery of the SOLP, including responsible authorities, local businesses and the local community.
  - ii) Ensure interrelated strategies and agendas which support delivery of the SOLP are identified and integrated, such as the countywide Substance Misuse Strategy, Surrey's Anti-Social Behaviour Strategy and borough and district Sustainable Communities Strategies.
  - iii) Identify and galvanise new and existing opportunities to develop, strengthen and foster partnership working in order to improve delivery of the SOLP.
  - iv) Undertake consultation and communication on licensing issues with all licensees, communities and their representatives.
  - v) Ensure pro-active enforcement in line with the council's enforcement policy in order to achieve the licensing objectives.
  - vi) Work to reduce crime and disorder which exists in the close proximity to licensed premises.
- 17.4 Surrey Police may be requested to provide information to enable preparation of a report for the relevant Committee responsible for transport matters on the need for the swift and safe dispersal of people from town centres so as to avoid concentrations which can produce disorder and disturbance.
- 17.5 The Licensing Committee will ensure the following matters are reflected in its decisions:
- the needs of the local tourist economy and cultural strategy for the Borough
  - the employment situation in the Borough and the need for investment and employment where appropriate.

- 17.6 The Council recognises that there should be a clear separation of the planning and licensing regimes and licensing applications should not be a re-run of the planning application.
- 17.7 When applications are considered to have a potential conflict with planning applications or regulations, in addition to the statutory consultation the licensing section shall also liaise directly with planning officers to ensure a good cross flow of information.
- 17.8 The Council will provide that reports are sent from the Licensing Committee to the Planning Committee at their request regarding licensed premises in the Borough, including the general impact of alcohol related crime and disorder, to assist in decision-making.

## **18. Licensing Conditions**

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- 18.1 Where no relevant representations have been made about an application the licence or certificate must be granted subject to conditions consistent with the operating schedule and any mandatory conditions as required by the 2003 Act.
- 18.2 The Council will not simply replicate the wording from an applicant's operating schedule. Conditions will be interpreted by the Council in accordance with the applicant's intention. Conditions will be written in a clear unambiguous manner so as to make them appropriate, proportionate and enforceable
- 18.3 Applicants are encouraged to consult with the relevant responsible authorities when preparing their operating schedule to enable the construction of appropriate conditions. This will reduce the likelihood of representations and hearings in respect of applications.
- 18.4 The Licensing Authority must avoid attaching conditions which duplicate other regulatory regimes and may not impose conditions unless its discretion has been engaged following the making of relevant representations and the Licensing Sub-Committee has been satisfied at a hearing that it is appropriate to impose them.
- 18.5 The Act requires that the conditions attached to licenses or certificates are tailored to the individual size, style and characteristics of the particular premises and events concerned. The Council will avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Only those conditions necessary for the promotion of the four Licensing Objectives will be considered.

## **19. Cumulative Impact Policies**

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- 19.1 Cumulative Impact Policies (CIPs) are a tool available to local licensing authorities to address specific areas of concern for alcohol related harm and problems. These provide a reversal to the onus of proof for licensing applicants when addressing the four objectives of the Licensing Act 2003. In effect license applicants need to make a case that their licensed premises will promote the four objectives of the Licensing Act 2003. CIPs are therefore an effective tool for addressing specific geographical areas that have high rates of alcohol related harm.

- 19.2 At the time of adopting this SOLP, Runnymede have not adopted a special policy relating to cumulative impact. Should the Council consider adoption of a special policy this will be included within this SOLP.
- 19.3 Surrey Public Health supports the use of CIPs where there is evidence of alcohol related harm. There is now scope to expand the data used to underpin CIPs to include health related data; specifically alcohol related hospital admissions and ambulance recorded data, although there is also scope to include other shared A&E data. Having a clear position to include this data in current or future cumulative impact policies would support a greater role for public health principles and outcomes in licensing approaches.
- 19.4 In any future considerations of a CIP the Council will take the Home Office guidance on such policies into account.

## **20. Enforcement**

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- 20.1 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act. The Council will make arrangements to monitor premises and take appropriate enforcement action to ensure this, including prosecution.
- 20.2 The Council works closely with Surrey Police, Surrey Trading Standards and Surrey Fire and Rescue to establish protocols to ensure an efficient deployment of Police, Trading Standards Officers and Council Officers engaged in enforcing the law relating to licensing and inspecting licensed premises, so that resources are targeted at problem and high risk premises
- 20.3 The Council has adopted a risk based inspection programme which has regard to the principles of the Regulators Code 2014.  
<https://www.gov.uk/government/publications/regulators-code>
- 20.4 An Officer of the Council will aim to inspect every premise that it has not previously licensed, and those seeking significant variations of the availability to purchase alcohol, to ensure compliance with the licensing objectives and this policy.
- 20.5 An Officer of the Council will aim to inspect premises at regular intervals assessed on the basis of a risk assessment. Where possible there will be joint visits with either the Police or Fire Authority. Those premises where significant problems are identified will be inspected with greater frequency.
- 20.6 Any decision made to instigate legal proceedings will take account of the criteria set out in the Code for Crown Prosecutors, the Attorney General's Guidelines and the Council's Environmental Health Enforcement Policy.
- 20.7 Enforcement and compliance action will be carried out in a fair, transparent and consistent manner. Any action taken will be appropriate and proportionate.

## **21. Entertainment**

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- 21.1 In its role of implementing local authority cultural strategies, the Council recognises the need to encourage and promote a broad range of entertainment for the wider cultural benefit of the community. It is also noted that the absence of entertainment in any area can itself lead to a loss of community awareness and can expose young people to anti-social activities that damage local communities.
- 21.2 The Council recognises that entertainment in the form of film, plays, dance, indoor sporting events, live music and recorded music occurring between 8am and 11pm where there are no more than 500 people attending have now been deregulated.
- 21.3 When considering applications for events where a licence would be required for entertainment, the imposition of conditions on licences or certificates will be considered where a relevant representation is made. The Council will carefully balance the cultural needs of the community with the need to promote the licensing objectives.
- 21.4 Where entertainment takes place on licenced premises between 8am and 11pm with no more than 500 attendees the Council reminds the holders of the premises licence that they are expected to carry out such entertainment in a manner which promotes the licensing objectives.
- 21.5 A licence holder who wishes to remove conditions relating to activities that are no longer licensable may apply to the licensing authority for a licence variation. In the course of considering such applications, licensing authorities should remove such conditions unless there are sufficiently serious and specific concerns about the effects of hosting deregulated entertainment activities along with the remaining licensable activities taking place in the premises.

## **22. Temporary Events**

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- 22.1 Temporary Event Notices (TENs) allow licensable activities to take place. Only Police or Environmental Health can object to a TEN but the Licensing Authority will intervene if the statutory limits on the number of TENS are exceeded.
- 22.2 There are two types of TEN - a standard TEN and a late TEN. Standard TENs must be submitted to the authority with no later than 10 working days' notice; late TENs must be submitted with no later than 5 working days' notice. These are the absolute minimum periods of notice; any TENs submitted after these minimum periods of notice will be rejected.
- 22.3 The authority strongly recommends that all users of TENs submit these with as much notice as possible. Leaving submission till the last possible day is discouraged as unforeseen issues with the completeness of the notice or payment may result in rejection and result in the event not being licenced.
- 22.4 The Licensing Authority strongly recommends that those giving TENs for premises already holding a premises licence in order to extend the hours of operation, should carefully consider applying any existing conditions on their

licence to the TEN. This is particularly relevant for conditions relating to noise control.

### **23. Administration, Exercise and Delegation of Functions**

- 23.1 The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. A Public Register of all licensed premises will be maintained, this will also be available on Runnymede Borough Council's website.
- 23.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Council has delegated certain decisions and functions and has established a Licensing Sub-Committee to deal with them.
- 23.3 Furthermore, with many of the decisions and functions being purely administrative in nature, including for example, those licences and certificates where no representations have been made, the decisions in respect of them have been delegated to Officers
- 23.4 Set out below is the agreed Table of Delegations of functions to the Licensing Committee, Sub-Committee(s) and Officers:

<b>Matter to be dealt with</b>	<b>Full Licensing Committee</b>	<b>Licensing Sub-Committee</b>	<b>Officers</b>
Application for personal licence		If a police objection made	If no objection made
Application for personal licence, with unspent convictions		All cases	
Application for premises licence/ club premises Certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises Certificate		If a relevant representation made	If no relevant representation made
Application for minor variation to premises licence/club premises certificate			Grant if no relevant Representation otherwise refuse.
Application to vary designated personal licence holder		If a police objection made	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police objection made	All other cases
Application for Interim Authorities		If a police objection made	All other cases
Application to review premises licence/club premises Registration		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of a police or Environmental Health representation to a Temporary Event Notice		All cases	

23.5 This form of delegation is without prejudice to Officers referring an application to a Sub-Committee, or a Sub-Committee to the Full Licensing Committee, if considered appropriate in the circumstances of any particular case.

## **24. Monitoring and Review**

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24.1 The Police, Fire Authority and other consultees will be encouraged to report to the Licensing Committee annually on the operation of the licensing function.

24.2 The Licensing Officer will report annually to the Licensing Committee. Reports may include:

- statistics of the several forms of licences
- a breakdown of the number of licences determined by committee and under delegated powers
- a breakdown of the outcome of any appeals
- a breakdown of licences by reference to their terminal hour
- an outline of enforcement activity undertaken
- the outcome of any prosecutions
- details of any premises closed temporarily
- proposals to amend the Policy in the light of experience
- proposals to amend licensing practice in the light of experience
- summary and/or attachment of reports from other relevant authorities

## **25. List of persons and organisations consulted in respect of the original or Revised Draft Policy (4<sup>th</sup> Edition January 2016):**

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### **Runnymede Borough Council**

Chief Executive and all Business Centre Managers

All elected Members

Safer Runnymede Manager, Community Development

### **Surrey Police**

Chief Constable

Drugs and Alcohol Liaison Officer

Runnymede Neighbourhood Policing team - Licensing Officer

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

Chief Fire Officer

Fire Safety Officer

### **Surrey County Council**

Head of Statutory Child Protection and Child Care

Director of Education

Head of Trading Standards Service

## Health Service Representatives

Surrey County Council – Public Health Lead

## Representatives of Licensed Premises in Borough

All Premises Licence Holders

All Designated Premises Supervisors

All Secretaries of Club Premises with certificates

## Other Interested Parties

British Institute of Innkeepers

Local Government Association

British Beer and Pub Association

Committee of Registered Clubs Association

Department of Culture Media and Sport

British Hospitality Association

National Pub watch

Guild of Master Victuallers

Egham Chamber of Commerce

Chertsey Chamber of Commerce

Elmbridge Borough Council

Woking Borough Council

Royal Borough of Windsor and Maidenhead

Spelthorne Borough Council

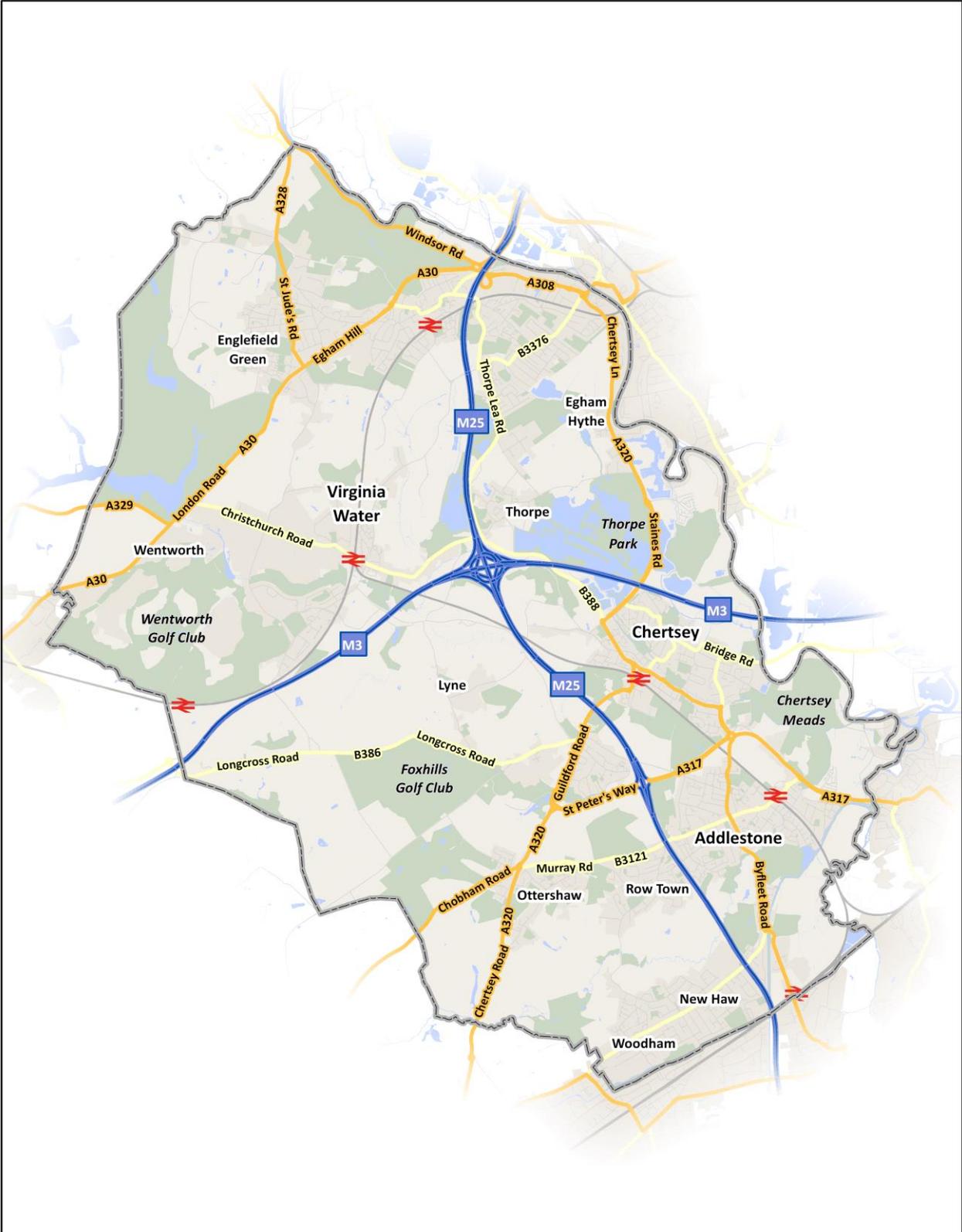
## 26. Names and addresses of Responsible Authorities

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Licensing Authority	Licensing Team Environmental Services Runnymede Borough Council Civic Offices, Station Road, Addlestone, Surrey KT15 2AH
Enforcing Authority for Pollution of the Environment	Environmental Health Officer Environmental Services Runnymede Borough Council Civic Centre, Station Road Addlestone, Surrey KT15 2AH
Enforcing Authority for Health & Safety  <b>OR</b> Enforcing Authority for Runnymede Borough Council owned venues and educational establishments	Environmental Health Officer Environmental Services Runnymede Borough Council Civic Centre, Station Road Addlestone, Surrey KT15 2AH  Health and Safety Executive The Council Offices, Station Road East, Oxted, Surrey RH8 0BT
Fire Authority	Surrey Fire & Rescue Service Headquarters Croydon Road Reigate Surrey RH2 0EJ

Surrey Police	Surrey Police PO Box101, Guildford, Surrey GU1 9PE
Local Planning Authority	Corporate Head of Planning and Environmental Services Runnymede Borough Council Civic Centre, Station Road Addlestone, Surrey KT15 2AH
Trading Standards Service	Surrey County Council Trading Standards Service Consort House Queensway Redhill, Surrey RH1 1YB
Authority for the protection of Children from Harm	County Child Employment Enforcement & Strategy Manager Quadrant Court, 35 Guildford Road Woking, Surrey GU22 7QQ
Surrey County Council Public Health	Public Health Business Manager Public Health NHS Surrey Room G55 County Hall Penrhyn Road Kingston Upon Thames KT1 2DN
Home Office	Home Office (Immigration Enforcement) Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY

Annex 1



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## Annex 2 Surrey Public Health Information

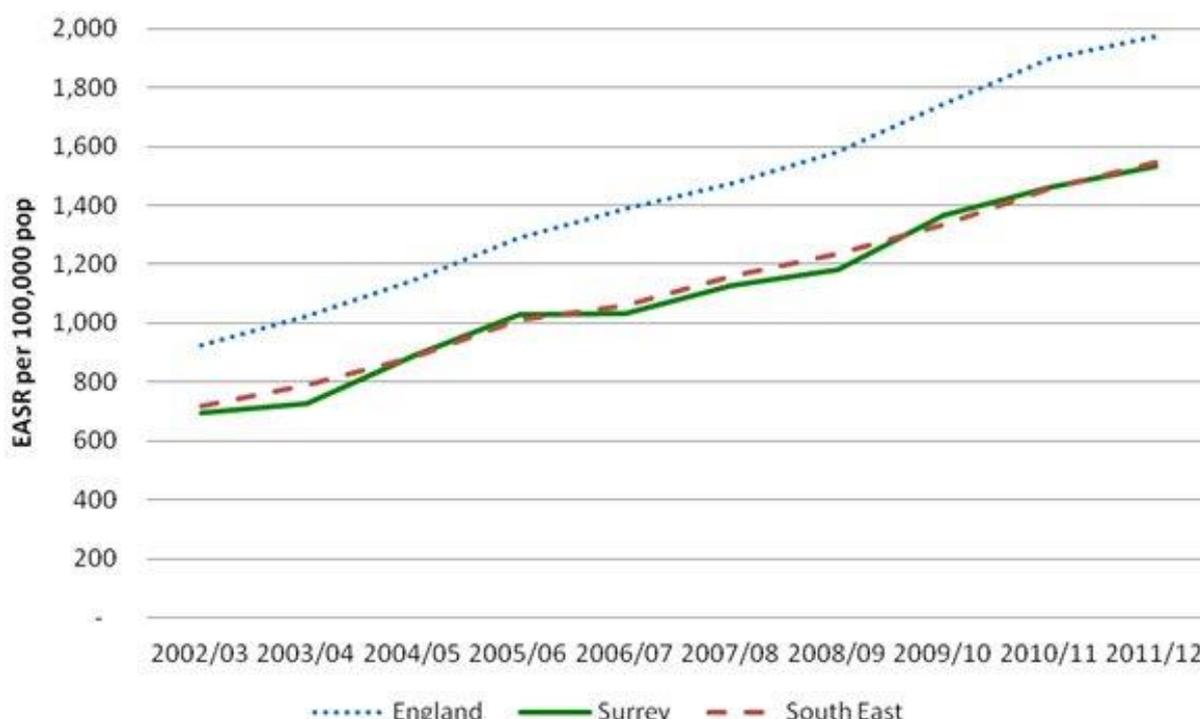
The relationship between alcohol consumption and risk is complex. Most systems in the body can be damaged by alcohol consumption, but the rate at which harm increases in relation to the amount of alcohol consumed varies. For example liver disease has an exponential relationship with alcohol consumption, whereas the risk of cancers shows a dose dependent relationship. The risk to which an individual is exposed to is also related to a number of factors, including both the amount and the frequency of drinking, but also genetics, and age.

One consistent observation is that the risk of ill health increases with the amount people drink and the number of occasions they drink to excess. Table 4 shows that those drinking at higher risk levels are at much greater risk of developing hypertension (high blood pressure), stroke, coronary heart disease, pancreatitis and liver disease.

Men and women who regularly drink at higher risk levels are significantly more likely to experience ill health as a result of their drinking as shown in Table 4.

<u>Condition</u>	<u>Men</u> <u>(Increases risk by)</u>	<u>Women</u> <u>(Increases risk by)</u>
<u>Hypertension</u>	<u>4 times</u>	<u>2 times</u>
<u>Stroke</u>	<u>2 times</u>	<u>4 times</u>
<u>Coronary Heart Disease</u>	<u>1.7 times</u>	<u>1.3 times</u>
<u>Pancreatitis</u>	<u>3 times</u>	<u>2 times</u>
<u>Liver Disease</u>	<u>13 times</u>	<u>13 times</u>

Alcohol-related hospital admissions in Surrey have more than doubled since 2002. This upward trend is evident across the region and the country as a whole. The graph below shows alcohol-related hospital admissions in Surrey, the South East and England since 2002 using the broad indicator. The level in Surrey has been similar to the South East region over the last decade and has been consistently lower than nationally.



Source: Public Health England (2014) Local Alcohol Profiles for England

The overall prevalence of increasing risk drinking in Surrey is approximately 21% which is just above the England average of 20%. Almost one in four adults in Surrey drink at these levels and alcohol-related health problems tend to present in people aged over 40 years; who are more likely to fall within this category of drinker.

According to modelling by the National Health Intelligence Service, alcohol is estimated to cost the NHS in Surrey over £73.5 million a year. The highest level of cost is related to increasing risk drinking, reinforcing the need to prioritise interventions aimed at reducing alcohol intake within this population.

The table below provides a breakdown of alcohol-related healthcare costs to the North West Surrey Clinical Commissioning Group (CCG) and Surrey as a whole. Actual and modelled data estimates the total annual spend on this to be approximately £12.4 million, at a cost of £70 per adult.

**Estimated annual cost of alcohol harm to the North West Surrey Clinical Commissioning Group**

<u>Type of Cost (£000s)</u>		<u>Actual or modelled data</u>	<u>North West Surrey</u>	<u>Surrey</u>
<u>1. Alcohol related inpatient admissions:</u>				
<u>Diagnosis Codes</u>	<u>Wholly attributable</u>	<u>Actual data</u>	<u>£2,450</u>	<u>£8,094</u>
	<u>Partly attributable</u>	<u>Actual data</u>	<u>£8,676</u>	<u>£27,274</u>
<u>External Cause codes</u>	<u>Wholly attributable</u>	<u>Actual data</u>	<u>£0.0</u>	<u>£18.7</u>
	<u>Partly attributable</u>	<u>Actual data</u>	<u>£749</u>	<u>£2,337</u>
<u>2. Alcohol related outpatient visits</u>		<u>Modelled data</u>	<u>£419</u>	<u>£8,676</u>
<u>3. Alcohol related A&amp;E attendances</u>		<u>Modelled data</u>	<u>£1,75</u>	<u>£12,604</u>
<u>4. Alcohol related emergency ambulance journeys</u>		<u>Modelled data</u>	<u>£910</u>	<u>£11,266</u>
<u>5. Alcohol related GP consultations</u>		<u>Modelled data</u>	<u>£218</u>	<u>£2,076</u>
<u>6. Alcohol related practice nurse consultations</u>		<u>Modelled data</u>	<u>£27</u>	<u>£289</u>
<u>7. Alcohol dependency prescribed drugs</u>		<u>Actual data</u>	<u>£2</u>	<u>£19</u>
<u>8. Specialist alcohol treatment services</u>		<u>Modelled data</u>	<u>£109</u>	<u>£1,382</u>
<u>9. Other alcohol related healthcare usage</u>		<u>Modelled data</u>	<u>£132</u>	<u>£1,654</u>
<u>Aggregated data</u>	<u>Total cost (£000s)</u>	<u>Various</u>	<u>£22,600</u>	<u>£73,736</u>
	<u>Adult population (16+)</u>	<u>Actual data</u>	<u>285,849</u>	<u>921,517</u>
	<u>Cost per adult (£)</u>	<u>Various</u>	<u>£79</u>	<u>£80</u>

In 2010/11 there were almost one million alcohol related violent crimes and the British Crime Survey 2009/10 revealed that victims believed the offender(s) to be under the influence of alcohol in half (50%) of all violent incidents.

It is estimated that in a community of 100,000 people each year, 1,000 people will be a victim of alcohol related violent crime. In addition, alcohol misuse is more prevalent

among the prison population and is also implicated in the frequency and severity of domestic abuse incidences.