

EPSOM & EWELL BOROUGH COUNCIL

STATEMENT OF LICENSING POLICY

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1. INTRODUCTION

1.1 Epsom & Ewell is a Borough of contrasts, with its roots set firmly in Roman history and its future strongly mapped out in the 21st century. Surrounded by award winning green spaces the Borough of Epsom & Ewell has proved time and again that it is one of the best places to live and work in the UK. It is a small yet modern Borough, with a population of around 72,400, situated on the edge of the rolling Surrey Hills, but with easy access to the city life of London.

1.2 **Epsom & Ewell Borough Council's ambition is:** "to maintain and develop those **distinctive characteristics** that make living and working in Epsom and Ewell a matter of conscious choice and, **in conjunction with others**, provide **quality and innovative services** that are based on the identified **priorities of our residents.**"

Our Corporate Plan has made People and Performance the drivers for everything that we do. We have identified the following Core Values that underpin every aspect of our work:

- Focusing on Customers
- Investing in employees
- Improving continuously
- Providing value for money
- Performing with integrity, openness and honesty
- Valuing diversity and equality .

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

1.4 The Council adopted the Local Strategic Partnership's Community Strategy for Epsom and Ewell in 2003. It contains the following 10 to 15 year vision: "To improve the quality of life for those who live and work here by balancing environmental, social and economic factors."

2. LICENSABLE ACTIVITY

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

- a) **the retail sale of alcohol**
- b) **the supply of alcohol by or on behalf of a club**
- c) **the provision of regulated entertainment, being**
 - i) **performance of a play**
 - ii) **exhibition of a film**
 - iii) **an indoor sporting event**
 - iv) **boxing or wrestling entertainment**
 - v) **performance of live music**
 - vi) **playing of recorded music (excluding incidental music)**
 - vii) **a performance of dance**

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viii) **entertainment of a similar description to that falling within v),vi) and vii) where the entertainment takes place in the presence of an audience**

d) **the supply of hot food and/or hot drink from any premises between 11pm and 5am for consumption on or off the premises.**

3. MINOR VARIATIONS

3.1 The Minor Variation application came into force on 27 July 2009. This means that anyone holding a premises licence can apply for four types of minor variations to their premises licence, without the need to apply for a full variation application. The four types of minor variation are:

- minor changes to the structure or layout of a premises
- small adjustments to the licensing hours
- the removal of out-of-date irrelevant or unenforceable conditions or adding volunteered conditions
- the addition of certain licensable activities.

A minor variation application cannot be used to make substantial alterations to the premises, nor to add the supply of alcohol to a licence for the first time, or to extend the existing licensed times. This requires a full variation to a premises licence. If a proposed change could have an adverse impact on the four licensing objectives it is likely that a minor variation application would be refused

4. LIVE MUSIC, DANCING AND THEATRE

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

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

4.3 The Authority will, when considering applications for such events and the impositions of conditions on Licences or certificates, try to balance the wider cultural benefits (particularly the cultural benefits for children) as well as a natural concern to prevent disturbance in neighbourhoods. Consideration will be given to the particular characteristic of any relevant event including type, scale and duration of the proposed entertainment.

5. ADMINISTRATION AND DELEGATION

5.1 Licensing relates to the control of licensed premises, qualifying clubs and temporary events within the terms of the Act. The Authority may attach conditions to the licence that focus on matters which are within the control of the individual licensee or premises supervisor, provided that such conditions are necessary and proportionate for the

promotion of one or more of the licensing objectives, and only submitted within the operating schedule.

- 5.2 On receipt of a valid application the Authority may consider it necessary to inspect premises that have not been previously licensed by the Authority to ensure compliance with the relevant technical guidance, the licensing objectives and this Policy.
- 5.3 When considering the application, and any relevant special licence conditions, the Authority will primarily focus on the direct impact of the licensable activities on members of the public living, working or visiting the area. The Authority acknowledges that the licensing function cannot be used for the general control of anti-social behaviour once customers are beyond the direct control of the individual, club or business holding the licence, but will require (see paragraph 6 below) the licensee to take steps within his/her own premises to control the likelihood of such anti-social behaviour occurring.
- 5.4 Nothing in the policy will deter an individual making an application and having that application judged on its individual merits. Similarly the policy will not deter any person from making representations in respect of any application or seeking a review of a licence. The Council will consider representations based on the impact on the promotion of the licensing objectives (see paragraph 6) on the grant of the particular application. However, the onus would be on the objector(s) to provide evidence to support their assertion that the addition of the premises in question would produce the cumulative impact claimed.
- 5.5 Should representations be made against an application, additional special conditions may be imposed if the Licensing Committee or its Licensing Hearings Sub-Committee is satisfied that the imposition of the conditions is necessary due to the nature of the representations made.
- 5.6 The Authority will consider the circumstances of each individual application on its own merits.
- 5.7 The Authority will exercise and delegate functions in accordance with the table contained in **Appendix A**. This form of delegation does not prevent Officers referring an application to the Licensing Hearings Sub-Committee or the Licensing Committee if considered appropriate.
- 5.8 The Authority recognises that a partnership approach is more likely to ensure the licensing objectives are achieved and maintained. Pre-application discussions between the applicants, the Authority and the other relevant agencies are encouraged so that the licensing process itself can be as trouble free as possible.

6. THE POLICY STATEMENT

- 6.1 Licensing Act 2003 (the Act) imposes a statutory duty upon district councils to produce, develop and review a licensing policy.
- 6.2 The Act requires that the Authority publishes a "Statement of Licensing Policy" that sets out the policies with respect to the exercise of its licensing functions. The Act also requires the Authority to consult various bodies before determining the policy. A list of the consultees is contained in **Appendix B**.

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- 6.3 The Statement of Licensing Policy has been prepared in accordance with the provisions of the Act and the Guidance issued under Section 182, and will be effective for a period of no more than three years. Within the three year period the Authority will keep the policy under review and will make amendments as it considers appropriate to support the licensing objectives. Any changes considered necessary between the three yearly reviews will be referred to the full Council, subject to consultation in accordance with the provisions of the Act.
- 6.4 Nothing in this Policy document should be regarded or interpreted as an indication that any requirement of licensing or other law may be overridden or added to their scope.

7. THE LICENSING OBJECTIVES

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

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

7.1 The prevention of crime and disorder

- 7.1.1 The Authority has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions on, and to do all it reasonably can to prevent, crime and disorder in the Borough.
- 7.1.2 The Authority will also seek to discharge its responsibilities by linking to Government and Council strategies and policies so far as they impact on the objectives of the Act, such as the Council's Crime and Disorder Reduction Partnership and the Community Safety Strategy, key issues of which include alcohol related disorder and anti-social behaviour. The Community Strategy carries a 10 to 15 year vision which is "to improve the quality of life for those who live and work here by balancing environmental, social and economic factors an element of which is a safe society".
- 7.1.3 The Authority will, in appropriate circumstances, attach conditions to licences and certificates to prevent crime and disorder, and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder contained within the Guidance issued under Section 182 of the Licensing Act 2003. Any conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there, and will reflect the local crime prevention strategies.
- 7.1.4 The Authority recognises that there are a number of mechanisms for addressing anti-social or unlawful behaviour which occurs away from licensed premises. These include:
- Planning controls
 - Positive measures to provide a safer and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council
 - Powers to designate parts of the Borough as places where alcohol may not be consumed publicly

- Police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- Confiscation of alcohol from adults and others in designated areas
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises
- Anti Social Behaviour Act 2003 powers for Local Authorities to issue closure orders on premises for 24 hours for premises from which noise is causing a public nuisance
- The power of the Police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question.

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

7.1.5 In considering applications the Authority will have regard to:

- The ability of the person in charge of the premises to monitor the premises at all times it is open
- The training given to staff in crime and disorder prevention measures
- Features of the premises and their operation. This may include matters such as the position of cash registers, the location of alcohol on display, the standard of CCTV, the use of polycarbonate glasses and drinking vessels, the secure storage of waste that could potentially be used as weapons, limiting sales of bottled alcohol for immediate consumption, the use of responsible pricing promotions, music wind-down policies
- Participation in a local PubWatch Scheme
- Measures employed to prevent the use or supply of illegal drugs
- Where premises are subject to age restrictions, the procedures in place to conduct age verification checks
- The likelihood of any crime or public disorder arising if the application is granted.

7.2 Public Safety

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

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

7.2.3 The Authority will continue to liaise with Surrey Police and Surrey Fire and Rescue

Service and will maintain the inspection of licensed premises jointly on a regular basis. This joint approach will maximise the multi-agency approach and ensure compliance control, when relevant conditions apply.

7.2.4 The Authority recognises that there are a number of ways to address public safety, these include the enforcement of current legislation by:

- Planning
- Building Control
- Surrey Fire and Rescue Service
- Surrey Police
- Environmental Health.

7.2.5 Applicants will be encouraged to seek advice from the Authority's Licensing Service and the Surrey Police and Fire and Rescue Services as well as taking into account other relevant local strategies, such as crime prevention strategies when preparing their operating schedules for submission.

7.2.6 The Regulatory Reform (Fire Safety) Order 2005, came into force on 1 October 2006 and affects virtually all premises in England and Wales other than single family dwellings. The legislation emphasises the prevention of fires and reducing risk and makes it the responsibility of the premises licence holder/company to ensure the safety of everyone who uses the premises or may be in the immediate vicinity and may be affected. The regulations require the responsible person to carry out a fire risk assessment and to act on the findings of the assessment and record them. In addition, it is necessary to review the premises Fire Risk Assessment either on a regular basis (recommended to be at least once a year), or if there is reason to suspect that it may no longer be valid, or there has been a significant change to the matters to which it relates.

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

www.firesafetyguides.communities.gov.uk

7.3 The prevention of public nuisance

7.3.1 The Authority will take an objective view as to the potential for nuisance and will seek to attach appropriate and proportionate conditions to licences and certificates where necessary in order to prevent. These may include Conditions drawn from the Model Pool of Conditions relating to Public Nuisance contained within the Guidance issued under Section 182 of the Licensing Act 2003. Any conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.

7.3.2 In promoting this objective, the Authority will consider the impact of the licensable activities at the specific premises that are disproportionate and unreasonable, for persons living and working (including doing business) in the vicinity. The considerations will mainly relate to noise nuisance, light pollution, noxious smells and litter.

7.3.3 In considering applications the Authority will have regard to the following:

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- The steps taken or proposed to be taken to prevent noise and vibration escaping from the premises
- The steps taken or proposed to be taken to prevent disturbance by customers arriving at or leaving the premises
- The steps taken or proposed to be taken to ensure staff leave the premises quietly
- The use of gardens and other open-air areas
- Delivery and collection times
- The setting of external lighting
- The history of previous nuisance complaints
- The arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents
- Whether there is sufficient provision for public transport (including taxis and private hire) for patrons.

7.3.4 Applicants will be recommended to seek advice from the Authority's Environmental Health Officers before preparing any plans and submitting any operating schedule.

7.4 The protection of children from harm

7.4.1 The Authority will consider the individual application before deciding whether it will be necessary to limit the access of children to any premises. The following are examples of premises that may raise concern:

- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
- With a known association with drug taking or dealing
- Where there is a strong element of gambling on the premises
- Where entertainment or services of an adult or sexual nature are commonly provided.

7.4.2 The Authority will impose conditions to restrict children from viewing age-restricted films classified in accordance with the British Board of Film Classification guidelines.

7.4.3 The Authority will, in appropriate circumstances, attach conditions restricting the access of children to licensed premises in order to prevent harm. Such restrictions could include:

- Limit on the hours when children may be present
- Limitations or exclusions during specific activities
- Requirements for an accompanying adult
- Full exclusion of people under the age of 18 from the premises when any licensable activities are taking place.

7.4.4 The Authority will, in appropriate circumstances, attach conditions to licences and certificates to prevent harm to children, and these may include Conditions drawn from the Model Pool of Conditions relating to the Protection of Children from harm contained within the Guidance issued under Section 182 of the Licensing Act 2003.

7.4.5 The Authority recognises and commends the Portman Group Code of Practice on the Naming, Packaging and promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older. The Authority accepts the statement in the Guidance that the Code

is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors. The Authority will also seek to discourage promotions which encourage excessive consumption of alcohol within a short time period.

7.4.6 The Authority expects personal licence holders, and others working under their supervision, not to serve alcohol to children under 18, except in the limited circumstances allowed for by Law. The Authority recommends that where necessary proof of a person's age is obtained by reference to one of the following:

- Passport
- Photocard driving licence issued in E.U.
- Proof of age card issued under the PASS accreditation scheme.

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

8. LICENSING HOURS

8.1 Through the promotion of the licensing objectives, the Authority aims to reduce the potential for concentrations of patrons and achieve a slower dispersal of people from licensed premises through longer opening times. The Authority recognises that varied closing hours for the sale of alcohol are important to ensure that large concentrations of people do not vacate premises at the same time. This may reduce the friction, disturbance and disorder from customers leaving premises and then congregating at late night fast food outlets, taxi ranks, minicab offices and other sources of transport.

8.2 The Authority will not seek to engineer staggered closing times by setting quotas for particular closing times, as this would only serve to replace the current peaks of congestion and subsequent potential for disturbance.

9. RELAXATION OF OPENING HOURS FOR LOCAL, NATIONAL AND INTERNATIONAL OCCASIONS

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

9.2 With the passage of time, exceptional events of local, national or international significance will arise which could not have been anticipated. Such events can give rise to the need to vary the conditions of large numbers of premises licences and club premises certificates. In such circumstances it will be open to the Secretary of State to make a licensing hours order to provide for premises to open for specified, generally extended, hours on these special occasions, such as for a one-off festival, World Cup, Olympic Games or a Royal Jubilee.

10. ZONING

10.1 Zoning is defined as the fixed trading hours within a designated area. The Authority will not be setting Zones as this could lead to significant movement of people across Council boundaries at particular times seeking premises open later, resulting in a concentration of

disturbance and noise. This would also treat residents in busy central areas of towns and villages within the Borough less favourably than residents in areas with a higher concentration of residential housing.

- 10.2 The Authority will consider imposing conditions in respect of noise control where premises are situated in areas that have a predominantly residential accommodation. However, regard will be given to the individual merits of any application.

11. SHOPS, STORES AND SUPERMARKETS

- 11.1 The Authority will consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for trade.
- 11.2 However, the Authority may consider a restriction on the hours should, for example, the Police make representation in the case of isolated shops known to be the focus of disorder and disturbance.

12. PLANNING USE

- 12.1 In general, the Authority will expect that prior to the submission of a licensing application the appropriate planning permission will have been granted in respect of the premises, and that any operating hours sought do not exceed those authorised by the planning permission. It is recognised that in certain circumstances a provisional statement licensing application may be sought alongside planning permission.
- 12.2 There will be a regular exchange of information between the Licensing and Planning Committees with regards to licensed premises in the Borough, which will include reporting on the general impact of alcohol related crime and disorder. This exchange would allow the Planning Committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.
- 12.3 In determining applications for licensing applications, there will not be a re-run of the planning application, and it will not cut across decisions taken by the Planning Committee or following appeals against decisions taken by that Committee. Similarly, the granting of applications by the Licensing Committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate.

13. INTEGRATING STRATEGIES AND AVOIDING DUPLICATION

- 13.1 The Authority recognises the need to avoid duplication with other regulatory regimes so far as possible. However, some regulations do not cover the unique circumstances that arise in connection with licensing. The Authority may, for example, attach conditions to premises when it is considered necessary for the promotion of the licensing objectives and where there is no provision in any other legislation.
- 13.2 In undertaking its licensing functions, the Authority will be mindful of other legislation and strategies which may impact on the promotion of the licensing objectives. Whilst not exhaustive these will include:
- Section 17 Crime and Disorder Act 1988
 - Human Rights Act 1998
 - The Health & Safety at Work Act 1974

- The Environmental Protection Act 1990
- Alcohol Harm Reduction Strategy for England
- Home Office Action Plan for tackling alcohol related crime, nuisance and disorder
- LACORS/TSI Code of Best Practice on test purchasing
- Health Act 2006

14. EPSOM SAFER PUBS AND BARS – TACKLING DISORDER

- 14.1 The Authority will continue to build on its links with Surrey Police, and will continue its active role in working parties to ensure the proper integration of local crime prevention, planning, transport, tourism and cultural strategies.
- 14.2 The Authority supports the Traffic Light System introduced by Surrey Police to combat alcohol related disorder. It is recognised that alcohol related violence in the Town centre has a hugely detrimental effect on the nighttime economy.
- 14.3 The Scheme works on a rolling six month programme with all offences directly linked to premises being subjected to penalty points, based upon the nature of the offence and capacity of the venue. When the premises have reached “amber” on the scheme, the Police and Licensing Authority will visit the premises to recommend the instigation of improvement measures to eradicate the source of the disorder. Premises may be required to sign Acceptable Behaviour Contracts to formalise agreements to implement measures, to assist in the reduction of anti-social behaviour.
- 14.4 If a licensee fails to address the disorder issues, and subsequently falls into the red, the Police will seek a Review of the Premises Licence. In the case where premises have remained in the green, they will be awarded with a certificate to recognise their achievements.
- 14.5 In addition to this scheme, the Authority will continue to work to established protocols with Surrey Police on the enforcement of licensing law. These will provide for the efficient deployment of Police and Council Officers engaged in enforcing licensing law and inspecting licensed premises, in order to ensure that resources are targeted at problem and high-risk premises.
- 14.6 The Authority will maintain a commitment to supporting the local PubWatch meetings.
- 14.7 The Authority will continue to work to joint inspection regimes with Surrey Police and Surrey Fire and Rescue Service, to ensure the promotion of initiatives such as the prevention of crime and disorder and public safety.

15. ENFORCEMENT

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

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

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

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

16. ILLEGAL SALES OF AGE RESTRICTED GOODS

- 16.1 Surrey County Council Trading Standards Service and the Police take a very serious view on the illegal sale of alcohol and other age-restricted goods. The Trading Standards Service will continue to seek to ensure that there are no illegal sales of alcohol and other age-restricted goods and they see the licensing regime as a potentially effective way of tackling this issue.
- 16.2 The sale of alcohol to minors is a criminal offence and Surrey Trading Standards Service has, over time, worked to advise the off-licensed trade in particular about how to set up systems to avoid sales taking place. Trading Standards will continue to regularly conduct covert test purchasing exercises with volunteers in response to complaints and local intelligence. Trading Standards have been successful in bringing a number of prosecutions in recent times, having particular regard to the link between alcohol and a range of crime and disorder issues, and this continues to be a concern of the Council under the new Licensing Act 2003.
- 16.3 The Authority will expect applicants for licences to demonstrate that they have ensured that all their frontline staff have received adequate training on the law with regard to age restricted sales and that this has been properly documented and training records kept, and must be made available for inspection by the Licensing Authority, Trading Standards or the Police if requested. Training will need to be refreshed periodically.
- 16.4 The Authority will expect staff training to include a basic understanding of the law and must include a requirement of checking identification (ID) for proof of age, paragraph 6.4.6 details the forms of ID that the Authority recommends. Should such form of identification (or other means of ID which may be approved subsequent to the adoption of the Policy) proving the purchaser is over 18 years of age be produced, the sale must be refused. The Authority together with Surrey Trading Standards promote Challenge 25 Schemes in licensed premises as an extra safeguard.
- 16.5 Employees themselves must be over 18 years of age to sell alcohol, unless the sale is authorised by someone who is over 18. If a sale is authorised in this way, the person making the authorisation is also responsible for ensuring that the purchaser is over 18. In addition, where employees have reason to suspect the purchase of alcohol is being bought for anyone under the age of 18, the sale must be refused.

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- 16.6 Licensees or employees actually engaged in selling alcohol will need to have a reasonable understanding of English in order that they are able effectively to question purchasers so that they are satisfied that they are over 18 years of age.
- 16.7 The Authority will actively encourage licensees to keep registers of refused sales (refusals books) where sales of alcohol and any other age-restricted goods have been refused for any reason. Keeping such records will help to demonstrate that responsibilities for checking ages of purchasers are being taken seriously. Refusals books should be kept on the licensed premises and be made available for inspection by the Licensing Service, Trading Standards or the Police.
- 16.8 Particularly in premises where alcohol is not the main product sold, for example, food retailers and corner shops - the Authority will actively encourage the use of warning messages where an EPOS (electronic point of sale) system is in use. Such a warning system is of help to employees and it will prompt them to check the age of purchasers of alcohol or other age restricted products that are presented at the check out.
- 16.9 In relation to pubs, restaurants and clubs, the Authority will actively encourage licensees to have due regard to the guidelines issued by the National Association of Cigarette Machine Operators (NACMO). Cigarette machines should be sited in a position where they are clearly visible to members of staff so that attempted purchases by young people can be challenged. A copy of the NACMO code of practice can be obtained from Surrey Trading Standards Service.
- 16.10 The work of Surrey Trading Standards Service will continue to take place under the Licensing regime. The Licensing Authority will take a very serious view of any transgression reported to it, whether or not a successful prosecution results, under the provisions of the Licensing Act 2003 or any Trading Standards legislation.
- 16.11 Surrey Trading Standards provide a free advice service on how to avoid selling age restricted goods. Contact details can be found in Annexe C in the Policy.

17. PROMOTION OF EQUAL OPPORTUNITIES

- 17.1 The Authority is mindful of its obligations under the Race Relations Act 1976 (as amended).
- 17.2 The Authority has published an Equal Opportunities Strategy. The Authority wishes to ensure equality of access to opportunities in the Borough and thereby avoid discrimination, including having regard to, ethnic/national origin, race/colour, disability, Gender/Sex and Sexuality. The Authority has also produced a Race Equality Scheme, and will remain focused upon, and will work to promote this.

18. CUMULATIVE IMPACT

- 18.1 'Cumulative Impact' is the potential impact on the promotion of the licensing objectives of the number and type of licensed premises concentrated in one area.
- 18.2 The Authority will not take 'need' for another licensed premises into account when considering a licensing application. However, the impact of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and

disorder outside or some distance from the premises. This is a proper matter for consideration by the Authority as Licensing Authority.

- 18.3 The Authority will have due regard to present and future types, numbers and density of licensed premises. The Authority is aware that an over concentration of licensed premises could attract customers to an area to such a degree that it has an adverse impact on the surrounding area beyond the control of individual licence holders.
- 18.4 In the event of an increase in the number of licensed premises, or changes to the nature of the existing operation(s) which impact on the cumulative effect of licensed premises within an area, contributing to public disorder and nuisance problems, the Authority may consider that that area has reached a saturation point and deem the establishment of further licensed premises inappropriate.
- 18.5 Should this situation arise, and where there is sufficient evidence, (for example, the Epsom and Ewell Crime and Disorder Reduction partnership may have collated information which demonstrates cumulative impact as part of their general role on anti-social behaviour) the Authority may consider that the imposition of conditions is unlikely to address these problems, and the Authority may adopt a policy of refusing certain licence applications if, by granting them, they would contribute to the cumulative effect that the Authority wishes to mitigate and undermine one of the licensing objectives.
- 18.6 If such a policy were adopted it would not be absolute and each application would still have to be considered on its own merits, and the policy would be reviewed regularly.
- 18.7 In coming to any decision regarding cumulative impact the Council will also have regard to other mechanisms outside of the licensing regime which may also be available to address this issue, such as:
- Planning controls (where development or change of use is involved, or where trading hours are limited by planning conditions)
 - Police enforcement of the normal law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
 - The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
 - Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises
 - Local Authority Environmental Health Officer powers to issue closure orders on premises for 24 hours for premises from which noise is causing a public nuisance
 - The power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question
 - The Authority also commends the current practice utilised by the Epsom and Ewell PubWatch groups of “banning” rowdy and disruptive patrons from all premises within the PubWatch area
 - Powers to designate parts of the Borough as places where alcohol may not be consumed publicly
 - Ongoing measures to provide a safer and cleaner environment in partnership with local businesses and others.

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APPENDIX A

Matter to be dealt with	Council	Sub Committee	Officers
Application for personal licence		If an objection made	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application to vary premises licence/club premises certificate		If a representation made	If no representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	
Adoption of the Statement of Licensing Policy	All changes		

Effective from 7 January 2011

APPENDIX B

List of consultees

Surrey Police

Surrey Fire and Rescue Service

East Surrey Chamber of Commerce

Epsom and Ewell Crime and Disorder Reduction Partnership

Epsom Protection Society

Representatives of local residents

Representatives of the licensed trade

The Association of Licensed Multiple Retailers

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

APPENDIX C

Responsible Authorities

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

Licensing Authority

Grants and Licensing Team
Epsom and Ewell Borough Council
Town Hall
The Parade
Epsom
Surrey
KT18 5BY

Telephone: 01372 732000 Fax: 01372 732452 Email: licensing@epsom-ewell.gov.uk

Surrey Police

Chief Officer of Police
Surrey Police
Epsom Police Station
Church Street
Epsom
Surrey
KT17 4PS

Telephone: 01372 721212

Surrey Fire and Rescue Service

Surrey Fire and Rescue Service
Protection Manager
East Area Office
Leatherhead Fire Station
Cobham Road
Fetcham
Leatherhead
Surrey
KT12 1RZ

Telephone: 01737 224041

Health and Safety at Work etc Act 1974 Enforcing Authority

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

Effective from 7 January 2011

Environmental Health Service

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

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

Telephone: 01372 732000

Email: contactus@epsom-ewell.gov.uk

Health and Safety Executive

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

Health and Safety Executive
Phoenix House
23-25 Canteloupe Road
East Grinstead
West Sussex
RH19 3BE

Planning Authority

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

Telephone: 01372 732000

Fax: 01372 732109 Email: planning@epsom-ewell.gov.uk

Trading Standards

Surrey Trading Standards Service
Bay Tree Avenue
Kingston Road
Leatherhead
Surrey
KT22 7SY

Telephone: 08454 04 05 06

Email: trading.standards@surreycc.gov.uk

Surrey Social Services

Head of Statutory Child Protection and Child Care
Child Protection & Independent Review Unit
Fairmount House
Bull Hill, Kingston Road
Leatherhead, Surrey, KT22 7AH

Effective from 7 January 2011