



[www.guildford.gov.uk](http://www.guildford.gov.uk)

Contact Officer:

Sophie Butcher - Democratic Services Officer.  
01483 444056

18 May 2020

Dear Councillor

Your attendance is requested at a meeting of the **LICENSING COMMITTEE** on **WEDNESDAY 27 MAY 2020 at 7.00 pm**. The meeting can be accessed remotely via Microsoft Teams in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

Yours faithfully

James Whiteman  
Managing Director

#### **MEMBERS OF THE COMMITTEE**

The members of the Committee will be determined by the Council on 19 May 2020.  
Nominations received are as follows:

Councillor Tim Anderson  
Councillor Dennis Booth  
Councillor David Goodwin  
Councillor Gillian Harwood  
Councillor Gordon Jackson  
Councillor Nigel Manning  
Councillor Ted Mayne  
Councillor Ann McShee

Councillor Bob McShee  
Councillor Masuk Miah  
Councillor Marsha Moseley  
Councillor Maddy Redpath  
Councillor Will Salmon  
Councillor James Steel  
Councillor Catherine Young

#### **QUORUM 5**

## THE COUNCIL'S STRATEGIC FRAMEWORK

### Vision – for the borough

For Guildford to be a town and rural borough that is the most desirable place to live, work and visit in South East England. A centre for education, healthcare, innovative cutting-edge businesses, high quality retail and wellbeing. A county town set in a vibrant rural environment, which balances the needs of urban and rural communities alike. Known for our outstanding urban planning and design, and with infrastructure that will properly cope with our needs.

### Three fundamental themes and nine strategic priorities that support our vision:

- |                     |  |
|---------------------|--|
| <b>Place-making</b> | Delivering the Guildford Borough Local Plan and providing the range of housing that people need, particularly affordable homes |
|                     | Making travel in Guildford and across the borough easier   |
|                     | Regenerating and improving Guildford town centre and other urban areas   |
| <b>Community</b>    | Supporting older, more vulnerable and less advantaged people in our community  |
|                     | Protecting our environment   |
|                     | Enhancing sporting, cultural, community, and recreational facilities   |
| <b>Innovation</b>   | Encouraging sustainable and proportionate economic growth to help provide the prosperity and employment that people need       |
|                     | Creating smart places infrastructure across Guildford  |
|                     | Using innovation, technology and new ways of working to improve value for money and efficiency in Council services             |

### Values for our residents

- We will strive to be the best Council.
- We will deliver quality and value for money services.
- We will help the vulnerable members of our community.
- We will be open and accountable.
- We will deliver improvements and enable change across the borough.

## **A G E N D A**

### **1 APOLOGIES FOR ABSENCE**

### **2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS**

In accordance with the local Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, the councillor must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

Councillors are further invited to disclose any non-pecuniary interest which may be relevant to any matter on this agenda, in the interests of transparency, and to confirm that it will not affect their objectivity in relation to that matter.

### **3 MINUTES (Pages 5 - 6)**

To confirm the minutes of the meeting of the Licensing Committee held on 6 January 2020.

### **4 ANNOUNCEMENTS**

To receive any announcements from the Chairman of the Committee.

### **5 LICENSING COMMITTEE ITEMS**

5.1 **Licensing Act 2003 - Review of Statement of Licensing Policy**  
(Pages 7 - 48)

5.2 **Update on the Taxi and Private Hire Licensing Policy Review**  
(Pages 49 - 54)

### **6 LICENSING COMMITTEE WORK PROGRAMME (Pages 55 - 60)**

**PLEASE CONTACT US TO REQUEST THIS DOCUMENT IN  
AN ALTERNATIVE FORMAT**

This page is intentionally left blank

## LICENSING COMMITTEE

\* Councillor David Goodwin (Chairman)  
Councillor Will Salmon (Vice-Chairman)

- |                              |                              |
|------------------------------|------------------------------|
| * Councillor Tim Anderson    | * Councillor Ann McShee      |
| Councillor Joss Bigmore      | Councillor Marsha Moseley    |
| * Councillor Dennis Booth    | * Councillor George Potter   |
| * Councillor Gillian Harwood | * Councillor Maddy Redpath   |
| Councillor Gordon Jackson    | * Councillor James Steel     |
| Councillor Nigel Manning     | * Councillor Catherine Young |
| * Councillor Ted Mayne       |                              |

\*Present

### L1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Joss Bigmore, Gordon Jackson, Nigel Manning, Marsha Moseley and Will Salmon.

### L2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

There were no disclosures of interest.

### L3 MINUTES

The minutes of the Licensing Committee held on 27 November 2019 were confirmed as a true record of the meeting and signed by the Chairman.

The Chairman wished for it to be noted, as stated in the minutes at L23, that the Council was not in favour of charging charitable organisations for licensing advice in relation to charitable collections applications or other activities as it was agreed that charities were excluded from this charging proposal.

### L4 TAXI AND PRIVATE HIRE FEES AND CHARGES 2020-21

The Committee considered the taxi and private hire fees and charges 2020-21 for public consultation. [The Committee also noted a minor error in the recommendation, whereby the reference to Appendix 3 should have read Appendix 8 in the report pack.] The Licensing Team Leader explained that the Licensing Committee reviewed the taxi and private hire fees and charges annually so as to ensure that the fees set were reasonable. The Council had a methodology for calculating the taxi licence fees which had been applied since it was approved by the Licensing Committee in 2016. Once the Committee approved the taxi and private hire fees and charges for consultation, a notice would be placed in the newspapers as well as notifying the taxi trade. Should any objections be received regarding the fee and charge changes, these would be considered by the Licensing Committee at their March 2020 meeting.

The Committee noted that some reductions to the vehicle fees and to the Hackney Carriage driver's knowledge test had been recommended as well as an increase to the driver licence fee. The fees were calculated by taking into account officer time, recording data on costs and the Council's rolling programme budget divided by the number of licence applications that the Council had received in the last year.

The Committee queried how the fees recommended compared with other Council's across the UK. The Licensing Team Leader confirmed that the fees and charges were comparable with other Council's. However, a process employed by Guildford was to record and charge for officer time. This was owing to the fact that the Council had been challenged 10 years ago by the taxi trade. Given that taxi fare setting was a contentious issue, licensing officers ensured that they recorded their time and costs were accounted fairly.

The Committee noted page 19 of Appendix 3, which showed the Taxi and Private Hire Licensing Fees and Charges for 2020-21 where it appeared in three of the categories that the Council was running at a loss. The Committee wanted to understand how that would be rectified. The Licensing Team Leader confirmed that the Council had a rolling programme whereby any surpluses or deficits in the account were carried forward over a three-year period so to recover the deficit. The Committee agreed last year to divide the cost of the operator's fee over a five-year period. Therefore, when operators came to renew their five-year licences the Council would be able to recover the overall costs and break even.

The Committee discussed concerns raised that the Council was better able to deal with shortfalls in monies when it had access to funds that enabled it to take a more long-term approach when recovering deficits via the three-year rolling programme. Taxi drivers conversely would be more immediately affected by fees being increased or going down year on year. The Committee considered whether it would therefore be prudent to adopt a five-year rolling programme as per the private hire model. The Licensing Team Leader confirmed that the three-year rolling programme was a fair system for taxi drivers as if in deficit one year it would be unfair to recover it immediately the following year.

The Committee having considered the report;

RESOLVED that the Taxi and Private Hire Fees and Charges for 2020-21 as set out in Appendix 8 to the report be approved for public consultation and would take effect as of 1 April 2020, should no objections be received.

**L5 LICENSING COMMITTEE WORK PROGRAMME**

The Committee noted its work programme.

The meeting finished at 7.15 pm

Signed .....

Date .....

Chairman

Licensing Report

Ward(s) affected: All Wards

Report of Licensing Team Leader

Author: Mike Smith

Tel: 01483 444387

Email: mike.smith@guildford.gov.uk

Lead Councillor responsible: James Steel

Tel: 07518 995615

Email: james.steel@guildford.gov.uk

Date: 27 May 2020

## **Licensing Act 2003 Review of Statement of Licensing Policy**

### **Executive Summary**

The Council in its role as the Licensing Authority under the Licensing Act 2003 has a duty to prepare and keep under review its Statement of Licensing Policy. The policy sets out how the Licensing Authority seeks to promote the four licensing objectives during the licensing process.

The current policy is due for review by January 2021 and following the Committee considering the strategic direction for the Policy review in November 2019 a draft updated Policy has been prepared for Committee to approve for full public consultation.

### **Recommendation Committee**

That the Committee approves the draft Statement of Licensing Policy 2021-26 at Appendix A for Public consultation for a period of 12 weeks.

### Reason(s) for Recommendation:

To obtain the views of interested parties on the proposed updated Licensing Policy and use these views to formulate any changes to the draft prior to adoption.

### **Is the report (or part of it) exempt from publication?**

No

**1. Purpose of Report**

- 1.1 The purpose of this report is to seek the Committee's approval to consult on the revisions to the Council's Statement of Licensing Policy as required by the Licensing Act 2003.

**2. Strategic Priorities**

- 2.1 The review of the Licensing Act 2003 Policy will contribute to our fundamental themes as follows:

- **Place making** – regenerating and improving Guildford town centre through well-regulated licensed establishments.
- **Community** – enhancing sporting, cultural, community and recreational facilities.
- **Innovation** – Encouraging sustainable and proportionate economic growth to help provide the prosperity and employment that people need.

**3. Background**

- 3.1 The Council in its role as the Licensing Authority under the Licensing Act 2003 has a duty to prepare and keep under review its Statement of Licensing Policy.

- 3.2 The policy sets out how the Licensing Authority seeks to promote the four licensing objectives during the licensing process. The four Licensing objectives under the Act are:

- The prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

- 3.3 The current Statement of Licensing Policy, adopted by Council on 8 December 2015, took effect from 7 January 2016 for a maximum period of 5 years. Consequently, the current Policy is due for review by 7 January 2021.

- 3.4 On 27 November 2019 the Licensing Committee considered a report requesting the Committee's views on the strategic direction of the Licensing Act Policy, and recommended officers develop an updated policy for consultation, to include the following areas:

- Film Classification
- Internet sales/delivery of alcohol
- Agent of Change
- Safeguarding

- 3.5 The Policy has been updated at the direction of the Committee to include more comprehensive guidance on the above areas.

- 3.6 The 'Large Events' section of the Policy has also been updated to include the principles of the 'Martyn's Law' campaign to improve security at venues and public spaces in light of the terrorist attacks in Manchester and London in 2017.



- 3.7 The Policy has also been updated with the Council's new Corporate Strategy, and reference to the priority of retaining the Purple Flag award.

#### **4. Consultations**

- 4.1 Prior to the formal review process of the Statement of Licensing Policy 2021 – 2026, an informal engagement exercise invited opinion specifically related to the effectiveness of the Statement of Licensing Policy 2015 – 2020 from those who had an interest in or were likely to be affected by this Council's functions including Responsible Authorities and trade representatives. The objective was to elicit opinion which could be considered prior to the formal review process, highlighting ways in which the Council could develop sustainable initiatives reflecting best practice and influence the next Statement of Licensing Policy supporting the process of informed and transparent decision-making and improving dialogue whilst promoting partnership working within and across local communities. This informal engagement has led to the development of the draft policy presented to Committee.
- 4.2 This report seeks the Committee's approval to undertake a three-month public consultation exercise on the draft Licensing Policy. Full, formal consultation will take place with members of the public, community stakeholders, specific groups and individuals as listed in section 5(3) of the Licensing Act 2003. These are;
- The Chief Officer of Surrey Police
  - Surrey Fire & Rescue Authority
  - The Primary Care Trust Director of Public Health
  - Persons / bodies representative of local premises licence holders
  - Persons / bodies representative of local club premises certificate holders
  - Persons / bodies representative of local personal licence holders
  - Persons / bodies representative of businesses and residents in its area
- 4.3 In addition the Licensing Authority intends to consult with Surrey Trading Standards, Surrey Safeguarding Children Board, Guildford Borough Council Environmental Health (Pollution Control), Guildford Borough Council Environmental Health (Health & Safety) and Guildford Borough Council Planning Department. The draft policy will also be published on Guildford Borough Council's website.
- 4.4 Following the consultation exercise, the views of all these bodies will be presented to Licensing Committee on 25 November. At this meeting, Licensing Committee will be invited to consider the results of the consultation and recommend adoption of the Policy, along with any amendments arising from the consultation, by Full Council on 8 December 2020.

**5. Key Risks**

- 5.1 The current Statement of Licensing Policy, adopted by Council on 8 December 2015, took effect from 7 January 2016 for a maximum period of 5 years. Consequently, the Council has a statutory duty to review the current Policy by 7 January 2021.

**6. Financial Implications**

- 6.1 There are no financial implications for the Council as a result of carrying out a public consultation on the draft Statement of Licensing Policy.

**7. Legal Implications**

- 7.1 The Council is required to have a Statement of Licensing Policy under section 5 of the Licensing Act 2003. The Statement of Licensing Policy provides the framework in which the licensing function is administered and sets out the Council's approach under the Licensing Act 2003.
- 7.2 The Licensing Act 2003 requires a statutory review of the Statement of Licensing Policy every 5 years, but it does not prevent an earlier review.
- 7.3 The Licensing Authority must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 when drafting its policy. The latest version, issued by the Home Office in April 2018, has been referred to during the drafting of this report.

**8. Human Resource Implications**

- 8.1 The review of the Licensing Act Policy will take considerable officer time, however, can be managed from within the current licensing resource, although it is recognised that the work is taking place during the Future Guildford review.

**9. Equality and Diversity Implications**

- 9.1 Under the public sector equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.
- 9.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.
- 9.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of equality duty.

- 9.4 Improving measures in the Council's Licensing Policy to promote the Safeguarding and Equalities agendas will encourage members of the public from all groups to enjoy licensed venues in Guildford. Additionally, venues providing a varied offering contribute to Guildford's Purple Flag aims of offering a safe and diverse night out.

## **10. Climate Change/Sustainability Implications**

- 10.1 There are no climate change or sustainability implications to the review of the Licensing Act 2003 Policy.

## **11. Summary of Options**

- 11.1 After considering the report, the Committee may either:
- Approve the draft Policy at Appendix A for public consultation, or
  - Approve the draft with amendments for consultation

## **12. Conclusion**

- 12.1 The Council in its role as the Licensing Authority under the Licensing Act 2003 has a duty to prepare and keep under review its Statement of Licensing Policy. The current Policy is due for review by 7 January 2021 and a revised draft Policy has been prepared following the Committee's strategic direction for public consultation.
- 12.2 Following the consultation exercise, the views of all these bodies will be presented to Licensing Committee on 25 November. At this meeting, Licensing Committee will be invited to consider the results of the consultation and recommend adoption of the Policy, along with any amendments arising out of the consultation, by Full Council on 8 December 2020.

## **13. Background Papers**

- 13.1 [Guildford Borough Council Statement of Licensing Policy 2015-20](#)
- 13.2 [Revised Guidance issued under Section 182 of the Licensing Act 2003](#)
- 13.3 [Minutes of Licensing Committee held 27 November 2019](#)

## **14. Appendices**

Appendix A – Draft Guildford Borough Council Statement of Licensing Policy 2021-26

Please ensure the following service areas have signed off your report. Please complete this box and do not delete.

<b>Service</b>	<b>Sign off date</b>
<i>Finance / S.151 Officer</i>	<i>24 March 2020</i>
<i>Legal / Governance</i>	<i>27 March 2020</i>
<i>HR</i>	<i>19 March 2020</i>
<i>Equalities</i>	<i>19 March 2020</i>
<i>Lead Councillor</i>	<i>10 April 2020</i>
<i>CMT</i>	<i>21 April 2020</i>
<i>Committee Services</i>	<i>15 May 2020</i>



## Statement of Licensing Policy

### Licensing Act 2003

Effective: 7 January 2021

**Contents**

		<b>Page</b>
Section 1	Introduction	3
Section 2	Background	3
Section 2.1	Scope of Statement of Licensing Policy	5
Section 3	Policy Consultation	6
Section 4	Fundamental Principles	7
Section 5	Health	8
Section 6	Premises Licences & Club Premises Certificates	8
Section 6.1	Application Consultation	10
Section 6.2	Making Representation	10
Section 7	Personal Licences	11
Section 8	Fees & Charges	11
Section 9	Variations (Full & Minor)	12
Section 10	Temporary Event Notices (TEN's)	13
Section 11	Licensing Hours	15
Section 12	Promoting the Four Licensing Objectives	16
Section 12.1	Prevention of Crime & Disorder	16
Section 12.2	Public Safety	18
Section 12.3	Prevention of a Public Nuisance	19
Section 12.4	Protection of Children from Harm	20
Section 13	Large Scale Events	22
Section 14	Films	23
Section 15	Safeguarding	25
Section 16	Agent of Change Principle	26
Section 17	Licence Conditions	26
Section 18	Administration & Delegation	27
Section 19	Enforcement	29
Section 20	Reviews	30
Section 21	Diversity & Equality	30
Appendix A	Responsible Authority Contact List	33
Appendix B	Public Health Information	34

## **Section 1 - Introduction**

- 1.1 Guildford Borough Council is the Licensing Authority under the Licensing Act 2003 responsible for granting premises licences, club premises certificates, temporary event notices and personal licences in the Borough for the sale and/or supply of alcohol, the provision of regulated entertainment and late night refreshment. Licensing is about regulating licensable activities on licensed premises, qualifying clubs or at temporary events and any conditions attached are focused on matters under the control of the licence holder.
- 1.2 The majority of licensing functions must be carried out by the Licensing Committee established under the Licensing Act 2003. Members of this Committee are responsible for the detailed administration of the Council's licensing function assisted by officers. The Licensing Committee has delegated certain functions to the Licensing Sub-Committee and/or officers and the decision-making arrangements between the Licensing Authority (The Council), the Licensing Committee, the Licensing Sub-Committee and officers are set out in this policy statement.

## **Section 2 - Background**

- 2.1 This Statement of Licensing Policy will apply for a maximum period of five (5) years until January 2026, will be kept under review throughout this period annually to evaluate its effectiveness and may be revised due to changes in local circumstances, legislation, variation of government guidance or otherwise as the Licensing Authority considers appropriate. The Licensing Authority will consult on any proposed changes.
- 2.2 The Regulatory Services Manager may make minor amendments to the guidance set out in this policy to reflect administrative changes. When a full review or any substantive amendments are proposed, these will be considered by the Licensing Committee.
- 2.3 The Guildford borough is the second highest populated district in Surrey with 146,800 residents in 2016. The major urban areas are located in the town centre of Guildford and Ash and surrounding areas on the western fringes of the borough adjacent to Aldershot town.
- 2.4 Guildford Borough is also the second largest borough in the county, covering approximately 269 square kilometres (104 square miles) of which 89% is land designated as Green Belt. Outside the urban areas and villages, rural areas contain the Surrey Hills Area of Outstanding Natural Beauty covering 99 square kilometres, several sites of importance for nature protection and areas of special scientific interest. The borough also has a rich and varied architectural heritage, including 36 scheduled ancient monuments.
- 2.5 Guildford is mostly an affluent area with relatively low unemployment and low levels of crime. Most residents are healthy and enjoy well above average life expectancy. The workforce is generally well-educated and highly skilled. The borough attracted over 4.9 million day visitors in 2016 and 351,000 staying trips, generating about £338.4 million in tourism income for local businesses, supporting around 6,167 actual jobs.

Agenda item number: 5(1)

Appendix 1

- 2.6 The town centre is a focus for major commercial and administrative functions and is a principal regional shopping destination, with a vibrant night time economy. In 2014 the town was awarded Purple Flag, recognising excellence in the management of the town centre at night. This prestigious award demonstrates the Council's and the other Purple Flag Partners' ambitions to develop and improve the night time economy, encouraging a broad outlook on how the town is presented at night and tackling all aspects from cleanliness to access and transport, street lighting to signage, entertainment variety and choice of styles in bars, clubs and restaurants.
- 2.7 The vision in The Corporate Plan 2018-23 states the desire for Guildford to be a town and borough;  
*"...that is the most desirable place to live, work and visit in South East England. A centre for education, healthcare, innovative cutting-edge businesses, high quality retail and wellbeing. A county town set in a vibrant rural environment which balances the needs of urban and rural communities alike. Known for our outstanding urban planning and design, and with infrastructure that will properly cope with our needs."*
- 2.8 This licensing policy seeks to promote licensing within the overall context of the Corporate Plan and the retention of the Purple Flag award.
- 2.9 The Authority has responsibility for helping to develop and promote a strong sustainable local economy. Thriving food, drink and entertainment businesses are an important part of that local economy with this policy critical to their continuing success and for attracting further investment and opportunity to the borough.
- 2.10 Balanced against this are the Council's legal duties and commitment with its partners to reducing crime, disorder and the fear of crime. It is important to protect and maintain our environment so that residents, visitors and other businesses can enjoy the opportunities for living, visiting and working within the borough safely and free from nuisance.
- 2.11 As a popular town with a two campus modern university, Guildford values its younger people and is active in ensuring they are offered a wide range of opportunities and experiences to develop whilst seeking to protect them from harm.
- 2.12 Through the Licensing Act 2003 the government has provided opportunities for businesses to develop and flourish in socially responsible ways and has simplified and lightened the administrative burden of licensing. However, the Act contains strong powers for both the police and the Licensing Authority.
- 2.13 Guildford Borough Council has over 560 licensed premises of all types including;
- Pubs, bars and nightclubs
  - Restaurants
  - Members clubs
  - Shops and off licenses
  - Late night food venues



- Premises offering regulated entertainment
- Over 1925 personal licences

2.14 The predominant historic nature of the town results in a higher density of licensed premises in some areas meaning that certain issues are particularly relevant to the exercise of the Authority's licensing functions which are;

- Striking an appropriate balance between the needs of residents and the needs of businesses (particularly during night time hours when residents may expect that their sleep should not be unduly disturbed)
- Potential for saturation and the associated alcohol related crime, disorder and nuisance which could occur in some areas
- The control of underage drinking

## **Section 2.1 Scope of the Statement of Licensing Policy**

2.1.1 The Licensing Act 2003 sets out the legal framework for the Licensing Authority to licence the following activities:

- Retail sale of alcohol
- The supply of alcohol by or on behalf of a club
- Regulated entertainment
- Late night refreshment

2.1.2 These activities are controlled through a system of:

- Premises licences
- Club premises certificates
- Personal licences
- Temporary event notices

2.1.3 For definitions of these activities and information on the different types of licences available further information may be found on the government website by following this [link](#).

2.1.4 The Act requires the Licensing Authority to carry out its licensing functions to promote the licensing objectives. Guildford Borough Council as the Licensing Authority takes its responsibilities under the Licensing Act seriously and will use all available powers to promote the four licensing objectives;

- **The prevention of crime and disorder**
- **Public safety**
- **The prevention of public nuisance**
- **The protection of children from harm.**

2.1.5 Further detail and explanation of the licensing objectives may be found within the Revised Guidance under Section 182 Licensing Act 2003, which may be found on the government website by following this [link](#).

2.1.6 The Act requires the Licensing Authority to prepare and publish a statement of its licensing policy every five years.

Agenda item number: 5(1)

Appendix 1

- 2.1.7 This Statement of Licensing Policy fulfils this requirement and has been prepared in accordance with the revised guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.

### **Section 3 - Policy Consultation**

- 3.1 Prior to the formal review process of the Statement of Licensing Policy 2021 – 2026, an informal engagement exercise invited opinion specifically related to the effectiveness of the Statement of Licensing Policy 2015 – 2020 from who had an interest in or were likely to be affected by this Council's functions including Responsible Authorities and trade representatives. The objective was to elicit opinion which could be considered prior to the formal review process, highlighting ways in which the Council could develop sustainable initiatives reflecting best practice and influence the next Statement of Licensing Policy supporting the process of informed and transparent decision-making and improving dialogue whilst promoting partnership working within and across local communities.
- 3.2 On 27 November 2019 a report was presented to the Licensing Committee seeking the Committee's views on the strategic direction of the Licensing Act Policy, so as to enable Officers to draft a policy for consultation. The Committee considered that the following areas of Policy be incorporated within the Council's Licensing Act 2003 Policy to be consulted upon:
- Film Classification
  - Internet sales/delivery of alcohol
  - Agent of Change
  - Safeguarding
- 3.3 In determining this policy the Licensing Authority has undertaken full, formal consultation with members of the public, community stakeholders, specific groups and individuals as listed in section 5(3) of the Licensing Act 2003. These are;
- The Chief Officer of Surrey Police
  - Surrey Fire & Rescue Authority
  - The Primary Care Trust Director of Public Health
  - Persons / bodies representative of local premises licence holders
  - Persons / bodies representative of local club premises certificate holders
  - Persons / bodies representative of local personal licence holders
  - Persons / bodies representative of businesses and residents in its area
- 3.3 In addition the Licensing Authority has consulted with Surrey Trading Standards, Surrey Safeguarding Children Board, Guildford Borough Council Environmental Health (Pollution Control), Guildford Borough Council Environmental Health (Health & Safety) and Guildford Borough Council Planning Department. The draft policy has also been published on Guildford Borough Council's website.
- 3.5 The views of all these bodies and the evidence presented have been given due weight in the determination of this policy.

## Section 4 - Fundamental Principles

- 4.1 This policy statement sets out a general approach to making licensing decisions and acknowledges the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits.
- 4.2 Similarly, this policy statement does not override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- 4.3 Licensing is about the control of licensed premises, qualifying clubs, temporary events and individuals within the terms of the 2003 Act. Any conditions or restrictions attached to a premises licence or club premises certificate will be focused on matters which are within the control of individual licensees.
- 4.4 These matters centre on the premises and places being used for licensable activities and any impact of those activities in the vicinity of those premises and places. The Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises, on members of the public living, working or engaged in normal activity in the area concerned.
- 4.5 Licensing law is not a mechanism for the general control of nuisance or anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.
- 4.6 The controls exercised through the provisions of the Act are key aspects in the control of nuisance and antisocial behaviour forming part of the Council's holistic approach to licensing.
- 4.7 In this respect, the Licensing Authority recognises that, apart from the licensing function, there are a number of other partnership mechanisms available for addressing issues arising out of the operation of licensed premises, including;
- The Safer Guildford Partnership
  - The Joint Action Group
  - Planning Controls
  - Regular liaison with Surrey Police
  - Guildford Borough Pub Watch
  - Experience Guildford.
- 4.8 The Licensing Authority will, so far as possible, avoid duplication with other regulatory regimes and does not intend to use the Licensing Act to achieve outcomes that can be achieved by other legislation.
- 4.9 In particular, the licensing functions will be carried out separately from the Council's functions as the Planning Authority.

Agenda item number: 5(1)

Appendix 1

- 4.10 It will normally be expected that applications for premises licences in respect of permanent commercial premises should be from businesses with the appropriate planning consent for the activity concerned in place.
- 4.11 Where representations are made to a particular application which relate to the licensing objectives, either from a responsible authority or from any interested other person, a hearing will be held at which the applicant and those making representation will have the opportunity to comment on the representations made.
- 4.12 In all cases, applicants and those making representations in respect of applications made to the Licensing Authority have a right of appeal to the Magistrates' Court against the decisions of the Licensing Authority. Any appeal must be lodged within 21 days of the date upon which written notice of the decision is given by the Licensing Authority.

## **Section 5 - Health**

- 5.1 The Police Reform and Social Responsibility Act 2011 granted health leads statutory participation in the licensing process as Responsible Authorities creating a recognised role in considering and making representations to licensing applications on health grounds.
- 5.2 The Licensing Authority welcomes the addition to the ongoing development of a multi-agency collaborative approach towards licensing matters, recognising the significant scope for participation to reduce alcohol related violence and harm, as well as promoting and advising on sensible drinking whilst providing evidence on the impact of alcohol outlet density and its effect on health, crime and children.
- 5.6 The licensing process is focused on controlling the immediate harms associated with alcohol sales at particular premises, with all licensing decisions relating specifically to the premises in question and their promotion of the four statutory licensing objectives.
- 5.7 The Licensing Authority recognise that there is further development work being undertaken to maximise the use of health data in the licensing process by improving the collection and distribution of both data and intelligence from Surrey's acute trusts by relevant partners. This is recognised as a priority within Surrey's Substance Misuse Strategy and as a fundamental method of preventing escalating alcohol-related harm throughout Surrey. It will consider health-related evidence that directly links to a premises when their discretion is engaged after representation where it is considered to impact on one or more of the licensing objectives. Further Public Health information can be found in Appendix B.

## **Section 6 - Premises Licences & Club Premises Certificates**

- 6.1 A premises licence is required for the sale of alcohol, provision of regulated entertainment or the provision of late night refreshment (sale of hot food and drink to the public between 11.00 pm and 5.00 am).

- 6.2 Some activities carried out by clubs need to be licensed under the Act but generally clubs are treated differently to commercial premises.
- 6.3 In determining applications for Premises Licences and Club Premises Certificates the Licensing Authority will have regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and any secondary legislation.
- 6.4 It is important that applications for Premises Licences and Club Premises Certificates properly address the four licensing objectives by providing as much detail as possible on the application form.
- 6.5 The application must be supported by a comprehensive operating schedule. This schedule must specify the steps which the applicant proposes to take in order to promote each of the licensing objectives.
- 6.6 A club is an organisation where members have joined together for a particular reason i.e. social, sporting or political and have combined to buy alcohol in bulk as members of the organisation for supply to their members. In order to apply for a Club Premises Certificate the club needs to be a 'Qualifying Club'.
- 6.7 A Qualifying Club;
- Has rules whereby membership is not instant. There must be a minimum of 2 days between applications for membership and admission which includes the privileges of membership (i.e. use of facilities and the consumption of alcohol)
  - Has not less than 25 members
  - Must be conducted in good faith and have full accountability to its members
  - Must not supply alcohol to members, otherwise than by or on behalf of the club.
- 6.8 A Qualifying Club is entitled to certain benefits unlike a licensed premises;
- No need for Personal Licence Holders on the premise
  - No need for Designated Premises Supervisors
  - More limited rights of entry for the Police and other Authorised Persons (Licensing Officers) as the premises is considered private and not generally open to the public
  - No instant closure powers by the Police for disorder or noise
  - Permitted to sell hot food and drink between 11pm and 5am to members and their guests without the requirement for a licence.
- 6.9 Where applications for premises licences or club premises certificates have attracted representations from a Responsible Authority or any other person, the application will be scheduled for a hearing before a Licensing Sub-Committee where the applicant and those making representations may be heard.
- 6.10 The Licensing Sub-Committee will give full and written reasons for the decision made for each application that proceeds to a hearing.

## **Section 6.1 - Application Consultation**

- 6.1.1 The consultation process required for applications for Premises Licences, Club Premises Certificates and Full Variations of existing licences or certificates allows for representations to be made by various bodies and individuals. Responsibility for undertaking the advertisement of the application in accordance with the requirements lies with the applicant.
- 6.1.2 The Council will publish details of all new applications on its website, updated weekly, which can be found by following this [link](#).

## **Section 6.2 - Making Representations**

- 6.2.1 Representations about an application must be made in writing to the Council's Licensing Team within the time period prescribed. Written representations may include letters whether posted or faxed and emails. Any representations received after the end of the public consultation period cannot legally be accepted, unless shown to have been submitted within the time limit.
- 6.2.2 When making a Representation, the Council request that a contact phone number and email address are provided. These help the Council to quickly contact respondents if the details of the application are altered as a result of the representations received in connection with arrangements for the hearing.
- 6.2.3 Representations should contain;
- The name, full address & post code of the person making them.
  - The reasons for their representation and
  - Which of the four Licensing Objectives the representations relate to;
    - Crime and disorder
    - Public Nuisance
    - Public safety
    - Protection of children from harm
- 6.2.4 A representation would be 'irrelevant' if it is not about the likely effect of the grant of the application on the promotion of the licensing objectives. Irrelevant representations cannot be accepted.
- 6.2.5 A representation made by a person other than a responsible authority will not be accepted if the Licensing Authority decides that it is frivolous or vexatious.
- 6.2.6 Vexation may arise where, for example, there is a dispute between rival businesses, or a repetitive complaint from another person which has already been subject of investigation and no new evidence provided.
- 6.2.7 Frivolous representations would be categorised by a lack of seriousness.
- 6.2.8 Such judgments will be made by officers following such enquiries as may be necessary.

- 6.2.9 Where a representation is found to be irrelevant, vexatious or frivolous, the person making it will be informed in writing that the representation will be disregarded. All valid representations will form part of a committee report that will become a public document. It will be provided to the applicant, his agent and persons who have made representations as well as the Licensing Sub-committee 10 days prior to the hearing.
- 6.2.10 Whilst representations may not be made anonymously, in exceptional circumstances, such as when the objector has a genuine and well-founded fear of intimidation or violence, some or all of the objectors personal details may be removed from the representation before it is given to the applicant.

## **Section 7 - Personal Licences**

- 7.1 To sell alcohol in licensed premises at least one person needs to hold a 'Personal Licence' which has been granted by the Licensing Authority where they live. This requirement does not apply to 'qualifying clubs'.
- 7.2 Holders of a 'Personal Licence' must hold a recognised licensing qualification, be over 18 years of age and not have certain types of criminal conviction. Proof of a licensing qualification together with a Basic Disclosure certificate less than two months old and endorsed photographs of the holder are required as part of an application for a Personal Licence.
- 7.3 Where an applicant is found to have an unspent conviction for a relevant offence as defined in the Act or for a foreign offence, the Licensing Authority will notify the police. Where the police do not object and the application otherwise meets the requirements the Licensing Authority must grant it. If the police do object, a hearing will be held before the Licensing Sub-Committee to determine the application.
- 7.4 The Policing and Crime Act 2017 gave licensing authorities the power to revoke or suspend personal licences, with effect from 6 April 2017. This is a discretionary power; licensing authorities are not obliged to give consideration to all personal licence holders subject to convictions for relevant offences, foreign offences or civil penalties for immigration matters.
- 7.5 When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months.
- 7.6 In exercising its duties, the Council will normally seek to suspend or revoke a Personal licence when it is made aware that a licence holder has received a relevant offence, foreign offence or civil penalty for immigration matters.
- 7.7 Full details relating to personal licence applications can be found on the Government website by following this [link](#).

## **Section 8 - Fees & Charges**

Agenda item number: 5(1)

Appendix 1

- 8.1 Licensing fees and charges are set by Government and are the same across the Country. Full details can be found on the Home Office website or by following this [link](#).
- 8.2 Once granted, a licence or club premises certificate does not expire but the licence holder is required to pay an annual fee. Failure to pay the annual fee within the prescribed time will result in the Licensing Authority suspending the operation of the premises licence or club premises certificate until all outstanding fees are paid.
- 8.3 Where the annual fee is paid the licence will remain in force even if the premises are not used for a licensable purpose.
- 8.4 From 1 April 2020, the Licensing Authority introduced a chargeable pre-application advice service in order to recover the costs incurred by the licensing service assisting applicants through the licensing process.
- 8.5 The service is available to assist applicants in preparing applications with a view to diminishing issues which may arise during the licence application process as a result of an incomplete or inadequately drafted application. Applicants have a suite of three packages to choose from in order to suit their needs or budget. Additional officer time can be purchased at an hourly rate.
- 8.6 Applicants would be under no duty to use the Council's service, and the Licensing Service cannot predetermine the outcome of any application submitted but can provide expert advice and highlight any potential issues and advise on how applications may be approached to comply with legal requirements and local Policy.
- 8.7 For details on the pre-application service, and fees please see the Council's website.
- 8.8 Applicants are advised that if applications are submitted incorrectly, applications will be rejected with applicants directed to re-apply, including paying the required fee.

### **Section 9 - Variations (Minor and Full)**

- 9.1 Both Premises Licences and Club Premises Certificates may be varied under the Licensing Act 2003.
- 9.2 A minor variation is a simplified process with a set statutory fee applicable to all premises and clubs. There is a requirement to advertise the application by displaying a notice on the premises. Decisions on a minor variation are delegated to officers and there is no right to a hearing. The Licensing Authority must consult all relevant responsible authorities on an application for a minor variation and take their views into account.
- 9.3 Minor variations are those which cannot adversely impact on the licensing objectives and generally fall into four categories which are:-
  - Minor changes to the structural layout which does not;



- Increase the capacity for drinking (increasing floor area for patrons drinking etc.)
  - Affecting access or egress (blocking fire exits or escape routes)
  - Impede or remove noise reduction measures at the premises (removing acoustic lobbies etc.)
  - Small adjustments to licensing hours
  - Removal of out of date, irrelevant or unenforceable conditions or the addition of volunteered conditions
  - Addition of a licensable activity where similar activities already exist.
- 9.4 Full guidance for applicants on minor variations can be found on the Government website by following this [link](#) .
- 9.5 Full variations follow the same procedure as that for a new Premises Licence with the need for advertisement on the premises and in the newspaper in addition to the statutory consultation.
- 9.6 The areas in which a premises licence may be varied include;
- Varying the hours during which a licensable activity is permitted
  - Adding or removing licensable activities
  - Amending, adding or removing conditions within a licence
  - Altering any aspect of the layout of the premises which is shown on the plan.
- 9.7 Where the changes proposed are substantial or involve completely changing the nature of the business, it may be more appropriate to apply for a new premises licence. Advice may be sought from the licensing team in this instance.

## **Section 10 - Temporary Event Notices**

- 10.1 Anyone over the age of eighteen may serve the Licensing Authority with a Temporary Event Notice. This permits people to hold an event involving licensable activities without having to apply for a Premises Licence or Club Premises Certificate.
- 10.2 Applicants must provide a clear description of the area in which they propose to carry on licensable activities and must describe the event taking place at the premises for example, a wedding with a pay bar, the supply of alcohol at a particular event, a discotheque, the performance of a string quartet, a folk group or a rock band.
- 10.3 Where applicants are uncertain whether or not the activities that they propose are licensable or require assistance with an application, they should contact the licensing team for further advice.
- 10.4 Temporary Event Notices may be obtained for;
- The sale of alcohol
  - The provision of regulated entertainment
  - The sale of hot food or drink between 11pm and 5am.

- 10.5 A Temporary Event Notice should be submitted to the Licensing Authority a minimum of 10 working days before the proposed event (Standard TENSs), however a limited number of applications may be made giving no less than 5 working days' notice (Late TEN's). If objections are received from either the police or Environmental Health officers a hearing will be held to decide whether the event can go ahead in the case of Standard TENSs. Late TENSs will not be valid following an objection and the event will not be able to go ahead.
- 10.6 There are certain limitations to Temporary Event Notices, current limits are listed below, (subject to change) for confirmation of limits please refer to gov.uk website;
- The maximum number of people attending must not exceed 499 at any one time
  - The event cannot last longer than 168 hours
  - No premises may host more than 15 events in a year
  - The maximum number of days covered by Temporary Event Notices cannot exceed 21 days in a year
  - A personal licence holder may apply for up to 50 temporary events with 10 of these being late
  - Any other person may apply for 5 temporary events with 2 of those being late.
- 10.7 Further details and comprehensive guidance on Temporary Event Notices may be found on the Government website or by following this [link](#).

## **Section 11 - Licensing Hours**

- 11.1 Many representations submitted in response to licensing applications for the sale of alcohol for consumption on premises relate to public concern about the hours of operation proposed. The Licensing Authority recognises there is opportunity for significant detrimental impact for local residents where licensed premises operate late. It also recognises that longer licensing hours for the sale of alcohol may avoid large numbers of people leaving premises at the same time, which in turn may reduce disorder and disturbance.
- 11.2 Where representations are made against the grant of a new licence for the sale of alcohol for consumption off the premises such as shops, garages and supermarkets, the Licensing Authority may consider restricting those hours only where there are good and justifiable reasons for doing so and if this would promote the licensing objectives.
- 11.3 The Licensing Authority notes the guidance of the Secretary of State on hours of trading contained within Section 10 of the Revised Guidance issued under Section 182 of the Licensing Act 2003 (April 2018) which states that;

*10.13 "The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the*

*implementation of its licensing policy statement.. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.”*

*10.14 “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.”*

*10.15 “Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.”*

- 11.4 The Licensing Authority can use powers to control the hours of operation of any licensed premises where it has received a representation against an application and there are reasonable and proportionate grounds to believe that if the licence was granted as applied for without restriction, nuisance, antisocial behaviour or crime and disorder might arise. Such situations are most likely to arise where licensed premises are located close to residential areas.
- 11.5 Where representations are received, the application will be referred to a Licensing Sub Committee in accordance with the scheme of delegation included in this Policy. When hearing an application the Sub-Committee will seek information and assurances from the applicant that the four Licensing Objectives will not be undermined by the grant of the application. Where the Sub Committee considers it appropriate to do so it may apply licensing conditions, including limiting the hours of operation.
- 11.6 Fixed trading hours within designated areas will not be considered as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, with the attendant concentration of disturbance and noise.
- 11.7 Not all regulated entertainment will be associated with the sale of alcohol. There may be licence applications when alcohol is not provided for many reasons or in other circumstances it would be unnecessary or unlawful to have alcohol available, for example, events exclusively for children. In other circumstances regulated entertainment could finish earlier or later than the sale of alcohol.
- 11.8 The provision of Late Night Refreshment covers the supply of hot food or hot drink to members of the public at any time between the hours of 11pm and 5am. This includes takeaway food premises but also applies to restaurants and mobile vehicles.
- 11.9 In each case, the hours being sought for regulated entertainment or late night refreshment must be set out in the application and operating schedule. Where

Appendix 1

representations are received the Licensing Sub-Committee will consider each application, determining the hours of operation on its own merits taking into account the licensing objectives.

## **Section 12 - Promoting the Four Licensing Objectives**

- 12.1 The promotion of the four objectives is fundamental to the Act. Every applicant for a premises licence must provide a fully completed and detailed operating schedule. This schedule must be in the prescribed format.
- 12.2 The most effective means for an applicant to assess what measures are needed to promote the licensing objectives is by risk assessment.
- 12.3 The operating schedule forms the basis of any conditions placed on a licence other than those which are mandatory. It provides valuable information to interested parties and responsible authorities assisting their assessment of the impact of the licensed activity on the licensing objectives and provides information about how the applicant will address these issues. It is likely to form the basis of any decision to submit a representation against the application.
- 12.4 Providing as much information as possible in the operating schedule demonstrates that the applicant has seriously considered the issues, is aware of their duty to promote the licensing objectives at all times and is aware of how this may be best achieved.
- 12.5 The Licensing Authority considers the effective and responsible management of the premises, including instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of the licensing objectives. For this reason, these measures should be specifically considered, detailed and addressed within an applicant's operating schedule.

### **12.1 - Prevention of Crime and Disorder**

- 12.1.1 Licensed premises of any description, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people can be a source of crime and disorder. The Licensing Authority expect operating schedules to satisfactorily address these and any other potential issues, from the design of the premises through to the daily operation of the business.
- 12.1.2 Applicants are recommended to engage with and seek advice from the Police and other Responsible Authorities taking into account, as appropriate, local planning and transport policies in addition to tourism and crime prevention strategies when preparing their operating plans and schedules prior to submission.
- 12.1.3 When addressing crime and disorder, the applicant should identify any particular issues that are likely to adversely affect the promotion of the crime and disorder objective before including in the operating schedule how they propose to mitigate those matters.

- 12.1.4 Where objections are received and the Licensing Sub Committee considers it appropriate to do so, conditions may be attached to licences to prevent crime and disorder both inside and in the vicinity of the premises.
- 12.1.5 The Licensing Authority considers the orderly dispersal of customers from licensed premises to be an important factor in promoting the licensing objectives. In considering applications for the grant or variation of a licence, serious consideration will be given to the dispersal arrangements, the potential effect that granting the licence might have on dispersal arrangements from other licensed premises or the cumulative impact in the area.
- 12.1.6 Recognising that drug misuse is not an issue in all licensed premises, the Licensing Authority is committed to the reduction and eradication of drugs from licensed premises as part of its role promoting the Crime and Disorder licensing objective. All licence holders are expected to actively support this objective by the way they plan, manage and operate their premises.
- 12.1.7 Where relevant representations are received following an application for the grant or variation of a licence, conditions may be imposed to support the prevention of the sale, supply and use of drugs. In premises where drug misuse is problematic and where the police or others apply for a 'Review' of the licence, the Licensing Sub-Committee will consider this as serious criminal activity and give appropriate consideration to the options available, including the suspension or revocation of the licence in accordance with the Secretary of State's Guidance. The Licensing Authority recognises that each case must be decided on individual facts and its specific merits.
- 12.1.8 The Council does not currently have a special cumulative impact policy. The absence of a special cumulative impact policy does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.
- 12.1.9 There are other measures to control cumulative impact listed in the guidance which include:-
- Planning controls
  - Partnerships between local business, transport operators and the Council to create a safe and clean town centre
  - CCTV Surveillance
  - Designation of alcohol free zones
  - Police enforcement including the issue of fixed penalty notices
  - Prosecution of any personal licence holder or member of staff who sells alcohol to people who are or appear to be drunk
  - Confiscation of alcohol from adults or children who are or appear to be drunk
  - Police powers to close premises
  - Review of a premises licence or club premises certificate

Agenda item number: 5(1)

Appendix 1

- 12.1.10 The Licensing Authority does not propose to consider the use of alternative measures such as fixed closing times, staggered closing times or zoning within Guildford Borough.
- 12.1.11 The late night levy is a discretionary power the Council can use to impose a financial levy on premises licensed to sell alcohol anytime between midnight and 6am. The Council supported the development of the Business Improvement District (BID) in October 2012 which is funded by businesses within the BID area. Lasting for five years, another ballot must be held to establish if the BID will continue for the five years thereafter. The Licensing Authority will not consider the Late Night Levy unless the Business Improvement District does not continue.
- 12.1.12 Early Morning Restriction Orders are intended to prevent the sale of alcohol on premises within a designated geographical area for any period of time between midnight and 06:00 if the Licensing Authority believes that it is appropriate for the promotion of the licensing objectives. There is no proposal for this type of order to be considered at the present time.
- 12.1.13 In addition to the requirement for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.
- 12.1.14 Consideration will be given where appropriate to the powers available under the Violent Crimes Reduction Act 2006 and the use of Public Spaces Protection Orders.

## **Section 12.2 - Public Safety**

- 12.2.1 The Licensing Authority is committed to ensuring, as far as practicably possible that the safety of any person visiting or working in licensed premises is not compromised. Applicants must demonstrate in their operating schedule that suitable and sufficient measures have been identified, implemented and maintained to ensure public safety specific to the characteristics of their premises and events.
- 12.2.2 Applicants are encouraged to contact the Council's Environmental Health Services with draft proposals including plans and operating schedules. Where applicable applicants should consider safe capacity, the safety of those with special needs and the first aid requirements of customers.
- 12.2.3 Licence holders should have clear documented policies and procedures in place which identify all public safety risks associated with the premises and the measures to prevent, manage, mitigate and respond to those risks.
- 12.2.4 Where representations are received and the Licensing Sub-Committee considers it appropriate to do so, they may attach conditions to licences and certificates to ensure public safety.
- 12.2.5 For advice on compliance with the legislation, relevant published guidance or codes of practice contained within the Health & Safety at Work Act 1974 and

other associated regulations, see the Council's Environmental Health Services, website links at 12.4.4.

### **Section 12.3 - Prevention of a Public Nuisance**

- 12.3.1 Licensing Sub Committees are mindful that licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity. When addressing public nuisance the applicant should identify any particular issues that are likely to affect adversely the promotion of the licensing objective to prevent public nuisance before including in the operating schedule how they propose to mitigate and manage those issues.
- 12.3.2 Where an application includes provision of a smoking area or shelter the Licensing Authority expects them to be situated as far as possible from neighbouring residential premises. It is expected that suitable receptacles be provided and maintained to dispose of cigarette litter in any area used for smoking outside licensed premises. Licensees must take all reasonable steps to discourage smoking on the public highway close to residential premises, considering measures such as a ban on customers taking drinks outside on to the public highway, the use of door supervisors or imposing a time after which readmission to the premises will not be permitted. Licence holders and applicants are reminded to consider compliance with noise nuisance legislation under the Environmental Protection Act 1990 when considering smoking locations.
- 12.3.3 The Licensing Authority expects all licence holders to consider the impact of noise on neighbours or those otherwise impacted by undertaking simple measures such as not emptying glass into external bins at night, arranging deliveries wherever possible during the day or clearing garden areas at a reasonable time preventing nuisance to neighbouring residents.
- 12.3.4 There is a distinct separation between a public nuisance under the Licensing Objectives and statutory nuisance relating to noise, light and odour under Section 79 Environmental Protection Act 1990 which is dealt with by Environmental Health Officers. Further information can be provided by the Council Environmental Health Team or from the Government website by following this [link](#).
- 12.3.5 Applicants are encouraged to contact the Council's Environmental Health Services with draft proposals and where applicable their plans and operating schedules as to how they intend to control noise emanating from the premises from openings to the building (doors, fans, windows, ventilation). Consideration should be given to the provision of attenuating material and if suitable building attenuation cannot be achieved or no other appropriate measures can be taken to attenuate noise then consideration to the installation, calibration and operation of a noise limiting device may have to be given.
- 12.3.6 Where representations are received and the Licensing Sub-Committee considers it appropriate to do so, they may attach conditions to licences and certificates to prevent public nuisance.

## **Section 12.4 - Protection of Children from Harm**

12.4.1 The wide range of different premises that require licensing under the Act means that children may be expected to visit many of these, often on their own, for food and / or entertainment. Where no representations are received and an applicant's operating schedule details restrictions in relation to the admission of children, these may become conditions attached to the licence. Apart from the specific restrictions set out in the Licensing Act 2003, there is no presumption of either permitting or refusing access to licensed premises. Each application and its unique circumstances must be considered on its own merits.

12.4.2 The Authority is committed to protecting children from harm. Local authorities have an overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. While local authorities play a lead role, safeguarding children and protecting them from harm is everyone's responsibility. Everyone who comes into contact with children and families has a role to play.

12.4.3 The Licensing Authority will only seek to limit the access of children to licensed premises where it is necessary for the prevention of physical, moral or psychological harm. The Licensing Authority will consult the Surrey Safeguarding Children Board for advice on any application that indicates there may be concerns over access for children. In the event of representations, the Licensing Sub-Committee will consider the merits of each application before deciding whether to impose conditions limiting the access of children.

12.4.4 The following are examples of premises that are likely to raise concern;

- Where entertainment or services of an adult or sexual nature are commonly provided.
- Where there have been convictions of the current staff at the premises for serving alcohol to minors or premises with a reputation for underage drinking.
- Where a remote delivery service for alcohol is offered, with the potential for minors to order/be delivered alcohol
- Where age restricted films are shown
- A known association with drug taking or drug dealing
- Where there is a strong element of gambling on the premises
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

12.4.5 Examples of entertainment or services of an adult or sexual nature might include;

- Topless bar staff, striptease, lap, table or pole dancing
- Performances involving feigned violence or horrific incidents
- Feigned or actual sexual acts or fetishism
- Entertainment involving strong or offensive language.



12.4.6 The Licensing Sub-Committee may consider any of the following options when dealing with a licence application where limiting the access of children is considered appropriate to prevent harm to children;

- Limitations on the hours when children may be present
- Limitations on the presence of children under certain ages when particular specified activities are taking place
- Limitations on the parts of premises to which children might be given access
- Limitations on ages below 18
- Requirements for an accompanying adult
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

12.4.7 No conditions will be imposed requiring that children be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee. The 2003 Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the Police to ensure the appropriate compliance with the law, especially relating to the sale and supply of alcohol to children.

12.4.8 Consideration will be given to promoting initiatives which may assist in preventing the sale of alcohol to children such as Home Office campaigns. The Licensing Authority is supportive of and actively encourages recognised proof of age schemes and 'Challenge 25' policies in all licensed premises as a fundamental means of preventing under age sales. The Licensing Authority has an expectation that all licence holders will maintain accurate record keeping of refusals and ensure that all staff are suitably trained.

12.4.9 Where premises offer a delivery service which includes the delivery of alcohol, the Licensing Authority has an expectation that the licence holder will ensure suitable and appropriate measures are in place at the point of sale and/or point of delivery to verify that underage sales are not taking place as per the mandatory conditions.

12.4.10 Many children go to see and/or take part in entertainment arranged especially for them, for example children's film shows, discos, dance or drama school productions and additional arrangements are required to safeguard them while at the premises.

12.4.11 Where an application for a Premises Licence or Club Premises Certificate includes the provision of entertainment for children or by children, the Licensing Authority will expect the operating schedule to include arrangements for protecting children.

12.4.12 Where representations are made and the Licensing Sub-Committee consider it appropriate to do so, they may make full use of Licensing Conditions to secure the protection of children from harm.

12.4.13 The Licensing Authority is committed to protecting children from harm and supports the programme of underage test purchases arranged by the Surrey Trading Standards Service, the Licensing Team and Police. Where underage

Agenda item number: 5(1)

Appendix 1

sales are found, the Licensing Authority supports the appropriate and proportionate use of warnings, fixed penalty notices, reviews and prosecution as a means of promoting the licensing objectives and enforcing the Licensing Act proportionately.

12.4.14 In keeping with the s.182 Guidance the Licensing Sub-Committee will treat underage sales as serious criminal activity and will give consideration to the suspension or revocation of a licence if a review is brought in respect of underage sales.

### **Section 13 - Large Scale Events**

13.1 Organisers of large events (in particular, major festivals and carnivals) are strongly advised to contact the Licensing Authority and responsible authorities at the earliest opportunity to discuss licensing matters, providing as much advance notice as reasonably practicable.

13.2 Large scale open air events require significant planning and organisation with potential to impact on the licensing objectives. The Licensing Authority and other responsible authorities expect to be satisfied well in advance of any such event that appropriate measures are in place to safeguard the licensing objectives.

13.3 It is expected that all other appropriate authorisations will be in place prior to an application and organisers must be mindful that a premises licence application may take up to two months to be determined should representations be received.

13.4 The Licensing Authority is also aware that in January 2020 the Government announced its backing of the 'Martyn's Law' campaign to improve security at venues and public spaces in light of the terrorist attacks in Manchester and London in 2017.

13.5 The paradigm shift in the nature of terrorism means that the security agencies primary responsibility of protecting its citizens is no longer achievable through the existing, and very limited, provision of state-owned protective security resources. The spaces and places in which people live, work and enjoy democratic freedoms are the very places that terrorists wish to attack.

13.6 Guildford has its own history and experiences of terrorist attacks and the Licensing Authority supports the concept of Martyn's Law. As such, the Authority would expect that those who operate the places and spaces in which people live, work and socialise must take greater steps to ensure the security of their users.

13.7 However the solution is not just about tangible materials, it is also about being prepared. Consequently, the Licensing Authority would expect large capacity venues and organisers of large events to consider the following measures:

- A requirement that spaces and places to which the public have access engage with freely available counter-terrorism advice and training,
- A requirement for those places to conduct vulnerability assessments of their operating places and spaces,

- A requirement for those places to mitigate the risks created by the vulnerabilities,
- A requirement for those places to have a counter-terrorism plan.

## Section 14 - Films

- 14.1 The screening or display of films covers a vast range of subjects, some of which deal with adult themes and/or contain, for example, strong language, scenes of horror, violence or a sexual nature that may be considered unsuitable for children within certain age groups.
- 14.2 Premises or Club Premises which are licensed for the exhibition of films are required by a mandatory licence condition to restrict admission to screenings in accordance with any age recommendation made by a film classification body, or by the licensing authority. Where recommendations have been made by both bodies, and the licensing authority has notified licence-holders of this, the licensing authority's recommendation will take precedence.
- 14.3 For the purposes of sections 20 and 74 of the Act, the licensing authority recognises the British Board of Film Classification (BBFC) as the film classification body, and will specify this body within the licences and certificates it issues.
- 14.4 The licensing authority views as good practice the inclusion within publicity materials of age-related admission restrictions arising from recommendations made by the BBFC or licensing authority. In any event, licence-holders must take appropriate measures to verify the age of persons being admitted to films which are subjected to age restrictions.
- 14.5 Details of the applicable recommendation in respect of a particular film should be exhibited prior to the commencement of that film. In the case of a BBFC recommendation this may be displayed on screen for at least 5 seconds prior to the feature. Details of a licensing authority recommendation should be displayed at or near the entrance to the screening.
- 14.6 The licensing authority anticipates that the BBFC's recommendations will apply to the vast majority of films shown at licensed premises within the borough. However in a small number of cases, the licensing authority may be called upon to exercise its powers and issue an overriding recommendation, which would only apply to licensed premises within the borough. Such situations can be approximately characterised in one of three groups:
- In cases where the licensing authority has concerns about a particular film, and has of its own volition made an alternate recommendation. This may allow admission of persons of a higher or lower age than the recommendation made by the BBFC, or in extreme circumstances may prevent the showing of a particular film. This power will be rarely, if ever, utilised.
  - In cases where a film has not been classified by the BBFC. This is likely to be the case with small, local, independent films, or foreign films, where a wider UK release is not intended.

Agenda item number: 5(1)

Appendix 1

- In cases where the licensing authority is approached by a third party, asking the authority to override a recommendation made by the BBFC.
- 14.7 The third of these groups may include films intended to be shown at ‘parent and baby’ screenings, which have increased in popularity in recent years. The Act and Guidance are silent on the admission of babies to a film which is subject to an age-related recommendation – therefore on a strict interpretation of the Act, babies must be excluded from such screenings. The licensing authority is aware that some cinemas across the country have agreed schemes whereby the applicable licensing authority makes an alternate recommendation in respect of a specified film, expressly permitting the admission of babies and very young children to special screenings of that film with only parents of such children in attendance.
- 14.8 It is recommended that any premises considering the provision of such screenings contacts the licensing authority to discuss the proposals firstly. The authority will typically only depart from BBFC Classification in exceptional circumstances and would expect special provisions to be made for such screenings, including higher light levels and reduced sound levels, in order that parents can better ensure the safety of their children.
- 14.9 When exercising powers under section 20 to issue an admission recommendation for a previously unclassified film, the authority will adhere to the BBFC’s [Classification Guidelines](#), and where possible will issue a recommendation which is in accordance with one of the standard classification bands. This approach is preferred as audiences will be familiar with this particular classification scheme and the meaning of the ‘certificates’.
- 14.10 In such circumstances, the authority will require the organiser of the exhibition to provide a copy of the film for classification purposes, or to arrange a viewing for representatives of the licensing authority.
- 14.11 Where the licensing authority receives a request to override an existing recommendation made by the BBFC, or has concerns of its own in respect of a particular film, in the first instance the authority shall have regard to the BBFC’s original classification decision, and the BBFC Insight record which describes the content of the film that led to the classification decision. If satisfied that the content will not present any issues if viewed by children under 24 months of age, then the authority may agree to issue an alternate recommendation, consistent with the BBFC’s original classification but including a specific exemption for accompanied children below 24 months of age, at screenings advertised and restricted to ‘parent and baby’ only. Where concerns exist based on the BBFC Insight record that a film may not be suitable for viewing by young children below 24 months of age, the authority may request that the cinema facilitates a viewing of the film in question to make a full assessment of this. No alternate recommendation would be issued unless the authority is satisfied that allowing young children below 24 months of age to be admitted will not lead to the child protection licensing objective being undermined.

## Section 15 - Safeguarding

- 15.1 The licensing authority is aware that alcohol use, misuse and abuse is one of the recurring key 'parental factors' in child protection and safeguarding, often contributing to parental neglect of children and domestic abuse and violence within families. The density of licensed premises, particularly off licences in deprived areas or areas where there are high rates of domestic abuse, is a cause for concern to the Authority.
- 15.2 The Authority expects that premises will operate in a responsible manner to ensure that children are not desensitised to the potential harm of alcohol. Desensitisation can occur by many ways. For example, through the manner in which the business operates, through the products that they offer for sale, the layout of their premises or through how promotional/advertising material is displayed. Matters that may be considered by the Authority if its discretion is engaged are:
- Whether due regard is paid to industry codes of good practice on the labelling and display of alcoholic products, such as not displaying these next to soft drinks, sweets or toys.
  - The likelihood of children being attracted to the premises; e.g. by the nature of activities or facilities provided whether or not these are licensed.
  - The use and display of promotional material for alcohol products.
- 15.3 Alcohol can be a factor in child sexual exploitation (CSE), where young people may be encouraged or coerced to drink, or alcohol may be a factor in risk-taking behaviour by young people who drink irresponsibly and then get involved in activities that otherwise they would not. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises and licensed premises being used for the purposes of grooming and enticement.
- 15.4 The Licensing Authority is also aware children may be attracted to takeaway and fast food restaurants and there is evidence nationally that this type of licensed premises has been used for the purpose of grooming and enticement.
- 15.5 The licensing authority encourages premises licence holders to make sure they are fully aware of the signs of CSE and to understand that the sexual exploitation of a child is sexual abuse and a crime. The Authority also expects licence holders to raise the awareness of their staff about CSE and provide intelligence for the appropriate authorities about concerns, including perpetrators who may be operating in their areas.
- 15.6 To support organisations that come into contact with the public, or which employ under 18s, the Licensing Authority expects staff to have access to safeguarding training and are briefed on local safeguarding initiatives.

## **Section 16 - Agent of Change Principle**

- 16.1 The 'Agent of Change' principle encapsulates the position that a person or business (ie the agent) introducing a new land use is responsible for managing the impact of that change. The practical issue that has arisen on occasion is that in circumstances where residents move into an area where noise is emanating from, for example, a long-standing music venue, this may have resulted in the Licensing Authority imposing additional licensing restrictions on the established licensed venue. Campaigners on behalf of licensed premises have long advocated support for implementation of an 'agent of change' principle to place the responsibility for noise management measures on the incoming 'agent of change'.
- 16.2 The House of Lords Select Committee in 2017 recommend that a full 'Agent of Change' principle be adopted in both planning and licensing guidance to help protect both licensed premises and local residents from consequences arising from any new built development in their nearby vicinity.
- 16.3 National Planning Guidance has been updated to include reference to the agent of change principle in NPPF. The new paragraph 182 of NPPF now states that both planning policies and planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (eg places of worship, pubs, music venues and sports clubs). "Unreasonable restrictions" should not be placed on existing businesses as a result of development permitted after they were established. "Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."
- 16.4 Whilst National Planning Policy has been updated to incorporate the 'Agent of Change' principle, the Section 182 Guidance makes no reference to it.
- 16.5 Having considered the recommendations of the House of Lords Select Committee, Guildford Borough Council, acting in its role as the Licensing Authority has adopted 'Agent of Change' principles in its Licensing Policy.
- 16.6 Upon a review, the Authority is normally required to take any steps it considers necessary to promote the licensing objectives, however the implications of adoption of 'Agent of Change' are that should a premises licence be subject of a review application as a result of complaints from local residents who are experiencing nuisance arising from a change of use and moving into the area, the Licensing Authority will not place 'unreasonable restrictions' on that premises, if it were operating legally beforehand.

## **Section 17 - Licence Conditions**

- 17.1 Where responsible authorities or other persons do not make any representations about an application, it is the duty of the Licensing Authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule and any relevant mandatory conditions prescribed by the Act.

- 17.2 Additional Home Office guidance on Mandatory Licensing Conditions may be found by following this [link](#).
- 17.3 The Licensing Authority must avoid attaching conditions that duplicate other regulatory regimes as far as possible 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.
- 17.4 It may then impose only those conditions appropriate to promote the licensing objectives arising out of the consideration of the representations.
- 17.5 To minimise problems and the necessity for hearings, the Licensing Authority would encourage applicants to consult with the 'Responsible Authorities' when preparing their operating schedules so that they can offer appropriate conditions as part of their applications.
- 17.6 The Licensing Authority recognises that it is important to ensure that any conditions attached to a licence or certificate achieve the licensing objectives but are not disproportionate or overly burdensome. Therefore, where conditions are necessary they will be tailored to the individual style and characteristics of the particular premises and event concerned. Where appropriate, following a hearing the Licensing Sub-Committee will consider attaching conditions provided that they are proportionate, justifiable and capable of being met.
- 17.7 A committee or board with responsibility for managing a community premises where alcohol is sold such as a church or community hall, may apply to remove the mandatory condition requiring a designated premises supervisor and personal licence holder and replace it with the condition that every supply of alcohol must be made or authorised by the management committee. For further information on the community premises exemption for a DPS follow this [link](#).

## **Section 18 - Administration & Delegation**

- 18.1 The functions of the Licensing Authority under the Licensing Act 2003 are carried out by Guildford Borough Council's Licensing Committee, by its Licensing Sub-Committees or by officers acting under delegated authority.
- 18.2 The Sub-Committee comprises three councillors drawn on a panel basis from the membership of the licensing committee with each hearing chaired by a designated Licensing Sub-Committee Chairperson. Councillors may not sit on any sub-committee to determine any application or review of a licence within their respective ward.
- 18.3 In the interests of efficiency and cost-effectiveness for all parties involved in the licensing process, the Licensing Authority has established a scheme of delegation to deal with applications received under the Act.
- 18.4 The table at paragraph 18.8 sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub Committees and officers. This form of delegation is without prejudice to officers referring an application to a Sub

Agenda item number: 5(1)

Appendix 1

Committee or to Full Committee if considered appropriate in the circumstances of any particular case.

- 18.5 Ward councillors play an important role in the local community. They can make representations in writing and speak at the hearing on behalf of an interested party such as a local resident or local business if specifically requested to do so. They may also make representations as an interested party in their own right if they have concerns about the premises.
- 18.6 They may apply for a review of a licence if problems at a specific premises justify intervention and are brought to their attention. Ward Councillors are informed of all new applications and any application to vary a licence in their ward.
- 18.7 Local residents and businesses may wish to contact their local ward Councillors in respect of a licence application. If a local resident or business makes a representation about an application it is often helpful to send a copy to the local Councillors as this assists them to gain an understanding of local community feelings.
- 18.8 Ward Councillors may attend hearings of Licensing Sub-Committees considering applications and may speak on behalf of themselves or local residents and businesses if they have made a personal representation, they have made a representation on behalf of local residents or businesses as 'community advocates' or they have been nominated by an objector who cannot attend the hearing or prefers to be represented at the hearing.

<b>Matter to be dealt with</b>	<b>Licensing Committee</b>	<b>Sub-</b>	<b>Officer</b>
Application for personal licence	If a Police objection has been made		If no objections
Application for premises licence / club premises certificate	If a relevant representation has been made		If no relevant representation made
Application for provisional statement	If a relevant representation has been made		If no relevant representation made
Application to vary premises licence/ club premises certificate	If a relevant representation has been made		If no relevant representation made
Application to vary premises supervisor	If a Police objection has been made		All other cases
Request to be removed as a designated premises supervisor			All cases
Application for transfer of	If a Police objection has been made		All other cases



premises licence		
Application for interim authorities	If a Police objection has been made	All other cases
Application to review premises licence / club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious		All cases
Determination of a Police or Environmental Health representation to a temporary event notice	All cases	
Suspension of licence for non-payment of fees		All cases
Taking action as a Responsible Authority on behalf of the Licensing Authority		As delegated by the Regulatory Services Manager
Minor variations and alternative conditions on community premises		All cases
Classification of a film under sections 20 and 74		All cases

**Section 19 - Enforcement**

- 19.1 The council has adopted a risk based inspection programme in line with government recommendations and which are in keeping with the principles of the Hampton Review. Inspections will ensure observance of conditions placed on licences, investigate concerns and provide high visibility support increasing public confidence in compliance activity.
- 19.2 This regime helps identify underlying problems or tensions within communities, increases the quality of local intelligence, allows issues to be targeted promptly and permits the integration of remedial strategies on an ongoing basis delivering the service that the public expects.
- 19.3 Where necessary, appropriate compliance action will be conducted in a fair, transparent and consistent manner ensuring that any action taken is

Agenda item number: 5(1)

Appendix 1

proportionate and reflects the risk posed to the promotion of the licensing objectives. Interventions will be conducted in accordance with;

- Guildford Borough Council enforcement policies
- Crime & Disorder reduction strategy
- Community Safety strategy
- Drugs & Alcohol strategy.

19.4 The Licensing Authority encourages licensees to seek advice from the Environmental and Licensing Services and/or the police for clarification, advice or assistance with issues which arise, but places the responsibility for effective management solely with licence holders.

19.5 The Safer Guildford Partnership Plan, Joint Action Group and Purple Flag Status of the town have a key priority to reduce violent crime in public places by challenging licence holders so as to minimise incidents of alcohol related violence.

## **Section 20 - Reviews**

20.1 Following the grant of a premises licence or a club premises certificate, a responsible authority or any other person may ask the Licensing Authority to review it due to a matter arising in connection with any of the four licensing objectives.

20.2 Full details of the review process can be provided by contacting a Council Licensing Compliance Officer or may be found in Chapter 11 of the Section 182 Licensing Act 2003 Revised Guidance on the Home Office website by following this [link](#).

## **Section 21 - Diversity & Equality**

21.1 The Licensing Authority wishes to encourage the provision of a culturally diverse range of regulated entertainment within the Borough, particularly live music and dance which are accessible to all people.

21.2 All licensed premises are subject to the Equality Act 2010 which lists a number of protected characteristics that must not be used as a reason to treat a person less favourably than another person, these are;

- Age
- Disability
- Gender reassignment
- Marriage and civil partnerships
- Pregnancy and maternity
- Race (this includes colour; nationality; ethnic and national origins)
- Religion or belief
- Sex or sexual orientation.

21.3 Treating a person less favourably than someone else because that person has one or more of these characteristics is discriminatory.

- 21.4 The Equality Act 2010 also includes a duty on the Council as the Licensing Authority to have due regard to the need to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations, between people with different protected characteristics.
- 21.5 The Licensing Authority urges applicants and existing operators to plan ahead to meet their legal responsibilities under the Equality Act 2010. Further information and guidance can be obtained from the Home Office by following this [link](#).
- 21.6 Duties imposed by the Equality Act 2010 provide that any person providing a service to the public must comply with the duty to make reasonable adjustments to enable disabled people to access the service, where a disabled person would be at a substantial disadvantage compared to a non-disabled person.
- 21.7 This applies to disabled people employed by or those who wish to obtain goods and services from licensed premises. No condition will be attached to a licence or certificate which conflicts with or duplicates this requirement.
- 21.8 Service providers have a duty to make reasonable adjustments to any physical features which put a disabled person at a substantial disadvantage in accessing a service, or they have to provide the service by a reasonable alternative means.
- 21.9 Access to buildings and their facilities is a matter addressed in Building Regulations and planned alterations affecting access may involve the need to apply for building control approval.
- 21.10 The Equality Act 2010 provides protection from three forms of disability discrimination;
1. Direct discrimination because of disability in relation to goods, facilities and services
  2. Indirect disability discrimination
  3. Discrimination arising from disability.
- 21.11 Businesses have an obligation to make reasonable adjustments to help disabled individuals access their goods, facilities and services.

Agenda item number: 5(1)

Appendix 1

**Further information may be obtained from:**

Guildford Borough Council  
Millmead House  
Millmead  
Guildford  
Surrey  
GU2 4BB

Tel: 01483 505050

Email: [regulatoryservices@guildford.gov.uk](mailto:regulatoryservices@guildford.gov.uk)

Web: <https://www.guildford.gov.uk/licencesandpermits>

**Appendix A**

**Licensing Act 2003 – Responsible Authority Contacts**

<p><b>1. Licensing</b> Guildford Borough Council Millmead House Millmead Guildford Surrey GU2 4BB</p> <p><b>Tel:</b> 01483 505050</p>	<p><b>2. Surrey Police</b> Licensing Unit Guildford Police Station Margaret Road Guildford Surrey GU1 9PE</p> <p><b>Tel:</b> 101</p>
<p><b>3. Surrey Fire and Rescue Service</b> Licensing Administration Fire Station Guildford Road Farnham Surrey GU9 9QB</p> <p><b>Tel:</b> 01483 517617</p>	<p><b>4. Surrey Primary Care Trust</b> Lesley Hackney Public Health Business Manager Room G55 County Hall Penrhyn Road Kingston Upon Thames KT1 2DN</p> <p><b>Tel:</b> 0208 541 7976</p>
<p><b>5. Pollution Control</b> c/o Environmental Health Guildford Borough Council Millmead House Millmead Guildford Surrey GU2 4BB</p> <p><b>Tel:</b> 01483 505050</p>	<p><b>6. Health and Safety</b> c/o Environmental Health Guildford Borough Council Millmead House Millmead Guildford Surrey GU2 4BB</p> <p><b>Tel:</b> 01483 505050</p>
<p><b>7. Safeguarding Children Unit</b> Joanne Booth Quadrant Court 35 Guildford Road Woking Surrey GU22 7QQ</p> <p><b>Tel:</b> 01483 517839</p>	<p><b>8. Surrey Trading Standards</b> Trading Standards Service Surrey County Council Consort House 5-7 Queensway Redhill RH1 1Y</p> <p><b>Tel:</b> 01372 371700</p>
<p><b>9. Planning Control</b> Guildford Borough Council Millmead House Millmead Guildford Surrey GU2 4BB</p> <p><b>Tel:</b> 01483 505050</p>	

**Appendix B**

**Surrey Public Health Information**

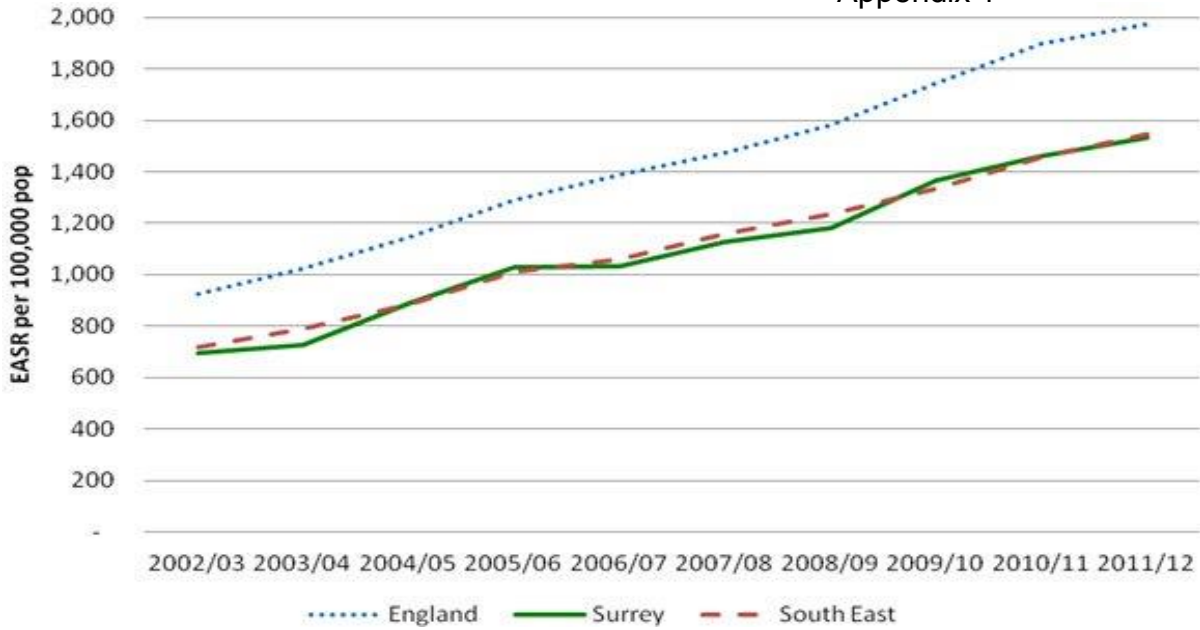
The relationship between alcohol consumption and risk is complex. Most systems in the body can be damaged by alcohol consumption, but the rate at which harm increases in relation to the amount of alcohol consumed varies. For example liver disease has an exponential relationship with alcohol consumption, 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.

<b>Condition</b>	<b>Men (increases risk by)</b>	<b>Women (increases risk by)</b>
<b>Hypertension</b>	<b>4 x</b>	<b>2 x</b>
<b>Stroke</b>	<b>2 x</b>	<b>4 x</b>
<b>Coronary Heart Disease</b>	<b>1.7 x</b>	<b>1.3 x</b>
<b>Pancreatitis</b>	<b>3 x</b>	<b>2 x</b>
<b>Liver Disease</b>	<b>13 x</b>	<b>13 x</b>

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 Guildford and Waverley 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 Guildford & Waverley Clinical Commissioning Group**

Type of cost (£000s)		Actual or modelled data	Guildford & Waverley	Surrey
1. Alcohol-related inpatient admissions:				
Diagnosis codes	Wholly attributable	Actual data	£1,247	£8,094
	Partly attributable	Actual data	£4,379	£27,274
External Cause codes	Wholly attributable	Actual data	£7.0	£18.7
	Partly attributable	Actual data	£346	£2,337
2. Alcohol-related outpatient visits		Modelled data	£1,699	£8,676
3. Alcohol-related A&E attendances		Modelled data	£2,183	£12,604
4. Alcohol-related emergency		Modelled	£2,077	£11,266

Appendix 1

ambulance journeys		data		
5. Alcohol-related GP consultations		Modelled data	£406	£2,076
6. Alcohol-related practice nurse consultations		Modelled data	£57	£289
7. Alcohol dependency-prescribed drugs		Actual data	£4	£19
8. Specialist alcohol treatment services		Modelled data	£251	£1,382
9. Other alcohol-related healthcare usage		Modelled data	£324	£1,654
<b>Aggregated data</b>	<b>Total cost (£000s)</b>	Various	<b>£12,417</b>	<b>£73,736</b>
	<b>Adult population (16+)</b>	Actual data	<b>176,820</b>	<b>921,517</b>
	<b>Cost per adult (£)</b>	Various	<b>£70</b>	<b>£80</b>

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, 1000 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.



Licensing Report

Ward(s) affected: All Wards

Report of Licensing Team Leader

Author: Mike Smith

Tel: 01483 444387

Email: mike.smith@guildford.gov.uk

Lead Councillor responsible: James Steel

Tel: 07518 995615

Email: james.steel@guildford.gov.uk

Date: 27 May 2020

## **Update on the Taxi and Private Hire Licensing Policy Review**

### **Executive Summary**

This report seeks to update the Committee on the work undertaken to review the Taxi and Private Hire Licensing Policy.

### **Recommendation to Committee**

That the Committee notes the work undertaken so far to review the Policy and updated timetable for review.

### Reason(s) for Recommendation:

To ensure a transparent process for updating the Policy.

### **Is the report (or part of it) exempt from publication?**

No

### **1. Purpose of Report**

1.1 The purpose of this report is to update the Committee on the work undertaken to review the Taxi and Private Hire Licensing Policy.

### **2. Strategic Priorities**

2.1 The review of the Taxi and Private Hire Licensing Policy will contribute to our fundamental themes as follows:

- **Place making** – ensuring safe travel in the Borough through a well-regulated taxi service.

- **Innovation** – using new ways of working to improve efficiency.

### 3. Background

- 3.1 Taxi and Private Hire Vehicles are licensed by Local Authorities under powers arising from the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976.
- 3.2 The current Taxi and Private Hire Licensing Policy 2015-2020 adopted on the 9 December 2015 introduced positive changes to protect public safety by introducing livery for taxis, door signs for private hire vehicles and the requirement for drivers to complete the BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver. The Policy was revised on 7 February 2018 to introduce a uniform 'convictions Policy' across Surrey, mandatory Safeguarding training for all licensed drivers, and a requirement for all hackney carriages to accept card payments.
- 3.3 On 27 November 2019 the Licensing Committee considered a report concerning the strategic direction for the Taxi and Private Hire Licensing Policy and recommended that Officers develop a Policy incorporating the following measures for consultation:

Measures to improve driver standards through:

- requiring drivers to sign up to the Disclosure and Barring Service update service and a check every 6 months
- adopting a robust previous convictions policy
- a code of conduct for drivers

Measures to improve vehicle standards through:

- requiring CCTV in licensed vehicles
- emissions standards for licensed vehicles
- a suitability test for vehicle proprietors

Measures to improve private hire operator standards through:

- Improved staff training and vetting
- Improved procedures for
  - vetting drivers/vehicles allocated bookings
  - advertising
  - sub-contracting
  - tariff display
  - pickup/drop off procedures
  - executive hires

- 3.4 Since November 2019, Officers have been working to update the Policy in line with the proposals above. Many of the proposed measures were based upon draft Guidance issued by the Secretary of State under section 177 of the Policing and Crime Act 2017. This draft guidance was consulted upon between February and April 2019, however the final version has not been published. Discussion

with representatives at the Department for Transport advise that National Standards for Taxi and Private Hire Vehicles will be issued shortly. As such, following discussion with the Lead Councillor, Officers consider it advisable to wait to see what standards emerge from the Department for Transport before finalising the draft Policy for consultation.

- 3.5 It is recognised that the current coronavirus pandemic has had a considerable effect on the country including the licensed trade many of whom will have seen a considerable reduction in work. Similarly, for the licensing service, a number of staff have been redeployed to assist with the Council's response and delivering priority functions during the pandemic, meaning that to date the expected time has not been spent on the Policy review.

#### **4. Consultations**

- 4.1 It is recognised that the current coronavirus pandemic may cause difficulties in consulting with the licensed trade and public.
- 4.2 As consultation will be critical to ensure any changes to the Taxi and Private Hire Licensing Policy are clear and transparent for licence holders and the travelling public, it is recommended to consult on any proposed changes later this year when the trade and public will be able to be more engaged in the process.
- 4.3 As such, it is recommended to present a draft Policy for Licensing Committee to consider for public consultation in September, dependant on the status of the Department for Transport guidance and impact of the coronavirus pandemic on both the Council and licensed trade.

#### **5. Key Risks**

- 5.1 There is no legal requirement to review the Taxi and Private Hire Licensing Policy at any particular time. The Policy was due for Review in December 2020 and under ordinary circumstances there may be a legitimate expectation that the Policy will be reviewed within the timescale stated, with a potential risk of challenge if the Policy is not reviewed.
- 5.2 However, as the Department for Transport has not yet published the guidance under section 177 of the Police and Crime Act 2017, there is a risk that the guidance may differ to the version consulted upon, meaning that a further review of the Policy would be required to reflect any changes to this Guidance.
- 5.3 Additionally in the current circumstances, as there are concerns about ensuring a suitable consultation process and as no one is prejudiced by delaying the review until later this year this appears the most sensible course of action.

#### **6. Financial Implications**

- 6.1 The Council keeps the fees and charges under review annually and aims to recover as much of the cost of regulating taxi and private hire licensing services

as we are legally able, through fees and charges paid by applicants and licence holders.

- 6.2 Any costs associated with preparing and consulting on this policy will be met from existing taxi and private hire licensing budgets. Any additional costs arising from implementing and enforcing this policy will, where possible, be met through changes to taxi and private hire licence fees and charges.
- 6.3 The previous policy review utilised an unmet demand survey, a company to conduct a survey with the citizens panel and sessions with the trade. It is envisaged that these measures will not be used for this review in order to keep costs down.
- 6.4 There are no additional financial implications from delaying the Review of the Policy, as a delay will reduce the risk of having to consult again on any differences to DfT guidance.

## **7. Legal Implications**

- 7.1 There is no statutory requirement to have a taxi and private hire licensing policy; however, it is good practice to do so. A policy assists with consistent decision-making; however, each case must be considered on its own merits with the decision maker being prepared to make exceptions to the policy in appropriate circumstances.
- 7.2 There is no legal requirement to review the Taxi and Private Hire Licensing Policy at any particular time. The Policy was due for Review in December 2020 and under ordinary circumstances there may be a legitimate expectation that the Policy will be reviewed within the timescale stated. However, by reviewing a Policy when the Guidance from the Department for Transport has not been finalised, and reviewing at a time when the trade and public are less able to participate in the consultation process, the Council could also be at risk of challenge.
- 7.3 There is no prejudice to any person from delaying the review of the policy until a more appropriate time, therefore it is considered that the risk of a successful legal challenge is minimal.

## **8. Human Resource Implications**

- 8.1 The finalisation of the review of the Taxi and Private Hire Policy will take considerable officer time, however can be managed from within the current licensing resource, although it is recognised that the work is taking place during the Future Guildford review and during the Council's response to the coronavirus pandemic which may affect further progress on the review.

## **9. Equality and Diversity Implications**

- 9.1 Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful

discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.

- 9.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.
- 9.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of the equality duty. The implications of changes to the policy will be assessed when the draft policy is formulated for consultation.
- 9.4 It is considered that reviewing the Taxi and Private Hire Policy at a time where many members of the public and trade are potentially vulnerable due to the coronavirus pandemic is not recommended as the Council wishes to ensure stakeholders are engaged in the process. Additionally, it may be that there are elements in the DfT guidance when this is published to promote equality which the Council will have to revise its policy again for.

## **10. Climate Change/Sustainability Implications**

- 10.1 There are no climate change or sustainability implications to this report. The intended policy direction however does consider an emission standard for licensed vehicles in order to improve air quality.

## **11. Summary of Options**

- 11.1 After considering the report, the Committee is asked to note the work in updating the Taxi and Private Hire Licensing Policy and concerns around approving consultation on a final draft at this time.
- 11.2 Consequently, the option for Committee to consider that the committee approve the delay in consulting on a draft policy until September, although potentially later, depending on publication of the national guidance and resource required to assist with the Council's response to the coronavirus pandemic.

## **12. Conclusion**

- 12.1 The aim of Taxi and Private Hire Licensing is to protect the travelling public, and to ensure that the highest standards within the professional licensed taxi trade are maintained so that the public have confidence to use the service.
- 12.2 The Council's Policy is being reviewed and the Council will be required to have regard to any Statutory Guidance issued under s.177 of the Policing and Crime Act 2017 when considering any changes. As the guidance is currently in draft

form, it is recommended to await final publication before completing the Policy review.

- 12.3 Similarly consulting with the public and trade may not be as effective at this time due to the coronavirus pandemic, and additionally as staff have been redeployed to assist with the Council's response and delivering priority functions.

### 13. Background Papers

- 13.1 [Taxi and Private Hire Licensing Policy 2015-2020](#)
- 13.2 [Taxi and Private Hire Vehicle Licensing: Protecting Users. Consultation on Statutory Guidance for Licensing Authorities](#)
- 13.3 [Taxi and Private Hire Vehicle Licensing: Best Practice \(Department for Transport, 2010\)](#)
- 13.4 [Taxi and Private Hire Vehicle Licensing: Councillor Handbook \(Local Government Association, 2017\)](#)
- 13.5 [Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades \(Institute of Licensing, 2018\)](#)
- 13.6 [Minutes of Licensing Committee held 27 November 2019](#)

### 14. Appendices

There are no appendices to this report.

Please ensure the following service areas have signed off your report. Please complete this box and do not delete.

<b>Service</b>	<b>Sign off date</b>
<i>Finance / S.151 Officer</i>	<i>8 May 2020</i>
<i>Legal / Governance</i>	<i>24 April 2020</i>
<i>HR</i>	<i>24 April 2020</i>
<i>Equalities</i>	<i>24 April 2020</i>
<i>Lead Councillor</i>	<i>12 May 2020</i>
<i>CMT</i>	<i>12 May 2020</i>
<i>Committee Services</i>	<i>15 May 2020</i>

Licensing Committee Report  
Report of Director of Finance  
Author: Sophie Butcher  
Tel: 01483 444056  
Email: sophie.butcher@guildford.gov.uk  
Date: Wednesday 27 May 2020

## Licensing Committee work programme: 2020-21

### Recommendation to Licensing Committee

The Committee is invited to review and approve its current work programme for the remainder of the 2020-21 municipal year.

Reason for Recommendation:

To ensure that the Licensing Committee has an opportunity to review its work programme.

#### 1. Purpose of Report

1.1 The work programme is presented to enable necessary changes to be made and to provide updated information on items for future meetings. Appendix 1 to this report sets out the Committee's work programme to date, including any items currently unscheduled.

#### 2. Financial Implications

2.1 There are no specific financial implications arising from this report.

#### 3. Human Resource Implications

3.1 There are no specific human resources implications arising from this report.

#### 4. Legal Implications

4.1 There are no specific legal implications arising from this report.

#### 5. Background papers

None

#### 6. Appendices

Appendix 1: Licensing Committee - Draft Work Programme: 2020-21

**Licensing Committee**  
**Draft Work Programme 2020-21**

<b>July 2020</b>		
<b>Item</b>	<b>Details of decision to be taken</b>	<b>Officer</b>

<b>September 2020</b>		
<b>Item</b>	<b>Details of decision to be taken</b>	<b>Officer</b>
Taxi Policy Consultation	The Committee to consider and approve a consultation in relation to the Taxi Policy.	Mike Smith, Licensing Team Leader 01483 444387

<b>November 2020</b>		
<b>Item</b>	<b>Details of decision to be taken</b>	<b>Officer</b>
Licensing Act Policy Approval	The Committee to consider the consultation responses and consider approval of the Licensing Act Policy.	Mike Smith, Licensing Team Leader 01483 444387



### January 2021

Item	Details of decision to be taken	Officer
Taxi Fees and Charges	The Committee to consider the Taxi Fees and Charges.	Mike Smith, Licensing Team Leader 01483 444387

### March 2021

Item	Details of decision to be taken	Officer
Taxi Fees and Charges Objections	The Committee to consider the objections received in relation to Taxi Fees and Charges.	Mike Smith, Licensing Team Leader 01483 444387
Taxi Policy Approval	The Committee to approve the Taxi Policy.	Mike Smith, Licensing Team Leader 01483 444387

### May 2021

Item	Details of decision to be taken	Officer
Gambling Policy Consultation	The Committee to consider and approve a consultation in relation to the Gambling Policy.	Mike Smith, Licensing Team Leader 01483 444387
Sexual Entertainment Venue (SEV) Policy Consultation	The Committee to consider and approve a consultation in relation to a Sexual Entertainment Venue (SEVs) Policy.	Mike Smith, Licensing Team Leader 01483 444387

<b>July 2021</b>		
<b>Item</b>	<b>Details of decision to be taken</b>	<b>Officer</b>

<b>September 2021</b>		
<b>Item</b>	<b>Details of decision to be taken</b>	<b>Officer</b>
Purple Flag Update	The Committee to receive an update in relation to Purple Flag.	Mike Smith, Licensing Team Leader 01483 444387
Best Bar None Update	The Committee to receive an update in relation to Best Bar None.	Mike Smith, Licensing Team Leader 01483 444387
Sexual Entertainment Venue (SEV) Policy Approval	The Committee to consider and approve a Sexual Entertainment Venue (SEV) Policy	Mike Smith, Licensing Team Leader 01483 444387

<b>November 2021</b>		
<b>Item</b>	<b>Details of decision to be taken</b>	<b>Officer</b>
Gambling Policy Approval	The Committee to consider and approve a Gambling Policy.	Mike Smith, Licensing Team Leader 01483 444387

**UNSCHEDULED ITEMS**

<b>Item</b>	<b>Details of decision to be taken</b>	<b>Officer</b>

This page is intentionally left blank