



Elmbridge
Borough Council
... bridging the communities ...

Licensing Policy Statement

2017 - 2022

**Required under the provisions of
s5 Licensing Act 2003**

Licensing Policy Statement

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1. Introduction

1.1 This Statement of Licensing Policy (SoLP) is published pursuant to section 5 of the Licensing Act 2003 (hereafter “the Act”), and sets out how Elmbridge Borough Council (hereafter “the Licensing Authority”) will carry out its licensing functions as the Licensing Authority under the Act. Those functions relate to premises licences, club premises certificates, temporary event notices, community and ancillary sellers notices and personal licences in the Borough; and extend to dealing with applications and enforcement. In particular this Statement sets out how The Licensing Authority will seek to promote the four licensing objectives, which are:

- (a) The prevention of crime and disorder
- (b) Public safety
- (c) The prevention of public nuisance; and
- (d) The protection of children from harm.

1.2 In addition, the Guidance issued under s.182 of the Act ([‘s.182 Guidance’](#)) makes clear that while the promotion of the Licensing Objectives is of paramount importance, there are other key aims and purposes that should be pursued, which include:

- Protecting the public and local residents from crime, anti-social behaviour and noise associated with licensed premises;
- Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible operators of premises;
- Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area;
- Encouraging greater community involvement in licensing decisions and ensuring local residents are given a proper opportunity to have their say regarding licensing decisions that may affect them.

1.3 Live and recorded music and entertainment of a similar description are regulated in certain circumstances and at certain times of day, particularly for larger audiences and on premises where no licence for the sale of alcohol for consumption on the premises exists. The Act, supported by s.182 Guidance, sets out what forms of entertainment remain regulated and at what times.

- 1.4 The Act makes clear that the Licensing Authority may only act in accordance with the powers granted to it by that Act. Where no relevant representations are received, the licensing authority will have no discretion and must grant applications. Where it retains a discretion, and in other powers granted to it by the Act, The Licensing Authority will take into account the following matters (this list is not intended to be exhaustive):
 - 1.4.1 matters that are within the control of the holder of the authorisation concerned;
 - 1.4.2 the nature of the premises concerned;
 - 1.4.3 the impact – actual or potential – of any proposed activity/activities on people living or working nearby;
 - 1.4.4 the extent to which an applicant has considered and addressed the above impacts prior to making the application;
 - 1.4.5 Its duties arising under other legislation (for example under the Human Rights Act and the Equality Act 2010); and
 - 1.4.6 Any relevant principles arising from case law.
- 1.5 The Licensing Authority, in carrying out its licensing functions in accordance with the Act, must take into account the Guidance issued by the Secretary of State pursuant to s.182 of the Act and the Regulators’ Code. The Licensing Authority has had regard to those documents in producing this Statement of Licensing Policy. Once it is in force, the Licensing Authority must also have regard to this Statement when carrying out its functions. On rare occasions, the requirement always to seek to promote the licensing objectives may mean that the Licensing Authority considers that it must depart from its policies in this Statement, or from the s.182 Guidance. If such circumstances do arise the Licensing Authority will take care to explain the reasons for so doing.
- 1.6 In addition, from time to time, the Home Office may issue supporting ‘good practice’ guidance. The Licensing Authority is not under the same statutory duty to have regard to such supporting guidance but may refer to it when making decisions or reviewing this Statement.
- 1.7 The Licensing Authority will also seek to avoid duplication with other regimes: it will not use this Statement as a basis to attach conditions to licences which duplicate other regulatory regimes, or to attempt to impose standard conditions on licences without having regard to the merits of the individual case. It does produce (and update from time to time) a pool of model conditions which may be used to assist with drafting of conditions. These can be found at [insert link]

- 1.8 Nothing in this Statement shall override the right of any person to submit a valid application for consideration, or of any person to make valid representations about applications.

2. Duration and extent

- 2.1 This Statement replaces the previous Statement of Licensing Policy which expired on 12 November 2017. It covers the period from 13 November 2017 to 12 November 2022. This Policy will apply to all determinations of applications from the date on which this Policy comes into force, regardless of when that application was made.
- 2.2 Elmbridge Borough Council will review this Statement every five years as required by the Act, and will keep it under ongoing review in order to permit the making of revisions where it is considered appropriate to do so. Where legislative changes require this Statement to be updated the Licensing Authority will seek to make those amendments in a timely way and will consult, as appropriate, on any such proposed changes.

3. Community involvement

- 3.1 In developing this policy statement the following parties have been consulted, in accordance with s5(3) of the Licensing Act 2003:
- The Chief Officer, Surrey Police;
 - Surrey Fire & Rescue Authority;
 - The Director of Public Health;
 - Representatives of holders of existing Premises, Personal Licences and Club Premises Certificates within Elmbridge
 - Representatives of businesses and residents within Elmbridge
- 3.2 In addition, the Surrey Child Employment Team have been consulted as Elmbridge Borough Council considers that that body is the Responsible Authority in relation to the protection of children from harm. A full list of consultees is attached as Annex A

4. Integrating strategies

- 4.1 The night time economy in Elmbridge does not generally give rise to significant concerns for the Licensing Authority or Responsible Authorities in relation to its impact on the licensing objectives. Further, no specific measures exist within the Elmbridge Core Strategy or Community Safety Partnership Action Plan to address issues of anti-social behaviour or nuisance directly from licensed premises. Whilst pockets of problems can occur, these are normally dealt with by the Licensing Authority through complaint investigation and routine enforcement under the Act. Should evidence of significant or more widespread issues arise during the life of this policy the Licensing Authority will seek to work with Responsible Authorities and other relevant partners to achieve a more closely aligned approach to address.

5. Equalities Duty

- 5.1 The Equality Act 2010 imposes a duty on the Council as the Licensing Authority to have due regard to the need to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations between people with different protected characteristics.
- 5.2 To meet the Equality Duty the Council publishes an Equalities Plan, available at www.elmbridge.gov.uk.
- 5.3 The protected characteristics 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
- 5.4 Treating a person with a protected characteristic less favourably than another constitutes discrimination.
- 5.5 The Equality Act 2010 also imposes a duty on any person providing a service to the public, including operators of licensed premises, to make reasonable adjustments to enable disabled people to access the service, where a disabled

person would be at a substantial disadvantage compared to a non-disabled person.

- 5.6 The Licensing Authority encourages applicants and existing operators to be proactive in meeting their legal responsibilities and plan for these. Further information and guidance is available from the Home Office.

6. Local context

- 6.1 The Borough of Elmbridge has a total population of 131,400, comprised of 56,785 households within an area of 9634 hectares (Source: 2011 Census, Office for National Statistics and DCLG live tables 2015/16). Elmbridge is one of eleven Surrey borough/district Councils and is situated South West of London in North East Surrey.
- 6.2 The principal town centres are Walton, Weybridge, Esher, Molesey and Cobham.
- 6.3 The Borough provides a mix of residential and business premises and the area enjoys the influence of the capital, being almost entirely within the boundaries of the M25, and bordering two London Boroughs. The population is in general affluent, resulting in a significant number of restaurants, bars and retail outlets clustered around the centres of the communities.
- 6.4 A map of the borough of Elmbridge is attached as [Annex B](#)
- 6.5 At the time of publication of this Statement there were 406 Premises Licences, 836 Personal Licences and 59 Club Premises Certificates in effect within Elmbridge. On average the Licensing Authority processes 500 Temporary Event Notices a year.
- 6.6 Elmbridge Borough Council values a vibrant and thriving Elmbridge and wishes to further promote a good range of entertainment provision in its area available to all of its residents and those who live elsewhere but visit Elmbridge for work or leisure. Notwithstanding 5.1 above, the Council recognises that the provision of such entertainment opportunities has the potential to impact on the well-being of its residents and, by promoting the licensing objectives, will seek to strike the proper balance between a thriving entertainment economy and a pleasant and safe place to live and work.

7. The role of licensing in Elmbridge

- 7.1 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. It is not concerned with the 'need' or commercial demand for licensed premises.
- 7.2 While licensing is not a mechanism for the general control of anti-social behaviour by individuals beyond the direct control of those in charge of licensed premises, the Licensing Authority considers that the licensing regime can play a key role in ensuring premises are well-run such that the licensing objectives are promoted. The Act provides a range of powers to assist with this where licensed premises are considered responsible for, or to be contributing to, anti-social behaviour and where less formal steps (where appropriate) have not been successful. They include:
- 7.2.1 The power to seek a review of a premises licence or club premises certificate. This power is exercisable by responsible authorities including the Licensing Authority, its Councillors, and by members of the public and businesses;
 - 7.2.2 Prosecution (and/or closure notices) in respect of those that permit licensable activities to be carried on without the appropriate authorisation – whether without a licence, or in breach of a condition of the licence;
 - 7.2.3 Prosecution (and fixed penalty notices) of personal licence holders or members of staff at licensed premises who sell alcohol to those under-age or who are drunk;
 - 7.2.4 The use of closure orders (and those powers to close premises provided under other, parallel regimes, for example the Anti-Social Behaviour Act 2003);
 - 7.2.5 Early Morning Alcohol Restriction Orders (EMROs) and a Late Night Levy.

8. Public health

- 8.1 In January 2012 Public Health as the Local Health Board became a Responsible Authority for the purposes of the Licensing Act 2003. This has both provided an opportunity for and imposed an obligation on Surrey Public Health to consider and respond to licence applications where they have concerns about the promotion of the licensing objectives at a specific premises.
- 8.2 The Licensing Authority would expect applicants to have given consideration to whether some or all of the following (non-exhaustive) matters in relation to

public health could be addressed in their operating schedules prior to submitting an application. These include:

- Procedures for risk assessing promotions and events so as to ensure compliance with mandatory conditions including irresponsible promotions, prizes and rewards and plans for minimising such risks;
- Adequate seating levels for customers to discourage more intensive drinking
- Licensing hours that are not automatically aligned to earlier opening hours in the day
- Restrictions on the size of the display area designated to alcohol in the case of applications for off-licences which retail other produce
- The storage of high strength alcohol products behind the counter

8.3 Where the applicant has failed to offer appropriate measures to promote the licensing objectives (see below) in relation to public health this may give rise to representations from Public Health or the Licensing Authority (as a Responsible Authority).

9. The Licensing Objectives

9.1 Following consultation with Responsible Authorities, the Licensing Authority will give consideration to some or all of the following (non-exhaustive) list of factors, and – in cases where relevant representations are made - may consider conditions in respect of some or all of them to be appropriate where they appear also to be proportionate for the promotion of the licensing objectives. Similarly, where such measures would be appropriate but are not included in an operating schedule, the Licensing Authority (as a Responsible Authority) will consider making a representation. Some factors may apply to more than one objective.

9.1.1 Prevention of crime and disorder

- Effective and responsible management and supervision of a premises, including associated open areas;
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of crime and disorder;
- Adoption of best practice guidance, for example, the Portman Group's Code of Practice on the naming, packaging and promotion of alcoholic drinks, and other recognised codes of practice;
- Acceptance of accredited proof of age documentation;
- For off-licences, a clear practice of storing high strength alcohol products behind the counter;
- Provision of effective CCTV in and around premises;
- The employment of Security Industry Authority licensed door staff
- Participation in local trade liaison schemes

- Provision of toughened or plastic glasses;
- Provision of secure deposit boxes for confiscated items
- Provision of security measures such as lighting outside premises
- Measures and policies to prevent the use or supply of illegal substances, including search and entry policies
- Incident and refusals log books
- Use of an electronic verification and entry scanning system
- Responsible participation in a local radio link scheme, where available;
- Policies to manage capacity
- Procedures for the management of customers congregating outside of premises (in particular late night refreshment houses)
- Adoption of an age verification policy, such as Challenge 25
- Appropriate instruction, training and supervision of those employed or engaged to ensure that alcohol is not served to persons who are drunk
- Where the application is for premises that are, or could be, 'excluded premises' under s.176 of the Act (e.g. garages), provision of evidence that the primary use of the premises is not such that the premises would be 'excluded premises'

9.1.2 Prevention of public nuisance:

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

- Provision of adequate litter bins and regular emptying/collection of rubbish
- Measures for the prevention of noxious smells arising from the premises, for example, in relation to the provision of late night refreshment
- Measures to prevent unreasonable disturbance arising from deliveries of alcohol to premises and/or collections of e.g. refuse.

9.1.3 Public safety

- Event management plans
- Any capacity issues not covered by the Fire Safety regime
- Adoption of and adherence to best practice guidance, for example the Purple Guide and other recognized codes of practice
- Measures and policies to prevent the use or supply of illegal substances, including search and entry policies
- Physical safety features e.g. use of safety/ toughened glass
- Written policies on dealing with accidents and personal injury incidents
- Measures for refusing entry to persons who appear to be showing signs of drunkenness
- The promotion of schemes to discourage drink driving

9.1.4 Protection of children from harm

- Adoption of a voluntary age verification policy such as Challenge 25
- Acceptance of accredited proof of age documentation
- Effective and responsible management and supervision of the premises, including associated open areas
- Appropriate instruction and training for those employed or engaged to prevent harm to children, in particular, child sexual exploitation (CSE)
- Provision of effective CCTV in and around premises
- Refusals log books
- Measures to deter proxy sales
- For off licence premises, a restriction on sales of individual cans or bottles of alcohol
- Exclusions at certain times
- Policies or procedures in respect of; restrictions on the hours children may be present, parts of the premises to which they may not have access to; excluding children under a certain age when specified activities are taking place; accompanying adults
- Policies and procedures for e.g. lost and found children at events
- Staff to receive regular and adequate training on the law and practice relating to age restricted sales (including challenging purchasers, checking identification), such training to be properly documented and records made available for inspection.

- Where films are intended to be shown, the Licensing Authority will expect Operating Schedules to include arrangements to prevent children viewing age-restricted films as classified by the BBFC or by the Licensing Authority itself. Save for in exceptional circumstances, the Licensing Authority will apply the classifications from time to time approved by the BBFC.

10.Children – admission and entertainment

10.1 The Licensing Authority recognises that some entertainment taking place on licensed premises is directed specifically at children, for example films, plays or music. Where this is the case the Licensing Authority will expect to see particular measures to ensure any children attending (whether as audience or participants, including as performers) are appropriately safeguarded from harm, which may include, in addition to the factors set out at paragraph 9.1.4 above:

- Children-specific risk assessments being carried out in advance and, where appropriate, in consultation with the appropriate authorities including the Police
- Appropriate vetting of staff on duty
- Additional measures to ensure that no sales of alcohol to children are made
- Additional measures to ensure attendees are safely dispersed following the event
- Where necessary, measures limiting the access of children to licensed premises where that is appropriate for the prevention of harm to children (the s.182 Guidance contains suggested conditions to this effect)

However it is never appropriate to impose conditions requiring the admission of children to licensed premises

11.Safeguarding the vulnerable

11.1 The Licensing Authority expects the operators of all premises to have regard to the need to provide appropriate safeguarding for vulnerable people (both children and adults), and consider including conditions which assist in keeping vulnerable people safe. This may include:

- Dispersal policies including provisions for the safe dispersal of the vulnerable; and/or
- Policies concerning the safe and responsible ejection or refusal of entry of vulnerable or potentially vulnerable people.

12. Preparing and submitting an application for a premises licence

- 12.1 The Licensing Authority publishes, from time to time, Guidance for making and advertising an application for a new Premises Licence, which is available on its website. A copy of the guidance is attached as [Annex C](#) to (but does not form part of) this Statement. The Licensing Authority expects applicants to have regard to that guidance when preparing to submit an application, and considers that applications which do not demonstrate such regard are more likely to attract representations.
- 12.2 On receipt of an application the Licensing Authority may take into account any of the factors set out at paras 9-11 as it considers appropriate for the promotion of the licensing objectives. Where such consideration leads the Licensing Authority (as a Responsible Authority) to the view that an application has not demonstrated that it will promote that objective satisfactorily it will consider making a representation. Where relevant representations have been received a sub-committee is likely (but is not obliged) to have regard to some or all of those factors when considering what decision is appropriate; and as such the Licensing Authority would expect applicants to have given consideration to whether some or all of the matters could be addressed in their operating schedules prior to submitting an application.
- 12.3 Where an application incorporates what the Licensing Authority considers are minor errors of form (inc. omissions), it will attempt to contact the applicant with a view to correcting those errors; but if it is unable to do so within 2 working days of submission of the defective application, the application will be likely to be rejected. In circumstances where the errors are considered by the Licensing Authority to be more than minor, and/or substantive in nature (for example a failure to advertise the application correctly) the application will be rejected but the full application fee will be retained by the Licensing Authority.
- 12.4 Prior to the submission of an application the Licensing Authority strongly supports pre-application discussions and/or reference to any guidance published by Responsible Authorities, and considers that applications which cannot demonstrate that such guidance has been referred to, or that discussions have been attempted, are more likely to attract representations. In many cases, particularly ahead of events of a significant nature, it will be appropriate for applicants to consult with local people, Responsible Authorities, and others prior to the submission of an application in order to consider any concerns that might exist, in order that the applicant may then seek to address those concerns within their application.

- 12.5 The Licensing Authority expects all applications for licences to demonstrate that the applicant has addressed any local concerns and has thought about how the premises will be run responsibly and in such a way as to promote the licensing objectives. In particular a risk assessment approach is strongly encouraged such that measures and conditions can be incorporated within the application to manage such risks. Where an application fails to demonstrate that such measures have been put in place it is likely that the application will attract representations.
- 12.6 Where no relevant representations are received, applications must be granted subject to any applicable mandatory conditions (see [Annex D](#)) and any conditions that are consistent with the operating schedule. Where relevant representations are received – and subject to Chapter 16 below – the Licensing Authority must convene a sub-committee of members of its Licensing Committee to determine the application having regard to those representations.
- 12.7 In such cases the Licensing Authority will consider every application on its merits, having regard to this statement, to the s.182 guidance, and to any representations made, before deciding what is appropriate for the promotion of the licensing objectives.
- 12.8 In particular the sub-committee will in all such cases consider whether the imposition of conditions could assist with the promotion of the licensing objectives, whilst remaining mindful of the cost and regulatory burden that imposing such restrictions on licensees can entail. The Licensing Authority will seek to ensure that only those conditions that are appropriate for the promotion of the licensing objectives, are proportionate to the issue addressed, are intelligibly drafted and are enforceable are imposed upon licences.
- 12.9 The Licensing Authority produces and regularly updates a model pool of conditions which is available on its website [insert link]. Applicants are strongly encouraged to consider whether any of those conditions would be acceptable and appropriate and, where they are, include them on their operating schedule. However, it should be recognised that there is no obligation to include any of them and they are published as an aid to making applications and the drafting of conditions where they are or might be considered appropriate.

13. Partnership working and mediation

- 13.1 The Licensing Authority considers that many licensing issues can be solved or prevented by sensible and appropriate partnership working. To that end it will

work closely with licence holders, local residents, the police, and its Pollution Control team in implementing such an approach.

13.2 The premises licence or club premises certificate application forms provide a framework for applications that invites each of the licensing objectives to be specifically addressed. On receipt of any representations suggesting a concern about the application's promotion of the licensing objective(s) an officer from the Licensing Authority may seek to contact the author of that representation and suggest a discussion about the concern(s) expressed (and/or clarification of the issues). If there appears to be scope for negotiation, attempts will be made to facilitate discussions about compromise which may or may not include suggesting to the applicant that he/she might consider an agreed outcome of the application (for example subject to different or additional conditions or hours of operation) in light of the representations received. Where such an approach is successful and the parties and the Licensing Authority agree, no hearing is necessary. The Licensing Authority will always seek to be transparent about such an approach and will, where possible, publicise any such compromise via its website.

13.3 The Licensing Authority expects applicants and those making representations about applications to engage positively with any such mediation or negotiation. Similarly, those considering bringing a review of the licence will be expected to have given consideration to whether the issues forming the basis of the review could be addressed or improved by informal contact and/or mediation or negotiation; and if so, to demonstrate that such attempts have been made before seeking a review.

14. Large scale events

14.1 While the Licensing Authority expects all applicants to consider contacting Responsible Authorities in advance of any application, where the application is unusual because of its size or type the Licensing Authority strongly recommends that early contact is made – well in advance of any application being made – such that consideration can be given to a bespoke programme of consultation which might, as the case may be, include submission of risk assessments, a full event management plan and/or the convening of a Safety Advisory Group (“SAG”) to advise on the implications of the proposed application.

15. Planning and other regulatory regimes

- 15.1 Licensing and planning should not overlap and the Licensing Authority will not seek to duplicate any conditions imposed on premises by their planning permission.
- 15.2 It follows that the grant of a premises licence does not exempt the holder or occupier/owner of the premises from the requirement to obtain other necessary authorisations, including planning consent, that they may need in order to operate a business from that premises, or override any of the conditions of an existing consent. The Licensing Authority strongly recommends that applicants contact any other relevant authorities in particular, but not necessarily restricted to, Elmbridge Borough Council's Development Management Team (Planning) in order to obtain all necessary consents from them. Failure to obtain consent for activities could result in legal action being taken regardless of the existence of a premises licence.
- 15.3 In this regard, particular attention should be given to the hours during which the business is open to the public. Where more than one permission/authorisation is required, the business should be operated in accordance with whichever permission is the most restrictive. For example, if the planning permission permits operating hours that are more limited than those on the premises licence, then it is the operating hours on the planning permission which must be complied with.
- 15.4 Where planning permission has not yet been granted, or where the grant of a premises licence produces a clear conflict between the planning permission and the premises licence (e.g. as to permitted hours) Elmbridge Borough Council will remind the premises licence holder of the need to seek planning permission and/or to comply with the current permission (if it is more restrictive).
- 15.5 Further, although licensing is concerned with the prevention of public nuisance, the Environmental Protection Act 1990 is a separate code of regulation for noise (and other) nuisance. Where a licence is granted for live/recorded music licence holders should ensure that the playing of such music is not at a level which would cause a nuisance to neighbouring premises. Further information is available at www.elmbridge.gov.uk/noise

16. Representations

- 16.1 Only representations which are relevant and are not frivolous or vexatious, can be considered by the Licensing Authority in respect of applications under the

Act. 'Relevant' means that they relate to the application and the way in which the application might impact on one or more of the licensing objectives. 'Frivolous' means lacking in real substance; while 'vexatious' means submitted for an improper purpose. Additionally, where a review is applied for, representations which are 'repetitive' are not allowed to be considered. The decision as to whether a representation is frivolous, vexatious, irrelevant or repetitive will be taken by licensing officers. In case of doubt, the judgment will be made in favour of the representation going forward.

- 16.2 The Licensing Authority publishes [a form for the submission of representations](#) and from time to time, [guidance on how it will assess representations made](#). Anyone considering a representation is encouraged to consult that guidance. Equally, those considering making a representation are encouraged to consider to what extent the matters at paras 9 (licensing objectives) to 11 appear to have been taken account of within the application.
- 16.3 Where a representation is judged to be irrelevant, frivolous, vexatious and/or repetitive, the Licensing Authority will notify the maker of that representation with reasons.
- 16.4 Where a representation is made on behalf of a society, organisation or group, the Licensing Authority will expect a reasonable level of proof that the representation is indeed made with the authority of that society, organisation or group and not from an individual. Such proof might be a letter of mandate or minutes of a meeting authorising the representation to be made.
- 16.5 Generally, the Licensing Authority does not encourage the submission of petitions, not least because each potential signatory may make a relevant representation in their own right. Where a petition is submitted, the Licensing Authority's approach will be to enquire how the petition was compiled, and whether each signatory signed in full knowledge of the facts of the application in order to assess how much weight, if any, to give to the petition when determining the application. Generally a petition submitted during the consultation period is likely to be given minimal weight unless:
- 16.5.1 Each name on the petition can be independently verified, with an address, such that the Licensing Authority can check that that person intended to make a representation against the application;
- 16.5.2 If names can be verified in this way they will be treated as 'relevant representations' in their own right.

17. Best practice

17.1 The Licensing Authority considers the following matters to be, in particular cases, indicative of best practice:

17.1.1 **Good neighbour principle:** the Licensing Authority expects the operators of all premises in its area to promote the licensing objectives regardless of the conditions on premises licences. This is likely to include some or all of the following:

- 17.1.1.1 Good communication with neighbouring properties, including early notification where unusual or non-standard events are scheduled to take place, including those authorised by Temporary Event Notices;
- 17.1.1.2 Offering the use of those premises as a temporary and safe haven for anyone in danger or distress, including (where appropriate) contacting the emergency services;
- 17.1.1.3 Taking responsibility for contacting emergency services wherever necessary regardless of whether the incident justifying such contact arose on the premises;
- 17.1.1.4 Contributing to keeping the area around the premises clean, tidy, safe and litter-free; and
- 17.1.1.5 Reporting to Elmbridge Borough Council any incidents of anti-social behaviour (including fly-tipping) that occur regardless of whether they directly or indirectly affect the premises themselves.
- 17.1.1.6 Management remaining alive and responsive to feedback from neighbours

18. Minor variations

18.1 The Act permits certain intended variations to be dealt with under the Minor Variation procedure. This covers small variations to existing premises licences or club premises certificates, and means there is no need to submit a full variation application. The types of changes that may be covered include:

- 18.1.1 Minor changes to the layout and/or structure of the premises concerned;
- 18.1.2 Removal of obsolete or unenforceable conditions;
- 18.1.3 Addition of new conditions; and
- 18.1.4 Reductions in trading hours.

18.2 The test for whether such changes fail to be dealt with under the minor variation procedure is whether the change could have an adverse effect on the promotion of any of the licensing objectives, and the procedure is only suitable for variations that could not have such an effect. As such the following kinds of amendments to licences cannot be made through a minor variation application:

18.2.1 Extend the period for which a licence has effect;

18.2.2 Substantially vary the premises to which the licence relates;

18.2.3 Specify someone new as the designated Premises Supervisor (DPS);

18.2.4 Add the sale or supply of alcohol as a licensable activity on the licence;
or

18.2.5 Extend the times for the sale or supply of alcohol on any day, or permit such sales in the period 2300-0700.

18.3 Applicants considering making a minor variation application are encouraged to contact the Licensing Authority prior to making the application in order to discuss whether the procedure is suitable.

18.4 A minor variation application does not need to be sent by the applicant to the Responsible Authorities, although a notice of the application must be displayed at the premises concerned for a period of ten working days starting on the day after the application is submitted to the Licensing Authority.

18.5 Minor variations are not dealt with by way of hearings but instead are decided by the licensing officer under delegated powers. Officers deciding such applications will have regard to any relevant representations received in respect of the application; and will only grant such applications where we are satisfied that there will be no adverse impact on the promotion of the licensing objectives. Where there is any doubt as to any adverse impact the licensing officer will contact the relevant responsible authority for advice before determining an application.

18.6 If an application is refused the Licensing Authority will give the applicant reasons for that decision. The Act provides that any minor variation application that is not determined after fifteen working days is deemed to be refused. In such circumstances the Licensing Authority must refund any application fee paid.

19. Temporary Event Notices

19.1 Temporary Event Notices (“TENs”) authorise ‘one-off’ activities not otherwise authorised by a premises licence, for example, later hours than those permitted by the premises licence for a particular event, or licensable activities on

premises without a premises licence. A standard TEN must be given to the Licensing Authority no later than 10 working days prior to the event concerned, and a 'late TEN' must be given at least five working days prior to the event concerned. The Act and the s.182 Guidance set out the law in relation to applying for a TEN, including the limits on how many standard and late TENs may be given in a calendar year, and the notice requirements. Notwithstanding these minimum requirements as to notice, the Licensing Authority recommends anyone thinking of applying for a TEN to do so at least 6 weeks in advance of the event to avoid disappointment.

20. Personal licences

- 20.1 Personal licences permit the holder to supply, or authorise the supply of alcohol in accordance with a premises licence. Anyone wishing to be named as a designated premises supervisor must hold a personal licence.
- 20.2 There is a prescribed form for applying for a personal licence which can be found on the Council's website. There is no longer any need to renew a personal licence and they do not expire. The Licensing Authority has the power to suspend or revoke a personal licence if the holder has been convicted of certain offences or is required to pay an immigration penalty. The Act sets out the circumstances in which this may happen including the procedure to be adopted.
- 20.3 Anyone holding a personal licence from Elmbridge Borough Council must inform the Licensing Authority if they change their name, move home, are convicted of any relevant offence (or a foreign offence), or receive an immigration penalty.
- 20.4 Where a personal licence holder 'authorises' others to make sales of alcohol the Licensing Authority recommends (although this is not required by the Act) that such authorisation is made in writing and specifies the names of those to whom the authority is given; and up-to-date records are kept of any authorisations so made. This is because the personal licence holder will remain responsible for any sales made in this way.

21. Enforcement

- 21.1 The Licensing Authority will carry out its enforcement powers under the Act in a transparent and proportionate way, and consistent with its responsibilities under the Regulator's Code, and its own enforcement policies. The Licensing Authority takes a risk-based approach, pursuant to which those premises

considered lower risk will be likely to be inspected less frequently than those considered to be higher risk.

- 21.2 The Licensing Authority recognises Surrey Police as the primary agents for enforcement under the Licensing Act 2003, save for enforcement of provisions in respect of sales of alcohol to children for which the Licensing Authority recognises Buckinghamshire & Surrey Trading Standards as the primary agent for enforcement. Surrey Fire and Rescue are primarily responsible for the enforcement of fire risk legislation in licensed premises and will usually take the lead on such matters, although the Licensing Authority will seek to work in co-operation with them where the matter concerns licensed premises.
- 21.3 Depending on the severity of an offence, the Licensing Authority will usually look to lead on enforcement under s.136 of the Act (unauthorised licensable activities). In such cases the Licensing Authority may seek the support of Surrey Police.
- 21.4 Nothing in paragraphs 21.2 and 21.3 above prevents any Responsible or other authority from taking enforcement action, where they are empowered to do so and where circumstances justify.
- 21.5 Generally the Licensing Authority expects each Responsible Authority under the Act to be the primary agent for making representations and/or bringing a review where premises fail to promote the licensing objective for which that Authority is primarily responsible. Where appropriate the Licensing Authority will consider supporting any representations made or reviews brought in its capacity as a Responsible Authority.
- 21.6 The Licensing Authority has established protocols with Surrey Police on the enforcement of the Act, including regular discussions and information-sharing concerning applications and notices received and complaints arising from licensed premises. This approach assists with the efficient deployment of the Police and Licensing Officers engaged in enforcing licensing law and inspecting licensed premises where required, in order to ensure a proportionate approach.
- 21.7 In addition, Elmbridge Borough Council publishes and updates from time to time an Enforcement Policy for its regulatory functions under environmental health and licensing legislation. That enforcement policy can be viewed [here](#).
- 21.8 The Licensing Authority takes a serious view of the sale and supply of alcohol to those under age. It will share information and assist Surrey Police and Trading Standards in order to ensure a zero-tolerance approach to such sales.

21.9 Where complaints are received by the Licensing Authority those complaints will usually be investigated including, where appropriate, by way of unannounced visits or inspections by officers.

21.10 Generally the Licensing Authority will seek to bring a review of a licence and, in appropriate cases, seek revocation, in preference to prosecution of those that breach the law; but where circumstances warrant it, and in accordance with the Enforcement Policy at 21.7 prosecution may be pursued in addition to or instead of bringing a review.

22. Annual Fees

22.1 It is the responsibility of the licence holder to pay the annual fee by the due date. Whilst the Licensing Authority may prompt the licence holder to pay it is not obliged to do so.

22.2 Where an annual fee for a licence or certificate has become due but has not been paid, the Licensing Authority will suspend the licence until that fee is paid, unless the non-payment is due to an administrative error, or where liability to pay is in dispute and that dispute has been raised prior to the fee falling due. The Licensing Authority will normally only provide the statutory minimum notice period before a suspension takes effect.

23. Annexes

- A. [List of consultees](#)
- B. [Map of Borough](#)
- C. [Applications Guidance](#)
- D. [Mandatory conditions](#)

Environmental Services
Civic Centre, High Street
Esher, Surrey KT10 9SD
Telephone: 01372 474750
DX: 36302 Esher
Email: envhealth@elmbridge.gov.uk
Website: www.elmbridge.gov.uk

The following Annexes to the above Policy are provided for information and do not form part of the Policy

Annex A – Consultees

Organisation	Contact Details
Cobham Chamber of Commerce	Chamber Secretary 21a High Street, Cobham, Surrey, KT11 3DH
Surrey Chambers of Commerce - Elmbridge Region	Unit 14a, Monument Way East, Woking, GU21 5LY
Surrey & Sussex Probation Trust	College House, 89 Woodbridge Rd, Guildford GU1 4QD
Esher District Citizens Advice Bureau	Harry Fletcher House, Civic Centre Complex, High Street, Esher, Surrey, KT10 9RN
Walton, Weybridge and Hersham Citizens Advice Bureau	Elmbridge Community Hub, 72 High Street, Walton-on-Thames, Surrey, KT12 1BU
County Child Employment Enforcement & Strategy Manager	Surrey Child Employment Team, Quadrant Court, 35 Guildford Road, Woking, GU22 7QQ
Claygate Parish Council	Clerk to Claygate Parish Council Claygate Village Hall, Church Road, Claygate, Surrey, KT10 0JP
Surrey Community Safety Unit	Surrey County Council, Room G37, County Hall, Penrhyn Road, Kingston upon Thames, Surrey, KT1 2DN
Director of Public Health	County Hall, Penrhyn Road, Kingston upon Thames, Surrey, KT1 2DW
Surrey Youth Justice Service	Surrey County Council, Quadrant Court, Guildford Road, Woking, Surrey, GU22 7QQ
Surrey Alcohol and Drug Advisory Service (SADAS)	14 Jenner Road, Guildford, Surrey, GU1 3PL
Village and Community Halls Advisor	Surrey Community Action, Astolat, Coniers Way, Burpham, Guildford, Surrey, GU4 7HL
Surrey Fire and Rescue HQ	Mr E Roberts, Croydon Road, Reigate, Surrey RH2 0EJ
Surrey Police	Esher Police Station, High Street, Esher, KT10 9QQ
SCC Trading Standards	Consort House, 5-7 Queensway, Redhill, Surrey, RH1 1YB
Surrey Magistrates' Courts Committee	Redhill Magistrates Court, The Law Courts, Hatchlands Road, Redhill, Surrey, TRH1 6DH
Community Safety Partnership Manager	Mr N Martin
Head of Legal Services	Mr A Harrison
Head of Community Support Services	Mrs M Bussicott

Head of Leisure & Cultural Services	Mr I Burrows
Head of Environmental Services	Mr A Jeziorski
Head of Town Planning	c/o Ray Lee
Environmental Protection Authority	Principal Officer, Environmental Services, Elmbridge Borough Council ,High Street, Esher, Surrey, KT10 9SD
Health & Safety Authority	Principal Officer Environmental Services, Elmbridge Borough Council ,High Street, Esher, Surrey, KT10 9SD
Surrey Police – Elmbridge	Licensing Officer, Surrey Police, Esher Police Station, High Street, Esher, KT10 9QQ Community Safety Sgt – Surrey Police East Division, 79 Reigate Road, Reigate, Surrey, RH2 0RY
The Association of Licensed Multiple Retailers	Central Chambers, 9 The Broadway, London W5 2NR
The British Institute of Inn Keeping	Infor House, 1 Lakeside Road, Farnborough, GU14 6XP
Federation of Small Businesses	Surrey & West Sussex Regional Office, Unit 20, Lintot Square, Fairbank Road, Southwater, Horsham, West Sussex, RH13 9LA
Walton Weybridge & District Business Group	Spirit House, 8 High Street, West Molesey, Surrey, KT8 2NA
Current Premises Licence Holders	Various
Current Club Premises Certificate Holders	Various
Current Designated Premises Supervisors (as personal licence holders)	Various

Annex B – Map of the Borough



Annex C – Applications Guidance

Licensing Act 2003

Guidance for making an application for a new Premises Licence

Before you start

The form must be filled in using black ink only.

- If you are filling the form in by hand use BLOCK CAPITALS, writing only in the boxes.
- Improperly completed forms may be returned as invalid.
- This guidance should be used in conjunction with the guidance on the back of the application form.
- If you make a mistake, further copies of the form are available from our website at www.elmbridge.gov.uk/licensing.
- You cannot submit your application online, you must complete the form and send it to us.
- If you are planning a large-scale event (e.g. a pop concert) we would ask that you provide very early notice to both the Licensing Authority and the Responsible Authorities **before** you submit an application for a premises licence. Further information on large-scale events is contained in the Home Office guidance under section 182 the Licensing Act 2003.
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

These notes are intended for guidance only and are not authoritative. No responsibility is accepted for errors or omissions. You may wish to seek specialist legal advice before making an application.

Completing the form

1. **I/We.....apply.** Insert your full name.

Part 1 - Premises Details.

2. **Postal Address.** Insert the full postal address of the premises. Do not insert an Ordnance Survey grid reference unless the premises has no postal address at all (which is very unlikely), Please ensure you enter the full postcode.
3. **Telephone number of the premises.** If there is a telephone number at the premises please fill in the number. If there is no telephone number please write “none”.

4. **Non-Domestic rateable value.** Insert the rateable value of the property in the box. Please note this is not the rates that you pay but the rateable value of the premises. You can obtain this information from your rates bill or from the Valuation Office Agency website: <https://www.gov.uk/correct-your-business-rates>
5. **Part 2 - Applicant details.** Read this section through first and decide which of the descriptions in a) to h) applies to you and then complete the relevant section A (Individual Applicants) or B (Other Applicants) as indicated next to the box you have ticked. Then complete the basis on which you are making the application. Most people will be carrying on a business and will tick the first box.
6. **(A) Individual Applicants**
 - (a) Fill in your details in these boxes if you ticked a box in Part A2 that referred you to box A. You must tick the box stating that you are 18 years or over. If you are not yet 18 you cannot apply. All questions must be answered apart from email address.
 - (b) If there is more than one applicant enter the second set of details in box B
 - (c) If there are more than two applicants, we can supply additional copies of page 2 or you may provide details of additional applicants on plain paper.
7. **(B) Other Applicants.** Please fill in the applicant's details. Registered number refers to Charity Registration number if the applicant is a charity or Company Registration number etc. All questions must be answered apart from email address which is optional. If there are more than two applicants, we can supply additional copies of page 3 or you may provide details of additional applicants on plain paper.

Part 3 – Operating Schedule

8. **Start date.** Please fill in the date you want the licence to start. If you leave the box blank the licence will automatically start at the end of the application period.
9. **Limited Period.** This is usually completed only if the licence is for a short duration function where a Temporary Event Notice is not sufficient.
10. **General Description.** Please see Note 1 at the end of the application form. Enter here a general description of your premises and of the activities that take place on the premises now, **not** what you want for the future. (that will come later on in this form).
11. **5,000 people or more** If the premises will not hold more than 5,000 people put n/a in this box.
12. **Provision of regulated entertainment.** Tick the appropriate boxes a) to h), Activities are exempt from regulation in certain circumstances (for example, live music does not need a licence in a pub with on sales where there are less than

500 people and it only takes place at a time between 08:00-23:00. Please access further information on relevant activities contained in Home Office guidance: <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

13. **Provision of late night refreshment.** This applies if you intend providing hot food after 11.00 p.m. at night.
14. **Sale of alcohol.** Tick this box if you intend supplying or selling alcohol
15. **Boxes A to J.** (Page 5 and following). Please note that you must use the twenty-four hour clock system e.g. 00.00-24.00. If you have ticked any of the boxes above you must now complete the appropriate box with the details of times etc. A box for each appropriate section ticked must be completed. Do not forget to include any seasonal variations, special occasions that occur each year such as St Georges Day and public holidays when you may wish to carry on activities later. It is not expected that a licensed premises should need to apply for a Temporary Event Notice for public holidays etc in the future as this should be taken into consideration at this point of the application process. Unexpected temporary requirements might be covered by the use of a Temporary Event Notice.
16. **State name and details of person who is to be the Premises Supervisor.**
Enter the name and address of the person who is to be the Designated Premises Supervisor (DPS). The person designated as the DPS does not have to have a Personal Licence at the time this application is made, but before alcohol can be sold he/she must have obtained one. Include their Personal Licence Number if it is known at the time of applying. The proposed DPS must also complete a consent form to be nominated. This is available on the Council's website.
17. **Box K. You must complete this box. Activities that may give rise to concern in respect of children** Information should be given here on any activities taking place on the premises that may give rise to concern in respect of children such as nudity, semi nudity or gaming machines. If there is nothing to highlight, please write "none".
18. **Box L. You must complete this box. Hours that the premises are open to the public** The hours you apply for in this section will determine the latest time you may be open to the public after sales of alcohol have ceased and will become a condition of the licence. You may wish to consider adding at least half an hour to the times you have specified in box M to allow for drinking up time. On the other hand you may wish to open at 07.00 a.m. for the serving of breakfasts but not sell alcohol until 10.00 a.m.
19. **Box M** The next five boxes must be completed with any additional steps you intend to take in order to promote the listed licensing objectives (shown at a) to e)

below), such as provision of CCTV, door supervisors, flood lighting in car park areas, notices to customers requesting them to consider neighbours and leave quietly, no children to allowed on the premises after 7.00 p.m. etc. In completing this you should have regard to this Council's Licensing Policy which gives information as to this Council's expectations on these topics. This is also available on our website.

20. Check list You must tick the next five boxes, by doing so you acknowledge that you are enclosing all of the appropriate forms and that you are serving the forms on the responsible authorities a list of which is at the end of this guidance.

Fee. Enclose the correct fee (see separate fees information on the Council's website). We will accept payment by credit/debit card (over the phone or in person) or by cheque payable to 'Elmbridge Borough Council'. Applications not containing the correct fee will be returned in their entirety.

Plans. Don't forget that you must enclose a plan of the premises, usually on a scale of 1cm to 100cm. The plans must contain the following information:

- a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
- b) the location of points of access to and egress from the premises;
- c) if different from paragraph (3)(b), the location of escape routes from the premises;
- d) in a case where the premises is used for more than one existing licensable activity, the area within the premises used for each activity;
- e) in a case where an existing licensable activity relates to the supply of alcohol, the location or locations on the premises which is or are used for consumption of alcohol;
- f) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- g) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- h) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- i) in a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- j) the location and type of any fire safety and any other safety equipment; and
- k) the location of a kitchen, if any, on the premises.

The plan may include a legend through which the matters mentioned or referred to above are sufficiently illustrated by the use of symbols on the plan.

Please mark a red line around the area/s within the premises that you intend for licensable activities to take place.

Don't forget that you must send a complete copy of the application including plan(s) to a number of other authorities in addition to the Licensing Authority (Elmbridge Borough Council).

Enclose the consent form completed by the proposed Designated Premises Supervisor.

Don't forget that you must advertise the application both by displaying public notices at the premises to be licensed and by putting a public notice in a local newspaper. This public notice must appear in the newspaper within the 10 day period starting with the day after this application is received by us. Separate guidance is available on the Council's website.

If you don't comply with these requirements your application will be invalid, we will return it and you will need to start the process again. We may retain your fee.

21. **Part 4** Sign and date the form here. If there is a second applicant where the licence is jointly held they must also sign. Your solicitor or agent can sign for you providing that they have the authority to do so.

22. **Capacity.** Please enter in what capacity you are signing this application e.g. Applicant's Agent, Company Secretary, Chief Executive of a particular body etc.

23. **Contact details.** Complete this section if you want the any correspondence and the final licence relating to this application sent to another address. Please include the postcode.

Who to send your application to

Your application for a Premises Licences must be sent to the Licensing Authority. Please enclose the relevant fee by way of a cheque or mark the application in the top right hand corner that you wish to pay over the telephone by credit or debit card (credit card fees apply). A member of the Licensing Team will telephone you on receipt to take payment. This must be made within 24 hrs. The date of service on us will be the date when we receive the written application A complete copy including plan(s) must also be sent to all the bodies ('Responsible Authorities') other than the Licensing Authority listed on our webpages at: <http://www.elmbridge.gov.uk/licensing/alcohol-and-entertainment-licences/> These must all arrive at those authorities on the same day as the application is given to the Licensing Authority. Whilst not a legal requirement, we recommend that if you are posting copies of the application you send them through recorded post and retain proof of postage.

If you have any questions about the application process please contact the Licensing Officer on 01372 474750

Annex D – Mandatory Conditions

All supplies of alcohol

1. No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence; or
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. The other conditions are any conditions specified in an order under Section 19A of the Licensing Act 2003 and applicable to the premises.

Exhibition of films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where:
 - (a) The film classification body is not specified in the licence; or
 - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question:
admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section “children” means any person aged under 18; and “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c39) (authority to determine suitability of video works for classification).

Door supervision

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

- (a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) Be entitled to carry out that activity by virtue of section 4 of the Act.
2. But nothing in subsection 1. Requires such a condition to be imposed:
- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
 - (b) in respect of premises in relation to:
 - (i) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising films or under a gaming licence, or
 - (ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act.
3. For the purposes of this section:
- (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act,
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

The following condition applies where the licence or certificate authorises “on” or “on and off” sales

Irresponsible Promotions

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
3. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The following conditions apply where the licence or certificate authorises “on” or “on and off” and ‘off’ sales

Age verification policy

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

The following condition applies where the licence or certificate authorises “on” or “on and off” sales

Alcoholic drink measures

1. The responsible person must ensure that;

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

The following condition applies to all licences where the licence or certificate authorises alcohol

Permitted price

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula

$$P = D + (D \times V)$$

where

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
 - (i) the holder of the premises licence.
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Environmental Services
Civic Centre
High Street, Esher
Surrey, KT10 9SD
contactus@elmbridge.gov.uk
elmbridge.gov.uk