



**Runnymede Borough Council**

**Licensing Policy (2<sup>nd</sup> Edition)**

2008-2011

**DRAFT FOR CONSULTATION**

## Contents

---

|      |  |
|------|--|
| 1    | Introduction   |
| 2    | Scope of Policy                                      |
| 3    | Consultation   |
| 4    | Fundamental principles                               |
| 5    | <b>The Licensing Objectives</b>                      |
| 5.1  | Prevention of Crime and Disorder                     |
| 6    | Public Safety  |
| 7    | Prevention of Nuisance                               |
| 8    | Protection of Children from Harm                     |
| 8.13 | Amusements with Prizes                               |
| 8.16 | Access to cinemas                                    |
| 8.18 | Children and Public Entertainment                    |
| 8.3  | Public Entertainment                                 |
| 9.   | <b>General Considerations</b>                        |
| 9.1  | Licensing Hours                                      |
| 10   | Shops; Stores and Supermarkets                       |
| 11   | Integrating Strategies and avoiding duplication      |
| 12   | Standard Conditions                                  |
| 13   | Enforcement  |
| 14   | Live Music, Dancing and Theatre                      |
| 15   | Temporary events                                     |
| 16   | Administration, Exercise and Delegation of Functions |
| 17   | Monitoring and review                                |
| 18   | Consultees list                                      |
| 19   | Names and Addresses of Responsible Authorities       |

## 1. Introduction

---

- 1.1 The Licensing Act 2003 (**The Act**) imposes a statutory duty upon district councils to produce, develop and then review at least every three years, a licensing policy. *This is the second edition of Runnymede Borough Council's policy adopted in [ ] 2007 following consultation with the organisations listed in paragraph 18. It incorporates changes arising from the consultation process and also those identified by officers having now had the opportunity of considering the policy in practice. Amendments made are relatively minor as it is considered that overall the Policy has successfully met the needs of the Borough's residents whilst maintaining a sufficient degree of openness to local businesses requiring a licence.*
- 1.2 Runnymede Borough Council ('the Council') is the Licensing Authority for the purposes of the Act for the Borough of Runnymede.
- 1.3 The aim of the policy is to secure the safety and amenity of residential communities whilst encouraging local tourism, entertainment and cultural industry. The Council in adopting this licensing policy (2<sup>nd</sup> edition) recognises both the needs of residents for a safe and healthy environment to live and work and the importance of prosperous and well run retail/entertainment premises to the local economy and vibrancy of the Borough. It also recognises the need to provide opportunities and support for leisure and culture within the Borough. To achieve this aim the Council is committed to partnership working with police, fire service, local businesses, licensing trade, residents and others towards the promotion of the objectives as set out in this policy.
- 1.4 This policy provides information and guidance to licence applicants, objectors and interested parties on the general approach that the Council will take in terms of licensing. Although each application will be considered individually on its own merits, the Council in adopting this licensing policy is indicating that wider considerations other than the fitness of the applicant and suitability of premises will be taken into account in making an appropriate determination.
- 1.5 The Council as a Licensing Authority will work with other local authorities, particularly in Surrey, to ensure that as far as possible a consistent approach is taken to licensing matters whilst respecting the different needs of the individual communities throughout the county.
- 1.6 Nothing in this policy document should be regarded or interpreted as an indication that any requirement of licensing or other law may be overridden or add to their scope.

## 2. Scope of the Policy

---

- 2.1 This Licensing Policy has been prepared in accordance with the provisions of the *Licensing Act 2003* and *taking into consideration Guidance issued by the Department of Culture Media and Sport under Section 182 of the Act (revised) which came into force on 28 June 2007.*
- 2.2 The aim of the policy is to secure the safety and amenity of residential communities whilst encouraging local tourism, entertainment and cultural industry.

- 2.3 The Council is responsible for granting licences, certificates and notices in the Borough of Runnymede in respect of activities described by the Act as 'Licensable Activities'. These activities include:-
- Retail sales of alcohol
  - The supply of alcohol by or on behalf of a club, or to the order of a member of the club
  - The provision of regulated entertainment which includes:
    - Facilities for making a performance of a play
    - An exhibition of a film
    - An indoor sporting event
    - Boxing or wrestling entertainment
    - A performance of live music
    - Any playing of recorded music
    - A performance of dance
    - Provision of music
    - Provision of facilities for dancing
  - The provision of late night refreshment – the supply of hot food and/or drink from any premises between 11p.m. and 5 a.m.

### **3. Consultation**

---

- 3.1 This Statement has been prepared in consultation with the Surrey Police, the Surrey Fire and Rescue Service and bodies representing existing licence holders (including justices licences, public entertainment, theatre, cinema and late night refreshment licences), representatives of registered clubs and businesses and residents in the Borough. The views of all these bodies have been taken into account in the determination of this Statement.

### **4. Fundamental Principles**

---

- 4.1 The Act requires that the Council will carry out its various licensing functions so as to promote the following four licensing objectives:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- Each objective is of equal importance.
- 4.2 Nothing in the 'Statement of Policy' will:

- undermine the rights of any individual to apply under the Act for a variety of permissions and have any such application considered on its individual merits, and/or
- override the right of any person to make representations on any application or to seek a review of the licence or certificate where provision has been made for them to do so under the Act.

4.3 Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. Any conditions attached to various authorisations will be focussed on matters which are within the control of individual licensees and others in possession of relevant authorisations. Conditions will therefore be used to regulate the use of premises for licensable activities and their effects in the vicinity of those premises. Whether or not incidents can be regarded as taking place in the vicinity of licensed premises is a question of fact and will depend on the particular circumstances of the case.

4.4 *The Council acknowledges the advice received from the Department for Culture, Media and Sport (DCMS), that the views of vocal minorities should not be allowed to predominate over the general interests of the community.*

4.5 The Council is keen to promote the artistic and cultural life of the Borough, and licensing will be approached with a view to encouraging cultural activities and innovative forms of public entertainment for the wider cultural benefit of communities generally. When a relevant representation is made only conditions strictly necessary for the promotion of the licensing objectives will be attached to a licence as the Council is aware of the need to avoid imposing substantial indirect costs. Where there is an indication that licensing requirements may be deterring such events, where appropriate the policy may be reviewed with a view to investigating how the situation might be remedied.

4.6 The Council is aware that different areas of the Borough have different characteristics and where possible will ensure that licence conditions reflect these. In particular:

- Villages of a more quiet and rural nature
- Urban Centres – where redevelopment and / or regeneration is being encouraged.

4.7 The Council is aware that a variety of premises will be seeking licences, from schools to small private members' clubs, to large well established premises with dancing and entertainment, and where a relevant representation has made will ensure that licence conditions reflect the nature of the different types of premises.

4.8 Where a responsible authority or interested party does not raise any representations about the application made to the Council as Licensing Authority, it is the duty of the Authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule and any applicable mandatory or standard conditions.

## 5. The Licensing Objectives

---

### 5.1 Prevention of Crime and Disorder

---

- 5.2 Under the Crime and Disorder Act 1998 local authorities must have regard to the likely effect of the exercise of their functions on, and do all they can to prevent crime and disorder in their area.
- 5.3 Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act. The licensing function cannot be used for the general control of anti-social behaviour, nonetheless, the Council will expect applicants to include within their operating schedule the steps they propose to take to reduce or deter crime and disorder, both inside and in the immediate vicinity of the premises. These steps will vary from premises to premises and according to the type of licensable activities that are to occur.
- 5.4 The applicant should identify any particular activities or issues which might conflict with those of promoting the crime and disorder objective and include such measures to counteract this effect in the operating schedule.
- 5.5 In particular, the Council will expect applicants to address, where appropriate, in the operating schedule, the following matters:
- physical security features
  - procedures for risk assessments in respect of 'drinking up time', special events and promotions
  - membership of the local 'Pub watch' scheme, where one exists
  - the use of licensed door supervisors (by the Security Industry Authority) and search procedures as indicated by a risk assessment
  - measures to prevent the use and sale of illegal substances
  - training for staff in crime prevention and dealing with violence as indicated by a risk assessment
  - agreed protocols with the Police to reduce crime and disorder
  - details of CCTV and audio recording equipment to include where cameras are placed and for how long footage is retained before proper and secure disposal

### 5.6 Closed Circuit Television CCTV

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



- the power of police, local businesses or residents to demand a review of the licence
- enforcement action against those selling alcohol to people who are already drunk

5.12 The Council will address a number of these issues in line with the strategic objectives for crime and disorder reduction in the Borough.

5.13 The Council recognises the value of 'Pub watch' (for on-licensed premises) and 'Off watch' (for off-licensed premises) schemes for pubs clubs and bars and the similar 'Off watch' scheme for shops in the prevention of crime and disorder and would expect applicants with such premises, to participate in their local scheme.

## **6. Public Safety**

---

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

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

6.3 The Council will work with Surrey Fire and Rescue and other responsible authorities to ensure that fire safety is maintained in all licensed premises. Applicants are advised that the Fire Service will examine all applications to ensure that patrons or customers can be safely accommodated on the premises. Fire Safety legislation requires that a fire risk assessment is completed for all premises requiring a licence. Where relevant representations are made the Council will consider attaching pertinent conditions to the licence to promote safety, drawn from the Model Conditions relating to 'Public Safety' and 'Cinemas and Fire Safety'.

6.4 The provisions cited in paragraph 5.11 above may also be used in respect of the promotion of public safety.

## **7. Prevention of Nuisance**

---

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

- 7.2 The Council intends to interpret "loss of Amenity" in its widest sense and takes it to include such issues as noise, light, odour, litter and anti-social behaviour.
- 7.3 The Council will seek to protect the reasonable rights of residents and businesses in the vicinity of licensed premises – 'vicinity' being the area around the licensed premises. Whether or not incidents can be regarded as being "in the vicinity" of licensed premises or places, is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question may ultimately be decided by the courts. In determining such applications, the Council 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.
- 7.4 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 of the premises. The Council will expect applicants to address these issues satisfactorily in their operating schedules.
- 7.5 Where appropriate, it is expected that applicants will give consideration to the following issues:
- installation of a sound limiting device
  - sound proofing measures such as keeping doors and windows closed
  - installation of double door entry and exit systems
  - sound proofing measures for external areas of the premises where entertainment is likely to take place
  - measures for the winding down of sales and events
  - accessibility to transport services
  - measures to be taken to prevent or minimise nuisance caused by the dispersal of patrons from the premises
- 7.6 *The Licensing Sub-Committee may impose conditions on the applicants premises licence relating to littering and refuse collection times. Accordingly, applicants may wish to address as part of their operating schedule any measures they intend to take to control litter. For example:*
- *Litter patrols directly outside the premises including the picking up of cigarette butts, and*
  - *notices at take-away premises asking patrons to dispose of their litter in bins*
- 7.7 *Residents can sometimes be disturbed by early morning refuse collections. It is recognised that refuse collection times can sometimes be outside the control of the premises licence holder. However, premises licence holders are encouraged to consider whether their refuse collection time could result in public nuisance and, if so attempt to renegotiate different times with the contractor.*
- 7.8 *Smoking is no longer permitted inside licensed premises, and consequently patrons may go outside to smoke. Applicants and existing licence holders are encouraged to assess whether the noise from such patrons could potentially*

*disturb nearby residents and whether there is potential for smoke to drift to nearby residential properties. As the licensed trade can only be responsible for matters within their control, it is recommended that licence holders focus on the effects of smoking on the Premises (as defined by the applicant) where smoking is permitted.*

- 7.9 Applicants are advised to seek advice from appropriate authorities prior to the submission of the operating schedule.
- 7.10 The Council will consider attaching conditions to licences and permissions to prevent public nuisance and these may include conditions drawn from the Model Pool of Conditions produced by the DCMS relating to 'Public Nuisance'.

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

---

- 8.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often by themselves, for food and/or entertainment.
- 8.2 The Council recognises that limitations may have to be imposed where it is considered necessary to protect children from harm.
- 8.3 The Council will consult with the approved authority concerned with the Protection of Children from Harm and Child Protection issues on any application where it is indicated that there may be concerns over access for children.
- 8.4 Accessibility of unaccompanied children to licensed premises is related to whether or not a premises is "exclusively or primarily used for the consumption of alcohol". Applicants for premises where there may not be a clear distinction between those that are "exclusively or primarily used for the consumption of alcohol" will be directed to give consideration to paragraph 3.34 of the National Guidance and to indicate the position of their premises with respect to this in their operating schedule.
- 8.5 The Council will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that will raise concern:
- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking
  - where there is a known association with drug taking or dealing
  - where there is a strong element of gambling on the premises
  - where entertainment of an adult or sexual nature is commonly provided or occurs during the course of events
  - where films with age restricted classifications are to be shown
  - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises

- 8.6 The Council will give consideration to the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:
- limitations on the hours when children may be present
  - limitation on access to persons below the age of 18
  - limitations or exclusion when certain activities are taking place
  - requirements for an accompanying adult
  - full exclusion of people under 18 from the premises when any licensable activities are taking place
- 8.7 To prevent illegal purchases of alcohol by such persons, the council recommends that all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be the following:
- Photo card Driving Licence
  - Passport
  - Citizens Card
  - Connexions Card
  - Validate Card
  - Portman Card
  - Or a scheme which carries the PASS hologram logo.
- 8.8 It is the Council's expectation that all staff responsible for the sale of intoxicating liquor receive information, training and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent underage sales.
- 8.9 The Council will expect applicants to include in their operating schedule the steps which they propose to take to prevent harm to children.
- 8.10 The Council will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them.
- 8.11 The Act details a number of offences designed to protect children in licensed premises and the Council will work closely with the police to ensure the appropriate enforcement of the law, especially where it relates to the sale and supply of alcohol to children.
- 8.12 The Council supports the aims of the Portman Group and commends the Code of Practice operated by it on behalf of the alcohol industry to applicants.

### **Amusements with Prizes**

- 8.13 In premises where there are AWP (Amusement with Prizes) and all cash gaming machines, the Council will expect operating schedules to include the measures to be taken to prevent access to them by children in accordance with current Gaming legislation.
- 8.14 The Council will expect that where there is access by children, all machines are located within sight of the bar staff so that machines can be played under direct supervision.
- 8.15 When the Gambling Bill becomes law the Council will review this section of the policy as necessary.

### **Access to Cinemas**

- 8.16 Films cover a vast range of subjects, some of which deal with adult themes and/or contain, for example, scenes of horror or violence that may be considered unsuitable for children within certain age groups.
- 8.17 The Council expects the operating schedules of premises presenting film exhibitions to include arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification (BBFC). The Surrey County Districts' Film Licensing Joint Committee, on which the Council is represented can also make recommendations on classifying films and can be consulted where a BBFC classification has not been made on a film.

### **Children and Public Entertainment**

- 8.18 Many children go to see and/or take part in entertainment arranged especially for them, for example, children's film shows and dance or drama school productions and additional arrangements are required to safeguard them while at the premises.
- 8.19 Where a regulated entertainment is especially presented for children, the Council will expect a written risk assessed contingency plan to be available at the premise. It is recommended that the following arrangements are made in order to control access and egress and to ensure their safety:
- An adult member of staff to be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff up to 50 children and one member for each additional 50 children
  - No child unless accompanied by an adult to be permitted in the front row of any balcony
  - No standing to be permitted in any part of the auditorium during the performance.
- 8.20 The Council will expect the operating schedule to satisfactorily address these issues.

- 8.21 Consideration will be given to attaching conditions, where a representation is made by a relevant authority, to licences and permissions to prevent harm to children and these may include conditions drawn from the DCMS Model Pool of Conditions relating to the Protection of Children from Harm.

## **9. General Considerations**

---

### **9.1 Licensing Hours**

- 9.2 It is recognised that flexible licensing hours for the sale of alcohol would avoid large numbers of people leaving premises at the same time. This in turn could reduce the friction at late night fast food outlets, taxi ranks, minicab offices and other sources of transport that can lead to disorder and disturbance.
- 9.3 Applicants for premises licences and club premises certificates are asked to note that provision may be made within the licence or certificate for 'opening hours' to differ from the hours during which licensable activities are authorised to take place. The Act does not require that opening hours should be identical to the hours during which, for example, alcohol may be sold or supplied and applicants may therefore wish to incorporate a 'closing time' and 'drinking up time' within their proposals.
- 9.4 Fixed trading hours within designated areas will not be set.
- 9.5 When considering applications for premises licences after relevant representation from a responsible authority the Council will take into account applicants' requests for terminal hours in the light of the four fundamental principles, and having particular regard to:
- environmental quality
  - residential amenity
  - character or function of a particular area; and
  - nature of the proposed activities to be provided at the premises.
- 9.6 The terminal hours will normally be approved where the applicant can show that the proposal would not have an adverse effect on those issues listed above. Where a relevant representation is made the Council may set an earlier terminal hour where it considers this is appropriate to the nature of the activities and the amenity of the area.

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

---

- 10.1 The Council will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any time they are open for shopping.
- 10.2 However, it may be considered that there are valid reasons for restricting those hours, for example, where police representations are made in respect of shops known to be the focus of disorder and disturbance.

- 10.3 Where alcohol is sold ancillary to the main business the operating schedule will have to indicate the procedures in place to ensure alcohol is not sold to a person not entitled to purchase it.
- 10.4 Those premises selling petrol will have to satisfy the council that petrol sales are ancillary to the main retail sales of the premises.

## 11. Integrating Strategies and Avoiding Duplication

---

- 11.1 In the adoption of this policy the Council will avoid duplication with other regulatory regimes.
- 11.2 There are many stakeholders in the leisure industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance. Many of their strategies deal, in part, with the licensing function and the Council has set up a *local strategic partnership (LSP)* to ensure proper integration of local crime prevention, planning, transport, tourism and cultural strategies.
- 11.3 *Liaise with Surrey Police* to enable them to report to the *relevant* Committee responsible for transport matters on the need for the swift and safe dispersal of people from town centres to avoid concentrations which can produce disorder and disturbance.
- 11.3 Arrangements will be made for the Licensing Committee to receive reports on the following matters to ensure these are reflected in its decisions:
- the needs of the local tourist economy and cultural strategy for the Borough
  - the employment situation in the Borough and the need for investment and employment where appropriate.
- 11.4 The Council recognises that there should be a clear separation of the planning and licensing regimes and licensing applications should not be a re-run of the planning application.
- 11.6 The Council will *provide* that reports are sent from the Licensing Committee to the Planning Committee advising them of the situation *real their request* regarding licensed premises in the Borough, including the general impact of alcohol related crime and disorder, to assist in decision-making.
- 11.7 However, some regulations do not cover the unique circumstances of some entertainment and the Council will give consideration to attaching conditions to premises licences and club premises certificates where necessary for the promotion of the licensing objectives which are not already provided for in any other legislation.

Formatted: Indent: Left: 0", Hanging: 0.76"

## 12. Standard Conditions

---

- 12.1. Conditions attached to licences or certificates will be tailored to the individual style and characteristics of the particular premises and events concerned.

- 12.2 However, where considered appropriate and necessary for the promotion of the Licensing Objectives, the Council will give consideration to attaching conditions drawn from the DCMS Model Pools of Conditions.

### 13. Enforcement

---

- 13.1 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act and the Council will make arrangements to monitor premises and take appropriate enforcement action to ensure this, including prosecution.
- 13.2 An Officer of the Council will aim to inspect every premises that it has not previously licensed, and those seeking significant variations of the availability to purchase alcohol, to ensure compliance with the licensing objectives and this policy.
- 13.3 *New applicants will be notified by the Council's Licensing Section whether or not on writing if the Council is not minded to conduct an inspection is considered necessary.*
- 13.4 An Officer of the Council will aim to inspect all premises at regular intervals assessed on the basis of a risk assessment. Where possible there will be joint visits with either the Police or Fire Authority.
- 13.5 The Council will formulate an intelligence model using information gathered from all the statutory authorities. Those premises where significant problems are identified will be inspected with greater frequency.
- 13.5 In relation to Licensing and some other areas the Council has adopted an enforcement policy in accordance with the principles of consistency, transparency, proportionality and objectivity set out in the 1998 Cabinet Office document 'Enforcement Concordat- Good Practice Guide for England and Wales'. This Policy is available on the Council's web site [www.runnymede.gov.uk](http://www.runnymede.gov.uk) and from the offices of the Environmental Protection Division of Technical Services. Where it is considered to be in the public interest prosecutions will be made.
- 13.6 Any decision made to instigate legal proceedings will take account of the criteria set out in the Code for Crown Prosecutors, the Attorney General's Guidelines and the Council's Enforcement Policy.
- 13.7 The Council will work closely with Surrey Police, and Surrey Trading Standards to establish protocols to ensure an efficient deployment of Police, Trading Standards Officers and Council Officers engaged in enforcing the law relating to licensing and inspecting licensed premises, in order to ensure that resources are targeted at problem and high risk premises.

#### **14. Live Music, Dancing and Theatre**

---

- 14.1 In its role of implementing local authority cultural strategies, the Council recognises the need to encourage and promote a broad range of live music, dance and theatre for the wider cultural benefit of the community. It is also noted that the absence of cultural provision in any area can itself lead to a loss of community awareness and can expose young people to anti-social activities that damage local communities. The needs of the community will therefore be balanced with those of promoting the four fundamental principles of the Act.
- 14.2 Owners of open spaces, including those owned by the Council will be encouraged to obtain a premises licence. This will include, for example, village greens, parks, community halls and similar public spaces. In these instances performers and entertainers, who want to give a performance in these places, would not need to obtain a licence or give a temporary event notice themselves but would require the permission of the premises licence holder. Any charges related to this permission will be reasonable and proportionate.
- 14.3 When considering applications for such events and the imposition of conditions on licences or certificates, where a relevant representation is made, the Council will carefully balance the cultural needs with the need to promote the licensing objectives.

#### **15. Temporary Events**

---

- 15.1 While the legal minimum for notification of a temporary event to the Council and the Police is 10 *working* days it would greatly assist all parties in the smooth planning of such events, which often require weeks or months of preparation, if such notification could be given at least one month before hand.

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

---

- 16.1 The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. A Public Register of all licensed premises will be maintained.
- 16.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Council has delegated certain decisions and functions and has established a Licensing Sub-Committee to deal with them.
- 16.3 Furthermore, with many of the decisions and functions being purely administrative in nature, including for example, those licences and certificates where no representations have been made, the decisions in respect of them have been delegated to Officers. All such matters dealt with by Officers will be reported for information to the next meeting of the Licensing Sub-Committee.
- 16.4 Set out below is the agreed Table of Delegations of functions to the Licensing Committee, Sub-Committee(s) and Officers:





18. **List of persons and organisations consulted in respect of the Revised Draft Licensing Policy (2<sup>nd</sup> Edition December 2007):**

---

**Runnymede Borough Council**

Chief Executive and all Heads of Departments  
All elected Members  
Head of Safer Runnymede

**Surrey Police**

Chief Superintendent NW Surrey (D) Division  
Area Licensing Officer

**British Transport Police**

**Surrey Fire and Rescue Service**

Fire Prevention Officer (Woking Fire Station)  
Chief Fire Officer Fire Brigade HQ Reigate

**Surrey County Council**

Head of Statutory Child Protection and Child Care  
Director of Education  
Head of Trading Standards Service

**Health and Safety**

Health and Safety Officer, Environmental Protection Division RBC  
Health and Safety Executive

**Health Service Representatives**

St Peter's Hospital Healthcare Trust

**Residents' Associations**

**Representatives of Licensed Premises in Borough**

*B I I.*  
*Premises Licence Holders*  
*Designated Premises Supervisors*  
*Secretaries of Club Premises with Licences*

**Other Interested Parties**

Surrey Chamber of Commerce (*local branches*)

19. Names and addresses of Responsible Authorities

|   |  |
|---|--|
| Enforcing Authority for Pollution of the Environment  | Environmental Protection Division<br>Runnymede Borough Council<br>Civic Offices, Station Road<br>Addlestone, Surrey<br>KT15 2AH  |
| Enforcing Authority for Health & Safety<br><br>OR<br><br>Enforcing Authority for Runnymede Borough Council<br>owned venues and educational establishments | Health & Safety Officer<br>Environmental Protection Division<br>Runnymede Borough Council<br>Civic Offices, Station Road<br>Addlestone, Surrey<br>KT15 2AH<br><br>Health and Safety Executive<br>Phoenix House<br>23 Cantelupe Road<br>East Grinstead<br>West Sussex<br>RH19 3BF |
| Fire Authority  | Surrey Fire Safety & Rescue Service<br>Quadrant Court<br>35 Guildford Road<br>Woking<br>Surrey<br>GU22 7QQ   |
| Surrey Police   | Licensing Officer<br>Surrey Police<br>Addlestone Police Station<br>Garfield Road<br>Addlestone, Surrey<br>KT15 2AD   |
| Local Planning Authority  | The Planning Department<br>Runnymede Borough Council<br>Civic Offices, Station Road<br>Addlestone, Surrey<br>KT15 2AH  |
| Trading Standards Service   | Surrey County Council Trading Standards Service<br>Bay Tree Avenue<br>Kingston Road<br>Leatherhead, Surrey<br>KT22 7SY   |
| Authority for the protection of Children from Harm  | Head of Statutory Child Protection and Child Care<br>Child Protection and Independent Review Unit<br>Mid Surrey Area Office<br>Bay Tree Avenue<br>Kingston Road, Leatherhead<br>Surrey, KT22 7AH   |

HEARING DECISION NOTICE

LICENSING ACT 2003

LICENSING SUB-COMMITTEE

**Applicant:** Runnymede Borough Council as responsible authority

**Premises:** Barley Mow Public House, Barley Mow Road, Englefield Green, Egham, Surrey, TW20 0NX

**Hearing Date:** Thursday 31 May 2007

**Sub-Committee:** Councillors P Broadhead (Chairman), Councillor B Relph, and Councillor D Parr

**Application:**

This was an application for a review of the current premises licence under the terms of Section 51 of the Licensing Act 2003 by Runnymede Borough Council being a responsible authority by reason of exercising statutory functions in respect of pollution of the environment, harm and human health.

**Representation:**

Representations had been received from Mr Glen Flegg, an interested party who attended the review and spoke for the application, and eight letters received from parties who did not attend, which had been circulated with the agenda, and were against the application.

**Attendees:**

Mr Glen Flegg - Owner of Byways, Barley Mow Road, Englefield Green, Surrey, TW20 0NX.  
Mr Peter Burke, Principal Environmental Health Officer, for the Environmental Protection Division of Runnymede Borough Council  
Miss Aileen Baker – Environmental Health Technician  
Mr Stephen Anderson - the Premises Licence Holder.  
Mrs Anderson - the Premises Licence Holder's wife.  
PC Medhurst - Police Licensing Officer for Runnymede.  
Mr James Anderson - Solicitor from Poppleston Allen Licensing Solicitors, representing Mr Stephen Anderson.  
Mr Derek Seekings - Senior Licensing Officer for Runnymede Borough Council.  
Mrs Karolina Barnes - Legal Advisor for Runnymede Borough Council.  
Councillor observing – Mr M.T. Kusneraitis

### The Hearing:

Mr Burke put forward his submission to the Sub-Committee. Mr Burke submitted that he has received numerous complaints from Mr Flegg of Byways primarily of noise nuisance from children in the garden of the Barley Mow premises and also from karaoke evenings held on the premises late in the evenings and into the night. Under questioning, Mr Burke further revealed that two other complaints had been received from two other persons located within the vicinity of the premises.

Mr Burke asked the Sub-Committee to consider imposing additional conditions in relation to any regulated entertainment so that the level of noise emanating from the premises is not audible at the boundary of the Barley Mow with its nearest neighbour. With regard to the issue of noise emanating from the rear garden of the premises, Mr Burke asked the Sub-Committee to consider imposing appropriate conditions to prevent public nuisance from this noise source also. Mr Burke submitted that since Mr Anderson had erected a new climbing frame and play area for children at the bottom of the pub garden the noise nuisance has increased and intensified. Mr Burke showed photographs of the play area and the common boundary between the properties.

Mr Burke also referred to the witness statements of Mr Davie Walkes and Mr Richard John Brown, both of whom are Environmental Health Officers employed by Inside Housing Solutions Limited. They were requested by Runnymede Borough Council to investigate noise complaints made by Mr Flegg concerning noise from children playing in the back garden of the Barley Mow premises. Both had been of the view the children in the beer garden were sufficiently loud and intrusive as to prevent or disturb the normal enjoyment of Mr Flegg's property and a statutory nuisance.

Mr Burke also played a tape recording made at Mr Flegg's property over the Bank Holiday weekend 4 - 7 May 2007. The recording was played to give a clear indication of the type of noise nuisance that Mr Flegg is experiencing.

The Sub-Committee then heard from Mr Flegg who submitted that he has resided at Byways since 1988 and it has been in the last three years since the present occupiers of the Barley Mow have come to the public house that the noise nuisance has started. The Barley Mow premises is located next door to the Mr Flegg's property, with the main pub premises located to the front of the site towards the Barley Mow Road, with its beer garden to the rear. The property shares a common boundary extending most of the pub's rear garden area.

Mr Flegg submitted that the play equipment in the pub garden has been extended and is being used by children all day and into the evening. Mr Flegg complained that children are climbing onto the trees in the pub garden and onto his garage roof, they are also damaging the fence panels at the end of the pub garden and he has on a few occasions returned home to find children playing in his garden. He believed that children are not being adequately supervised.

Mr Flegg also complained that there had been several occasions when private parties have been held at the premises going on into the evening and through the night causing further noise nuisance.

Mr James Anderson submitted that there was no evidence of public nuisance as there had to be more than one complainant. Since there was only one principal complainant it followed that there were no grounds for review and Runnymede Borough Council did not have the right to exercise its powers under the Licensing Act 2003. The Sub-Committee considered Mr Anderson's argument but decided to hear the review. Having taken advice from their legal representative and Counsel, the Sub-Committee are satisfied that the ground for review is properly made out.

Mr Anderson further submitted that his client's premises is a very well run child friendly and family orientated public house that has never received any complaints regarding noise nuisance or rowdy behaviour from any one other than Mr Flegg. He submitted further that Mr & Mrs Anderson are not in breach of their current licence as the karaoke nights, which had been complained about were private parties held by Mr & Mrs Anderson for their staff and so were not licensable activities even though they were held at the premises. Mr James Anderson refuted that there had been any noise nuisance on any occasion and submitted that all the local residents are content with the management of the premises apart from Mr Flegg.

Mr James Anderson further submitted that Mr Flegg's remedy should be under the Environmental Protection Act 1990.

The Licensing Sub-Committee determined to hear the application for review and, having carefully considered the application, the representations made from interested parties, the Council's Policy and Guidance issued under the Licensing Act 2003 determined the application as follows:

All licensable activities currently licensed, together with the relative times to remain unchanged. However, the following Conditions shall be added to the Premises Licence:

1. The beer garden at the premises to be open to under 16s from 11.30am until 7.00pm. The garden to be clear of under 16s thereafter.
2. The play equipment, not including the swings, to be moved from its current position to position A as shown on the plan attached within six months.
3. No children's parties are allowed in the beer garden.
4. Mr Stephen Anderson organise and finance the building of a wall along the boundary between the premises licence holders property and Mr Flegg's property to the style and specifications of the planning permission granted to Mr Flegg or as amended with the agreement of both parties and the Planning Authority within six months to allow for obtaining planning permission and building the wall.

5. To continue to display notices requesting that parents encourage children not to make too much noise and be mindful of residents living nearby.
6. Regular noise supervision to take place by staff in the garden from 11.30am until 7.00pm when children are present.
7. To ensure that the gate located at the rear of the pub beer garden, giving access to a further private garden also owned by the pub, remains locked at all times during pub hours.

**Informative:**

And in addition, although not a Condition, the licensee by himself, together with his wife or his wife alone to meet with Mr Flegg and any other concerned residents every two months to discuss any potential noise nuisance issues.

**Reasons for the Imposition of Conditions:**

The prevention of public nuisance and, in particular, noise nuisance.

**Appeals:**

If the applicant or any person having made a relevant representation is dissatisfied with this decision, then they can challenge the decision by making an appeal to the North West Surrey Magistrates Court at Woking within 21 days of receipt of this Notice.

**Dated:** 15 June 2007

**DECISION NOTE**  
**RUNNYMEDE BOROUGH COUNCIL**  
**THE LICENSING ACT 2003**  
**LICENSING SUB-COMMITTEE**

**Applicant:**

Mr Mohammed Sutok Ahmed

**Premises:**

Blue Ocean, Unit 2, Phoenix Plaza, Guildford Street, Chertsey, Surrey, KT16 9GU

**Hearing Date:**

Monday 4 June 2007

**Licensing Sub-Committee:**

Councillors Mrs P I Broadhead, Mr C Knight and Mrs R Haylor

**RBC Officers Present:**

Mrs R Pugh (Assistant Solicitor): Legal Adviser

Mr D Seekings (Senior Licensing Officer): Proper Officer

**Application:**

Premises Licence Application

**Licensable Activities Applied for:**

- 1) Recorded music: Sunday until Thursday 11.30 until 0030 and 11.30 until 0100 on Fridays and Saturdays. Indoor only. Exceptions Christmas Eve and New Years Eve when the applicant requests an extension of hours until 02.00.
- 2) Late Night Refreshment: Every day 23.00 until 00.00.
- 3) Supply of Alcohol: Sunday until Thursday 11.30 until 0030 and 11.30 until 0100 on Fridays and Saturdays. On the premises only. Exceptions Christmas Eve and New Years Eve when the applicant requests an extension of hours until 02.00. Fifteen minutes 'drinking up' time allowed for in application.

**Appearances:**

The Applicant was represented by Mr S Sole of Kenwright Walker Wylie Solicitors, East Molesey

**Objectors present at Hearing:**

Mr T Freeborn, Mr D Shill, Ms S Ward, Mr T Smoker, Mr R Boyce and Ms E Shanks

**Representations:**

Thirty three representations in the form of letters or emails were received from interested parties living in the neighbourhood of the Premises. The objections were in the main from neighbouring residents expressing a number of concerns principally, in the context of the licensing objectives, concerning noise nuisance arising from the playing of recorded music at the premises, late opening hours and the arrival and departure of customers.

### **Brief Note of the Hearing:**

It was noted that this application is for a premises licence relating to a new commercial development which has planning permission for Class A3 uses. The Applicant was informed incidentally that further details relating to hours of operation and ventilation provisions needed to be submitted to the Planning Authority. Councillor Broadhead (Chairing the Sub-Committee) made it clear to the Applicant that should the Planning Authority determine different hours of operation for example, requiring earlier hours of closure than those determined by the Licensing Sub-Committee, he and his delegates would be bound by those earlier times.

As a point of clarification the Applicant confirmed that the closing times on page 10 of his application under Section F should read 1.00pm for Friday and Saturday.

The Proper Officer presented his report to the Sub-Committee. The Sub-Committee noted that there were no representations received from any of the seven Responsible Authorities relating to this application.

Mr Sole for the Applicant made opening submissions. The Licensing Sub-Committee was informed that Mr Ahmed was determined to allay the fears of local residents regarding the application. He stated that his client was intending to use the establishment as a high class restaurant and not a late night bar or public house. He pointed out that residents were aware of the mixed use of the development when they purchased their properties and would have been aware that Unit 2 was designated for commercial use. Mr Sole emphasised Mr Ahmed's concern to work with the community on the application in consultation with local residents.

The matter of noise relating to the disposal or recycling of waste and in particular bottles was discussed. The Sub-Committee were pleased to note that Mr Ahmed was prepared to deal with the disposal or transfer of bottles and waste in the morning.

Following a discussion regarding the nature of recorded music envisaged by Mr Ahmed for his restaurant he agreed that in the circumstances he need not have applied for a recorded music licence as 'incidental' music would be sufficient for the restaurant. He agreed for this to be imposed as a condition of the licence.

The Applicant agreed to clear cigarette butts dropped by his customers and litter emanating from the premises in the outdoor areas of the Phoenix Plaza adjacent to their Premises.

The Sub-Committee noted that the Applicant had failed to indicate whether they were proposing to serve late night refreshment both inside and outside the Premises. The Applicant indicated that they wanted tables and chairs outside the premises. The Sub-Committee determined that the application would need to be considered as an 'Indoors' application to be consistent with other aspects of the application, for example, the supply of alcohol on the premises (as defined by the Applicant's plan). The reasoning behind this decision was to be fair to existing and potential objectors who may wish to make representations in respect of noise nuisance emanating from an outdoor area which would be likely to have more of an impact on local residents. The Applicant was advised that outdoor licensable activities would need to be the subject of a variation application once the premises licence application was granted.

The Applicant agreed to a sign on the premises (near or on the exits) requesting that patrons leave the premises quietly to avoid the disturbance of neighbours.

Mr Freeborn made representations on behalf of local residents expressing concerns about the Applicant proposing to open the restaurant so late in the evening and its potential (under the licence application) to become a late night drinking establishment which would be likely to result

in noise nuisance, anti-social behaviour and other matters set out in the written representations. Other objectors present made similar comments about their concerns. The Applicant indicated that he would be happy to attend Residents Association meetings from time to time to discuss any problems arising. Mr T Smoker the Chairman of the Residents Association agreed to invite Mr Ahmed to the meetings.

Members of the Sub-Committee made it clear to residents that if, following the granting of the premises licence, nuisance problems were occurring, they had the right to submit an application for a review of the premises licence to express their concerns. Members of the committee expressed the view that the restaurant should be afforded a chance to establish itself.

Susan Ward addressed concerns about light pollution and nuisance from the ventilation system. The Sub-Committee considered the Borough's licensing policy which states that loss of amenity in the context of prevention of nuisance should be construed in the widest sense having regard to issues such as noise, light and odour. In this instance, however, particularly with regard to the ventilation system (which has yet to be agreed with planning officers) the Sub-Committee felt that the issues were a matter for the planning authority.

Mr Sole reiterated the fact that the development was for A3 use in a mixed use development and the objectors made further representations.

### **Decision**

Having considered the application, the submission by the Applicant, relevant representations, the licensing objectives, the Council's policy and relevant guidelines, the Sub-Committee's determined that the application for the premises licence be approved subject to the Conditions set out below:

#### Condition 1

That the application for recorded music be withdrawn and that the music played at the premises be incidental music as defined under Schedule 1, Part 2, Paragraph 7 of the Licensing Act 2003. All music to cease at the same times that alcohol may not longer be served (set out in Condition 2 below).

#### Condition 2

The hours for supply of alcohol and for the premises to be opened to the public to be as follows:

Sunday – supply of alcohol to cease at 22.30 and closing to the public at 23.00.  
Monday to Thursday – supply of alcohol to cease 23.45 and closing to the public at 00.15.  
Friday and Saturday – supply of alcohol to cease at 00.30 and closing to the public at 01.00.

#### Condition 3

The hours for the provision of late night refreshment are as follows:

Sunday – not applicable (closing time 23.00)  
Monday to Thursday – 23.00 until 23.30  
Friday and Saturday – 23.00 until 00.00

with the exception of tea, coffee or other hot beverages which may be served up to 15 minutes before closing to the public.

Condition 4

Bottles and other consumables likely to make a noise on disposal are to be disposed of at reasonable times during the day no earlier than 08.00 and not after closing time so as not to cause a nuisance to neighbours.

Condition 5

That the Applicant or his delegate ensures the restaurant remains clear of litter emanating from the premises or from customers of the premises, (including for the avoidance of doubt cigarette butts), in the outdoor areas of the Phoenix Plaza adjacent to the Premises and to clean the area not less than once a day ensuring that such activity does not cause a nuisance to local residents. Furthermore, to provide, maintain and empty as required, fixed receptacles outside the restaurant for smoking litter and debris to discourage smokers litter.

**Reasons for the imposition of the conditions:**

The conditions are imposed for the prevention of public nuisance.

**Appeals**

If the Applicant or any person who made a relevant representation wishes to appeal against this Decision an appeal must be made to the North West Surrey Magistrates Court at Woking within 21 days of the date of receipt of this Notice.

Dated: 14 June 2007

**RUNNYMEDE BOROUGH COUNCIL**  
**LICENSING ACT 2003**  
**LICENSING SUB-COMMITTEE**  
**HEARING DECISION NOTICE**

APPLICANT: Surrey Police

PREMISES: "The Best One" formerly known as Carlton News, 26 The Broadway, New Haw, Addlestone, KT15 3HA

SUB-COMMITTEE: Councillors Mrs P.I. Broadhead, D.W. Parr and B.J. Relph

HEARING DATE: 21 August 2007

This is an application for review of the premises licence for "The Best One" formerly known as Carlton News, 26 The Broadway, New Haw, Addlestone, KT15 3AJ held by Mr Mubasher Javed Aziz. The premises being licensed for the sale by retail of alcohol for consumption off the premises only.

The application is made by Surrey Police who were represented by Inspector Roger Nield, PC Medhurst, and PC Shrestha. The application was supported by representations from Surrey Trading Standards, and six interested parties of whom Mr. K.E. Green and Mr John Sales attended and spoke. Surrey Trading Standards were represented by Matthew Bickle, a Trading Standards Officer who attended and spoke.

Mr Aziz also attended and spoke on his own behalf.

The Licensing Sub-Committee heard from Inspector Nield and the police representatives that the Woodham and New Haw area was a "hot spot" for crime and alcohol related crime in the Borough of Runnymede and that crime and alcohol related crime were for this area and in particular the Woodham Broadway area disproportionately high. The police were concerned to ensure the protection and the safety and convenience of the public and to break the cycle of under age drinking in the area. The police were particularly concerned that alcohol was being obtained by under aged youths from the "The Best One" although test purchases in association with trading standards had not resulted in a sale of alcohol by Mr Aziz or his son who also works with him in the store to the under age test purchasers. The police had, however, been receiving numerous complaints of anti social behaviour, rowdiness and yobbish behaviour and under age alcohol consumption in the area. The complaints often identified "The Best One" as being the place from where under age youths were obtaining alcohol. Complaints frequently identified youths carrying blue plastic bags containing alcohol. Blue plastic bags were identified as being from "The Best One". Other licensed stores in the area having their own marked bags. Test purchases had also been undertaken at the Co-op and Threshers but without any sale to the under aged test purchasers.

The police were able to point to two particular incidents where alcohol had been sold to an under aged person at "The Best One". The first of these being on the 20 April 2007 when a complainant observed eight youths in The Broadway, one of whom was his stepson. He observed the stepson coming out of "The Best One" carrying a blue plastic bag. He telephoned his wife and when the boy returned home it was found to contain bottles of beer and a bottle of vodka. When questioned the boy had said that he was "bottle sitting" for a friend. The complainant was satisfied that the boy had purchased the alcohol from "The Best One" and had seen him entering the store. The second specific incident referred to by the police was in respect of a written caution given to Mr Aziz on the 4 May 2007 in respect of an under age sale of alcohol.

Mr Bickle confirmed that a number of test purchases had been carried out by Trading Standards at "The Best One" but there had been no sale to an under age person and the conclusion drawn was that the store sold only to under age persons known to Mr Aziz or his son. Mr Aziz later in the proceedings produced a refusals book and Mr Bickle on questioning expressed the view that the entries were few and the intervals between entries were unusually long. In his experience that for a busy store such as "The Best One" in an area such as The Broadway the refusals book would contain more entries than it appeared to do.

The police for their part expressed frustration that Mr Aziz had not in their view been prepared to take advice well and was not practicing due diligence in that he had not until recently had a refusals register, had not a premises licence on display and CCTV cameras were not in place. PC Medhurst when interviewing Mr Aziz's son on 26 June 2007 was told by him that he did not know where the refusals book

was and appeared to have no knowledge of it. This cast doubt on the effectiveness of any training regime which Mr Aziz had in place and the effectiveness of the use by him of a refusals book.

The police sought the revocation of the premises licence for the following reasons:

1. To prevent crime and disorder by sending a strong preventive message to youths and licensees involved in underage drinking and the unlawful supply of alcohol.
2. Because a suspension of the licence could only last for 3 months which will not be long enough to break the habit of underage purchase of alcoholic drinks in New Haw.
3. To support the positive provision of youth services e.g. the Heathervale Teen Shelter. The revocation of this licence will support the proper use of this facility.
4. It will show strong support for public concerns, reduce the fears of crime and disorder and encourage others to come forward in the future.
5. It will allow the neighbourhood police team to invest in support to the other 'off-licensed' premises nearby to break the cycle of youth drinking.
6. The revocation will not affect any public amenity – the Co-op is two doors away and Threshers is round the corner.
7. It is not Mr Aziz's principle line of trade. It will challenge him to review his need for and use of this off-licence.
8. The police will not object to, and will work with Mr Aziz in the future to acquire a licence in future if he undertakes a licensees training course. That he agrees to comply with the law, keep a refusals register, not sell to underage children and that he installs appropriate security e.g. CCTV.

The local residents spoke in support what the police had to say. Mr Sales was concerned to ensure that young people attending the local church youth group should not be under the influence of alcohol and Mr Green expressed his concern that as a resident backing onto the recreation field he had had a bottle smash his greenhouse and generally as to the yobbish and rowdy behaviour of young people consuming alcohol on the field. He confirmed that he had seen young people carrying blue plastic bags.

Mr Aziz said that he had undertaken a course of instruction and produced a certificate. This was a certificate for a course of instruction which predates the current requirements for premises licence holders. He also said that he had a refusals register and produced it for inspection. On questioning he initially said that he had begun this on the 3 July, which Members noted was shortly after the application made by the police and presumably about the time it would have been served on Mr Aziz, but on closer inspection the first entry was on the 3 March and Mr Aziz later insisted that the register had been in place since then. He said that the policy of the shop had always been "no ID no sale".

He also said that he was aware of the problem of alcohol being bought by adults and then given to under age consumers. He referred to one occasion when a man had come in to the shop and Mr Aziz knowing him to be purchasing for under age youths had claimed to have said to him "don't give it to the children" or words to that effect but the man had done so anyway. On questioning Mr Aziz confirmed that he had no policy in place for dealing with adults buying alcohol for young persons. He had not considered the need to enter any refusals in such circumstances in the refusals book. He confirmed that his son who is aged 27 had no formal training. The Committee was reminded that Mr Aziz had held a Justices Off – Licence under the old licensing regime and that this had been "grand fathered" under the Licensing Act 2003. Under questioning from Members of the Committee as to the need for CCTV Mr Aziz commented "that he would install CCTV if the police forced him to do it". Mr Aziz estimated the value of alcohol sales to him as being 20 to 25% of his turnover.

#### **DECISION:**

Having carefully considered the application and representations made by the Police Officers, Trading Standards, the Residents and Mr Aziz the decision of the Committee is to revoke the premises licence.

## REASONS:

The reasons for that decision are as follows:

1. The Committee was satisfied that there was evidence of sale of alcohol to under age persons, instanced by the complaint of 20 April 2007 and the written caution given to Mr Aziz on the 4 May 2007. The Committee was also satisfied from the representations of the police and the local residents that alcohol was sold to under age persons known to Mr Aziz and carried away in blue plastic bags. The Committee was not satisfied that Mr Aziz was properly following procedures to ensure that alcohol was not being sold to under age persons and in particular were concerned that the procedures which would normally be expected of a responsible licence holder were not being followed. Incidents of this were the absence of a refusals register until by Mr Aziz's account March 2007 and even then the scarcity of entries which suggested that it was not being properly complied with, the fact that on the 26 June 2007 Mr Aziz's son had no knowledge of the refusals book, the absence of training of Mr Aziz's son and the lack of CCTV and other measures to prevent sale of alcohol to under age persons and to ensure security. Mr Aziz's attitude seemed to Members to demonstrate a lack of willingness to co-operate with the authorities to ensure that proper measures were in place and applied. The Committee noted Mr Aziz's comment that he would install CCTV "if forced to do so by the police". This indicated to the Members of the Committee that Mr Aziz was not openly and willingly engaging with the authorities.
2. The Committee was satisfied that the licensing objectives, being the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm were engaged in Woodham and New Haw and in particular The Broadway and were satisfied that in some part at least this was because of alcohol obtained from "The Best One" although the Members did note that "The Best One" was not the only licensed premises outlet in the area and that a number of criminal activities referred to by the police occurred at hours which could not fairly relate to the activities of young persons who may or may not frequent "The Best One".
3. The Committee accepted the police contention that what was needed was a reasonable period of time was needed to break the habit of young people coming to "The Best One" to buy their alcohol. Members were aware that they could have removed Mr Aziz as the designated premises supervisor and/or suspended the licence for three months. However, on consideration they were of the view that a longer period of time was required to ensure that the problem of youths coming to The Broadway to buy alcohol was needed to break the cycle. The Committee was also encouraged in this view by the comments of the police that if after a reasonable period of time and Mr Aziz having attended relevant training courses and engaged with the police and trading standards as to his future trading from the store then it was likely there would be no opposition from the police to an application being made by Mr Aziz for a premises licence at some time in the future.
4. The Committee in determining to revoke the licence were mindful of the impact this would have on Mr Aziz's trade which had been estimated at 20 to 25% by him. Nonetheless Members considered that the evidence of under age sale of alcohol and the need to break that cycle outweighed the consideration of the financial loss which Mr Aziz would suffer as a result of revocation of the licence.

## APPEAL

If the applicant or any party having made a representation or the licence holder Mr Aziz is dissatisfied with this decision then he/she or they may appeal to the Magistrates Court at Woking within 21 days of being notified of this decision.

Dated: 24 August 2007