

Licensing Policy for Woking Borough

From January 2016 to January 2021



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Contents

- 1.0 Introduction
 - 2.0 Background
 - 3.0 The Licensing Act 2003
 - 4.0 Consultation
 - 5.0 The decision-making process
 - 6.0 Fundamental principles
 - 7.0 The licensing objectives – Prevention of crime and disorder
 - 8.0 The licensing objectives – Public safety
 - 9.0 The licensing objectives – Prevention of nuisance
 - 10.0 The licensing objectives – Prevention of harm to children
 - 11.0 Licensing hours
 - 12.0 Enforcement
 - 13.0 Integrating strategies and avoiding duplication
 - 14.0 Human rights
 - 15.0 Review
 - 16.0 Further information and advice
-
- Appendix 1 – Delegation of licensing functions
 - Appendix 2 – Safer clubbing checklist
 - Appendix 3 and 3a – Map of Woking Town Centre Licensing Policy saturation areas 1 and 2
 - Appendix 4 – Integrating strategies and avoiding duplication
 - Appendix 5 – Useful contacts and sources of information
 - Appendix 6 – Glossary of terms

1.0 Introduction

- 1.1 This Statement of Licensing Policy sets out the policies and procedures Woking Borough Council will expect applicants to have considered before and when applying for a licence or variation under the Licensing Act 2003. Should an application result in any kind of hearing or the Licensing Authority is deemed a Responsible Authority at any time, these policies and procedures will be applied to its (WBC's) decision making process.
- 1.2 Activities include granting a range of premises licences, club premises certificates, temporary event notices and personal licences within the Borough, in respect of the sale and/or supply of alcohol, the provision of regulated entertainment and late night refreshment.
- 1.3 This Policy will be valid for a maximum of five years, unless this time scale is altered by Statutory Instrument, from 7th of January 2016 or may be reviewed and updated anytime within that period. Along with the Act and the guidance issued under Section 182 of the Act, this document constitutes what Woking Borough Council expects from its premises licence holders and those involved in the operation of businesses governed by said licence.
- 1.4 It includes any special requirements or considerations e.g. saturation zones and the provision of adult entertainment that should be addressed by those seeking to apply for, amend, transfer or vary a premises licence within the Borough and as such should be read by all those falling into these categories as well as current licence holders and/or employees.

2.0 Background

- 2.1 The Borough of Woking is situated in the heart of Surrey, with excellent rail links to London and the South West and within close proximity to both Heathrow and Gatwick airports. It boasts convenient shopping, top quality theatres and a wide range of sporting and leisure facilities.
- 2.2 The Borough has a population of approximately 100,000 and covers an area of 6,357 acres. Most residents live in Woking's well defined urban area and 80% of residents refer to Woking as their town or nearest town. Equally important to Woking's identity are the district and local centres, known locally as the 'villages' of Brookwood, Knaphill, Goldsworth Park, Byfleet, West Byfleet, Horsell, Mayford, Old Woking, Pyrford and St Johns. The Borough is 60% green belt and the town itself is surrounded by open countryside.
- 2.3 Woking has a prosperous commercial centre, with two indoor shopping centres, a covered market and a number of visiting markets. Woking has many strengths, including being home to many leading national and international businesses such as Cap Gemini, Mouchel Consulting Management Services, Skanska Engineering, South African Breweries UK Headquarters, the WWF Living Planet Centre and McLaren's Technology Centre.
- 2.4 There are excellent rail links to the South West and London Waterloo is just 25 minutes away. For air connections, Heathrow and Gatwick are within 15 and 20 miles respectively. The M25 runs through the Borough, with the M3 and A3 within easy reach.
- 2.5 Visitors to Woking are catered for by a number of hotels including the Premier Inn and the Double Tree by Hilton as well as a wide variety of bed and breakfast establishments and guest houses. The H.G. Wells Conference and Events Centre offer conference facilities for up to 600 seated delegates.
- 2.6 Woking offers a range of accessible indoor leisure and sports facilities, actively promoting health and well-being. Outdoor activity includes 14 golf courses, a tennis centre and Woking Football Club which has a stadium capacity of 6,000. Woking Leisure Centre and Pool in the Park are set in Woking Park, which is within walking distance of the town centre. Facilities include three swimming pools, six squash courts, recently refurbished gym, plus a sauna, spa, steam suite and outdoor 3G sports pitches.
- 2.7 Woking is a centre of excellence for the arts. Its two theatres attract thousands of visitors each year and the New Victoria Theatre has the largest auditorium (1,300 seats) in the South East, outside London. Live performances are complemented by a six screen cinema.
The Lightbox is an award-winning art gallery and museum, hosting a range of exhibitions, including art from local and international artists, and loans from major museums and galleries from around the world.

- 2.8 There are approximately 255 premises licenses (as of April 2015) issued within the boundaries of Woking Borough. These are a mixture of members clubs, pubs and bars, takeaways, cafes, restaurants, village halls, sports venues and cinemas.
- 2.9 The Council recognises the contribution made by the entertainment and leisure industry to the local economy and vibrancy of Woking. However, like the industry itself, the Council also recognises the potential negative impacts of licensed premises upon the safety and amenity of residents and businesses within the Borough. These include noise, nuisance, crime and disorder.
- 2.10 This Statement of Licensing Policy supersedes any previous document (hereafter referred to as the Policy), aims to provide guidance for applicants, residents, businesses and other interested persons on the general approach the Council will take towards licensing. Members and officers of the Council will have regard to this Policy when making decisions on licensing applications and in the enforcement of licensing law.

3.0 The Licensing Act 2003

- 3.1 The Council is the licensing authority for the purposes of the Licensing Act 2003 (the Act) and is responsible for granting or removing licences, certificates and notices in the Borough of Woking in respect of activities described by the Act as 'licensable activities'¹.

These activities include the following.

- a) Retail sale of alcohol.
 - b) Supply of alcohol to club members.
 - c) Provision of 'regulated entertainment' (listed below) to the public, to club members or with a view to profit:
 1. A performance of a play.
 2. An exhibition of a film.
 3. An indoor sporting event.
 4. Boxing or wrestling entertainment.
 5. A performance of live music.
 6. Any playing of recorded music.
 7. A performance of dance.
 8. Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.
 9. Provision of facilities for dancing, making music or entertainment of a similar description.
 10. The supply of hot food and/or drink from any premises between 11pm and 5am.
- 3.2 The Act requires that the Council publishes a Statement of Licensing Policy that sets out the policies the Council will apply in the exercise of its licensing functions under the Act.
- 3.3 This Policy has been prepared in accordance with the provisions of the Act and the revised guidance (March 2010 at publication) issued under Section 182. It will take effect on 7 January 2016 and will remain in force for a period of not more than five years unless these timescales are altered by Statutory Instrument.

¹ If you are unsure whether a particular activity requires a licence from the Council, please contact Council licensing officers.

4.0 Consultation

- 4.1 This Policy has been prepared in consultation with Surrey Police, Surrey Fire and Rescue Service, persons/bodies representing existing licence holders (including premises licences, theatre, cinema and late night refreshment licences), representatives of registered clubs, businesses and residents in the Borough. The views of all these bodies have been given due weight in the determination of this Policy.
- 4.2 In addition, the Council has consulted with other bodies that may also be affected by the provisions of the Act.

5.0 The decision-making process

- 5.1 The powers of the Council under the Licensing Act may be carried out by the Licensing Committee, a Sub-Committee or one or more officers acting under delegated authority.
- 5.2 In the interests of speed, efficiency and cost-effectiveness to all parties involved in the licensing process, the Council has established a scheme of delegation to deal with applications received under the Act for personal and premises licences, club premises registration and temporary event notices.
- 5.3 The table in Appendix 1 (please see page 25) sets out the delegation of decisions and functions to the Licensing Committee, Sub-Committees and officers.
- 5.4 This form of delegation is without prejudice to officers referring an application to a Sub-Committee, or a Sub-Committee to Full Committee, if considered appropriate in the circumstances of any particular case.
- 5.5 Any applications dealt with by officers will be reported to the next meeting of the Committee (or as part of the weekly updates list circulated by email) for the purposes of information and comment only, but there will be no opportunity for the Committee to reverse officer decisions.
- 5.6 In the interests of transparency, applications for licences in respect of Council-owned premises will be dealt with by either the Licensing Committee or Sub-Committee.
- 5.7 In accordance with the Council's Constitution, Part 5 'Member's Local Code of Conduct', Members of the Committee shall declare private or personal interests that they may have in an application that would make it inappropriate for them to consider it.

- 5.8 The Act provides certain rights of appeal to the Magistrates' Court for those who feel aggrieved by decisions made by licensing authorities. The right of appeal is not only afforded to applicants where their application has been rejected or granted in part or subject to conditions, but is also afforded to those who made relevant representations in relation to an application.

6.0 Fundamental principles

- 6.1 The Act requires that the Council carry out its various licensing functions so as to promote the following four licensing objectives.

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

Each objective is of equal importance.

- 6.2 Nothing in the 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
- override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so under the Act. A representation would only be relevant if it relates to the likely effect of the grant of a licence on the promotion of the licensing objectives. Representations deemed by the licensing authority to be vexatious, frivolous or repetitious will not be taken into account.

- 6.3 The Council recognises that public houses, nightclubs, restaurants, hotels, theatres, private members clubs, concert halls and cinemas all sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics. In considering applications, regard will be given to those differences and the differing impact these will have on the local community.

- 6.4 The Council will monitor the impact of licensing on regulated entertainment, particularly live music and dancing. Where there is any indication that licensing requirements are deterring such events, the Council will revisit the Policy with a view to investigating how the situation might be reversed.

- 6.5 The Council can only attach conditions to licences where necessary to ensure the licensing objectives are served and may include conditions drawn from the Pool of Conditions relating to the licensing objectives contained in the guidance issued under the Act. When considering conditions, the Council will focus on

the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned and those matters which are within the control of the applicant on the premises and in the vicinity of those premises. Whether or not incidents can be regarded as in the vicinity of licensed premises is a question of fact and will depend upon the particular circumstances of the case.

- 6.6 The Council acknowledges that licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.

7.0 The licensing objectives

Prevention of crime and disorder

- 7.1 The Council will carry out its licensing functions with a view to promoting the prevention of crime and disorder and will seek to ensure that licensees take measures to regulate the behaviour of persons whilst on their premises, or in the immediate vicinity of the premises as they seek to enter or leave.
- 7.2 In addition to the requirement for the Council to promote this licensing objective, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions on, and to do all it reasonably can to prevent, crime and disorder in the Borough.
- 7.3 The Council will expect applicants to include in their operating schedules the steps they propose to take to reduce/deter crime and disorder. These steps will vary from premises to premises and according to the type of licensable activities that are to be carried on.

In particular, the Council will expect applicants to address the following matters.

- Physical security features e.g. use of toughened drinking glasses.
- Procedures for the risk assessment of alcohol promotions, such as 'happy hours' (please see 7.5).
- The use of licensed door supervisors.
- Amount of seating to be provided to reduce issues in high volume vertical drinking (HVVD) establishments.
- Training given to staff in crime prevention measures.
- Measures agreed with the police to reduce crime and disorder.

Participation in the Woking Pubwatch Scheme will be expected of licence applicants for all bar, pub and nightclub premises in the Borough.

7.4 Premises offering alcohol and late night music and dancing will also be expected to address the following.

- Search procedures.
- Measures to prevent the use or supply of illegal drugs (applicants will be expected to explain how they intend to comply with the safer clubbing checklist, see Appendix 2, page 26).
- Provision of CCTV video cameras and audio recording equipment (including details of the position, siting and maintenance of each camera, the period of time for which recordings are to be retained and measures for ensuring their continued operation during opening hours).
- Subscription to and participation in the use of an inter-premises radio network linked to the police during opening hours will be expected of licence applicants for bar, pub and nightclub premises in Woking Town Centre (please see definition in 7.7) should one be in operation.

7.5 The Council wishes to discourage the operation of alcohol promotions such as 'happy hours', which may encourage patrons to consume a large amount of alcohol in a short space of time. Such schemes can lead to binge drinking and increase the potential for crime and disorder.

7.6 The Council recognises that licence conditions should not replicate offences that are set out in the Licensing Act or other legislation. With this in mind, the Council will, when considering an application for a premises licence upon the receipt of relevant representations, consider attaching conditions to licences and certificates to deter and prevent crime and disorder both inside and in the immediate vicinity of the premises. These may include conditions drawn from the Pool of Conditions relating to the prevention of crime and disorder. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities that take place there.

7.7 Woking Town Centre

7.7.1 Woking Town Centre is recognised by the Council as the principal entertainment area for the Borough and in its licensing decisions seeks to support the vibrancy of the area and the night time economy, whilst not unreasonably affecting the town centre users/occupiers and residents living on routes leading out of the town centre.

7.7.2 Within the secondary shopping areas of the town centre, as defined in the Council's Local Plan for Development (i.e. Chertsey Road, High Street, Broadway and the north side of Commercial Way), there is a significant concentration of licensed premises selling/serving alcohol and providing public entertainment and late night refreshment. In the Goldsworth Road and Guildford Road areas immediately to the west of the town centre, there is a further concentration of licensed premises.

7.7.3 The Council recognises that there is a disproportionate level of violent crime associated with the town centre area and evidence from the police is that much of this is alcohol-related. Applicants will be expected to specifically address this issue in their operating schedules in relation to any matters within their control.

7.7.4 In 2007 the Council received evidence from the police that the number of alcohol related crimes had been increasing in the town centre. In addition, although offences committed inside licensed premises had fallen since 2004, the number of public order offences had increased significantly.

7.7.5 Following a police representation and the prescribed consultation, Woking Borough Council adopted a Saturation Policy (also commonly known as a Cumulative Impact Zone).

The Saturation Policy encompasses the area and premises bounded by and including the following roads:

- Victoria Arch, Victoria Way to the Victoria Way junction of Lockfield Drive
- Victoria Way junction of Lockfield Drive to Victoria Way junction of Chertsey Road
- Chertsey Road to the junction of Stanley Road
- Stanley Road to the junction of The Broadway
- The Broadway to the junction of the High Street
- High Street to Victoria Arch

7.7.6 Following concerns from local residents and support from Environmental Health (WBC); the need to expand the Cumulative Impact Zone due to risk of saturation in other areas close to the town centre, was put before WBC's Executive. The Licensing Team were granted authority to consult on a proposed expansion which it duly undertook and the proposal moved to full Council where it was adopted on 23 February 2009.

7.7.7 The extended zone is in addition to the first zone put place and encompasses the area and premises bounded by and including the following roads:

- Woking Station inc. Station Approach;
- from the start of residential properties in Oriental Road (No. 13) to the Junction with Victoria Road and Station Approach;
- Victoria Road to junction with Goldsworth Road;
- Goldsworth Road to junction with Vale Farm Road but including supermarket site;
- Church Street West from junction with Goldsworth Road to Victoria Way; and
- Victoria Arch through current market site to CawseyWay.

7.7.8 Where a street or area is named above (7.7.5 and 7.7.7) or shown on the maps provided (Appendices 3 and 3a) as being included, the policy will apply to both sides of the street. Any premises or business encompassed or dissected by a line or shaded area on the maps (Appendices 3 and 3a) will be deemed included.

7.7.9 Within the zone, there will be a presumption that all applications for new premises licences, new club premises certificates or variations to existing licences of these type (that are likely to add to the cumulative impact zone) will be refused, following a relevant representation. In making applications for new or varied licences, it will be for the applicant to demonstrate in their operating schedule how they will not add to the cumulative impact of the area in one or all of the licensing objectives. Whilst there is a presumption against the granting of consent, each application will be dealt with individually on its merits and the Council recognises that there may be special circumstances which warrant making an exception. For example, different styles of outlet and manner of operation will impact on the licensing objectives in differing degrees. For the Saturation Policy to apply a relevant representation must be made and if no such objections are received, an application must be granted consistent with the operating schedule submitted.

7.7.10 This Policy will not be used to determine or respond to the 'need' for the facility. This is a matter for the market and planning to determine and not the licensing authority.

7.7.11 The Saturation Policy and the need to retain it is reviewed at Woking Borough Council's Joint Licensing Meetings (minimum 8 per year) and at the time of the current Licensing Policy review was still deemed valid and necessary.

7.7.12. It is to be noted that the premises licences mentioned in 7.7.9. include licences dealing with Late Night Refreshment and so takeaways and restaurants within the Cumulative Impact Zone should also be aware of the Council Licensing Policy.

8.0 The licensing objectives

Public safety

8.1 The Council will carry out its licensing functions with a view to promoting public safety and will seek to ensure that licensees take measures to protect the safety of performers and persons attending licensable activities. The risk to public safety will vary according to the type of premises and the activities carried out.

8.2 The Council will expect the applicants to include in their operating schedules the steps they propose to take to promote public safety and applicants are advised to seek advice from Council licensing officers and Surrey Fire and Rescue Service. In particular, the Council will expect applicants to address the following matters in their operating schedules:

- suggested capacities (including staff and performers)
- use of equipment
- levels of door supervision
- measures to prevent the supply and use of illegal drugs (applicants will be expected to explain how they intend to comply with the safer clubbing checklist, see Appendix 2, page 26)
- free availability of water
- physical safety features e.g. use of toughened glass
- fire evacuation procedures.

8.3 It is best practice for applicants to show that they have undertaken full risk assessments of the premises, including fire risk assessments.

8.4 The Council will consider attaching conditions to licences and certificates to promote public safety. These may include conditions drawn from the Pool of Conditions relating to public safety (including fire safety) and theatres, cinemas, concert halls and similar places (the promotion of public safety). Any such conditions will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.

9.0 The licensing objectives

Prevention of nuisance

9.1 The Council will carry out its licensing functions with a view to promoting the prevention of public nuisance and will seek to ensure that licensees take measures to minimise the impact of licensable activities at their premises on people living, working or sleeping in the vicinity. The prevention of public nuisance can include low-level nuisance affecting a few people living locally, as well as major disturbance affecting the whole community.

9.2 The Council's concerns mainly relate to noise nuisance, light pollution and noxious smells. Applicants are expected to include in their operating schedules the steps they propose to take to address these issues and prevent public nuisance. In particular, the Council will expect applicants to address the following matters in their operating schedules:

- installation of a sound limiting device
- soundproofing measures e.g. from keeping doors and windows closed to double door entry/exit systems. Where the premises are to include

open areas e.g. pub gardens, the applicant will be expected to specify how they intend to minimise nuisance from such areas

- measures to be taken to prevent/minimise nuisance caused by the delivery and disposal of bottles
- measures/procedures for controlling the behaviour of patrons in queues
- measures for the winding down of alcohol sales
- measures to be taken to prevent/minimise nuisance caused by the dispersal of patrons from the premises e.g.:
 - the erection of prominent notices requesting customers to leave in a quiet manner
 - loudspeaker announcements
 - reduction in volume and tempo of the music towards the end of the evening giving away free lollipops to customers as they leave to discourage loud behaviour
 - procedures for the collection of litter in the vicinity of the premises
 - procedures to bar customers who regularly leave the premises in a noisy manner
 - means of accessing local licensed taxi services.

Applicants are advised to seek advice from the Council's licensing officers before preparing their operating schedules.

- 9.3 It is now illegal to smoke in an enclosed public place. Whilst smoking is not a regulated activity under the Act, the volume of patrons smoking outside premises will increase greatly. Provisions for the collection of litter have already been mentioned, but premises should take particular steps to combat litter from smoking, as it will be easier to attribute this to a particular premise and is more likely to generate complaints. Persistent complaints can lead to a call for a licence review, on the grounds of public nuisance from a responsible authority.
- 9.4 The Council will take an objective view as to the potential for nuisance and will seek to attach appropriate and proportionate conditions to premises licences and club premises certificates where necessary in order to prevent it. These may include conditions drawn from the Pool of Conditions relating to the prevention of public nuisance. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.

10.0 The licensing objectives

Prevention of harm to children

- 10.1 The Council will carry out their licensing functions with a view to protecting children from harm. In addition to the specific prohibitions in the Licensing Act on the access of unaccompanied children to certain premises between certain

hours, licensees will be expected to take measures to ensure the safety and welfare of children on their premises. The Council is committed to reducing the problems arising from under-age drinking and to protect children from moral, psychological or physical harm.

10.2 The Council will expect applicants to include in their operating schedules the steps they propose to take to prevent harm to children. In particular, the Council will expect applicants to address the following matters within their operating schedules.

- Where alcohol is to be sold, applicants must include details of the measures they propose to prevent the supply of alcohol to children. It is expected that:
 - a) in addition to requiring passports or photo driving licences, a proof of age scheme approved and accredited by the Proof of Age Standards Scheme (PASS) e.g. Citizen Card, Connexions Card, Portman Card will be in operation
 - b) staff will receive regular and adequate training on the law and practice relating to age restricted sales (including challenging purchasers and checking identification), such training to be properly documented and records made available for inspection. Trading Standards encourage retailers to train their staff specifically about what forms of ID are acceptable and how to check that they are genuine in order to avoid selling to young people using fake ID (currently a growing concern due to the easy access to fakes online and the increasing sophistication of fakes).
 - c) registers of refused sales will be maintained and made available for inspection.
 - d) a policy of requesting suitable photographic identification from those appearing to be below or close an age limit above the legal age for alcohol sale/purchase , for example, Challenge 25. In line with Trading Standards, the adoption of a 'Challenge 25' age verification policy is particularly recommended as this is now accepted as best practice by industry and enforcing authorities.
- Applicants must indicate whether they are signatories to the Portman Group Code of Practice (see 10.6.6).
- Where children are expected to attend regulated entertainment, the measures proposed to ensure their safety.

10.3 The Surrey Child Protection Unit will be consulted on applications for premises licences and club premises certificates.

10.4 Applicants needing advice on how to avoid age-restricted sales may contact Surrey Trading Standards.

10.5 The Council will consider attaching conditions to licences and certificates to prevent harm to children, and these may include items drawn from the Pool of Conditions relating to the protection of children from harm.

10.6 Child access to licensed premises

10.6.1 The Council will consider the individual merits of each application before deciding whether it is necessary to limit the access of children to any given premises. The following are examples of premises that will raise particular concern.

- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking.
- Where there is a known association with drug taking or dealing.
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines).
- Where entertainment or services of an adult or sexual nature are commonly provided². The Council will not normally grant permission for entertainment of an adult or sexual nature in premises near schools, churches, youth clubs or other premises where children are likely to attend.

² This will include topless bar staff, striptease, lap, table or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

10.6.2 The Council may consider that additional steps for limiting the access of children to licensed premises are necessary in order to prevent harm. These steps (which may be adopted in combination) include:

- limitations on the hours when children may be present
- limitations on the presence of children under certain ages when particular specified activities are taking place
- limitations on the parts of premises to which children might be given access age limitations (below 18)
- requirements for an accompanying adult (including, for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult)
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

10.6.3 Conditions will not be attached to licences or certificates requiring that children be admitted to any premises. Where no licensing restriction is

necessary, this will be left to the discretion of the individual licensee, club or person who has been given a temporary event notice. Applicants for premises licences and club premises certificates may volunteer prohibitions and restrictions in their operating schedules if their risk assessments have determined that the presence of children is undesirable or inappropriate. If the Council receives no relevant representations, these volunteered prohibitions and restrictions will become conditions attaching to the licence or certificate.

10.6.4 It is illegal to smoke in an enclosed public place. Whilst smoking is not a regulated activity under the Act, the volume of patrons smoking outside premises will increase greatly. This could lead to children being left unaccompanied and therefore a premise would be operating illegally. Operators must ensure steps are in place to combat this issue and that children remain under the necessary supervision of the accompanying adult at all times. Unaccompanied children on a premise licensed for the sale of alcohol would be in breach of licensing conditions.

10.6.5 The Council supports PASS, which aims to approve and accredit proof of age schemes to assist in preventing underage access to unsuitable premises and the purchasing of alcohol. This scheme, introduced by the British Retail Consortium and audited by the Trading Standards Institute, identifies reliable and secure proof of age schemes with the same hologram mark in order that retailers can easily distinguish accredited cards from forgeries or cards under unreliable schemes.

10.6.6 The Council supports the aims of the Portman Group and commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks to all applicants.

- The Portman Group operates the Code on behalf of the alcohol industry with the aim of ensuring that all alcoholic drinks are promoted in a socially responsible manner and only to those aged 18 years or older.
- The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products in licensed premises in a manner which may appeal to or attract children. An independent complaints panel considers complaints about products under the Code, and publishes their decisions on the Portman Group's website, in the trade press and in its annual report.
- If a product's packaging or point of sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point of sale material, until the decision has been complied with.
- If a retailer continues to stock products or point of sale material which have been found in breach of the Code by the Independent Complaints Panel, the Portman Group may notify the Council and request it to take this into account, subject to legal requirements, when considering

whether to grant, transfer, renew or revoke licences. Breaches of the Code may also be notified to the Local Authorities Co-ordinators of Regulatory Services (LACORS), which may, in some cases, lead to prosecutions under appropriate legislation.

- Companies may indicate their support for the Code and their willingness to abide by the decisions of the Independent Complaints Panel by becoming code signatories.

10.7 Child access to cinemas

10.7.1 The protection of children from harm includes the protection of children from the moral and psychological harm that may be caused by film exhibitions containing strong language, horror/violence or sexual images.

10.7.2 In order to prevent children from seeing such films, the Council will expect licensees to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification (BBFC) or the Council.

10.7.3 A condition will be attached to all premises licences and club premises certificates authorising film exhibitions for the admission of children to any film to be restricted in accordance with the recommendations given to films either by the BBFC (or other body authorised under Section 4 of the Video Recordings Act 1984) or the Council.

11.0 Licensing hours

11.1 The Council recognises that flexible licensing hours for the sale of alcohol can assist in ensuring that large concentrations of people do not leave premises at the same time and can reduce the friction at late night fast food outlets, taxi ranks, minicab offices and other sources of transport that can lead to disorder and other peaks of nuisance and anti-social behaviour.

11.2 Fixed trading hours within designated areas (also known as 'zoning') will not be set, as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, resulting in concentrations of disturbance and noise.

11.3 The Council may consider imposing stricter conditions in respect of noise control where premises are situated in areas that have denser residential accommodation. However, regard will be given to the individual merits of any application.

11.4 The Council will only consider restricting the hours shops, stores and supermarkets can sell alcohol for consumption off the premises where there are good reasons to do so. For example, following police representations that a premise is known to be the focus of disorder and disturbance, due to youths or

street drinkers gathering there and engaging in nuisance and anti-social behaviour.

- 11.5 Applications for premises offering late night take away food and drink will be considered on their individual merits. However, the impact upon the licensing objectives of people gathering at such premises after other licensed premises have closed can be considerable, and in determining licensing hours, regard will therefore be given to the density and closing times of other licensed premises in the vicinity.

12.0 Enforcement

- 12.1 The Council recognises that most businesses and individuals want to comply with the law. We will actively seek to help businesses and others meet their legal obligations without unnecessary expense, while taking firm action against those who flout the law or act irresponsibly, including prosecution where appropriate.
- 12.2 Where necessary, appropriate enforcement will be carried out in a fair and consistent manner in accordance with the Enforcement Concordat (which Woking Borough Council signed up to in 1998), and Woking Borough Council Enforcement Policy that covers licensing. This will ensure that any action taken is proportionate and reflects the risk posed to the promotion of the licensing objectives. Copies of the Enforcement Concordat and Enforcement Policy are available from licensing officers.
- 12.3 The Council intends to establish protocols with Surrey Police, Surrey Fire and Rescue Service and Surrey Trading Standards on the enforcement of licensing law. These will provide for the efficient deployment of officers engaged in inspection of licensed premises and enforcement action, in order to ensure that resources are targeted at problem and high risk premises.
- 12.4 Premises that are low risk and well run will be subject to a less frequent inspection regime.
- 12.5 Operators and owners of all types of establishment should be aware that enforcement, investigations and inspections by any body authorised to do so (including but not exclusive to police, fire, trading standards, licensing officers, environmental health and planning) can and will take many forms. This may include test purchases, video and/or sound recording, covert/overt operations and announced/unannounced visits. Enforcement and the gathering of information will be directed at and proportionate to the intended investigation. This is not an exclusive list.
- 12.6 They (owners/operators) should also be aware of the powers of closure the Police hold (see guidance published under Section 182 of the Licensing Act 2003 (updated March 2010), and that premises licenses can be called in for

review and either revoked or additional conditions attached if it is thought necessary to promote the four licensing objectives.

13.0 Integrating strategies and avoiding duplication

13.1 The Council recognises the need to avoid, so far as possible, duplication with other regulatory regimes. So far as possible, this Policy is not intended to duplicate existing legislation and regulatory regimes that place duties upon employers and operators e.g. Health and Safety at Work etc. Act 1974, Environmental Protection Act 1990, Private Security Industry Act 2001 (in relation to door supervisors), Anti-Social Behaviour Act 2003 and fire safety and disability discrimination legislation. The applicants attention will be drawn to other relevant legislation that they need to comply with.

13.2 A premises licence or club premises licence can be reviewed if a responsible authority, interested party or club member makes a valid representation and files the necessary documents with the licensing authority. The grounds for the review must be based on at least one of the licensing objectives and the Council will expect requests for the review of a licence to be supported by appropriate evidence of the need for review. Reasons for requesting a review should indicate what changes to the licence are being sought.

13.3 This Policy has been drafted and will be kept under review by a multi-disciplinary working group to ensure the proper integration of the Woking Community Strategy, Community Safety Strategy, Local Plan, Local Transport Plan, Cultural Strategy, Race Equality Scheme and relevant national strategies. The integration of these plans and strategies with the Council's Licensing Policy is covered in Appendix 4 (page 29).

14.0 Human rights

14.1 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a convention right. The Council will have regard to the Human Rights Act when exercising its licensing functions, with particular reference to the following relevant provisions.

- Article 1 of the first protocol – every person is entitled to the peaceful enjoyment of his or her possessions (this includes the possession of a licence).
- Article 6 – in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- Article 8 – everyone has the right to respect for his home and private and family life.

15.0 Review

15.1 During the three-year period this Policy remains in force, it will be kept under review and the Council will make such revisions as it considers appropriate following appropriate consultation.

16.0 Further information and advice

16.1 For further information or advice on this Policy, please contact the licensing officers at Woking Borough Council (see Appendix 5, page 33).

Appendix 1

Delegation of licensing functions

Matter to be Dealt with	Sub-Committee	Officers
Application for personal licence	If an objection made	All other cases
Application for personal licence, with unspent convictions	All cases	
Application for premises licence / club premises certificate	If a representation made	All other cases
Application for a Premises to be Classified as Community Use (No DPS required)	If police objection received	All other cases
Application for provisional statement	If a representation made	All other cases
Application to vary premises licence / club registration certificate	If a representation made	All other cases
Accepting that an application meets the Minor Variation criteria.		All cases
Determining the Consultees for a Minor Variation		All cases
Granting a Minor Variation Application	If a representation made	All other cases
Application to vary designated personal licence holder	If police objection received	All other cases
Request to be removed as designated personal licence holder		All cases
Application for transfer of premises licence	If police objection received	All other cases
Application for Interim Authorities	If police objection received	All other cases
Application to review premises licence / club premises registration	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a police representation to a temporary event notices	All cases	

Appendix 2

The safer clubbing checklist for club owners, managers and event promoters
Home Office guidance 'safe clubbing' 2001

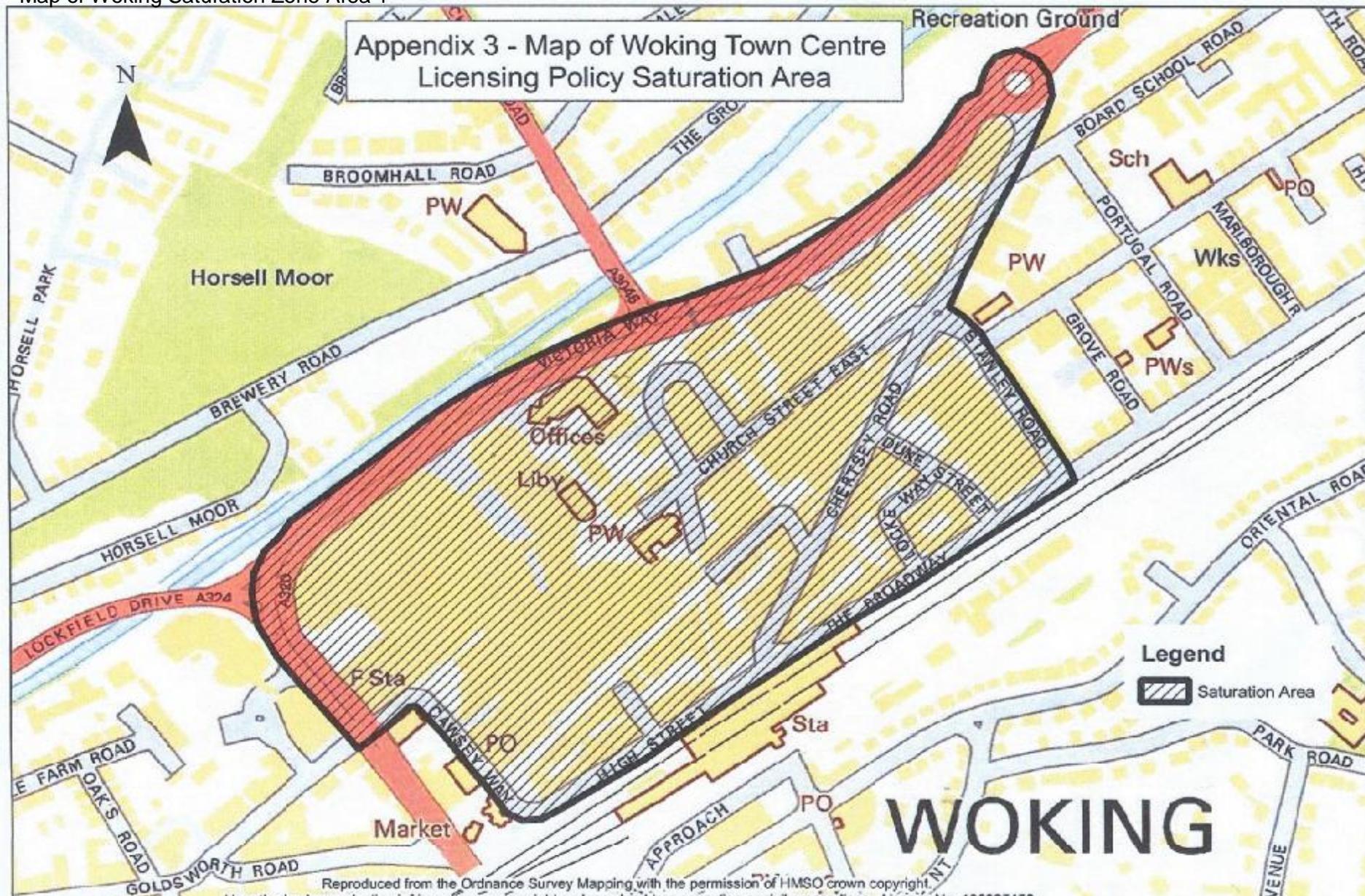
The role of club owners, managers, and event promoters is to ensure that all aspects of their venue are designed and run in ways which maximise the safety of customers, performers and staff.

Key activities of club owners, managers and event promoters include the following.

1. Communicating all safety requirements clearly to performers, ensuring that they are familiar with and understand the safety requirements for the venue.
2. Developing a constructive working relationship with local authority officers and police officers with licensing responsibilities.
3. Developing a venue drug policy in consultation with licensing and police officers.
4. Ensuring that all staff are aware of their responsibilities within the drug policy and that they receive training and support to discharge these fully.
5. Employing door supervisors from a reputable company and with Security Industry Authority (SIA) accreditation.
6. Employing experienced and fully trained first aiders.
7. Providing free and easily accessible supplies of cold water and ensuring the provision of water is supervised to prevent the contamination of water by others.
8. Liaising with appropriate drug service personnel to provide training to staff, and information, advice and support to clubbers.
9. Consider inviting and supporting drug outreach work, including integrating outreach workers into the staff team.
10. Share intelligence on drug use and drug dealing with police officers and other local venues.
11. Informing clubbers of their rights and responsibilities, and encouraging feedback on safety issues.
12. Considering the provision of safe transport home.
13. Ensuring all staff are aware of the law and the responsibilities of the club to work within it.

Appendix 3

Map of Woking Saturation Zone Area 1



Appendix 4

Integrating strategies and avoiding duplication

1.0 Woking Community Strategy

1.1 The Licensing Policy objectives are in line with the key objectives of the Woking Community Strategy and other high level strategies of the Council and its partners. The six key aims of the Community Strategy are as follows.

- A strong community spirit with a clear sense of belonging and responsibility.
- A clean, healthy and safe environment.
- A transport system that is integrated and accessible, recognising Woking's potential as a transport hub.
- Access to decent, affordable housing for local people and key workers.
- A community which values personal health and well-being.
- Provide opportunities and encourage people to participate in learning throughout their lives, so they progress and reach their full potential.

1.2 The Licensing Policy can help deliver the aim of the Community Strategy for a clean, healthy and safe environment, by helping people feel safe in their community.

1.3 Addressing safety is at the heart of the four licensing objectives, and this is the main driver of the Policy. This will help to further the Community Strategy aim.

2.0 Local Cultural Strategy

2.1 The Cultural Strategy has four key priorities:

- encouraging social inclusion
- promoting healthy lifestyles
- enabling lifelong learning
- stimulating economic vitality.

2.2.1 Specific relevant actions for licensing in the Strategy are:

- commission a focussed marketing exercise to promote the town centre as a destination for family-based cultural activities
- develop a programme of events and entertainment in the town centre to provide a greater range of non pub-based evening entertainment
- support and develop with partners a programme of cultural activities that utilise new venues (coffee shops, public houses, health centres and open spaces) within neighbourhoods.

2.3 The Licensing Policy is a key component in delivering these actions through licensing of appropriate public entertainment locations and the general principle that leisure and cultural activities help to underpin economic vitality is reflected

in this Policy. When considering applications and the imposition of conditions on licences or certificates, the Council will carefully balance the wider benefit of the availability of such activities with the necessity of promoting the licensing objectives.

3.0 Woking Borough Local Plan/Woking Local Development Framework

3.1 The Woking Borough Local Plan dates from 1999 and the Council is currently working on a new planning policy framework to guide future development (including houses, offices and shops) in the borough from now until 2027. This is called the Local Development Framework (LDF), and it will replace the Woking Borough Local Plan. In terms of the economic and vitality of its shopping locations it will pursue the same objectives to allow food and drinks outlets in appropriate locations as before.

3.2 The approach of the Plan (LDF) to premises licensed for sale of alcohol and for public entertainment is as follows.

- To be generally permissive of new food and drink outlets (whether requiring a license or not), within the town and village centres subject to:
 - no materially adverse impact in terms of noise and disturbance (for which conditions may be applied)
 - no unacceptable increase in kerb-side parking
 - in certain core shopping locations, a limit on the proportion of existing shops which will be permitted to change their use to a pub or restaurant, in order to maintain a core shopping area (Policy SHP8).
- To be generally permissive of new public entertainment developments, subject to:
 - standard development control considerations of amenity, parking and scale
 - developments attracting large number of visitors should be in the town centre.

3.3 What this means in practice is that the location of new licensed developments is a matter for the planning system, whereas the detailed arrangements and management of the site tend to be the concern of the licensing role. The former A3 class has been subdivided to create new use classes. Restaurants are now A3, pubs and bars A4 and takeaways A5. Only limited change is permitted between these uses without having first applied for planning permission.

3.0 Planning

4.1 Planning permission is usually required for the establishment of new premises and where there is a material change of use of premises. Permissions that may be relevant to licensed premises include:

- Use as a retail shop, licensed for the sale of liquor (use class A1).

- Use for the sale of food or drink for consumption on the premises or for hot food for consumption off the premises e.g. restaurants, bars (use class A3, A4 and A5)³.
- Use for assembly and leisure e.g. cinema, concert hall, indoor/outdoor sports (use class D2).

³ The Use Classes Order has been amended (changes took effect 21 April 2005) so as to create new use classes (e.g. A3 for restaurants and cafes, A4 for pubs and bars, A5 for takeaways and D3 for late night leisure).

- 4.2 Planning permission will not be required if the proposed use of the premises falls within the same use class as the existing use. If you are in any doubt as to whether planning permission is required, then please contact the Council's Planning Service (see Appendix 5, page 33).
- 4.3 The Council recognises that there should be a clear separation of the planning and licensing regimes. Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the Planning Committee or following appeals against decisions taken by that Committee. Accordingly, the Council will not usually consider an application for a premises licence (or for the variation of conditions attached to a licence) unless the applicant is able to demonstrate that the proposed activity would constitute a lawful planning use. Planning Committees will generally be concerned with matters such as external appearance and general amenity (e.g. impact on neighbours). Planning conditions regarding opening hours are applied where necessary. However, in view of the objectives of the Licensing Act, the Council's approach will need to be examined in the review of the LDF.
- 4.4 The Council will ensure that, where appropriate, regular reports are sent from the Licensing Committee to the Planning Committee on the situation regarding licensed premises in the Borough, including the general impact of alcohol-related crime and disorder to assist them in their decision-making.

5.0 Community Safety Strategy

- 5.1 Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local reduction and disorder strategies.
- 5.2 Since the beginning of 1999, the police, Borough Council and County Council have been working together under the Crime and Disorder Act 1998 to tackle key community safety issues in Woking. The key aim, along with partners from Surrey Primary Care Trust, Police Authority and Fire Service, is to reduce levels of crime locally and reduce the fear of crime amongst the community and these are reflected within this Licensing Policy.
- 5.3 There are a number of existing mechanisms for addressing unlawful or anti-social behaviour. These include the following.
- Woking Pubwatch – a voluntary scheme administered and run by licensees within the Borough. Meetings are held every six weeks with

an agenda and minutes produced. It is supported and attended by Woking Police and attendance is open to other guest agencies that have an involvement in the trade. The main purpose of Pubwatch is for licensees to share information and provide support on issues involving their premises and, in particular, control those persons whose behaviour is deemed to be inappropriate, for which they can be placed on the Borough-wide 'premises banning list' at the discretion of the licensees. Where the Pubwatch remains in place, WBC would expect alcohol licensed premises to participate and attend but we (WBC) will take a pragmatic approach to enforcement where attendance at Pubwatch has been made/offered as a condition but Pubwatch subsequently folds.

- Powers to designate parts of the Borough as places where alcohol may not be consumed publicly. Designated Public Places Orders (DPPOs) have been made in West Byfleet, Woking Town Centre, Sheerwater and is soon to be implemented in Goldsworth Park. Other areas can be considered for DPPO as/when necessary.
- Police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices and confiscation of alcohol from adults and others in designated areas.
- The Surrey Police Street Standard Scheme enables police to give yellow or red warnings for minor incidents of anti social behaviour, which can lead to arrest and prosecution if the behaviour continues.
- The Joint Action Group (JAG) is a multi-agency problem solving group, which meets on a monthly basis to discuss locations within the Borough which have been identified as areas where anti-social behaviour or fear of crime are high.
- The Community Incident Action Group (CIAG) is a multi-agency problem solving group, which meets on a monthly basis to discuss individuals who are having a negative impact on the local community. This could include alcohol related antisocial behaviour.

NB. At the time of publication, Woking Borough Council is seeking to replace its Town Centre DPPO with a Public Spaces Protection Order (approximate implementation date December 2015), as per the Crime and Policing Act 2014. As well as covering alcohol, these orders have far more widespread powers covering ASB, legal highs, illegal substances and begging to name just a few. Applicants should visit WBC's website for the most up to date information on the scope of our PSPO and the replacement of other DPPO's from 2017 onwards.

5.4 There are also specific new community safety controls under the Licensing Act 2003.

- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises.

- The power of police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question.

5.5 For further information or advice on these schemes, please contact the community safety officers at Woking Borough Council (see Appendix 5, page 33).

6.0 Promotion of racial equality

6.1 The Council is committed to eliminating unlawful discrimination, and to promoting equality of opportunity and good relations between persons of different racial groups.

6.2 Woking Borough Council has produced a Race Equality Scheme in accordance with the Race Relations Act 1976, as amended by the Race Relations Amendment Act 2000.

6.3 In the exercise of its licensing functions under the Licensing Act 2003, the Council will act in accordance with the duties imposed by the relevant race equality legislation and the values, principles and standards set out in the Race Equality Scheme.

7.0 Local transport plan/taxi licensing

7.1 The safe dispersal of people from licensed premises in Woking Town Centre late at night is an important consideration in promoting the licensing objectives. In Woking, where there is limited late night public transport, and unlikely to be more in the foreseeable future, this is predominantly by taxi. The Council will keep its taxi licensing arrangements under review to ensure that it helps to facilitate the safe dispersal of people.

7.2 The wider public transport considerations in relation to licensable activities will also be kept under review and information on local transport needs be fed into the local transport planning process as appropriate.

8.0 National Government strategies

8.1 The Council will seek to discharge its licensing responsibilities with due regard to national Government strategies that impact upon the licensing objectives e.g.:

- National Alcohol Harm Reduction Strategy, March 2004
- Home Office Action Plan for tackling alcohol-related crime, nuisance and disorder
- Local Authorities Coordinators of Regulatory Service/Trading Standards Institute Code of Best Practice on Test Purchasing, in relation to the enforcement of underage drinking laws by Trading Standards.

Appendix 5

Useful contacts and sources of information

Licensing Team

Woking Borough Council, Civic Offices, Gloucester Square, Woking, Surrey, GU21 6YL

Phone: 01483 755855

Fax: 01483 750585

Email: licensing@woking.gov.uk

Website: www.woking.gov.uk

Environmental Health Service

Woking Borough Council, Civic Offices, Gloucester Square, Woking, Surrey, GU21 6YL

Phone: 01483 743840

Fax: 01483 750585

Email: envhealth@woking.gov.uk

Website: www.woking.gov.uk

Planning Service

Woking Borough Council, Civic Offices, Gloucester Square, Woking, Surrey, GU21 6YL

Phone: 01483 743483

Fax: 01483 776298

Email: planning@woking.gov.uk

Website: www.woking.gov.uk

Community Safety

Woking Borough Council, Civic Offices, Gloucester Square, Woking, Surrey, GU21 6YL

Phone: 01483 743080

Fax: 01483 77

Email: planning@woking.gov.uk

Website: www.woking.gov.uk

Safeguarding Children Unit (Surrey)

Fairmount House, Bull Hill, Kingston Road, Leatherhead, Surrey, KT22 7AH

Phone: 01372 833310

Website: www.surreycc.gov.uk

Surrey Fire and Rescue Service

Quadrant Court, 35 Guildford Road, Woking, Surrey, GU22 7QQ,

Phone: 01483 517177

Website: www.surrey-fire.gov.uk

Surrey Police

(The Neighbourhood Teams and Licensing Officers are currently based at WBC)
Woking Borough Council, Civic Offices, Gloucester Square, Woking, Surrey, GU21
6YL

Phone: 0845 1252222

Website: www.surreypolice.org.uk

Surrey Trading Standards

Mid Surrey Area Office, Bay Tree Avenue, Kingston Road, Leatherhead, Surrey,
KT22 7SY

Phone: 01372 371700

Fax: 01372 371704

Website: www.surreycc.gov.uk

Sources of information

Licensing Act 2003

<http://www.legislation.gov.uk/ukpga/2003/17>

Explanatory Notes to Accompany Licensing Act 2003

<http://www.legislation.gov.uk/ukpga/2003/17/notes/contents?type=en>

Guidance issued under Section 182

http://webarchive.nationalarchives.gov.uk/+http://www.culture.gov.uk/reference_library/publications/6796.aspx

Publications

5 Steps to Risk Assessment: Case Studies

(HSE 1998) *ISBN 0 7176 15804*

Managing Crowds Safely

(HSE 2000) *ISBN 0 7176 1834 X*

Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances Published by the Independent Street Arts Network, copies of which may be obtained through www.streetartsnetwork.org

The Event Safety Guide – A Guide to Health, Safety and Welfare at Music and Similar Events

(HSE 1999) ('The Purple Book') *ISBN 0 7176 2453 6*

The Guide to Safety at Sports Grounds

(The Stationery Office 1997) ('The Green Guide') *ISBN 0 11 300095 2*

Appendix 6

Glossary of terms

Child A child is any person under 18 years of age for the purpose of:

- (a) the child protection objective
- (b) consumption of alcohol on licensed premises (subject to the exemption for accompanied 16 and 17 year olds to consume beer, wine or cider ancillary to a meal, Section 150(4))
- (c) purchase or obtaining of alcohol and being concerned on its delivery or sale.

A child is any person under 16 years of age for the purposes of:

- (a) purchase of liqueur chocolates
- (b) Prohibition of unaccompanied children from licensed premises where alcohol supply and consumption is the exclusive or primary purpose or on premises where alcohol is supplied and consumed on those premises between the hours of midnight and 5am.

An adult is anyone over the age of 18 years.

Interested party Any of the following:

- (a) a person living in the vicinity of the premises
- (b) a body representing persons who live in that vicinity e.g. a residents association
- (c) a person involved in a business in that vicinity
- (d) a body representing persons involved in such businesses e.g. a trade association.

(Source: s113(3) of The Licensing Act 2003)

Relevant Representation

Representations which are:

- (a) relevant to one or more of the licensing objectives
- (b) made by an interested party or responsible authority within the appropriate period
- (c) have not been withdrawn
- (d) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the Council frivolous or vexatious.

The Council will determine whether representations are relevant or not.

**Responsible
Authority**

Any of the following:

- (a) the chief officer of police for any police area in which the premises are situated
- (b) the fire authority for any area in which the premises are situated
- (c) the enforcing authority within the meaning given in Section 18 of the Health and Safety at Work etc. Act 1974 for any area in which the premises are situated
- (d) the local planning authority within the meaning given in the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated
- (e) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution to the environment or of harm to human health
- (f) A body which:
 - (i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm
 - (ii) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters
- (g) any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated
- (h) in relation to a vessel:
 - (i) a navigation authority (within the meaning of Section 221(1) of the Water Resources Act 1991 (c.57) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities
 - (ii) the Environment Agency
 - (iii) the British Waterways Board
 - (iv) the Secretary of State
- (i) a person prescribed for the purposes of this subsection.

For the purposes of the above, 'statutory function' means a function conferred by or under any enactment.