

Crawley Borough Council

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Report to Licensing Sub Committee

Monday 05th November 2012

Application for the Grant of a New Premises Licence

For

‘Marston’s PLC – (New Build)’

Maidenbower Office Park

Balcombe Road

Crawley, West Sussex

RH10 7NN

Angela Tanner
Head of Planning and Environmental Services

1. Details of the application

- 1.1 On the 21st August 2012, Marston’s PLC (the applicant) submitted an application to the Licensing Authority for the grant of a premises licence in respect of the above mentioned premises. The application was made in accordance with the provisions of the Licensing Act 2003, ‘the Act’.
- 1.2 The application is for the supply of alcohol, regulated entertainment and late night refreshment as indicated on the attached application .
- 1.3 The applicant states in the application that it is intending to promote the four licensing objectives with the steps set out in the operating schedule.
- 1.4 The proposed ‘Hours Open to the Public’ as set out in the application are as follows:-
- | | |
|-------------------|---------------------|
| Sunday - Thursday | 07.00hrs – 00.30hrs |
| Friday – Saturday | 07.00hrs – 01.30hrs |

*Reference Documents
and Guidance*

Appendix A
Application form

Appendix A
Application form

Appendix A
*Application Form,
Operating Schedule*

Appendix A
*Application Form
Operating Schedule*

- 1.5 The proposed 'Supply of Alcohol' hours as set out in the application are as follows:-
- | | |
|-------------------|---------------------|
| Monday - Thursday | 10.00hrs – 00.00hrs |
| Friday - Saturday | 10.00hrs – 01.00hrs |
| Sunday | 11.00hrs – 00.00hrs |
- 1.6 The proposed 'Regulated Entertainment' hours as set out in the application are as follows:-
- | | |
|-------------------|---------------------|
| Monday - Thursday | 10.00hrs – 00.00hrs |
| Friday - Saturday | 10.00hrs – 01.00hrs |
| Sunday | 11.00hrs – 00.00hrs |
- 1.7 The proposed 'Late Night Refreshment' hours as set out in the application are as follows:-
- | | |
|-------------------|---------------------|
| Sunday - Thursday | 23.00hrs – 00.00hrs |
| Friday - Saturday | 23.00hrs – 01.00hrs |
- 1.8 The proposed lay-out of premises is contained in the application.
- 1.9 The proposed designated supervisor is Lucy Dalzell
- 1.10 The applicant subsequently submitted a copy of a document outlining an agreement reached with Sussex Police with regards to additional conditions by way of an amendment to his application.
- 2. Consultation**
- 2.1 The current application was advertised in accordance with legislation and as a result of the consultation process, the following relevant representations were submitted to the Council within the prescribed period:
- 2.2 **Responsible Authorities:**
- A relevant representation was received from Mr Kelvin North, Senior Environmental Health Practitioner. The Officer goes on to state (in summary):
- " It is this divisions opinion that the application does not adequately address the objective prevention of public nuisance by noise (as defined in the Licensing Act 2003), "the Act" and that if the application for the provision of regulated entertainment is granted then a public nuisance (as defined by the Licensing Act 2003) is likely to be caused to residences in the vicinity".
- A copy of Mr. North's full representation is attached as appendix C.
- 2.3 **Interested Parties:**
- The Licensing Authority received 36 individual relevant representations from local residents which make reference to the licensing objectives. A copy of the representations are attached as Appendices D1 – D36

Appendix A
Application Form
Operating Schedule

Appendix A
Application Form
Operating Schedule

Appendix A
Application Form
Operating Schedule

Appendix A
Copy of the Application

Appendix A
Copy of the Application

Appendix B
Copy of Police/Applicant agreement

Appendix C
Copy of Environmental Services representation.

Appendices D1 – D36
Copy of Interested party representations.

2.4 **Other representations:**

A number of representations were received by the Licensing Authority with regards to this application which in the view of the Council were not considered relevant to the licensing objectives and consequently not included in this report.

3. Statutory considerations under the Licensing Act 2003

3.1 Crawley Borough Council (“the Council”) is the relevant licensing authority in relation to any premises within the Borough of Crawley which is to be used for one or more licensable/qualifying activities in accordance with the Licensing Act 2003 “the Act”.

3.2 Pursuant to the Licensing Act 2003 and regulations, an application for a premises licence must be made to the relevant licensing authority and be accompanied by an operating schedule, a plan of the premises to which the application relates in the prescribed form, and, if the licensable activities include the supply of alcohol, by a form of consent given by the individual whom the applicant wishes to be specified in the premises licence as the premises supervisor.

3.3 Where the Licensing Authority (“LA”) receives an application for a premises licence in accordance with legislation and no relevant representations are made within the prescribed time, the LA must grant the licence subject only to such conditions as are consistent with the operating schedule accompanying the application and any mandatory conditions.

3.4 Where “relevant” representations are made in respect of an application, the licensing authority must hold a hearing to consider them unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary.

*Licensing Act 2003
s.18(3)*

3.5 Representations are “relevant” where they:

*Licensing Act 2003
s.18(6)–(7)*

- (a) are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives,
- (a) were made by a responsible authority or other person within the prescribed period,
- (b) have not been withdrawn, and
- (c) in the case of representations made by a person who is not a responsible authority, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

3.6 Having regard to the relevant representations, the LA must take such of the steps (if any) as it considers appropriate for the promotion of the licensing objectives

*Licensing Act 2003
s.18(3)*

3.7 The steps so mentioned are:-

- (a) To grant the licence subject to the conditions mentioned in the 'operating schedule', modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and any mandatory conditions.
- (b) To exclude from the scope of the licence any of the licensable activities to which the application relates.
- (c) To refuse to specify a person in the licence as the designated supervisor.
- (d) To reject the application.

4. Guidance issued by Government

4.1 Section 4 of the Act provides that in carrying out its functions, the Council must "have regard to" guidance issued by the Secretary of State under section 182. Some relevant extracts from the Guidance are set out below.

4.2 The guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood the Guidance, they may depart from it if they have reason to do so as long as they are able to provide full reasons.

4.3 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

4.4 The licensing objectives are:

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

4.5 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives are paramount considerations at all times.

4.6 However, nothing in the Guidance should be taken as indicating that any requirement of licensing law or any other law may be overridden (including the obligations placed on the authorities under human rights legislation). The Guidance does not in any way replace the statutory provisions of the 2003 Act or add to its scope and licensing authorities should note that interpretation of the 2003 Act is a matter for the courts. Licensing authorities and others using the Guidance must take their own professional and legal advice about its implementation.

4.7 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision

Licensing Act 2003
s.18(4)(a)–(d)

Licensing Act 2003
s.4

Section 182 Statutory
Guidance
1.9

Section 182 Statutory
Guidance
1.2

Section 182 Statutory
Guidance
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Section 182 Statutory
Guidance
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Section 182 Statutory
Guidance
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Section 182 Statutory
Guidance
1.9

- taken.
- 4.8 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.
- 4.9 The licensing authority should only impose conditions on a premises licence or club premises certificate which are appropriate and proportionate for the promotion of the licensing objectives. If other existing law already places certain statutory responsibilities on an employer or operator of a premises, it cannot be appropriate to impose the same or similar duties on the premises licence holder, or club. It is only where additional and supplementary measures are appropriate to promote the licensing objectives that there will be a requirement for appropriate, proportionate conditions to be attached.
- 4.10 As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives.
- 4.11 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a business person that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 4.12 **CRIME AND DISORDER**
- The steps which any licence holder or club might take to prevent crime and disorder are as varied as the premises or clubs where licensable activities take place. Licensing authorities should therefore look to the police as the main source of advice on these matters. They should also seek to involve the local Community Safety Partnership (CSP).
- 4.13 The essential purpose of the licence in this context is to regulate
- Section 182 Statutory Guidance*
1.16
- Section 182 Statutory Guidance*
1.17
- Section 182 Statutory Guidance*
8.12
- Section 182 Statutory Guidance*
9.4
- Section 182 Statutory Guidance*
2.1
- Section 182*

behaviour on premises and access to them where this relates to licensable activities and the licensing objectives.

Statutory Guidance
2.4

4.14 The designated premises supervisor is the key person who will usually be charged with day to day management of the premises by the premises licence holder, including the prevention of disorder. However, conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. A condition of this kind could only be justified as appropriate in rare circumstances where it could be demonstrated that in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

Section 182
Statutory Guidance
2.13

4.15 Conditions on a premises licence are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will”, is encouraged. Conditions on licences must:

Section 182 Statutory
Guidance
2.16

- be precise and enforceable;
- be unambiguous;
- not duplicate other statutory provisions;
- be clear in what they intend to achieve; and,
- be appropriate, proportionate and justifiable.

4.16 **PUBLIC SAFETY**

Section 182
Statutory Guidance
2.17

As a part of their duties under the 2003 Act, licence holders have a responsibility to ensure the safety of those using their premises. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person’s health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority’s powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

4.17 **PUBLIC NUISANCE**

Section 182
Statutory Guidance
2.33

The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

4.18 Public nuisance is given a statutory meaning in many pieces of

Section 182

legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.

Statutory Guidance
2.34

4.19 Conditions relating to noise nuisance will normally concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

Section 182
Statutory Guidance
2.35

4.20 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.

Section 182
Statutory Guidance
2.37

4.21 In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives. However, premises should have adequate dispersal policies (where appropriate) in place to ensure that customers leave the premises promptly and with minimal disruption to those in the surrounding area.

Section 182
Statutory Guidance
2.39

4.22 Beyond the immediate area surrounding the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

Section 182
Statutory Guidance
2.40

4.23 **PROTECTION OF CHILDREN FROM HARM**

Section 182
Statutory Guidance
2.41

The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or

adult entertainment).

- | | | |
|------|--|---|
| 4.24 | The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. | <i>Section 182
Statutory Guidance
2.42</i> |
| 4.25 | Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises. | <i>Section 182
Statutory Guidance
2.45</i> |
| 4.26 | <u>STEPS TO PROMOTE THE LICENSING OBJECTIVES:</u>

In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. | <i>Section 182 Statutory
Guidance
8.34</i> |
| 4.27 | The steps to be taken should be both realistic and within the control of the applicant and management of the premises. If a licence is granted with conditions attached requiring the implementation of such steps, the conditions will be enforceable in law and it will be a criminal offence to fail to comply with them (under section 136 of the Act). As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises. | <i>Section 182 Statutory
Guidance
8.43</i> |
| 4.28 | <u>DETERMINING APPLICATIONS:</u>

In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to: <ul style="list-style-type: none">• the steps that are appropriate to promote the licensing objectives;• the representations (including supporting information) presented by all the parties;• the statutory guidance;• its own statement of licensing policy. | <i>Section 182 Statutory
Guidance
9.34</i> |
| 4.29 | The licensing authority should give its decision within 5 working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. | <i>Section 182 Statutory
Guidance
9.35</i> |
| 4.30 | Alternatively, the licensing authority may refuse the application on the | <i>Section 182 Statutory</i> |

grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information

Guidance
9.36

4.31 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

Section 182 Statutory Guidance
9.38

4.32 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

Section 182 Statutory Guidance
9.39

4.33 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

Section 182 Statutory Guidance
9.40

4.34 **CONDITIONS**

This section provides advice and recommendations concerning best practice in relation to conditions attached to premises licences and club premises certificates.

Section 182 Statutory Guidance
10.1

4.35 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question.

Section 182 Statutory Guidance
10.2

4.36 The courts have made it clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided. Failure to comply with any conditions attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both.

Section 182 Statutory Guidance
10.4

4.37	There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.	<i>Section 182 Statutory Guidance</i> 10.5
4.38	The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from a prospective licensee's or certificate holder's risk assessment which applicants and clubs should carry out before making their application for a premises licence.	<i>Section 182 Statutory Guidance</i> 10.6
4.39	Conditions should be appropriate, proportionate and justifiable in meeting the licensing objectives. They should be written in a prescriptive format and be readily understood and enforceable.	<i>Section 182 Statutory Guidance</i> 10.8
4.40	The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.	<i>Section 182 Statutory Guidance</i> 10.14
4.41	If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be appropriate to impose the same or similar duties as conditions.	<i>Section 182 Statutory Guidance</i> 10.16
5.	Policy considerations	
5.1	Members must give due consideration to the merits of each individual case. Attention is drawn to the following sections of the 'Members' Information Pack':	
	<ul style="list-style-type: none"> • The Council's Licensing Sub-Committee Hearing Procedure • LACORS Guidance on the Role of Elected Members • Council's Licensing Policy • Government Section 182 Guidance (April 2012) 	<i>Section A</i> <i>Section B</i> <i>Section C</i> <i>Section D</i>
5.2	Section 17 of the Crime & Disorder Act 1998 is aimed at giving the vital work of crime and disorder reduction a focus across the wide range of local services and putting it at the heart of local decision-making. It places a duty on certain key authorities, including local authorities and police and fire and rescue authorities to do all they reasonably can to prevent crime and disorder in their area	
5.3	The aim of Crawley Borough Council's Licensing Policy ('the Policy') is to promote the licensing objectives set out in the Act whilst securing the safety and amenity of residential communities and facilitating a sustainable entertainment and cultural industry.	<i>CBC Alcohol Licensing Policy</i> 1.2
5.4	The Licensing Authority will primarily focus on the direct impact the activities taking place at licensed premises will have on members of the public living, working and engaging in normal activity in the area concerned. Licensing law is not a mechanism for the general control of anti social behaviour by individuals once they are beyond the reasonable control of the licence holder.	<i>CBC Alcohol Licensing Policy</i> 2.5
5.5	The Policy is also intended to ensure that the provision of additional opportunities for licensable activities is matched by additional measures	<i>CBC Alcohol Licensing Policy</i>

enabling the police and responsible authorities to act promptly to maintain public order and safety.

5.6 The key controls in respect of preventing crime and disorder arise from good operational planning and good management of activities at the premises

2.7

CBC Alcohol Licensing Policy
2.10

5.7 In preparing 'Operating Schedules', the policy states that the Council expects that applicants should have regard to statements of licensing policy published by this authority for the Crawley area.

CBC Alcohol Licensing Policy
3.20

5.8 The policy also states the Council expects that applicants will seek the views of key responsible authorities before formally submitting applications and having completed drafts of their own operating schedules (after considering the effect on the four licensing objectives). For example, on matters relating to crime and disorder, the police and local authority safety officers and local community groups might be consulted.

CBC Alcohol Licensing Policy
3.21

5.9 The only conditions which should be imposed on a premises licence or club premises certificate are those which are appropriate and proportionate for the promotion of the licensing objectives. Accordingly, if other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises licence holder or club.

CBC Alcohol Licensing Policy
5.34

6. Staffing, Financial and Legal Implications

6.1 There are no extra staffing or financial implications to the Council, save for those in respect of possible appeal(s).

6.2 Members must ensure that they exercise their decision making powers in a manner which is compliant with the Human Rights Act 1998, and the principles of natural justice.

Human Rights Act 1998

6.3 The Council is required to consider the impact any decision may have on crime and disorder in the area (Section 17, Crime and Disorder Act, 1998) which states as follows:

Crime and Disorder Act 1998

(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,

(a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and

(b) the misuse of drugs, alcohol and other substances in its area; and

(c) re-offending in its area

6.4 Pursuant to s.149 of the Equality Act 2010, the Council is also required to comply with what is called the "public sector equality duty". In

Equality Act 2010

summary, this means that the Council must, in the exercise of its functions, have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

6.5 Where a LA rejects an application for the grant of a premises licence the applicant may appeal against the decision to the local magistrates court. Where a LA grants an application, the applicant may appeal against the imposition of any conditions; and any interested party may appeal and contend that the licence ought not have been granted or the LA ought to have imposed different or additional conditions or taken another permitted step.

*See also Section 182
Statutory Guidance
10.30*

*Licensing Act 2003
s.161 & Sch 5*

7. Community Strategy and Corporate Plan;

7.1 (General); Information pack

Information Pack:

8. Recommendations

8.1 Having regard to the relevant representations the Sub-Committee must take such of the following steps mentioned (if any) as it considers appropriate for the promotion of the licensing objectives.

*Licensing Act 2003
s.18(3)*

8.2 **The steps are:**

(a) Grant the application subject to:

*Licensing Act 2003
s.18(4)(a)*

(i) conditions which are consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and

(ii) any relevant mandatory conditions;

(b) Exclude from the scope of the licence any of the licensable activities to which the application relates;

*Licensing Act 2003
s.18(4)(b)*

(c) Refuse to specify a person in the licence as the premises supervisor;

*Licensing Act 2003
s.18(4)(c)*

(d) Reject the application.

*Licensing Act 2003
s.18(4)(d)*

Background Papers

All associated paper work regarding this application

The information pack

Statutory Guidance April 2012

Crawley Borough Council Licensing Policy

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