



## Crawley Borough Council

### Licensing Committee

Agenda for the **Licensing Committee** which will be held in **Committee Rooms A B & C - Town Hall**, on **15 January 2024** at **7.00 pm**

Nightline Telephone No. 07881 500 227

A handwritten signature in black ink, appearing to be "J. Ashraf", written over a white background.

**Chief Executive**

**Membership:** Councillors I Ashraf (Chair), Z Ali (Vice-Chair), M L Ayling, T G Belben, B J Burgess, D Crow, J Hart, I T Irvine, K L Jaggard, M G Jones, Y Khan, K McCarthy, A Nawaz, B Noyce and D M Peck

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Town Hall  
The Boulevard  
Crawley  
West Sussex  
RH10 1UZ

The order of business may change at the Chair's discretion

## Part A Business (Open to the Public)

	Pages
<b>1. Apologies for Absence</b>	
<b>2. Disclosures of Interest</b>	
In accordance with the Council's Code of Conduct, councillors are reminded that it is a requirement to declare interests where appropriate.	
<b>3. Minutes</b>	3 - 6
To approve as a correct record the minutes of the Licensing Committee held on 12 December 2023.	
<b>4. Public Question Time</b>	
To answer any questions asked by the public which relate to an item on this agenda and which are in line with the Council's Constitution.	
Public Question Time will be concluded by the Chair when all questions have been answered or on the expiry of a period of 15 minutes, whichever is the earlier.	
<b>5. Review of the Council's Statement of Licensing Policy 2024-2029</b>	7 - 150
To consider report HCS/074 of the Head of Community Services.	
<b>6. Supplemental Agenda</b>	
Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.	

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## Crawley Borough Council

### Minutes of Licensing Committee

Tuesday, 12 December 2023 at 7.00 pm

#### Councillors Present:

I Ashraf (Chair)

Z Ali (Vice-Chair)

M L Ayling, T G Belben, B J Burgess, D Crow, J Hart, I T Irvine, K L Jaggard, M G Jones,  
Y Khan, K McCarthy, A Nawaz, B Noyce and D M Peck

#### Officers Present:

Dan Carberry Public Protection and Enforcement Manager

Kareen Plympton Team Leader - Health, Safety and Licensing

Jess Tamplin Democratic Services Officer

Astrid Williams Senior Lawyer (Solicitor)

#### 1. Disclosures of Interest

The following disclosures of interests were made:

<b>Councillor</b>	<b>Item and Minute</b>	<b>Type and Nature of Disclosure</b>
Councillor Ali	Review of the Council's Statement of Licensing Policy (minute 5)	Personal Interest – a West Sussex County Councillor.
Councillor Burgess	Review of the Council's Statement of Licensing Policy (minute 5)	Personal Interest – a West Sussex County Councillor.
Councillor Crow	Review of the Council's Statement of Licensing Policy (minute 5)	Personal Interest – a West Sussex County Councillor.
Councillor Crow	Review of the Council's Statement of Licensing Policy (minute 5)	Personal Interest – the West Sussex County Council Cabinet Member for Community Support, Fire and Rescue (with responsibility for Trading Standards),.

# Agenda Item 3

Licensing Committee (16)  
12 December 2023

Councillor Hart	Review of the Council's Statement of Licensing Policy (minute 5)	Personal Interest – secretary of Ewhurst Sports and Social Club (a licensed premises).
Councillor Nawaz	Review of the Council's Statement of Licensing Policy (minute 5)	Personal Interest – leases a commercial unit from Crawley Borough Council.

## 2. Minutes

The minutes of the meeting of the Licensing Committee held on 19 October 2023 were approved as a correct record and signed by the Chair.

## 3. Licensing Sub-Committee Minutes

The minutes of the Licensing Sub-Committee held on 4 October 2023 – Application for the Review of the Premises Licence for Dosa Piazza Restaurant, 8 The Boulevard, Crawley, RH10 1XX (Three Bridges Ward) – were approved as a correct record and signed by Councillor Jaggard as Chair of the Sub-Committee panel.

## 4. Public Question Time

There were no questions from members of the public.

## 5. Review of the Council's Statement of Licensing Policy

The Committee considered report [HCS/070](#) of the Head of Community Services. The Health, Safety and Licensing Team Leader presented the report, which summarised the draft Statement of Licensing Policy for 2024-2029. The draft policy set out the Council's updated decision-making framework in relation to the Licensing Act 2003, which had been made easier to understand and reflected recent legislative changes. The Committee was requested to provide its views as a collective response to the consultation on the draft policy, and was informed that the comments made as part of the discussion on the item would form this response.

The Committee then discussed the matter. It was highlighted that the draft policy was better-structured than the current policy, but changes to the order of the content had made it difficult to directly compare the two. Further explanation was sought regarding the running of the consultation, to which the Licensing Team Leader responded that the Council had contacted all parties affected by the Policy and provided a link to an online feedback form, which included prompt questions in order to encourage responses.

Committee members discussed mentions of smoking and vaping in the Policy. A query was raised as to why a clause regarding smoking controls at licensed premises had been removed from the new Policy. It was explained that the clause was removed as the matter was already covered by the Health Act 2006 and guidance stated that duplications in the licensing regime should be avoided.

# Agenda Item 3

Licensing Committee (17)  
12 December 2023

The Licensing Team Leader and Public Protection and Enforcement Manager also provided the following clarifications in response to queries from Committee members:

- In response to a query about special cumulative impact policies, it was explained this could be included within a local authority's statement of licensing policy in order to allow a council to reject a new licence application, where there exists a saturation of that type of premises in the specific area to the extent that there may be a negative impact on any of the licensing objectives. No areas of saturation in Crawley were currently identified.
- The draft policy would apply to licensed outdoor events in certain scenarios. In these cases the Council would seek to advise event organisers on their responsibilities.
- The introduction of legislation known as 'Martyn's Law' was expected in the new parliamentary year and would require local authorities to take steps to improve safety and security at licensed premises. Significant changes were expected and briefings would be provided to licence holders and councillors.

The Committee then moved to a vote on the item.

## **RESOLVED**

That the Committee:

- 2.1 Provides feedback as to the form and content of the draft Statement of Licensing Policy for 2024–2029.
- 2.2 Agrees that, at the end of the consultation period, the matter returns to the Licensing Committee for further consideration prior to consideration by the Cabinet and Full Council with a view to adoption and publication on 1 March 2024.

## **Closure of Meeting**

With the business of the Licensing Committee concluded, the Chair declared the meeting closed at 7.36 pm.

**I Ashraf (Chair)**

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# Agenda Item 5

## Crawley Borough Council

### Report to Licensing Committee

15 January 2024

### Review of the Council's Statement of Licensing Policy 2024–2029

Report of the Head Community Services – HCS/074

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#### 1. Purpose

- 1.1 The Council in its role as the Licensing Authority for the borough of Crawley under the Licensing Act 2003 ('the Act') is required to determine and publish and keep under review a Statement of Licensing Policy. This report encloses the Council's proposed draft Statement of Licensing Policy for the period 2024–2029 which has been consulted upon and feedback incorporated where considered appropriate.
- 1.2 To make councillors summarily aware of the draft Statement of Licensing Policy for 2024–2029 which provides the framework for all licensing decisions taken by the Council as the Licensing Authority.
- 1.3 To provide an update and seek any further views of the Licensing Committee before it is considered by the Overview and Scrutiny Commission, progressed to Cabinet and then to Full Council in relation to the draft Statement of Licensing Policy for 2024–2029 and to agree the inclusion of relevant feedback post consultation.

#### 2. Recommendations

- 2.1 The Licensing Committee is recommended to:
  - (a) Consider the responses received as part of and following the consultation;
  - (b) Endorse the proposed revised Statement of Licensing Policy 2024–2029 (included at Appendix B), including providing suggestions, if required, to be included in the final report that will be considered by the Overview and Scrutiny Commission and the Cabinet prior to submission to the Full Council for adoption.

# Agenda Item 5

## 3. Reasons for the Recommendations

- 3.1 It is a legal requirement that the Council to determine and publish a Statement of Licensing Policy under the Licensing Act 2003, with the Policy providing the decision-making framework for all matters under the Act. Consideration of the proposed revised Statement of Licensing Policy for 2024–2029 following inclusion of consultation feedback as appropriate, is sought from Members, and thereafter, that the matter proceeds to Overview and Scrutiny Commission as a Policy Framework Document, thereafter Cabinet and Full Council as a key decision, with a view to adoption, publication and implementation from 1<sup>st</sup> March 2024.

## 4. Background

- 4.1 The Licensing Act 2003 came into effect on 24 November 2005. It covers the following licensable activities:

- Sale or supply of alcohol
- Provision of regulated entertainment
- Provision of late night refreshment.

- 4.2 Section 5(1) of the 2003 Act states: “Each Licensing Authority must in respect of each five year period:

- (a) Determine its policy with respect to the exercise of its licensing functions, and
- (b) Publish a statement of that policy before the beginning of the period.”

- 4.3 The current Statement of Licensing Policy was published in March 2019 and expires in March 2024. Therefore, a new Statement of Licensing Policy must be adopted and published no later than 1<sup>st</sup> March 2024 to ensure that the Council as Licensing Authority meets this requirement.

- 4.4 As part of the review of its Statement of Licensing Policy, the Council as Licensing Authority undertook a consultation process which commenced on 1<sup>st</sup> November 2023, and concluded on 20<sup>th</sup> December 2023.

- 4.5 The Council’s current Statement of Licensing Policy sets out the way in which the Council as Licensing Authority deals with applications made under the Act, enforcement and how the Council will work with partner agencies to ensure the Licensing Objectives under the Licensing Act 2003 are promoted and upheld, namely:

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

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## 5. Policy Overview

- 5.1 The proposed revised Statement of Licensing Policy for 2024–2029 aims to recognise and highlight local issues where possible. Equally, the Policy aims to promote a vibrant and diverse licensed economy with a range and balance of different venues. The intended benefits of this approach are to broaden the appeal of the borough’s licensed economy to support growth, widen the range of participants, and promote sustainable development and growth. The proposed Policy for 2024–2029 is intended to be flexible and enable applications to be assessed on their own merit.
- 5.2 The proposed revised Statement of Licensing Policy for 2024–2029 also seeks to ensure regulatory compliance, promotion of the Licensing Objectives as listed at 4.4 as well as providing protections to local residents and people frequenting licensed venues. There are a number of relevant issues that have emerged and changes to the way the social economy operates since the Council last published its Statement of Licensing Policy in 2019. The level of risk associated with any licensed premises is influenced by various intersecting factors and many businesses now operate much more flexibly with a variety of offerings following the COVID-19 Pandemic. This has seen businesses diversify into food delivery services, applications for later hours of opening, increased availability of alcohol and food 24 hours a day, 4 days a week, as well as the emergence of outside drinking areas and increased off sales of alcohol brought about by the Business and Planning Act 2020.
- 5.3 As such, the proposed revised Statement of Licensing Policy for 2024–2029 seeks to acknowledge the changing nature of the town’s licensed economy and moves away from more traditional categorisation of venues; instead, it seeks to understand the primary nature of the venue, encouraging applicants to clearly, and transparently, set out how the business intends to operate throughout the day and night alongside measures to ensure the promotion of the Licensing Objectives (for example licence conditions, hours of operation, activities taking place).
- 5.4 It also aims to provide clearer guidance to applicants, responsible authorities and decision-makers in relation to how applications should be considered as well as the obligations of licence holders. It also references Martyn’s Law (still being scoped) but it is referenced in the Statutory Section 182 Guidance issued in connection with the Licensing Act 2003.
- 5.5 An executive summary of the proposed main revisions when compared with the Council’s current Statement of Licensing Policy for 2019–2024 is included at **Appendix F**. The main revisions are included in italics with context provided.

## 6. Consultation Strategy

- 6.1 The proposed revised Statement of Licensing Policy for 2024–2029 was published on the Council’s website for consultation for a period of 8 weeks, commencing on 1<sup>st</sup> November 2023. The consultation concluded on 20<sup>th</sup> December 2023.

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6.2 In accordance with Section 5(3) of the Licensing Act 2003, the following were consulted:

- Chief Officer of Police for Sussex Police
- West Sussex Fire and Rescue Service
- Director of Public Health for West Sussex County Council
- Persons/bodies representative of local premises licence holders and premises certificates

6.3 The consultation was also publicised on the Council's website and social media channels. Individuals/groups with a particular interest or role in supporting the delivery of the Policy were also consulted directly, including:

- All Responsible Authorities in accordance with the Licensing Act 2003
- All personal and premises licence holders under the Licensing Act 2003
- Business Crime Reduction Partnership
- Trade Bodies
- Licensing Representatives and Bodies
- Pub Watch
- The Business Improvement District
- The Community Safety Partnership
- Ward Members

6.4 As part of the consultation process, Members of the Licensing Committee were invited to make comments in relation to the proposed draft Statement of Licensing Policy for 2024–2029 at the Licensing Committee on 12 December 2023. Member feedback focussed on the issues below, which have been updated and incorporated where appropriate following the conclusion of the consultation:

- The number sequencing within the document
- Inclusion of a paragraph as in the current Statement of Licensing Policy for 2019–2024 into the draft Policy as follows:

*“The Licensing authorities will not normally act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups). Such parties can make relevant representations to the Licensing Authority in their own right, and it is reasonable for this licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and this licensing authority is aware of relevant grounds to make a representation, a choice may be made to act in its capacity as responsible authority”*

6.5 A copy of the current Policy for 2019–2024 can be found at **Appendix A**, and the proposed revised draft Statement of Licensing Policy for 2024–2029 which it is proposed to come into effect from 1<sup>st</sup> March 2024–2029 is at **Appendix B**. This version includes revisions post consultation

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## 7. Consultation Feedback & Decision-Making Route

7.1 The formal consultation feedback concluded on 20<sup>th</sup> December 2023, after this report was prepared. Initial feedback on the proposed revised draft Statement of Licensing Policy for 2024–2029 was received from these organisations:

- West Sussex County Council Trading Standards.
- West Sussex County Council Public Health Body
- West Sussex County Council – Serious and Organised Crime, Community Safety Team

7.2 The feedback from these organisations was incorporated into the draft Policy for 2024–2029 prior to the commencement of formal consultation process which concluded on 20<sup>th</sup> December 2023.

7.3 In addition, feedback was submitted to the Council via the Consultation portal and the online questionnaire. 2 Crawley residents and 1 owner/manager of a premises responded (3 respondents). The summary report detailing these consultation responses is included at **Appendix C**.

7.4 A body known as the Portman Group also responded to the consultation and their feedback is included as **Appendix D**. This has been incorporated into the proposed draft Statement of Licensing Policy 2024–2029.

7.5 Chief Inspector Ben Starns on behalf of Sussex Police also provided feedback from a crime and disorder perspective. This feedback is included at **Appendix E**. This has been incorporated into the proposed draft Statement of Licensing Policy for 2024–2029.

7.6 The consultation process has now concluded and, where appropriate, the feedback referred to has been included within the proposed draft Statement of Licensing Policy for 2024–2029 as set out in **Appendix B**. Member feedback is invited on this latest version.

7.7 As previously stated, an executive summary of the proposed revisions and inclusions in respect of the proposed revised Statement of Licensing Policy for 2024–2029 is included at **Appendix F**. For ease of reference, the summary of revisions, changes and inclusions have been highlighted in italics to show the proposed revisions and inclusions when compared with the current Statement of Licensing Policy for 2019–2024.

7.8 It is important to note that the proposed revised Statement of Licensing Policy for 2024–2029 is significantly different from the current Statement of Policy covering the period for 2019–2024 and has been re-written to reflect this. This is due to the significant changes in the licensing landscape over the past 5 years, particularly as a result of the COVID-19 Pandemic, alongside new obligations placed on the Licensing Service, as well as changes to legislation, compliance requirements and regulatory practice.

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- 7.9 The matter is to be considered by Overview and Scrutiny Committee on 29<sup>th</sup> January 2024, Cabinet on 31<sup>st</sup> January 2024 and, as a key decision, Full Council on 21<sup>st</sup> February 2024 for adoption, approval for publication r implementation on 1<sup>st</sup> March 2024.
- 7.10 The Statement of Licensing Policy for the period 2024–2029, once approved, will be kept under review, consulted upon and recommended for revision where considered where appropriate and updated as needed.

## 8. Implications

- 8.1 There are no staffing or financial implications for the Council arising from this report other than the fact that the Service is self-financing, and activities should be cost neutral. Fees associated with activities covered by the Licensing Act 2003 are set by statute.
- 8.2 Article 1 of the First Protocol of the Human Rights Act 1998 entitles every person to the right to peaceful enjoyment of their possessions, which includes their livelihood.
- 8.3 An Equality Impact Assessment has also been undertaken in respect of this Policy and is included at **Appendix G**.

## 9. Background Papers

- [Licensing Act 2003](#)
- [Revised guidance issued under section 182 of Licensing Act 2003 \(December 2023\)](#)

### Report author and contact officer:

Kareen Plympton  
Manager – Health, Safety and Licensing  
[kareen.plympton@ Crawley.gov.uk](mailto:kareen.plympton@ Crawley.gov.uk)  
01293 4318023

# CRAWLEY BOROUGH COUNCIL

## LICENSING ACT 2003

### Statement of Licensing Policy

2019 – 2024



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## 1. INTRODUCTION AND SCOPE OF THE POLICY

- 1.1 Crawley Borough Council, as the licensing authority for the borough of Crawley (the Council), in pursuance of its duties and powers under the Licensing Act 2003 (the Act), hereby formally makes a statement as to its Policy in respect of the provisions of that Act.
- 1.2 The aim of 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. The overriding philosophy of the licensing regime is that there is a presumption that a licence will be granted unless there are compelling reasons to refuse the licence. This policy will then form the basis on which the licensing decisions are taken by the authority.
- 1.3 The Licensing Objectives are:-
- Prevention of crime and disorder
  - Public safety
  - Prevention of public nuisance
  - Protection of children from harm
- 1.4 In undertaking its licensing function, the Council is also bound by other legislation, which includes the following:
- Section 17 of the Crime and Disorder Act 1998 requiring the Local Authority to do all that it reasonably can to prevent crime and disorder in its locality.
  - Guidance issued under Section 182 of the Licensing Act 2003 (Statutory Guidance).
  - The European Convention on Human Rights, which is given effect by the Human Rights Act 1998; placing a duty on public authorities to protect the rights of individuals in a variety of circumstances.
  - Health and Safety at Work Act 1974; and regulations made there under
  - Food Safety Act 1990; and regulations made there under
  - Environmental Protection Act 1990
  - Criminal Justice and Police Act 2001
  - The Anti-Social Behaviour Act 2003
  - Race Relations (Amendment) Act 2000
  - Disability Discrimination Act 1995
  - Data Protection Act 1998
  - Equality Act 2010
  - Police Reform & Social Responsibility Act 2011
  - Live Music Act 2012
  - Immigration
- 1.5 The Council will also seek to discharge its responsibilities identified by other Government Strategies, so far as they impact on the Licensing Objectives. Examples of these include the

Strategies which are set out below:

- The Government's Alcohol Strategy 2012
- The Annual Safer Crawley Partnership Plan

1.6 In addition, the Council will consider applications with reference to other, locally, adopted Strategies, as set out below:

- Annual Safer Crawley Partnership Plan
- Safer Crawley Partnership Executive Initiatives
- Crawley Evening Economy
- Health Promotion Strategies
- Enforcement Concordat
- Local Plan
- Emerging Draft Local Development Framework
- Pub Watch" and "Business Watch" schemes
- Proof of age scheme

1.7 The Council, in adopting this licensing policy, recognises both the needs of residents for a safe and healthy environment in which to live and work and the importance of safe and well run premises providing entertainment to the local economy and vibrancy of the borough.

1.8 The Policy provides guidance to applicants, objectors and other interested persons on the general approach the Council will take in terms of licensing. Although each licence application must be considered separately on its individual merits, in adopting this licensing policy the Council is making it clear that wider considerations other than the fitness of the applicant and suitability of the premises will be taken into account.

1.9 This policy will take effect on 1<sup>st</sup> March 2019 and remain in force for a period of 5 years or until it is subject to review by the Council whichever is sooner. Any review and proposed changes will be the subject of statutory consultation.

1.10 The Policy is written in pursuance of the Act and incorporates the Council's adopted policies in respect of Equal Opportunities.

## **Scope of the policy**

1.11 The Act is concerned about the sale of alcohol, the provision of regulated entertainment and late night refreshment. In general a reference in this policy to a premises licence will include reference to a club premises certificate.

1.12 Activities that require a licence under the Act and covered by this policy include:

- Retail sale of alcohol for consumption both on and off the premises
- Supply of hot food or drink from a premise from 23.00 to 05.00 hours for consumption both on and off the premises
- Provision of entertainment listed below (known as regulated entertainment) to the public or club members or with a view to profit, namely:

- Film exhibitions
- Performances of a play
- Indoor sporting events
- Boxing or wrestling entertainment
- Live music performances (as defined by the Live Music Act 2012)
- Playing of recorded music
- Dance performances

1.13 The Act covers the licensing of individuals for the retail sale of alcohol (personal licences), the licensing of premises as described above, and the regulation of certain licensable activities on a temporary basis (temporary event notices).

1.14 The scope of the policy covers new applications, renewals, transfers and variations of licences and certificates, including where applicable temporary premises licences. It will also include review of licences and certificates. Such a review could lead to the revocation of a licence or certificate.

## **2. HOW DECISIONS WILL BE MADE USING THE POLICY**

2.1 When an application is made regarding a licence, including an application for the review of a licence following a representation, decisions regarding the control of the premises will need to be made. The Act and the Statutory Guidance lay down the issues that the Council is required to consider in fulfilling its function as a Licensing Authority.

2.2 This policy sets out a general approach to the making of licensing decisions and underpins the provisions of the Act. It does not seek to undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits.

2.3 Similarly, this policy does not override the right of any person to make representations in respect of an application or seek a review of a licence or certificate, where provision has been made for them to do so under the Act.

2.4 Licensing is about control of licensed premises, qualifying clubs and temporary events, within the terms of the Act. The terms and conditions attached to various permissions will be focused on matters which are within the reasonable control of individual licensees and others who have been granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.

2.5 The Council will primarily focus on the direct impact the activities taking place at licensed premises may have on members of the public living, working or engaged 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 individual, club or business holding a licence, certificate or relevant permission.

### **Main principles**

2.6 In addition to being bound by the legislation referred to above, the Council intends to promote the Licensing Objectives (see below) by pursuing the key themes of Crawley's Local Strategic Partnership, namely:

- Affordable Housing
- Local Environment
- Lifelong Learning
- Community Safety
- Health and Social Care
- Local Economy

2.7 The policy is also intended to ensure that the provision of additional opportunities for licensable activities is matched by additional measures enabling the police and licensing authorities to act promptly to maintain public order and safety.

## **Licensing objectives**

2.8 There are four Licensing Objectives stated in Section 4 of the Act. These same Licensing Objectives are also referred to in the Statutory Guidance. Crawley Borough Council's approach to each is detailed below.

2.9 The four stated Licensing Objectives in the Act are:

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

## **Prevention of crime and disorder**

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

### General management controls on crime and disorder

2.11 The essential purpose of the licence or certificate in this context is to regulate behaviour on premises and access to them where this relates to licensable activities and the licensing objectives. The Council will not, therefore, seek to use, conditions attached to licences to manage the behaviour of customers once they are beyond the direct management of the licence holder and his staff or agents.

2.12 No conditions relating to the management competency of designated premises supervisors will be attached to premises licences, unless it could be demonstrated that in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and/or disorder and public safety.

- 2.13 The statutory guidance states that licence conditions must avoid attaching conditions that duplicate other regulatory regimes as far as possible and must not replicate licensing offences that are set out in the Act.
- 2.14 Conditions will, however, be used if they can control issues that directly impact on the behaviour of those under the licensee's direction when on his premises or in the immediate vicinity of the premises as they seek entry or leave. Consideration will be given to the advice within Chapter 10 of the Statutory Guidance . The Council will look to the police as the main source of advice on these matters, and this advice will be given considerable weight.
- 2.15 The Council recognises that there are, or will be, a number of voluntary schemes designed to improve public safety, such as the "National Pubwatch" scheme and "The Safer Clubbing" guide. The Council supports the use of such schemes as they will increase the likelihood that the licence holder of the premises concerned will be promoting the licence objectives. The Council will, where appropriate, consider the use of conditions to achieve these standards.
- 2.16 The Council also recognises that it must fulfil its obligations under section 17 of the Crime and Disorder Act 1998 when carrying out its functions as the licensing authority under the Act.

## Areas where further conditions may be considered

- 2.17 There are several areas in which the Council will have particular concerns:

### *Discounting and sales promotions*

- 2.18 When considering any relevant representations made in respect of an application, there will need to be shown a clear causal link between sales promotions or price discounting and levels of crime and disorder on or in the vicinity of the premises.
- 2.19 The Council will also support local voluntary Codes of Practice in respect of ensuring responsible use of the discounting of the costs of alcoholic drinks, happy hours and sales promotions whereby drinks are offered free in certain circumstances.

### *Effective door supervision*

- 2.20 Provision of door supervision may be necessary to ensure that people who are drunk or drug dealers or carrying weapons do not enter the premises. This reduces the potential for crime and disorder. Door supervisors should also ensure that the police are informed where this will help to promote the licensing objectives.
- 2.21 Whenever security operatives are employed at licensed premises to carry out any security function they must be licensed by the Security Industry Authority (SIA). Competent and professional door supervisors are key to public safety at licensed premises and the provision of door supervisors is an action point for the leisure industry to consider in the National Alcohol Harm Reduction Strategy. If a licensee directly employs security operatives they will need to be licensed by the SIA as a supervisor/manager. Local authority licensing officers may look more favourably on licence applications which demonstrate that licensees have considered:
- Recruiting SIA licensed door supervision staff from a reputable company with SIA Approved Contractor Status.
  - What measures will be taken and what and procedures are in place for licensees to check the SIA register of licensed door supervisors to ensure their premises and customers are only protected by door supervisors with an SIA licence.
- 2.22 The Council would also encourage good practices, such as identifying door supervisors by uniform, which may include high visibility jackets, in appropriate circumstances. In premises such as cinemas and theatres carrying on other licensable activities on the premises as well as their primary function of exhibiting films or presenting plays, the Council would not normally require door supervision by individuals licensed by the Security Industries Authority

(SIA) in such premises. However, the circumstances of all applications will be considered individually.

- 2.23 Finally, in certain circumstances, the Council may also consider it appropriate to apply conditions regarding the provision of stewards and other persons whose role is not to carry out a security activity but to provide advice about and ensure the safety of those visiting the premises. Such individuals will not need to be licensed by the SIA.

*Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)*

- 2.24 Large capacity “Vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons. The Council recognises and research has demonstrated that the environment within such establishments can have a significant bearing on the likelihood of crime and disorder.
- 2.25 Where appropriate, the Council will attach conditions to premises licences for the promotion of the prevention of crime and disorder at such premises (if not volunteered by the venue operator and following representations made on such grounds) which require adherence to:
- a prescribed capacity;
  - an appropriate ratio of tables and chairs to customers based on the capacity; and
  - the presence of SIA licensed security teams to control entry for the purpose of compliance with the capacity limit and to deny entry to individuals who appear drunk or disorderly or both.

## **Public safety**

- 2.26 The Council recognises that the public safety objective is concerned with the physical safety of the people using the relevant premises and not with public health, which is dealt with in other legislation. There will of course be occasions when a public safety condition could incidentally benefit health, but this will not be the purpose of the condition as this would be ultra vires in the context of the Act. Accordingly, conditions will not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene. In addition, no attempt will be made to use a licensing condition to prohibit smoking for either health or desirability. These matters are dealt with under other legislation and voluntary codes of practice and duplication must be avoided. It should be noted, however, that public safety does include the safety of performers appearing at any premises.
- 2.27 There are also many areas of existing legislation which provide for Public Safety. It is, therefore, essential that the Licensing Policy deals only with the remit of the Licensing Act. The Council will expect applicants and licence holders to have regard to key publications in the context of regulated entertainment.
- 2.28 The Council will not include conditions for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, where there is a requirement in other legislation. However, the Council will require as a condition of a licence or certificate, if necessary, checks on such equipment to be conducted at specified intervals and for evidence of such checks to be retained by the premises licence holder or club provided this does not duplicate or ‘gold-plate’ a requirement in other legislation. If the Council receives relevant representations from responsible authorities or interested parties, we will attach conditions which require equipment of particular standards to be maintained on the premises. In considering such conditions, the

advice of responsible authorities, such as health and safety authorities, will carry considerable weight.

- 2.29 The Act provides that where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (currently only the British Board of Film Classification – BBFC) or by the licensing authority itself.
- 2.30 The BBFC classifies films in accordance with its published Guidelines which are based on extensive research into public opinion and professional advice. The classifications recommended by the Board should be those normally applied unless there are very good local reasons for a licensing authority to adopt this role. The Council notes that the provisions of the Act enables it to specify the Board in the licence or certificate and, in relation to individual films, to notify the holder or club that it will make a recommendation for that particular film.
- 2.31 There will, therefore, be circumstances when the Council will consider the use of conditions. These will include the use of a possible pool of conditions, to which others may be added.

## **Prevention of public nuisance**

- 2.32 There is no statutory definition of Public Nuisance. The Council will, therefore, need to make judgements about what constitutes public nuisance and define the necessary controls. To decide this, the Council will consider the promotion of this licensing objective. We will focus on whether impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity are disproportionate and unreasonable.
- 2.33 The Council will be mainly concerned with noise nuisance, light pollution, noxious smells and litter. For example, the Council considers that the prevention of public nuisance will include low-level nuisance affecting a few people living locally as well as major disturbance affecting the whole community. It will also include in appropriate circumstances the reduction of the living and working amenity and environment of people in the vicinity of licensed premises. The Council also considers that the cumulative effects of litter in the vicinity of premises carrying on licensable activities can cause public nuisance.
- 2.34 The Council will use appropriate conditions which relate to public nuisance. They will be tailored for specific premises licences and club premises certificates, and will not be treated as standard conditions.
- 2.35 The following conditions and controls will be considered by the Council in respect of preventing public nuisance:

### Conditions relating to noise nuisance

- 2.36 These will normally concern steps necessary to control the levels of noise emanating from premises, from simple mechanisms like ensuring that doors and windows are kept closed after a particular time in the evening to more sophisticated mechanisms like sound level inhibitors on amplification equipment or sound proofing. Any conditions necessary to promote the prevention of public nuisance will be tailored to the style and characteristics of premises and the type of activities expected to take place there. To prevent a Public Nuisance the Council has a general requirement that all regulated entertainment must be inaudible inside all noise sensitive premises between 23:00 and 07:00. Inaudibility will also be required between 07:00 and 23:00 if regulated entertainment is requested more often than 30 times a year. To prevent a public nuisance the Council will require all outside drinking areas to be closed to the public from 23:00 to 07:00, except for an agreed designated smoking area, where no food or drinks will be allowed.

### Conditions for 'takeaways' and fast food outlets.

- 2.37 We may consider it appropriate and necessary for a condition of a licence to require premises

serving customers from takeaways and fast food outlets from 11.00pm to provide litter bins in the vicinity of the premises in order to prevent the accumulation of litter from its customers. Such conditions may be appropriate in circumstances where customers late at night may have been consuming alcohol and be inclined to carelessness and anti-social behaviour. In considering such a condition, the Council will consider whether such a requirement is appropriate having regard to the licensable activities carried on, the type and characteristics of the premises.

## Conditions to control light pollution.

- 2.38 The Council will seek to balance bright lighting outside premises considered appropriate to prevent crime and disorder against light pollution for some neighbours.

## Representations relating to public nuisance.

- 2.39 Where applications have given rise to representations, any appropriate conditions will 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 may also prove appropriate to address any disturbance anticipated as customers enter and leave the premises and therefore, in the immediate vicinity of the premises.
- 2.40 However, all conditions in respect of public nuisance will be 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 reasonable control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives in relation to the licensing activities carried on at the premises. Beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in his own right. However, the Council may consider it appropriate, following relevant representations from a responsible authority or interested party, to require the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet when they leave the area and to respect the rights of people living near-by to a peaceful night.
- 2.41 After a licence or certificate has been granted or varied, a complaint relating to a general situation in a town centre will not generally be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate.
- 2.42 The Council will not use conditions where the provisions of the Environmental Protection Act 1990 and of the Noise Act 1996 adequately protect those living in the vicinity of the premises in question. However, the Council intends to adopt an approach of prevention which adequately cover concerns raised in relevant representations.
- 2.43 The Council will, however, promote the use of other legislation including the Anti-Social Behaviour Act 2003 as a way to control noise from any licensed premises which is causing a public nuisance.

## **Protection of children from harm**

- 2.44 The Council recognises that the protection of children from harm includes the protection of children from moral, psychological and physical harm, and this would include the protection of children from too early an exposure to strong language and sexual expletives, for example, in the context of film exhibitions, or where adult entertainment is provided.
- 2.45 However, in the context of many licensed premises such as pubs, restaurants, café bars and hotels, the Council does not wish to see the development of family-friendly environments frustrated by overly restrictive conditions in respect of children where there is no good reason

to impose them.

- 2.46 Nothing, therefore, in this statement of policy limits the access of children to licensed premises unless it is appropriate for the prevention of harm to children. No statement of policy can properly anticipate every issue of concern that could arise in respect of children with regard to individual premises and as such, general rules will be avoided. Consideration of the individual merits of each application remains the best mechanism for judging such matters.
- 2.47 The Council recognises that the changes in the Act to the law concerning consumption of alcohol by minors on licensed premises now mean the focus for licensing authorities, the police and other authorised persons should be on the enforcement of those laws.
- 2.48 The Council will, therefore, ensure that representations made by the statutory child protection bodies and the police in respect of individual applications should be given considerable weight when they address appropriate issues regarding the admission of children.

## Use of Conditions

- 2.49 The Council will not impose conditions requiring the admission of children to any premises. Where no licensing restriction is appropriate, this will remain a matter for the discretion of the individual licensee or club.
- 2.50 However, the Council considers that conditions relating to the access of children which are appropriate to protect them from harm are self evidently of great importance.
- 2.51 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. Such trading practices should be obvious from the operating schedule or club operating schedule provided with the relevant application allowing the framing of an appropriate, time-limited condition. Similarly, gambling may take place in part of a leisure centre but not in other parts of those premises. This means that the access of children will need to be carefully considered by applicants, the Council and responsible authorities. In many respects, it should be possible to rely on the discretion and common sense of licence and certificate holders.
- 2.52 The Council would consider the following matters of particular concern if they feature in any application:
- Where there have been convictions for serving alcohol to minors or with a reputation for underage drinking.
  - Where there is a known association with drug taking or dealing.
  - Where there is a strong element of gambling on the premises.
  - Where entertainment of an adult or sexual nature is commonly provided.
- 2.53 It is acknowledged that complete bans will be rare but the options for limiting the access of children, where appropriate, for the prevention of harm to children, include the following:
- Limitations on the hours when (where) children may be present.
  - Age limitations (below 18).
  - Limitations or exclusions when certain activities are taking place.
  - Requirements for an accompanying adult.
  - Full exclusion of people under 18 from the premises when any licensable activities are

taking place.

- Limitation on parts of premises

## Children and cinemas

- 2.54 The Act provides that where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself.
- 2.55 The Council will adopt the recommendations of the British Board of Film Classification
- 2.56 In the case of premises giving film exhibitions, the Council expects licensees to impose conditions that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classifications.

## Children and public entertainments

- 2.57 Where such entertainment is due to take place, the Council will ordinarily impose a requirement for a specified number of adults to be present at the places of public entertainment to control the access and egress of children and to assure their safety. The number of adults required will be calculated on the basis of a risk assessment and taking into considerations including the size of the venue, the number and ages of the children present, the type of activity involved and any requirements included in the relevant Children's Acts. As a minimum, the Council would normally expect at least one parental adult for every 15 children present, with the ratio of adults increasing the younger the children involved.
- 2.58 The Council will still expect applicants when preparing an operating schedule or club operating schedule to state their intention to exercise such discretion and where they are appropriate, to set out the steps to be taken to protect children from harm when on the premises. For example, when entertainment is being provided specifically for children, the licensee will be expected to check that any persons providing entertainment are safe to work with children.
- 2.59 The admission of children to theatres, as with other licensed premises, will not normally be restricted. The Council considers that the admission of children to the performance of a play should normally be at the discretion of the licence holder and no condition restricting their access to plays should be attached. However, theatres may also present a wide range of entertainment including, for example, variety shows incorporating adult entertainment. The Council may, therefore, apply conditions restricting the admission of children in such circumstances as may be appropriate. Entertainments may also be presented at theatres specifically for children. The Council may consider it appropriate to attach a condition to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of the children during any emergency.

## Sale and Supply of Alcohol to Children

- 2.60 Section 186 of the Act provides that proceedings for any offences in the Act may be instituted by a licensing authority or by the Director of Public Prosecutions, and, in the case of an offence under section 146 or 147 (sale of alcohol to children) of the Act, by a local weights and measures authority (trading standards officers). The police also have powers to prosecute under sections 146 and 147 of the Act.
- 2.61 The Council will support formal action taken under these provisions, in line with its current enforcement policy.
- 2.62 The Council will give considerable weight as to whether the person selling the alcohol to the minor can provide proof of having actively supported an accredited proof of age scheme in the

past.

## Licensing objectives: general

2.63 In addition to the four licensing objectives laid down in the Act, the Statutory Guidance states that all Licensing Policies should consider the following.

### Cumulative Impact

2.64 Views have to be taken, as part of the consultation process, as to the effect an expansion of licensing may have on any one area. The matter of 'need' for an additional facility, whether pub, club etc. is not covered by this policy. This will be a matter for planning policies and strategies and for the market as a whole.

2.65 "Quotas" will not be imposed in any circumstances. However, it is possible to consider the overall "cumulative" impact. This may have an impact on the number of licensed premises in any given area.

2.66 There are, therefore, a range of approaches which may be used to address issues of cumulative impact. Some will lie within the controls provided by the Licensing Act and others will not. They include:-

- Planning Controls
- Positive measures to create a safe and clean environment in partnership with local businesses, transport operators and other local authority departments
- Application of the powers of the Council to designate parts of the area as places where alcohol may not be consumed in public.
- Police enforcement of the normal law concerning disorder and anti-social behaviour, including the issue of fixed penalty notices.
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
- The confiscation of alcohol from adults and children in designated areas.
- Application of police powers to instantly close for up to 24 hours, any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder, or excessive noise emanating from the premises.
- Application of powers of the police, other responsible authorities, local residents or businesses to seek a review of the licence or certificate in question.
- Use of closed-circuit television (CCTV).

2.67 The policy confirms that the onus would be on the objector to any licence application, to lay an evidential base for any assertion that the addition of a premise would produce the cumulative impact as claimed.

2.68 Conditions of licenses which address the cumulative impact of licensed premises within an area will always reflect the particular circumstances in an area which may have an impact on nuisance or crime and disorder, and a "blanket" approach will not be used.

2.69 At the time of reviewing and publishing this policy, there was insufficient evidence to warrant the adoption of a saturation policy due to the cumulative impact of licensing in any specific area. It may be that in the future the Council receives sufficient evidence at which time it may consider adopting a special policy to address the saturation effect. In such a case before any policy is formulated, consideration will be given to:-

- Identifying any serious or chronic concerns about nuisance and disorder;
- Assessing the causes;
- Identifying the area from which problems are arising and the boundaries of that area; and
- Adopting a policy about future licence applications from that area.

## Licensing Hours

- 2.70 Consideration will be given to the individual merits of each and every application. However, it is recognised, following Government recommendation in the light of national research, that longer licensing hours with regard to the sale of alcohol may be important to ensure that the concentrations of customers leaving premises simultaneously are avoided. Fixed and artificially early closing times may promote, in the case of sales of alcohol, rapid binge drinking close to closing times; and are a key cause of disorder and disturbance when large numbers of customers are required to leave premises simultaneously. This in turn produces friction, particularly between young men, and gives rise to disorder and peaks of noise and other nuisance behaviour particularly in and around late night fast food outlets, taxi ranks and other sources of transport.
- 2.71 For the avoidance of doubt and to give the public clarity, each premises licence will have a “Starting” and “Terminal” Hour fixed. The Council will expect to see within the operating plan a series of times setting out when: -
- Customers may first enter the premises,
  - The time from when alcohol may be sold,
  - The time for last orders,
  - The “terminal hour” for the premises.
- 2.72 The Council would expect to see the “Terminal Hour” occurring after “last orders”. In relation to premises that intend to stay open after midnight for the sale of alcohol and/or the provision of regulated entertainment the Council will expect to see a time in the operating plan (earlier than midnight) after which customers will not be allowed to enter the premises.
- 2.73 The Council supports the aim of reducing concentrations and achieving slower dispersal of people from licensed premises through longer opening times. Arbitrary restrictions that will undermine this principle of flexibility and will, where possible, be avoided.
- 2.74 Whilst it is recognised that there are concerns locally regarding longer opening hours in residential areas, the Council will not seek to engineer “staggered closing times” by setting quotas for particular closing times, for example, by allocating closing times of 11.00pm, 12 midnight, 1.00am, 2.00am, 3.00am etc. to specific premises. This would only serve to replace the current peaks of disorder and disturbance after 11.00pm and after 2.00am with a series of smaller peaks, minimising any potential improvement in the prevention of crime and disorder or public nuisance and would not be necessary to promote the licensing objectives. The Council’s general principle will be to support later opening so that customers leave for natural reasons slowly over a longer period. This will prevent any artificial concentration. Specific

## Zoning

- 2.75 Zoning refers to the setting of fixed trading hours within designated areas. Experience in Scotland has demonstrated that zoning leads to the significant movement of people across boundaries in search of premises opening later and puts greater pressure on town centres than is necessary. It is further recognised that zoning risks treating residents in one area preferentially over others simply because they have chosen to live in the busy central area of

the town. As such, the Council will not fix predetermined closing times for particular areas.

- 2.76 Accordingly, all residents living in the vicinity of licensed premises have the equal right to make representations concerning applications for premises licences and hours of trading and to have those representations given equal weight regardless of the area of the borough in which they live.
- 2.77 In each individual case that arises following representation, the Council will consider the potential for nuisance associated with the style, characteristics and activities of the business involved, to examine the potential steps which could be taken to reduce the risk of nuisance, particularly in areas of dense residential accommodation, and to consider restricting the hours of trading only as a last resort because of the potential impact on disorder and antisocial behaviour from fixed and artificially early closing times.

## Shops, stores and supermarkets

- 2.78 Shops, stores and supermarkets should be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours. Accordingly, if the law permits the shop to open for 24 hours or limits such opening, for example, on Sundays, the Council will generally permit the sale of alcohol during those hours.
- 2.79 Normally the sale of alcohol from a garage will be prohibited. Where, however it can be shown that the main activity of the premises is not as a garage applications may be considered but each case will be considered on its merits.
- 2.80 Good reasons for imposing a limitation may be appropriate, for example, following police representations in the case of isolated shops known to be a focus of disorder or disturbance because youths gather there and engage in anti-social behaviour, including pressurising shop staff to make unlawful sales of alcohol. There is strong local support to control disorder around off-licences. Where representations are received from the police or Trading Standards, the Council will consider the use of conditions.

## Worker Rights

- 2.81 In determining an application for a premises licence and the hours at which the premises might provide licensable activities to the public, it is not for the Council to consider such matters as the rights of the workers employed on the premises who may be asked to work longer hours. Existing protections under the Working Time Regulations 2002, and under the normal laws of contract, make it unlawful for one party to a contract of employment to vary its terms and conditions without the other's consent. This means that people whose current contract of employment (whether in its explicit terms or as a matter of custom or practice) does not provide for them to work extended hours and/or at unsocial times can have different terms imposed on them. The existing protections can therefore be expected to provide adequate protection against abuse. Against this background, the impact on workers of an extended hours permitted by a premises licence is a contractual matter to be resolved between the employer and employee, thus the Council will not seek to intervene in these matters as a matter of licensing policy.

## Licensing qualifications

- 2.82 The Council will recognise only those qualifications which are accredited or accepted by the Secretary of State. The Council will also accept those persons prescribed by the Secretary of State as persons who will not need to possess the licensing qualification.

## Integration of strategies

- 2.83 The Council shall secure the proper integration of this policy with local crime prevention,

planning, transport, tourism and cultural strategies by the following mechanisms:

- Liaising and consulting with the Sussex Police as part of the Safer Crawley Partnership
- Working in partnership with licensee and other groups, such as those described in the National Pubwatch scheme.
- Liaising and consulting with those Directorates, committees and contacts within Crawley Borough Council who deal with Planning, the Environment, Transport, Civic Amenities, Culture, Leisure, Economic Development, Social Inclusively and Access for All.
- Liaising and consulting with our partners in the Local Strategic Partnership.

- 2.84 In respect of the County Council as stakeholders in respect of transport, the Council will have regard to the need to disperse people quickly and safely from Crawley town centre: it is preferable to avoid concentrations which may produce disorder and disturbance. Decisions made under this policy will reflect any protocols agreed between the local police and other licensing enforcement officers and the need to report to West Sussex transport committees.
- 2.85 In respect of other external bodies, the Council will make this policy widely available and invite input from interested parties.
- 2.86 This policy shall avoid unnecessary duplication or inefficiencies by properly separating the planning and licensing regimes in operation. Where appropriate, matters for consideration in licensing applications will not duplicate matters considered as part of any planning application. Licensing decisions will take into account any relevant planning decisions (either by [the Planning Committee] or following appeals against decisions taken by [that committee]) and will not cut across such decisions.

#### Public Space Protection Order (PSPO)

- 2.87 A Public Space Protection Order creates a borough wide controlled drinking zone to help us reduce anti-social behaviour arising for drinking alcohol in the street. The Order gives the police and authorised officers the ability to confiscate alcohol or require a person to stop drinking in public if they are causing a nuisance. The powers do not prohibit drinking in public places and it can only be used where it is associated with negative behaviour.

#### Pubwatch

- 2.88 The borough-wide pubwatch network encourages licensees to work together to promote the licensing objectives in their premises by providing a forum for sharing information, disseminating best practice and meeting with representatives of the licensing authority, the police and other responsible authorities
- 2.89 The Licensing Authority encourages all licensees to actively participate in their local pubwatch scheme and it will support the development of more schemes where there is a demand.

#### Adult Entertainment

- 2.90 The Licensing Authority expects all applicants and licensees intending to provide adult entertainment to include the relevant details in their operating schedule, including any controls they intend to put into place.
- 2.91 When considering applications which include adult entertainment the Licensing Authority will take into account the nature of the area, the marketing, and advertising arrangements and external views of the premises together with other factors proposed by the proprietor to mitigate against concerns.
- 2.92 Premises providing adult entertainment on a regular basis will be subject to the licensing regime for Sexual Entertainment Venues. Premises licenced under the Licensing Act 2003 that are exempt from this regime will be subject to the following paragraphs of this Policy.

2.93 The location of the premises will be an important factor as it can impact on all four of the licensing objectives. The licensing authority will take into account the cumulative effect of the premises on the area and whether applications for new and variation premises licences that are located in close proximity to sensitive premises should be granted. Sensitive premises may include:

- residential accommodation,
- schools,
- children's and vulnerable persons' centres,
- youth and community centres,
- religious centres and public places of worship

### **3. PREMISES LICENCES AND CLUB PREMISES CERTIFICATES**

#### **Premises licences**

3.1 A premises licence authorises the use of any premises, (which is defined in the 2003 Act as a vehicle, vessel or moveable structure or any place or a part of any premises), for licensable activities described and defined in the Act. The licensable activities are:

- The sale by retail of alcohol.
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.
- The provision of regulated entertainment.
- The provision of late night refreshment.

3.2 Further details may be found in the Act and Statutory Guidance.

3.3 The Council intends to encourage mixed usage of licensed premises to encourage older sections of the community to use them. We will also encourage and support licensed premises that have a family friendly content.

3.4 The Council will determine in the first instance whether or not any representations made in respect of an application are relevant.

3.5 Where a representation concerns "cumulative impact" the Council may be unable to consider this factor but would examine issues such as the proximity of the residence or business. The Council will adopt a common sense approach and hopes that individuals living and working in the neighbourhood or area immediately surrounding the premises will feel able to make representations.

3.6 The Council will provide advice on its website about how a relevant representation can be made in respect of any application.

#### Making an Application

3.7 An application for a premises licence must be made in the prescribed form to the Council and be copied to each of the appropriate responsible authorities. The application must be accompanied by:

- The required fee;
- An operating schedule (see below);
- A plan of the premises, in a prescribed form, to which the application relates; and
- If the application involves the supply of alcohol, a form of consent from the individual who

is to be specified in the licence as the designated premises supervisor.

- 3.8 Regulations containing provisions on fees and the prescribed form of applications are provided in the relevant legislation.

### Producing the operating schedule

- 3.9 The operating schedule will form part of the completed application form for a premises licence.

- 3.10 The Council will expect an operating schedule to include:

- Information which is necessary to enable any responsible authority or any other person to assess whether the steps to be taken to promote licensing objectives are satisfactory.
- A description of the style and character of the business to be conducted on the premises (for example, a supermarket, or a cinema with six screens and a bar, or a restaurant, or a public house with two bars, a dining area and a garden open to customers).
- Where alcohol is being sold for consumption on the premises in public houses, bars and nightclubs, the extent to which seating is to be provided will be considered when dealing with applications or variations, because research has shown that the amount of available seating can be relevant to promoting the prevention of crime and disorder objective.
- A specific description of the type of activities available on the premises: types of dancing, may give rise to issues concerning the steps needed to protect children from harm and more generally conditions which would be appropriate, for example.

- 3.11 The following matters must also be included in full;

- The relevant licensable activities to be conducted on the premises;
- The times during which it is proposed that the relevant licensable activities are to take place (including the times during each day of the week, during particular holiday periods and during particular seasons, if it is likely that the times would be different during different parts of the year).
- Any other times when the premises are to be open to the public; where the licence is required only for a limited period, that period; where the licensable activities include the supply of alcohol.
- The name and address of the individual to be specified as the designated premises supervisor.
- Where the licensable activities include the supply of alcohol.
- Whether the alcohol will be supplied for consumption on or off the premises or both.
- The steps which the applicant proposes to take to promote the licensing objectives.

### *Steps to promote the licensing objectives to be taken when preparing an operating schedule*

- 3.12 The Council considers that, in preparing an operating schedule, applicants should be aware of the expectations of the Council and the responsible authorities about the steps that are appropriate for the promotion of the licensing objectives.

- 3.13 This does not mean that applicants must check their operating schedules with the Council and responsible authorities before submitting them. However, the Council will provide advice on matters relating to the licensing objectives.

- 3.14 In preparing operating schedules, the Council expects that applicants will have regard to this statement of licensing policy published by this authority for the Crawley area.

- 3.15 It is also expected that applicants will seek the views of the 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 community safety officers, and local community groups, might be consulted and on matters relating to noise, local environmental health officers might be consulted. Further information will be provided on the Council's website.
- 3.16 Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives that they have set out in the operating schedule will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.
- 3.17 The Council recognises that in respect of some premises, it is entirely possible that no measures will be needed to promote one or more of the licensing objectives, for example, because they are adequately dealt with by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that it is proposed to take to promote each of the licensing objectives and in particular, the protection of children from harm.

### Advertising required when submitting an application

- 3.18 Regulations governing the advertising of applications for the grant or variation or review of premises licences is contained in secondary legislation made by the Secretary of State. They include the requirement that a brief summary of the application setting out matters such as the proposed licensable activities and the proposed hours of opening should be clearly displayed on a notice immediately on or outside the premises for the period during which representations may be made, together with information about where the details of the application may be
- 3.19 The Council will also include details of applications on its website.
- 3.20 Charges made for copies of the register will not exceed the cost of preparing such copies.

### Applications for major art and pop festivals, carnivals, fairs and circuses

- 3.21 The Council have identified the need for the organisers of major festivals and carnivals to make contact with the Council at the earliest opportunity to discuss arrangements for the licensing of those activities falling under the Act. In respect of some events, the organisers may seek a single premises licence to cover a wide range of activities at varied locations within the premises. This would involve the preparation of a substantial operating schedule.
- 3.22 For other events, applications for many connected premises licences may be made which in combination will represent a single festival. The Council consider it is essential to have proper co-ordination of such arrangements and will expect organisers to work with the Council in ensuring that responsible authorities are aware of the connected nature of the individual applications.
- 3.23 The Council will expect applicants for these types of events to establish a co-ordinating committee to ensure a strategic approach to the development of operating schedules. The purpose would be to ensure that conditions are not included in licences which conflict with each other, make compliance uncertain or would be difficult to enforce.
- 3.24 The Council will offer advice and assistance about its preparation and act as a co-ordinating body for the input from the responsible authorities that will eventually be notified formally about the proposal and who can make representations before an application is made.
- 3.25 In the case of circuses and fairgrounds, much will depend on the content of any entertainment presented. For example, at fairgrounds, a good deal of the musical entertainment may be incidental to the main attractions and rides at the fair which are not themselves regulated entertainment.

- 3.26 When considering applications, it is expected that the Council will seek to uphold these policy aims.

*Producing the operating schedule – applications for premises licences for major events*

- 3.27 The Council expects that applicants will give early notice of such major events to allow responsible authorities to discuss operating schedules with the organisers well before an application is submitted. As many of these events will give rise to special considerations in respect of public safety, failure to give such early notice will indicate that applicants have not given appropriate consideration to this licensing objective.
- 3.28 The Council will expect operating schedules for appropriate events to reflect an awareness of these matters and in particular, look to act on the advice given in key publications in the context of regulated entertainment.

### **Club premises certificates**

- 3.29 The Act recognises that premises, to which public access is restricted and where alcohol is supplied other than for profit, give rise to different issues for licensing law than those presented by commercial enterprises selling direct to the public. For this reason, it preserves aspects of earlier alcohol licensing law as it applied to registered members clubs. These clubs are organisations where members have joined together for particular social, sporting or political purposes and then combined to buy alcohol in bulk as members of the organisation for supply in that context. They commonly include Labour, Conservative and Liberal Clubs, the Royal British Legion, other ex-services clubs, working men's clubs, social and sports clubs.

### Making an Application

- 3.30 An application for a club premises certificate must be made in the prescribed form to the Council and be copied to each of the appropriate responsible authorities. The application must be accompanied by:
- the required fee;
  - an operating schedule (see below);
  - a plan of the premises, in a prescribed form, to which the application relates; and
  - a copy of the rules of the club.
- 3.31 Regulations containing provisions on fees and the prescribed form of applications are provided in the relevant legislation.

### Producing the operating schedule.

- 3.32 See also paragraphs 3.7 – 3.9 above, in respect of premises licences.

*Steps to promote the licensing objectives to be taken when preparing an operating schedule.*

- 3.33 Club operating schedules prepared by clubs, as with operating schedules for premises licences, must include the steps the club intends to take to promote the licensing objectives. These will be translated into conditions included in the certificate, unless the conditions have been modified by the Council following consideration of relevant representations made in respect of the application.
- 3.34 The Council recognises that non-profit making clubs make an important and traditional contribution to the life of the community and bring significant benefits. Their activities also take place on premises to which the public do not generally have access and they operate under codes of discipline applying to members and their guests.

- 3.35 In determining what conditions should be included in certificates, the Council will bear these matters in mind and when considering representations from responsible authorities and interested parties, we will bear in mind that conditions should not be attached to certificates unless they can be demonstrated to be appropriate.
- 3.36 The Council will also bear in mind that the indirect costs of conditions will be borne by individual members of the club and cannot be recovered by passing on these costs to the general public as would be the case for commercial enterprises or where a club had chosen to carry on the licensable activities at their premises for the public under the authority of a premises licence.
- 3.37 It should be noted that certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements on premises licences described in this document.

## Variations

- 3.38 Where a premises licence holder or club premises certificate holder wishes to amend the licence/certificate, the Act in most cases permits an application to vary to be made rather than requiring an application for a new premises licence/certificate. The process to be followed will depend on the nature of the variation and its potential impact on the licensing objectives.
- 3.39 Variations to premises licences or club premises certificates that will not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process. Under this process, the applicant is not required to advertise the variation in a newspaper or circular, or copy it to responsible authorities. However, they must display it on a white notice (to distinguish it from the blue notice used for full variations and new applications). The notice must comply with the requirements set out in regulation 26A of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42). In accordance with those regulations, the notice must be displayed for a period of ten working days starting on the working day after the minor variation application was given to the licensing authority.
- 3.40 On receipt of an application for a minor variation, the licensing authority must consider whether the variation could impact adversely on the licensing objectives. It is recommended that decisions on minor variations should be delegated to licensing officers.
- 3.41 In considering the application, the licensing authority must consult relevant responsible authorities (whether the application is made in writing or electronically) if there is any doubt about the impact of the variation on the licensing objectives and they need specialist advice, and take their views into account in reaching a decision.
- 3.42 The Council must also consider any relevant representations received from other persons within the time limit referred to below. As stated earlier in this Guidance, representations are only relevant if they clearly relate to the likely effect of the grant of the variation on the promotion of at least one of the licensing objectives. In the case of minor variations, there is no right to a hearing (as for a full variation or new application), but the Council must take any representations into account in arriving at a decision.
- 3.43 Minor variations will generally fall into 4 categories: minor changes to the structure or layout of premises; small adjustments to licensing hours; the removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions; and the addition of certain licensable activities. In all cases the overall test is whether the proposed variation could impact adversely on any of the 4 licensing objectives
- 3.44 A major variation is one that does not relate simply to a change of the name or address of someone named in the licence or an application to vary the licence to specify a new individual as the designated premises supervisor.

- 3.45 The approach taken in the Act to applications for major variations is based on five main policy aims. These are that: the main purpose of the licensing regime is to promote the licensing objectives; applicants for premises licences or for major variations of such licences are expected to conduct a thorough risk assessment with regard to the licensing objectives when preparing their applications. This risk assessment will inform any necessary steps to be set out in an operating schedule to promote the 4 licensing objectives. Operating schedules, which form part of an application, should be considered by professional experts in the areas concerned, such as the police and environmental health officers. When applications for premises licences and club premises certificates are copied to them by applicants; local residents and businesses are free to raise relevant representations, which relate to the promotion of the licensing objectives, about the proposals contained in an application; and the role of a licensing authority is primarily to regulate the carrying on of the licensable activity, when there are differing specific interests in those activities to ensure that the licensing objectives are promoted in the wider interests of the community.
- 3.46 In dealing with new applications for a premises licence (not applications for variations) for a premises already previously granted permission, where the said licence has not been surrendered, a condition shall be imposed to require the same prior to any second licence being approved and issued.

## Suspension of Premises Licence for Non-Payment of Fees

- 3.47 Part 2 of the Police and Social Responsibility Act 2011, introduced changes to the Licensing Act 2003, requiring Licensing Authorities to suspend a Premises Licence, or Club Premises Certificate, if the annual fee is not paid when due.

## **4. TEMPORARY EVENT NOTICES**

- 4.1 The most important aspect of the system of permitted temporary activities is that **no** authorisation as such is required for these events from the Council. The system involves notification of an event to the Council, the police and the local authority exercising environmental health functions (the EHA), subject to fulfilling certain conditions. Only the police and Environmental Health may intervene to prevent such an event taking place or to agree a modification of the arrangements for such an event; and it is characterised by an exceptionally light touch bureaucracy. The Council may only ever intervene of its own volition if the limits set out in the Act on the number of temporary event notices (TENs) that may be given in various circumstances would be exceeded. Otherwise, the Council is only required to issue a timely acknowledgement.

### **Giving a temporary event notice**

- 4.2 The TEN must be given to the licensing authority in the form prescribed in regulations made under the Act. Unless it is sent electronically, it must be sent to the relevant licensing authority, to the police and the EHA at least 10 working days before the event for a “standard” TEN, or 5 working days for a “late” TEN.
- 4.3 Although as stated above, 10 working days is the minimum time for the giving of a “standard” TEN, the Council expects notice givers to provide the earliest possible notice of events likely to take place. Minimum and maximum times preferred for giving notice will be available from the Council.
- 4.4 In relation to both “standard” and “late” TENs the police or EHA may intervene to prevent such an event taking place, although in relation to a “standard” TENs, an agreed modification of the proposed arrangements or the imposition of conditions on the authorisation may result. When giving a TEN, consideration should be given by the notice giver to the 4 licensing objectives.
- 4.5 In the case of an event proceeding under the authority of a TEN, failure to adhere to the requirements of the Act, such as the limitation of no more than 499 being present at any one time, would mean that the event was unauthorised. In such circumstances, the premises user

would be liable to prosecution.

- 4.6 A TEN does not relieve the premises user from any requirements under planning law to obtain appropriate planning permission where it is required.

## 5. PERSONAL LICENCES

### Immigration Act 2016

- 5.1 The Immigration Act received Royal Assent in May 2016 and introduced a number of changes, particularly with respect to illegal working on licensed premises. The licensing elements are contained in Schedule 4 of 2003 Act. The list of 'relevant and foreign offences' in relation to personal licences is expanded to include 'immigration offences and immigration penalties.
- 5.2 The Secretary of State must consider such offences when determining whether the grant of a personal licence would be prejudicial to the prevention of illegal working in licensed premises.

### Relevant Offences

- 5.3 An applicant will not be able to apply for a personal licence if they are not entitled to live and work in the United Kingdom; an existing personal licence will lapse if an individual ceases to be entitled as such.
- 5.4 Relevant offences are set out in Schedule 4 to the 2003 Act. If a person has been required to pay a civil penalty for immigration matters on or after 6 April 2017, this may be taken into consideration in the same way as a relevant offence. Offences added to the list of relevant offences with effect from 6 April 2017 may only be taken into consideration if the conviction was received on or after 6 April 2017.

### Applications

- 5.5 Regulations containing provision of fees, relevant offences and the prescribed form of applications are provided in legislation.
- 5.6 In most cases the Authority is under a duty to grant a Personal Licence so long as the applicant meets the criteria prescribed in section 120 of the Act.
- 5.7 Where an applicant for a Personal Licence has certain types of conviction (for relevant or foreign offences as defined by the Act,) or, has been required to pay an immigration penalty the Authority is obliged to notify the police, and, in the case of immigration offences and penalties, the Secretary of State. In these cases a licence will still be granted unless an objection is received within the prescribed period.
- 5.8 Where an applicant is convicted of a relevant offence, foreign offence, or is required to pay an immigration penalty during the application period and this only comes to light after the licence has been granted then the Authority must notify the Chief Officer of Police/ Secretary of State (as appropriate). Where objection notices are received they will be considered at a hearing of the Licensing Sub-Committee.
- 5.9 When considering an objection notice or immigration objection notice the Authority will take the following matters into consideration:
- (i) The circumstances in which the offences were committed or the immigration penalty imposed;
  - (ii) The period that has elapsed since the offence(s) were committed or the immigration penalty imposed;
  - (iii) Whether the offences/ immigration penalty reveal a pattern of offending or were a

one off occurrence; and  
(iv) Any mitigating circumstances.

- 5.10 In relation to the consideration of an objection notice the Authority will reject the application/revoke the licence where it feels it appropriate to do so in order to promote the Crime Prevention Objective.
- 5.11 In relation to the consideration of an immigration objection notice the Authority will reject the application/revoke the licence where it feels it appropriate to do so for the prevention of illegal working in licensed premises.
- 5.12 Prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of the Authority under the Crime and Disorder Act 1998. Granting a licence to a person with relevant convictions will in many cases undermine rather than promote the crime prevention objective.
- 5.13 Similarly granting a licence to a person convicted of an immigration offence or who has paid an immigration penalty will in many cases undermine the prevention of illegal working in licensed premises which itself is a crime.

#### Convictions for Relevant, Foreign offences or Immigration penalty

- 5.14 Where the holder of a Personal Licence is subsequently charged with a relevant offence they are under a duty to notify the Court. If convicted the Court may order the licence be forfeit or suspended.
- 5.15 Personal Licence holders are also under a duty to notify the Authority if they are convicted for a relevant offence, foreign offence or if they are required to pay an immigration penalty and a failure to do so is also a criminal offence. The courts are also obliged to inform the licensing authority of any such conviction.
- 5.16 The Policing and Crime Act 2017 gives licensing authorities the power to revoke or suspend personal licences, with effect from 6 April 2017.
- 5.17 This is a discretionary power, licensing authorities are not obliged to give consideration to all personal licence holders subject to convictions for relevant offences, foreign offences or civil penalties for immigration matters.
- 5.18 However, before doing so the authority (officers) will serve a notice on the personal licence Holder inviting them to make representations within 28 days (beginning on the day the notice was issued) regarding:
- The offence/penalty
  - Any decision a court made regarding the licence at the time of the conviction
  - Any other relevant information (including the holders personal circumstances)
- 5.19 After the 28 day period has elapsed the authority (officers) will make a decision as to whether to refer the matter for the consideration of the licensing sub-committee for determination. Such referral action will be based on the information provided (above) and the promotion of the licensing objectives. The Act does not require a hearing to be held at any stage during this process.
- 5.20 The decision to revoke or suspend a personal licence must be made by the licensing sub-committee, but the actions required before referral (if any) may be made by a licensing officer.
- 5.21 Where the licensing sub-committee is made aware (referral) that a Personal Licence holder has been convicted of a relevant offence, foreign offence or required to pay an immigration penalty it may consider the facts of the particular case and determine a course of action (if any) to suspend the licence for a period not exceeding 6 months or revoke the licence.
- 5.22 In circumstances where the Authority does not propose to revoke or suspend the licence

notice must be given to the Chief Officer of Police inviting representations as to whether the licence should be suspended or revoked.

- 5.23 Licence holders (and the Police) will be notified of the Authority's decision in writing along with their right of appeal.
- 5.24 The licensing authority may not be aware of whether the court considered whether to revoke or suspend the licence, and there is no obligation on the licensing authority to find this out before making a decision themselves.
- 5.25 Where the court has considered the personal licence and decided not to take action, this does not prevent the licensing authority from deciding to take action itself. Licensing authorities have different aims to courts in that they must fulfil their statutory duty to promote the licensing objectives, and therefore it is appropriate for the licensing authority to come to its own decision about the licence.
- 5.26 Where the licence holder is convicted of immigration offences or has been required to pay a civil penalty for immigration matters, the licensing authority should notify Home Office Immigration Enforcement and allow representations to be made in the same way.
- 5.27 The licensing authority must notify the licence holder and the chief officer of police of the decision made (even if the police did not make representations). The licence holder may appeal the licensing authority's decision to revoke or suspend their personal licence. A decision to revoke or suspend the licence does not take effect until the end of the period allowed for appealing the decision (21 days); or if the decision is appealed against, until the appeal is disposed of.
- 5.28 If the personal licence holder is a DPS, the licensing authority will notify the premises licence holder once the decision to revoke or suspend the licence has been made if it becomes necessary to do so in order for the licensing authority to be able to carry out their functions.
- 5.29 The licensing authority will also notify any person who has declared an interest in the premises under section 178 of the 2003 Act if it becomes necessary to do so in order for the licensing authority to be able to carry out their functions.

## **6. ADMINISTRATION OF APPLICATIONS**

- 6.1 Many of the elements of the administration process for the Licensing Act 2003 are laid down in the Act itself, in secondary legislation made by the Secretary of State and the Statutory Guidance. Many decisions regarding licenses will not need to go to a Committee for decision and will be dealt with by officers. This should help to streamline the process. A table of delegations that will be operated by the Council in handling applications are attached at Appendix A.

### **Committee Procedures**

- 6.2 Where decisions cannot be made by the officers and a hearing is required, a Committee will hear the application; there will be two types of Licensing Committees:
- Full Committee
  - Sub Committees
- 6.3 The procedure that will be followed by these committees is described in the Council's Constitution and can be viewed on the Council's web site at <http://www.crawley.gov.uk>.
- 6.4 Alternatively, a paper copy can be provided on request. The charges made for copies of the Constitution will not exceed the cost of preparing such copies.

### **Relevant, vexatious and frivolous representations**

- 6.5 A representation would only be “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one or more of the licensing objectives. A representation that fails to do this is not “relevant” for the purposes of the Act. It is not intended, for example, that the consideration of the application should be a re-run of the planning application which would have considered a wider range of matters. Premises licences authorise the activities within the scope of the Act that it is proposed should take place on the premises. For example, a representation from a local businessman which argued that his business would be commercially damaged by the new business for which an application is being made under Part 3 of the Act would not be relevant. On the other hand, a representation to the effect that nuisance caused by the new business would deter customers from entering the local area and the steps proposed by the applicant to control that nuisance are inadequate would amount to relevant representations and must be considered provided the other conditions appropriate to be a relevant representation were fulfilled.
- 6.6 The Council will determine on its merits whether any representation made by a person who is not a responsible authority . The person making representations may not consider the matter to be frivolous or vexatious, but the test is whether the Council is of the opinion they are frivolous or vexatious. The Council will determine this and make the decision on the basis of what might ordinarily be considered to be vexatious or frivolous. Vexation may arise because of disputes between rival businesses and the Council will use local knowledge in considering such matters. Frivolous representations would be essentially categorised by a lack of seriousness. A trivial complaint may not always be frivolous, but it would have to be pertinent in order to be relevant. A person aggrieved by a rejection of his representations on these grounds may challenge the Council’s decision by way of judicial review.
- 6.7 Decisions as to whether representations are relevant will not be made on the basis of any political judgement which would undermine a natural approach to the issue. Any ward councillor who considers that their own interests are such that they are unable to consider the matter independently will disqualify themselves.
- 6.8 In borderline cases, the benefit of the doubt will be given to the person making the representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it. If it then emerged, for example, that the representation should not be supported, the Council could decide not to take any action in respect of the representation when considering the application for the grant or variation of a premises licence.

## **7. ENSURING EFFECTIVE CONTROL OF LICENSED PREMISES**

### **Reviewing the Licence**

- 7.1 Once a premises licence is issued, it remains in place for the life of the business: there is no “annual renewal” of the licence, but applications are required to pay an annual fee to cover the Council’s costs concerning the exercise of its statutory obligations under the Act. However, should problems arise, it is possible for an application to be made to the Council, to review the licence.
- 7.2 After a premises licence has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre would generally not be regarded as relevant if it cannot be positively tied or linked by a causal connection to particular premises which would allow for a proper review of its licence. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house. In this context, it should be noted that the “cumulative impact” on the licensing objectives of a concentration of multiple licensed premises may only give rise to a relevant representation when an application for the grant or variation of a premises licence is being considered: it cannot give rise to a relevant representation after a licence has been granted or varied when a review of a licence may be sought. A review must relate specifically to a particular premises licence relating to an individual premise, and by its nature “cumulative

impact” relates to the indirect effect of a concentration of many premises. Identifying only one for a review by reason of cumulative impact on the licensing objectives would inevitably be arbitrary.

- 7.3 The Council is aware of the need to prevent attempts to review licences merely as a second “bite of the cherry” following the failure of representations to persuade the Council on earlier occasions.
- 7.4 The Council’s policy, therefore, will be that more than one review originating from a person who is not a responsible authority will not be permitted within a period of twelve months on similar grounds save in compelling circumstances or where it arises following a closure order.
- 7.5 The Council considers that certain criminal activity that may arise in connection with licensed premises should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs and crime;
  - for the sale and distribution of illegal firearms;
  - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
  - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
  - for prostitution or the sale of unlawful pornography;
  - by organised groups of paedophiles to groom children;
  - is the base for the organisation of criminal activity, particularly by gangs;
  - for the organisation of racist activity or the promotion of racist attacks;
  - for knowingly employing a person who is unlawfully in the UK or who cannot lawfully;
  - be employed as a result of a condition on that person’s leave to enter;
  - for unlawful gambling; and
  - for the sale of smuggled tobacco and alcohol.
- 7.6 The Council intends to use the review procedures effectively to deter such activities and crime. Where reviews arise and the Council determines that the prevention of crime and disorder objective is being undermined through the premises being used to further crimes, we will seriously consider that revocation of the licence, **even in the first instance**.
- 7.7 The Council, in its capacity as the licensing authority will look to actively engage and liaise with the Safer Crawley Partnership.
- 7.8 The Council also notes that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or other persons would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

### **Summary Reviews of Premises Licences: Review of Interim Steps**

- 7.9 Section 53A of the 2003 Act provides for the police to make an application for a summary review of a premises licence, if the relevant premises are associated with serious crime or serious disorder. The licensing authority must consider the application within 48 hours

and impose 'interim steps' (temporary conditions) if necessary.

- 7.10 When a licensing authority considers an application for a summary review, it may take interim steps without first giving the holder of the premises licence an opportunity to make representations. This is because in instances of serious crime and serious disorder it may be necessary to take immediate action in order to protect the public.
- 7.11 Section 53B of the 2003 Act allows the licence holder to make representations after the interim steps have been taken, and then requires the licensing authority to hold another hearing to consider those representations within 48 hours. The 2003 Act does not limit the number of times that a premises licence holder may make representations, with the result that the licensing authority must hold a hearing each time that relevant representations are received.
- 7.12 Section 53B is amended so that after the licensing authority has held a hearing to consider the interim steps, the premises licence holder may only make further representations if there has been a material change in circumstances since that hearing.
- 7.13 Following from the above measure, Section 53A requires the review of the premises licence to take place within 28 days of receipt of the application. The review takes the form of a hearing at which the licensing authority will determine what action should be taken on a permanent basis.
- 7.14 The decision made at the review hearing does not take effect until the expiry of the time limit for appealing (21 days) during which the decision may be appealed by the licensee or the police to a magistrates' court, or until an appeal is disposed of.
- 7.15 There is currently an ambiguity in the 2003 Act about whether the interim steps remain in place after the review hearing, and whether they can be withdrawn or amended by the licensing authority. The amendments made by this clause will address the ambiguity about what happens to the interim steps between the review hearing and the review decision coming into effect.
- 7.16 Section 53 is amended by inserting a new Section 53D to require the licensing authority, at the review hearing, to review any interim steps that have been taken. The licensing authority must consider whether the interim steps are appropriate for the promotion of the crime prevention objective, consider any relevant representations, and determine whether to withdraw or modify the steps taken. For example, there may have been a change in circumstances or further evidence provided at the hearing which means that the interim steps originally imposed are no longer necessary for the period of time between the review hearing and the review decision coming into effect.
- 7.17 Finally Part 1 of Schedule 5 to the 2003 Act is amended to provide for an appeal to be made by the police or licensee, against the decision regarding the interim steps, taken at the review hearing. This appeal must be heard by a Magistrates Court within 28 days

## **Effective Control Through Use of Conditions**

- 7.18 The use of conditions in respect of promoting the licensing objectives are set out above in this document. However, there are also general provisions which the Council will consider.

## Standard Conditions

- 7.19 This policy does not support the use of blanket conditions which, if imposed, may be seen as disproportionate and overly burdensome. Conditions attached to licences shall be tailored to the individual styles and characteristics of the premises and events concerned. As described above, the Council reserves the right to design further conditions in pursuit of promoting the licensing objectives. The Council will work with applicants to encourage the use of conditions to limit the alcohol by volume (ABV) of certain beers and ciders for off sales where appropriate.

## Live Music, Dancing and Theatre

- 7.20 The Council recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues the potential for limited disturbance in neighbourhoods will always be carefully balanced with these wider benefits, particularly for children. The Council represents the general interests of a community and the views of vocal minorities should not be allowed to dominate such interests. In determining what conditions should be attached to licenses and certificates as a matter of being appropriate for the promotion of the licensing objectives, the Council is aware of the need to avoid measures which deter live music, dancing and theatre such as imposing indirect costs of a substantial nature.

## Equality and access

- 7.21 The Council has obligations under the Race Relations (Amendment) Act 2000. Likewise, the Council has obligations under the Human Rights Act 1998. It will guard against imposing any condition or a licence or certificate which would constitute a breach of the legislation.
- 7.22 The Council has obligations under the Disability Discrimination Act 1995, the Equality Act 2010 and other legislation, and reminds licence holders and club owners of their need for compliance to make reasonable adjustments to enable disabled people to access the service.
- 7.23 No licensing condition will therefore be attached to a licence or certificate which conflicts with or duplicates statutory requirements.

## Consistency with steps described in operating schedule

- 7.24 The Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or interested parties, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required by the Act itself.
- 7.25 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule or club operating schedule. The Council recognises that some applicants for licences or certificates supported by legal representatives or trade associations can be expected to express steps appropriate to promote the licensing objectives in clear and readily translatable terms. However, it is also recognised that some applicants will express the terms of their operating schedules less precisely or concisely.
- 7.26 If conditions are broken it may give rise to criminal prosecution or lead to an application for a review. The Council will, therefore, ensure conditions are expressed on the licence or certificate in unequivocal and unambiguous terms.
- 7.27 The Council will also have proper regard for the history of certain events and activities. If over a significant period of time, regular events of a particular kind have not given rise to problems of disorder and nuisance or concerns about safety or children, responsible authorities will be expected to have regard to this when scrutinising an application in respect of the activities involved, and not make representations unless there are new issues which could cause them to do so

## **8. ENFORCEMENT**

- 8.1 Following the issue of a licence, it will be possible to take enforcement action in respect of offences stated in the Act and associated legislation, which will include breach of a condition on the licence.

## **Duplication with other statutory provisions**

- 8.2 As mentioned, 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 appropriate to impose the same or similar duties on the premises licence holder or club.

## Other regulatory regimes

- 8.3 This policy shall, therefore, avoid duplication with other regulatory regimes wherever possible. To achieve this aim, the Council undertakes to facilitate clear communication between the various enforcement bodies who may assist in supporting the Licensing Objectives.
- 8.4 Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in appropriate enforcement protocols with other agencies. Inspections of premises will be on a risk assessed basis, to be undertaken when and if judged necessary.
- 8.5 The following notes are made with regard to specific regimes and enforcement responsibilities:
- 8.6 **Police.** The enforcement of licensing law and the inspection of licensed premises is detailed in a Protocol between Sussex Police and the Council, available from the Council. This protocol reflects the need for a more efficient deployment of Police and Council staff commonly engaged in licensing enforcement. The Council looks to support the Police through the Safer Crawley Partnership in respect of overlapping issues such as “public place violent crime” and “anti-social behaviour.”
- 8.7 **Health and Safety:** Premises subject to premises licences or club certificates will normally have been visited by the Council’s Environmental Health inspection staff with regard to health and safety enforcement at the premises. However, certain premises do not fall under this regime and will be the subject of health and safety enforcement by the Health and Safety Executive (HSE). These regimes place a range of general and specific duties on employees, employers, operators of venues and members of the public. Matters arising out of the Health and Safety at Work etc Act 1974 and associated Regulations should not be the subject of conditions unless they are necessary for the promotion of the licensing objectives. It should be noted that such regulations will not always cover the unique circumstances that arise in connection with entertainment and may include exemptions on the assumption that licensing controls will provide the necessary coverage. A protocol for enforcement has been agreed between the Health and Safety Executive and the Council.
- 8.8 **Fire Safety:** premises and their operators will also be under general duties under current fire safety regimes. A protocol for enforcement has been agreed between the Authority responsible for fire safety enforcement and the Council.
- 8.9 **Food Hygiene:** premises selling alcohol and/or premises engaged in a food business will be registered with the Authority and subject to risk-based food hygiene inspections at regular intervals.
- 8.10 **Noise:** Statutory and Public nuisances are dealt with by Environmental Health Departments under the Environmental Protection Act 1990 and associated legislation.
- 8.11 **Door Supervisors:** Any activities that are of a security nature and carried out in relation to licensed premises when they are open to the public will be licensable. This means that anyone providing door supervisory work in licensed premises open to the public will need a licence under the Private Security Industry Act 2001 issued by the Security Industries Authority.

### Secretary of State (Home Office)

- 8.12 The Secretary of State (Home Office) becomes a responsible authority within the definition of the 2003 Act. This will allow the Immigration Service to make representations against the grant or variation of a premises licence application. An applicant applying for a new premises licence, transfer of an existing licence or service of an interim notice not only has to be over the age of 18, but will also have to hold leave to work in the United Kingdom. In a hearing convened due to the Secretary of State’s objection, the Licensing Authority must reject the

application if it considers it appropriate for the prevention of illegal working in licensed premises to do so.

- 8.13 Under the current framework, a premises licence will lapse on the death, incapacity or insolvency of a premises licence holder. The premises licence will now also lapse if the licence holder ceases to be entitled to work in the United Kingdom.

## The Licensing Authority as a responsible authority

- 8.14 This Licensing Authority acknowledges that it is now included in the list of responsible authorities. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. Therefore, it is for this Licensing Authority to determine when it considers it appropriate to act in its capacity as a responsible authority.
- 8.15 This Licensing authorities will not normally act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups). Such parties can make relevant representations to the Licensing Authority in their own right, and it is reasonable for this licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and this licensing authority is aware of relevant grounds to make a representation, a choice may be made to act in its capacity as responsible authority.
- 8.16 This Licensing Authority expects that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance.
- 8.17 In cases where this Licensing Authority is also acting as responsible authority in relation to the same process, there will be a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub-committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.
- 8.18 Accordingly, the officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) will be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority will not be involved in the licensing decision process and will not discuss the merits of the case with those involved in making the determination by the licensing authority. Communication between these officers in relation to the case will remain professional and consistent with communication with other responsible authorities.

## **Approach to enforcement**

- 8.19 Enforcement action will be carried out in line with the current Enforcement Policy, and the Enforcement Concordat and the Regulatory Code of Compliance. More details are available on the Council's website.

## **9. GENERAL NOTES**

- 9.1 In the interests of sustainability, preference will be given to publicising information regarding the Council's function on the Council's website, rather than using mass mail drops.

## Disclosure of personal details

- 9.2 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.
- 9.3 In exceptional circumstances, persons making representations may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.  
Where the Council considers that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, we may consider alternative approaches.
- 9.4 For instance, we may advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.
- 9.5 Our policy with regards to disclosure of details will depend on the merits of each individual case. The Council will decide whether to withhold some or all of the person's personal details from the applicant, possibly giving only minimal details (such as street name or general location within a street). However, withholding such details will only be considered where the circumstances justify such action and those making representations should be aware their details will ordinarily form part of a report and will be published before any hearing.

## Contact Details for Responsible Authorities

### Home Office (Immigration Enforcement).

Alcohol Licensing Team  
Lunar House  
40 Wellesley Road  
Croydon  
CR9 2BY

### Chief Officer of Police

Licensing Officer  
Centenary House  
Durrington Lane  
Worthing  
BN13 2PQ

### The Licensing Authority

Premises Licensing  
Crawley Borough Council  
Town Hall,  
The Boulevard  
Crawley  
West Sussex,  
RH10 1UZ

### WSSC Fire & Rescue Service

(FAO Fire Safety)  
West Sussex Fire & Rescue Service  
Business Fire Safety  
Horsham Fire Station  
Hurst Road  
Horsham  
West Sussex  
RH12 2DN

### West Sussex Trading Standards

West Sussex County Council  
County Hall North  
Chart Way  
Horsham  
West Sussex  
RH12 1XH

### Director of Public Health

Public Health Licensing  
First Floor  
The Grange  
Chichester  
PO19 1QT

### Health and Safety Environmental Health Services

Crawley Borough Council  
Town Hall  
The Boulevard  
Crawley  
West Sussex  
RH10 1UZ

Planning

Crawley Borough Council  
Town Hall  
The Boulevard  
Crawley  
West Sussex  
RH10 1UZ

Environmental Protection

Environmental Health  
Crawley Borough Council  
Town Hall The Boulevard  
Crawley  
West Sussex  
RH10 1UZ

Children's Safeguarding Unit

Room 24  
Durban House  
Durban Road  
Bognor Regis  
PO22 9RE

## Appendix A

**Table 1: Recommended Delegation of Functions**

<b>Matter to be dealt with</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/ club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/ club premises certificate	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 an objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases



## **CRAWLEY BOROUGH COUNCIL**

**2024 – 2029**

### **Statement of Licensing Policy**



Effective: 1<sup>st</sup> March 2023

Version 2 – Post Consultation Jan 2024

DRAFT

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## Section 1 – Introduction

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

## Section 2 – Background

- 2.1. This Statement of Licensing Policy will apply for a maximum period of five (5) years until March 2029, will be kept under review throughout this period and to evaluate its effectiveness, and may be revised due to changes in local circumstances, legislation, variation of Government Guidance or otherwise as the Licensing Authority considers appropriate. The Licensing Authority will consult on any proposed significant changes.
- 2.2. Authorised Officers may make minor amendments to the guidance set out in this policy to reflect administrative changes. When a full review or any substantive amendments are proposed, these will be considered by the Licensing Committee.
- 2.3. Crawley is classed as a 'new town' and is geographically compact at 17 square miles. It is 28 miles south of London and 18 miles north of Brighton and Hove. The town contains 14 residential neighborhoods and had a population of around 118,500 in 2021. Within Crawley borough is England's second busiest international airport, London Gatwick. Much of the town's employment is derived from the demands of the airport and the travel industry in general.
- 2.4. The town centre is a focus for shopping other business and the evening and late night economy, with access and transport, entertainment variety and choice of styles in bars, late night venues and restaurants.
- 2.5. To meet the needs of its growing population and its key economic role at the heart of the Gatwick Diamond, by 2040 Crawley would need to provide over 12,000 more homes, generating approximately 12,300 new jobs. In the past, Crawley's growth has mainly been through the creation of entire new neighbourhoods, and commercial development at Manor Royal. However, Forge Wood is the last full neighbourhood which can be built within the borough boundary as there is simply no space left. Most of the large sites have been built out on Manor Royal, with many having been

redeveloped. The Council are, therefore, facing the challenge of incorporating additional and higher residential density development within our existing neighbourhoods and within the town centre.

- 2.6. The Council has responsibility for helping to develop and promote a strong sustainable local economy. Thriving food, drink and entertainment businesses are an important part of that local economy with this policy critical to their continuing success and for attracting further investment and opportunity to the borough.
- 2.7. Balanced against this are the Council's legal duties and commitment with its partners to reducing crime, disorder and the fear of crime. It is important to protect and maintain our environment so that residents, visitors and other businesses can enjoy the opportunities for living, visiting and working within the borough safely and free from nuisance.
- 2.8. Through the Licensing Act 2003 the government has provided opportunities for businesses to develop and flourish in socially responsible ways and has simplified and lightened the administrative burden of licensing. However, the Act contains strong powers for both the police and the Licensing Authority.
- 2.9. Crawley Borough Council has a range of licensed premises of all types including:
  - Pubs, bars and "nightclubs"
  - Restaurants
  - Members clubs
  - Shops and off licences
  - Late night food venues
  - Premises offering regulated entertainment
- 2.10. There is a higher density of licensed premises in some areas meaning that certain issues are particularly relevant to the exercise of the Authority's licensing functions which are:
  - Ensuring regulatory compliance within the licensed sector and taking appropriate action where operations fall below the expected standard and/or where unlicensed activities are identified.
  - Striking an appropriate balance between the needs of residents and the needs of businesses (particularly during night time hours when residents may expect that their sleep should not be unduly disturbed)
  - Potential for alcohol related crime, disorder and nuisance which could occur in some areas
  - The control of underage drinking
  - Health promotion and safer socialising
- 2.11. The 2003 Act requires the Council as Licensing Authority to 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.

2.12. The aims of this Statement of Licensing Policy, in line with the four licensing objectives, are to:

- minimise nuisance and disturbance to the public through the licensing process
- help build a fair and prosperous society that properly balances the rights of people and their communities
- integrate its aims and objectives with other initiatives, policies plus strategies that will:
  1. reduce crime and disorder;
  2. encourage tourism;
  3. encourage an early evening and night time economy which is viable, sustainable and socially responsible;
  4. reduce alcohol misuse;
  5. encourage employment;
  6. encourage the self sufficiency of local communities;
  7. reduce the burden of unnecessary regulation on business;
  8. encourage and promote live music, dancing and theatre for the wider cultural benefit of communities generally.

2.13. This Policy Statement covers a wide variety of premises and activities carried on within them. For this reason, this Policy cannot detail all the factors that influence the achievement of the licensing objectives nor can this policy detail all the control measures that may be appropriate.

2.14. The impact of Covid-19 has been unprecedented across many areas of work, with licensed premises specifically impacted by a long period of Central Government led lockdown. As a Licensing Authority, the Council responded to the pandemic and have included business grants, changes to procedures, supporting businesses to change their operation and diversify amid the changing face of demand and licensed operations as well as the implementation of interim arrangements such as the relaxation of off sales in specific circumstances and pavement licensing, by virtue of the Business and Planning Act 2022. The Council encourages all licensed premises to talk to the Licensing Authority, Police and other relevant Responsible Authorities at the earliest opportunity if they are uncertain regarding any compliance with the licensing regime and/or they wish to seek to make changes to their mode of operation.

2.15. Policy frameworks can change and new or emerging issues can arise at both a local and national level which may need to be taken into account when applying this Licensing Policy. The Council as Licensing Authority may therefore, make new applicants and existing licence holders/operators aware of these changes so that they can ensure they meet any future challenges and such revisions to Policy may be determined by an authorized Council Officer and/or the Licensing Committee as appropriate.

2.16. In undertaking its licensing function, the Council is also bound by legislation, which includes the following:

- Section 17 of the Crime and Disorder Act 1998 requiring the Local Authority to do all that it reasonably can to prevent serious violence in its area and do all it reasonably can to prevent people from becoming involved in serious violence and reduce instances of serious violence in its area
- Guidance issued under Section 182 of the Licensing Act 2003 (Statutory Guidance).
- The European Convention on Human Rights, which is given effect by the Human Rights Act 1998; placing a duty on public authorities to protect the rights of individuals in a variety of circumstances.
- Health and Safety at Work Act 1974; and regulations made thereunder
- Food Safety Act 1990; and regulations made there under
- Environmental Protection Act 1990
- Criminal Justice and Police Act 2001
- The Anti-Social Behaviour Act 2003
- Race Relations (Amendment) Act 2000
- Business and Planning Act 2020
- Data Protection Act 1998 and General Data Protection Regulations
- Equality Act 2010
- Police Reform & Social Responsibility Act 2011
- Live Music Act 2012
- Immigration Act 2016

2.17. The Council will also seek to discharge its responsibilities identified by other local and Central Government Strategies, so far as they impact on the Licensing Objectives.

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

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

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

- 2.1.2. These activities are controlled through a system of:
- Premises licences
  - Club premises certificates
  - Personal licences
  - Temporary event notices
- 2.1.3. For definitions of these activities and information on the different types of licences available further information may be found on the government website by following this [link](#).
- 2.1.4. The Act requires the Licensing Authority to carry out its licensing functions to promote the licensing objectives. Crawley Borough Council as the Licensing Authority takes its responsibilities under the Licensing Act seriously and will use all available powers to promote the four Licensing Objectives;
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm.
- 2.1.5. Further detail and explanation of the licensing objectives may be found within the Revised Guidance under Section 182 Licensing Act 2003, which may be found on the government website by following this [link](#).
- 2.1.6. The Act requires the Licensing Authority to prepare and publish a Statement of Licensing Policy every five years.
- 2.1.7. This Statement of Licensing Policy fulfils this requirement and has been prepared in accordance with the revised guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.

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

- 3.1. Prior to the formal review process of the Statement of Licensing Policy 2024 – 2029, the Council invited opinion specifically related to the effectiveness of the proposed Statement of Licensing Policy from those who had an interest in or were likely to be affected by this Council's licensing functions including Responsible Authorities and Trade representatives.
- 3.2. The objective was to elicit opinion as part of the formal review and consultation process, highlighting ways in which the Council could develop sustainable initiatives reflecting best practice and influence this Statement of Licensing Policy, supporting the principles of of informed and transparent decision-making and improving dialogue whilst promoting partnership working within and across local communities.

- 3.3. In determining this Statement of Licensing Policy, the Council as the Licensing Authority has undertaken full, formal consultation with members of the public, community stakeholders, specific groups and individuals as listed in Section 5(3) of the Licensing Act 2003. including:
- The Chief Officer of Sussex Police
  - West Sussex Fire & Rescue Service
  - The Primary Care Trust Director of Public Health
  - Persons / bodies representative of local premises licence holders
  - Persons / bodies representative of local club premises certificate holders
  - Persons / bodies representative of local personal licence holders
  - Persons / bodies representative of businesses and residents in its area
- 3.4. In addition, the Licensing Authority has consulted with West Trading Standards, Sussex Safeguarding Children Board, Crawley Borough Council Environmental Health (Pollution Control and Health and Safety) and the Local Planning Authority and Home Office Immigration Enforcement (those listed as Responsible Authorities under the 2003 Act.) The draft Statement of Licensing Policy was also published on Crawley Borough Council's website to invite comments.
- 3.5. The views of all these bodies and the evidence presented have been given due weight in the determination of this Statement of Licensing Policy.

## **Section 4 - Fundamental Principles**

- 4.1. This Licensing Policy Statement sets out a general approach to making licensing decisions and acknowledges the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits.
- 4.2. Similarly, this Licensing Policy Statement does not override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so under the Licensing Act 2003.
- 4.3. When an application is made regarding a licence, including an application for the review of a licence following a representation, decisions regarding the control of the premises will need to be made. The Act and Section 182 Statutory Guidance lay down the issues that the Council is required to consider in fulfilling its function as a Licensing Authority
- 4.4. This Policy sets out a general approach to the making of licensing decisions and underpins the provisions of the 2003 Act. It does not seek to undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits.

- 4.5. Licensing is about the control of licensed premises, qualifying clubs, temporary events and individuals within the terms of the 2003 Act. Any conditions or restrictions attached to a premises licence or club premises certificate will be focused on matters which are within the control of individual licensees.
- 4.6. These matters centre on the premises and places being used for licensable activities and any impact of those activities in the vicinity of those premises and places. The Council as Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises, on members of the public living, working or engaged in normal activity in the area concerned.
- 4.7. Licensing law is not the primary mechanism for the general control of nuisance or anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.
- 4.8. The controls exercised through the provisions of the 2003 Act are key aspects in the control of nuisance and antisocial behaviour forming part of the Council's holistic approach to licensing. This Statement of Licensing Policy is also intended to ensure the provision of opportunities for licensable activities to diversify, modify operations and hours is matched by additional measures enabling the Police, other Regulatory Partners and the Council as Licensing Authority to act promptly to maintain public order and safety, as well as compliance with the relevant regulatory regime.
- 4.9. In this respect, the Council as Licensing Authority recognises that, apart from the licensing function, there are a number of other partnership mechanisms available for addressing issues arising out of the operation of licensed premises, including:
- The Safer Crawley Partnership Executive
  - The Joint Action Group
  - The Local Development Plan and planning controls
  - Business Improvement District Partnerships
  - Regular liaison with Sussex Police, Trading Standards, Public Health and other Partners.
  - Crawley Pub Watch and Business Watch Schemes.
- 4.10. The Council as Licensing Authority will, so far as possible, avoid duplication with other regulatory regimes and does not intend to use the Licensing Act 2003 to achieve outcomes that can be achieved by other legislation.
- 4.11. In particular, the licensing functions will be carried out separately from the Council's functions as the Local Planning Authority.
- 4.12. It will normally be expected that applications for premises licences in respect of permanent commercial premises should be from businesses with the appropriate planning consent for the activity concerned in place.

- 4.13. Where representations are made to a particular application which relate to the licensing objectives, either from a Responsible Authority or from any interested other person, where mediation cannot resolve matters, a Licensing Sub Committee hearing will be held at which the applicant and those making representation will have the opportunity to comment on the representations made.
- 4.14. In all cases, applicants and those making representations in respect of applications made to the Licensing Authority have a right of appeal to the Magistrates' Court against the decisions of the Licensing Authority. Any appeal must be lodged within 21 days of the date upon which written notice of the decision is given by the Council as Licensing Authority.

## **Section 5 – Public Health**

- 5.1. The Licensing Act 2003 was amended Police Reform and Social Responsibility Act 2011 granted Directors of Public Health (and health leads) statutory participation in the licensing process as Responsible Authorities, creating a recognised role in considering and making representations to licensing applications on health grounds.
- 5.2. The Council as Licensing Authority welcomes the addition to the ongoing development of a multi-agency collaborative approach towards licensing matters, recognizing the significant scope for participation to reduce alcohol related violence and harm, as well as promoting and advising on sensible drinking, alongside safer socializing, whilst also providing evidence on the impact of alcohol outlet density and its effect on health, crime and children.
- 5.3. The licensing process is focused on controlling the immediate harms associated with alcohol sales at particular premises, with all licensing decisions relating specifically to the premises in question and their promotion of the four licensing objectives.

### **Public Health & Alcohol Licensing**

- 5.4. As a Responsible Authority, Public Health are automatically notified of new premises applications. They are also able to make representations or apply for licence reviews. Any representation made by Public Health must be relevant to the existing statutory licensing objectives.
- 5.5. In West Sussex this function is delivered by the West Sussex County Council (WSCC) Public Health Lead for Alcohol, on behalf of the Director of Public Health.
- 5.6. There is no Public Health Licensing Objective. However, WSCC Public Health directorate can contribute to local licensing decisions through the provision of data, such as population level alcohol-related health harms or local knowledge of vulnerable & high risk groups. Public Health may also collate qualitative evidence from the local area. (See Appendix D)

## Section 6 - Premises Licences & Club Premises Certificates

- 6.1. A premises licence is required for the sale of alcohol, provision of regulated entertainment or the provision of late night refreshment (sale of hot food and drink to the public between 11.00 pm and 5.00 am).
- 6.2. Some activities carried out by clubs need to be licensed under the Act but generally clubs are treated differently to commercial premises.
- 6.3. In determining applications for Premises Licences and Club Premises Certificates the Licensing Authority will have regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and any secondary legislation.
- 6.4. It is important that applications for Premises Licences and Club Premises Certificates properly address the four licensing objectives by providing as much detail as possible on the application form.
- 6.5. The application must be supported by a comprehensive operating schedule. This schedule must specify the steps which the applicant proposes to take in order to promote each of the licensing objectives.
- 6.6. A club is an organisation where members have joined together for a particular reason i.e. social, sporting or political and have combined to buy alcohol in bulk as members of the organisation for supply to their members. In order to apply for a Club Premises Certificate the club needs to be a 'Qualifying Club'.
- 6.7. A Qualifying Club:
  - Has rules whereby membership is not instant. There must be a minimum of 2 days between applications for membership and admission which includes the privileges of membership (i.e. use of facilities and the consumption of alcohol)
  - Has not less than 25 members
  - Must be conducted in good faith and have full accountability to its members
  - Must not supply alcohol to members, otherwise than by or on behalf of the club.
- 6.8. A Qualifying Club is entitled to certain benefits unlike a licensed premises:
  - No need for Personal Licence Holders on the premise
  - No need for Designated Premises Supervisors
  - More limited rights of entry for the Police and other Authorised Persons (Licensing Officers) as the premises is considered private and not generally open to the public
  - No instant closure powers by the Police for disorder or noise
  - Permitted to sell hot food and drink between 11pm and 5am to members and their guests without the requirement for a licence.

- 6.9. Where applications for premises licences or club premises certificates have attracted representations from a Responsible Authority or any other person, the application will be scheduled for a hearing before a Licensing Sub-Committee where the applicant and those making representations may be heard.
- 6.10. The Licensing Sub-Committee will give full and written reasons for the decision made for each application that proceeds to a hearing.

## **Section 6.1 - Application Consultation**

- 6.1.1. The consultation process required for applications for premises licences, club premises certificates and full variations of existing licences or certificates allows for representations to be made by various bodies and individuals. Responsibility for undertaking the advertisement of the application in accordance with the requirements lies with the applicant.
- 6.1.2. The Council will publish details of all new applications, and related matters under the Licensing Act 2003, on its website. This will be updated frequently but such are also available for inspection on request by prior appointment only.

## **Section 6.2 - Making Representations**

- 6.2.1. Representations about an application must be made in writing to the Council's Licensing Team within the time period prescribed. Written representations may include letters whether posted or faxed and emails. Any representations received after the end of the public consultation period cannot legally be accepted, unless shown to have been submitted within the time limit.
- 6.2.2. When making a Representation, the Council as Licensing Authority request that a contact phone number and email address are provided. These help the Council to quickly contact respondents if the details of the application are altered as a result of the representations received in connection with arrangements for the hearing.
- 6.2.3. Where appropriate, the Licensing Authority will facilitate discussions with parties to see if representations can be resolved. Where they cannot, or where a hearing is required and cannot be dispensed with such as an application to review a premises licence, the matter will be referred to a Licensing Sub Committee for determination.
- 6.2.4. Representations should contain:
- The name, full address & post code of the person making them.
  - The reasons for their representation, any evidence; and
  - Which of the four Licensing Objectives the representations relate to:
    - Crime and disorder
    - Public Nuisance
    - Public safety
    - Protection of children from harm

- 6.2.5. The Licensing Authority will not normally act as a Responsible Authority on behalf of other parties (for example, local residents, local Councilors or community groups). Such parties can make relevant representations to the Licensing Authority in their own right, and it is reasonable for the Licensing Authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the Licensing Authority is aware of relevant grounds to make a representation, a choice may be made to act in its capacity as Responsible Authority.
- 6.2.6. A representation would be 'irrelevant' if it is not about the likely effect of the grant of the application on the promotion of the licensing objectives. Irrelevant representations cannot be accepted.
- 6.2.7. A representation made by a person other than a Responsible Authority will not be accepted if the Licensing Authority decides that it is frivolous or vexatious.
- 6.2.8. Vexation may arise where, for example, there is a dispute between rival businesses, or a repetitive complaint from another person which has already been subject of investigation and no new evidence provided.
- 6.2.9. Frivolous representations would be categorized by a lack of seriousness.
- 6.2.10. Such judgments will be made by Authorised Officers following such enquiries as may be necessary.
- 6.2.11. Where a representation is found to be irrelevant, vexatious or frivolous, the person making it will be informed in writing that the representation will be disregarded. All valid representations will form part of a Sub Committee report that will become a public document. It will be provided to the applicant, their agent and persons who have made representations as well as the Licensing Sub-committee at least 10 days prior to the hearing.
- 6.2.12. Whilst representations may not be made anonymously, in exceptional circumstances, such as when the objector has a genuine and well-founded fear of intimidation or violence, some or all of the persons personal details may be removed from the representation before it is given to the applicant.

## Section 7 - Personal Licences

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

## Section 8 - Fees & Charges

- 8.1. Licensing fees and charges are set by Government and are the same across the Country. Full details can be found on the Home Office website or by following this [link](#).
- 8.2. Once granted, a licence or club premises certificate does not expire but the licence holder is required to pay an annual fee. Failure to pay the annual fee within the prescribed time will result in the Licensing Authority suspending the operation of the premises licence or club premises certificate until all outstanding fees are paid.
- 8.3. Where the annual fee is paid the licence will remain in force even if the premises are not used for a licensable purpose.
- 8.4. From late 2024, the Licensing Authority will introduce a chargeable pre-application advice service in order to recover the costs incurred by the licensing service assisting applicants through the licensing process.
- 8.5. The service is available to assist applicants in preparing applications with a view to diminishing issues which may arise during the licence application process as a result of an incomplete or inadequately drafted application. Applicants have a suite of three packages to choose from in order to suit their needs or budget. Additional officer time can be purchased at an hourly rate.
- 8.6. Applicants would be under no duty to use the Council's service, and the Licensing Service cannot predetermine the outcome of any application submitted but can provide expert advice and highlight any potential issues and advise on how applications may be approached to comply with legal requirements and local Policy.
- 8.7. For details on the pre-application service, and fees please see the Council's website.
- 8.8. Applicants are advised that if applications are submitted incorrectly, applications will be rejected with applicants directed to re-apply, including paying the required fee.

## Section 9 - Variations (Full & Minor)

- 9.1. Both Premises Licences and Club Premises Certificates may be varied under the Licensing Act 2003.
- 9.2. A minor variation is a simplified process with a set statutory fee applicable to all premises and clubs. There is a requirement to advertise the application by displaying a notice on the premises. Decisions on a minor variation are delegated to officers and there is no right to a hearing. The Licensing Authority must consult all relevant responsible authorities on an application for a minor variation and take their views into account.
- 9.3. Minor variations are those which cannot adversely impact on the licensing objectives and generally fall into four categories which are:
  - Minor changes to the structural layout which does not;
    - Increase the capacity for drinking (increasing floor area for patrons drinking etc.)
    - Affecting access or egress (blocking fire exits or escape routes)
    - Impede or remove noise reduction measures at the premises (removing acoustic lobbies etc.)
  - Small adjustments to licensing hours
  - Removal of out of date, irrelevant or unenforceable conditions or the addition of volunteered conditions
  - Addition of a licensable activity where similar activities already exist.
- 9.4. Full guidance for applicants on minor variations can be found on the Government website by following this [link](#).
- 9.5. Full variations follow the same procedure as that for a new Premises Licence with the need for advertisement on the premises and in the newspaper in addition to the statutory consultation.
- 9.6. The areas in which a premises licence may be varied include:
  - Varying the hours during which a licensable activity is permitted
  - Adding or removing licensable activities
  - Amending, adding or removing conditions within a licence
  - Altering any aspect of the layout of the premises which is shown on the plan.
- 9.7. Where the changes proposed are substantial or involve completely changing the nature of the business, it may be more appropriate to apply for a new premises licence. Advice may be sought from the licensing team in this instance.

## Section 10 - Temporary Event Notices (TENs)

- 10.1. Anyone over the age of eighteen may serve the Licensing Authority with a Temporary Event Notice. This permits people to hold an event involving licensable activities without having to apply for a Premises Licence or Club Premises Certificate.
- 10.2. Applicants must provide a clear description of the area in which they propose to carry on licensable activities and must describe the event taking place at the premises for example, a wedding with a pay bar, the supply of alcohol at a particular event, a discotheque, the performance of a string quartet, a folk group or a rock band.
- 10.3. Where applicants are uncertain whether or not the activities that they propose are licensable or require assistance with an application, they should contact the licensing team for further advice.
- 10.4. Temporary Event Notices may be obtained for:
  - The sale of alcohol
  - The provision of regulated entertainment
  - The sale of hot food or drink between 11pm and 5am.
- 10.5. A Temporary Event Notice should be submitted to the Licensing Authority a minimum of 10 working days before the proposed event (Standard TENs), however a limited number of applications may be made giving no less than 5 working days' notice (Late TEN's). If objections are received from either the police or Environmental Health officers a hearing will be held to decide whether the event can go ahead in the case of Standard TENS. Late TENs will not be valid following an objection and the event will not be able to go ahead.
- 10.6. There are certain limitations to Temporary Event Notices, current limits are listed below, (subject to change) for confirmation of limits please refer to gov.uk website:
  - The maximum number of people attending must not exceed 499 at any one time
  - Ensure applicants do not exceed the maximum duration specified
  - Ensure that the number of events is not exceeded
  - Ensure that the maximum number of days covered by Temporary Event Notices is not exceeded
  - A personal licence holder may apply for up to 50 temporary events with 10 of these being late
  - Any other person may apply for 5 temporary events with 2 of those being late.
- 10.7. Further details and comprehensive guidance on Temporary Event Notices may be found on the Government website or by following this [link](#).

## Section 11 - Licensing Hours

- 11.1. Many representations submitted in response to licensing applications for the sale of alcohol for consumption on premises relate to public concern about the hours of operation proposed. The Council as Licensing Authority recognises there is opportunity for significant detrimental impact for local residents where licensed premises operate late. It also recognises that longer licensing hours for the sale of alcohol may avoid large numbers of people leaving premises at the same time, which in turn may reduce disorder and disturbance.
- 11.2. Where representations are made against the grant of a new licence for the sale of alcohol for consumption off the premises such as shops, garages and supermarkets, the Council as Licensing Authority may consider restricting those hours only where there are good and justifiable reasons for doing so and if this would promote the licensing objectives.
- 11.3. The Licensing Authority notes the guidance of the Secretary of State on hours of trading contained within Section 10 of the Revised Guidance issued under Section 182 of the Licensing Act 2003 (December 2023) which states that:
- *“The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement.. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.”*
  - *“Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.”*
  - *“Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.”*
- 11.4. The Council as Licensing Authority can use powers to control the hours of operation of any licensed premises where it has received a representation against an application and there are reasonable and proportionate grounds to believe that if the licence was granted as applied for without restriction, nuisance, antisocial behaviour or crime and disorder might arise. Such situations are most likely to arise where licensed premises are located close to residential areas.

- 11.5. Where representations are received, the application will be referred to a Licensing Sub Committee in accordance with the scheme of delegation included in this Statement of Licensing Policy. Each application will be considered on its merits.
- 11.6. When hearing an application the Sub-Committee will seek information and assurances from the applicant that the four Licensing Objectives will not be undermined by the grant of the application and any steps taken to promote the licensing objectives and any conditions offered. Where the Sub Committee considers it appropriate to do so it may apply licensing conditions, including limiting the hours of operation.
- 11.7. Fixed trading hours within designated areas will not be considered as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, with the attendant concentration of disturbance and noise.
- 11.8. Not all regulated entertainment will be associated with the sale of alcohol. There may be licence applications when alcohol is not provided for many reasons or in other circumstances it would be unnecessary or unlawful to have alcohol available, for example, events exclusively for children. In other circumstances regulated entertainment may finish earlier or later than the sale of alcohol.
- 11.9. The provision of Late Night Refreshment covers the supply of hot food or hot drink to members of the public at any time between the hours of 11pm and 5am. This includes takeaway food premises but also applies to restaurants and mobile vehicles.
- 11.10. In each case, the hours being sought for regulated entertainment or late night refreshment must be set out in the application and the Operating Schedule must contain how the applicant will promote the licensing objectives. Where representations are received the Licensing Sub-Committee will consider each application, determining the hours of operation on its own merits taking into account the licensing objectives.
- 11.11. Sussex Police have provided feedback to the Council as follows and have indicated that any applications where a premises seeks to operate beyond 0330 hours will be considered on its merits, but subject to further scrutiny and additional steps to promote the Licensing Objectives.

*The Council will appreciate that if we (Sussex Police) have multiple premises, all competing, with each other to extend their opening times past 0330, then from a policing perspective we will potentially be in difficulty providing policing cover at that time of the morning. There is also the risk to their customers dispersing at 0400-0500 in the morning re their personal safety and a shortage of taxis and other public transport at that time, as well as potential problems with noise nuisance and disorder.*

*There are increasing numbers of residential units being created in vacant properties in High Street and surrounding areas as they are converted from commercial to flats. Another risk of course is that late night kebab and burger bars will also be keen to extend their hours too to cater for customers leaving premises 04:00-05:00, thus potentially adding to dispersal problems.*

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

- 12.1. The promotion of the four objectives is fundamental to the Licensing Act 2003. Every applicant for a premises licence must provide a fully completed and detailed operating schedule. This schedule must be in the prescribed format.
- 12.2. The most effective means for an applicant to assess what measures are needed to promote the licensing objectives is by recognising the various obligations under the Licensing Act 2003 and via risk assessment.
- 12.3. The operating schedule forms the basis of any conditions placed on a licence other than those which are mandatory. It provides valuable information to interested parties and responsible authorities assisting their assessment of the impact of the licensed activity on the licensing objectives and provides information about how the applicant will address these issues. It is likely to form the basis of any decision to submit a representation against the application.
- 12.4. Providing as much information as possible in the operating schedule demonstrates that the applicant has seriously considered the issues, is aware of their duty to promote the licensing objectives at all times and is aware of how this may be best achieved.
- 12.5. The Council as Licensing Authority considers the effective and responsible management of the premises, including instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of the licensing objectives. For this reason, these measures should be specifically considered, detailed and addressed within an applicant's operating schedule

## **Supermarkets and other 'Off' licensed premises selling alcohol**

- 12.6. The Council as Licensing Authority will generally consider licensing, shops, stores and supermarkets to sell alcohol for consumption off the premises throughout opening times. However where there are reasons for restricting or amending hours, for example, where premises become the focus of disorder and/or disturbance, such restrictions or amendments will be considered where relevant representations have been made.
- 12.7. All 'Off' licensed premises must comply with the Licensing Act 2003 Mandatory Conditions Order in relation to age related sales. The Licensing Authority also expects such premises to implement additional measures to prevent and deter proxy sales on behalf of under 18's.
- 12.8. Licensees should also carefully consider alcohol sales to customers who have or appear to have alcohol related health issues, and whether those customers appear to be under the influence of alcohol when attempting to make purchases.
- 12.9. The Licensing Authority expects adequate checks to be made and all reasonable steps taken to ensure alcohol delivered by way of online shopping services (as provided by most large supermarket chains) is not delivered to minors to prevent a risk of underage consumption. Therefore the authority requests that as part of the application the Operating Schedule should include the procedures the applicant is intending to operate to ensure the following:
- The person they are selling alcohol to is over the age of 18
  - That alcohol is only delivered to a person over the age of 18
  - That a clear document trail of the order process from order, despatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer.
  - The time that the alcohol deliveries/despatch takes place. This is to assist with the prevention of public nuisance to the neighbouring properties.
- 12.4.1. 12.10 Where self-pay till points are made available in stores selling alcohol, provision must be included for alcohol sales to be identified and approved by a suitable person over the age of 18 prior to completion of the purchase.

## 12.1 - Prevention of Crime and Disorder

- 12.1.1. Under the 2003 Act the Council as Licensing Authority has a duty to promote the licensing objectives, and a further duty under the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.
- 12.1.2. Licensed premises of any description, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people can be a source of crime and disorder. The Council as Licensing Authority expect operating schedules to satisfactorily address these and any other potential issues, from the design of the premises through to the daily operation of the business. All persons carrying out a role at a premises are expected to hold suitable qualifications and be trained as to their obligations under the Licensing Act 2003 as well as any obligations under other legislation, including that the relevant "right to work" permissions are in place.
- 12.1.3. Applicants are recommended to engage with and seek advice from the Police and other Responsible Authorities taking into account, as appropriate, local planning and transport policies in addition to tourism and crime prevention strategies when preparing their operating plans and schedules prior to submission.
- 12.1.4. When addressing crime and disorder, the applicant should identify any particular issues that are likely to adversely affect the promotion of the crime and disorder objective before including in the operating schedule how they propose to mitigate those matters.
- 12.1.5. Where objections are received and the Licensing Sub Committee considers it appropriate to do so, conditions may be attached to licences to prevent crime and disorder both inside and in the vicinity of the premises.
- 12.1.6. The Council as Licensing Authority considers the orderly dispersal of customers from licensed premises to be an important factor in promoting the licensing objectives. In considering applications for the grant or variation of a licence, serious consideration will be given to the dispersal arrangements, the potential effect that granting the licence might have on dispersal arrangements from other licensed premises or the cumulative impact in the area. (See 11.11 above)
- 12.1.7. Recognising that drug misuse is not an issue in all licensed premises, the Council as Licensing Authority is committed to the reduction and eradication of drugs from licensed premises as part of its role promoting the Crime and Disorder licensing objective. All licence holders are expected to actively support this objective by the way they plan, manage and operate their premises and how they address issues that present.

- 12.1.8. Where relevant representations are received following an application for the grant or variation of a licence, conditions may be imposed to support the prevention of the sale, supply and use of drugs. In premises where drug misuse is problematic and where the police or others apply for a 'Review' of the premises licence, the Licensing Sub- Committee will consider this as serious criminal activity and give appropriate consideration to the options available, including the suspension or revocation of the licence in accordance with the Secretary of State's Section 182 Guidance issued in connection with the Licensing Act 2003. The Council as Licensing Authority recognises that each case must be decided on individual facts and its specific merits.
- 12.1.9. The Council as Licensing Authority does not currently have a special cumulative impact policy. The absence of a special cumulative impact policy does not prevent any Responsible Authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. It should be noted that representations based on arguments that there is no commercial need for premises in a location will be disregarded as irrelevant.
- 12.1.10. There are other measures to control cumulative impact listed in the Section 182 Guidance which include:
- Planning controls
  - Partnerships between local business, transport operators and the Council to create a safe and clean town centre
  - CCTV Surveillance
  - Designation of alcohol free zones via varying means including Public Space Protection Orders
  - Police enforcement including the issue of fixed penalty notices and Dispersal Orders
  - Prosecution of any personal licence holder or member of staff who sells alcohol to people who are or appear to be drunk
  - Confiscation of alcohol from adults or children who are or appear to be drunk and/or underage with the potential to cause anti social behaviour and nuisance
  - Police and Council powers to close premises
  - Review of a premises licence or club premises certificate
- 12.1.11. The Council as Licensing Authority does not propose to consider the use of alternative measures such as fixed closing times, staggered closing times or zoning within Crawley Borough.
- 12.1.12. The late night levy is a discretionary power the Council can use to impose a financial levy on premises licensed to sell alcohol anytime between midnight and 6am. The Council supported the development of the Business Improvement District (BID) in the town centre with other schemes being considered, which is funded by businesses within the BID area. Lasting for five years, another ballot

must be held to establish if the BID will continue for the five years thereafter. The Council as Licensing Authority will not consider the Late Night Levy unless the Business Improvement District does not continue.

- 12.1.13. Early Morning Restriction Orders are intended to prevent the sale of alcohol on premises within a designated geographical area for any period of time between midnight and 06:00 if the Licensing Authority believes that it is appropriate for the promotion of the licensing objectives. There is no proposal for this type of order to be considered at the present time.
- 12.1.14. In addition to the requirement for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.
- 12.1.15. Consideration will be given where appropriate to the powers available under the Violent Crimes Reduction Act 2006, including the use of Public Spaces Protection Orders and the Anti Social Behaviour Crime and Policing Act 2014.
- 12.1.16. The key controls in respect of preventing crime and disorder arise from the appropriate management of premises and the competency of staff in ensuring compliance with the licensing regime, alongside other regulatory requirements such as ensuring staff have the right to work.
- 12.1.17. The applicant will be expected to detail in their operating schedule how they will prevent crime and disorder on and close to the premises. Such detail should reflect the licensable activities on offer, location and character of the area, the nature of the premises use and the range of customers likely to use the premises. These may include, but are not limited to, the following:
  - Prevention of disorderly conduct and anti-social behaviour
  - Prevention of underage drinking
  - Prevention of sales of alcohol to intoxicated customers
  - Prevention of drunkenness both on and in the vicinity of the premises
  - Prevention of drug use and drug dealing
  - Restriction of risk assessed drinks promotions and safer socialising strategies
  - Use of safety glass/polycarbonate receptacles
  - Inclusion of wind-down time following alcohol sales period
  - Adequate seating to discourage “vertical drinking”
  - The offer of food and snacks or other entertainment or occupation to discourage persistent drinking

- 12.1.18. Where the Council as Licensing Authority determines after consultation with the police that a premises is one that warrants additional security and monitoring it would expect applicants to include such provision. Where door staff is to be provided, it is a Mandatory Condition that the said door staff are Security Industry Authority (SIA) approved. Relevant premises are usually those used mainly for drinking alcohol, have later opening hours and are situated within the Town Centre night time economy area. Applicants will be expected to seek advice from the Police and the Licensing Authority. The Licensing Authority will follow the Guidance issued under Section 182 of the Licensing Act 2003 (as amended) with regards to representations made by the Police in respect of crime and disorder. Where appropriate, applicants for licences in the Town Centre areas providing mainly alcohol, music and dancing would be expected to include a provision of SIA Door Supervisors to help manage the premises and safety glass wear to prevent a risk of injury on the rare occasion that a glass/bottle may be used as a weapon.
- 12.1.19. The use of Close Circuit Television (CCTV) should be considered where appropriate or on the advice and recommendations of the Police and to a quality and standard approved by the Police for evidence purposes. Licence/Certificate holders will be expected to fully comply with the requirements of the Information Commissioners Office and the UK Data Protection Act 2018 in respect of any surveillance equipment installed at a premises.
- 12.1.20. In any application, a Licensing Sub-committee will consider each application on its individual merits and determine the imposition of conditions that are appropriate to the objectives.
- 12.1.21. Licence Conditions will be used if they can control issues that directly impact on the behaviour of those under the control of the person(s) in charge of the premises and when in the immediate vicinity of the premises as they seek to enter or leave.
- 12.1.22. There are several areas in which the Council will have particular concerns and expect measures to be in place to support the effective management of premises including:
- Control of discounting and sales promotions. Operators must comply with the Mandatory Licensing Conditions and take all necessary steps to promote responsible drinking, including the risk assessment of any discounting of the costs of alcohol, “happy hours” and “bottomless” drink promotions
  - Measures to ensure staff have the right to work, are appropriately trained in the promotion of the Licensing Objectives
  - Participation in schemes to promote responsible drinking, training and awareness including drug misuse, child safeguarding, County Lines, prevention of under age sales
  - Appropriate means of supervision in the premises, including the use of Close Circuit Television (CCTV) and use of identity confirmation systems
  - The use of accredited companies with Approved Contractor Status when employing Security Industry Authority (SIA) Door Supervisors who are competent, identifiable and assist in the control, management and supervision of the premises.

## Section 12.2 - Public Safety

- 12.2.1. The Council as Licensing Authority is committed to ensuring, as far as practicably possible that the safety of any person visiting or working in licensed premises is not compromised. Applicants must demonstrate in their Operating Schedule that suitable and sufficient measures have been identified, implemented and maintained to ensure public safety specific to the characteristics of their premises and events.
- 12.2.2. Operators will be expected to show that the physical safety of persons attending the premises will be protected and will offer relevant steps in the operating schedule to promote this.
- 12.2.3. Such steps will not replace the statutory obligation on the applicant to comply with all relevant legislation under the Health and Safety at Work etc. Act 1973 and/or under the Regulatory Reform (Fire Safety) Order 2004.
- 12.2.4. Applicants will be expected to have carried out the necessary risk assessments to ensure safe occupancy levels for the premises. Where a representation from the Fire Authority suggests that for the promotion of the public safety licensing objective a maximum occupancy should be applied, the Licensing Authority will consider adding such a limit as a licence condition.
- 12.2.5. Applicants are encouraged to contact the Council as Licensing Authority and Environmental Health with draft proposals including plans and operating schedules. Where applicable, applicants should consider capacity, and mechanisms to ensure the safety of those attending as well as staff and volunteers.
- 12.2.6. Licence holders should have clear documented policies and procedures in place which identify all public safety risks associated with the premises and any activities alongside measures to prevent, manage, mitigate and respond to those risks. There are many areas of existing legislation which provide for Public Safety. It is, therefore, essential that the Licensing Policy deals only with the remit of the Licensing Act. The Council will expect applicants and licence holders to have regard to key publications in the context of regulated entertainment, the provision of alcohol and late night refreshment
- 12.2.7. Where representations are received, and a hearing is required, and where the Licensing Sub-Committee considers it appropriate to do so, they may attach conditions to licences and certificates to ensure public safety.
- 12.2.8. For advice on compliance with the legislation, relevant published guidance or codes of practice contained within the Health & Safety at Work Act 1974 and other associated regulations, see the Council's website.

## Section 12.3 - Prevention of Public Nuisance

- 12.3.1. There is no statutory definition of Public Nuisance. The Council will, therefore, need to make judgements about what constitutes public nuisance and define the necessary controls. The Council as Licensing Authority will consider the promotion of this licensing objective focusing on whether impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity are disproportionate and unreasonable.
- 12.3.2. Operators will be expected to detail steps to prevent nuisance and disturbance arising from the licensable activities at the premises and from the customers using the premises. . For example, the Council considers that the prevention of public nuisance will include low-level nuisance affecting a few people living locally as well as major disturbance affecting the whole community. It will also include in appropriate circumstances the reduction of the living and working amenity and environment of people in the vicinity of licensed premises. The Council also considers that the cumulative effects of litter in the vicinity of premises carrying on licensable activities can cause public nuisance.
- 12.3.3. Operators will be expected to demonstrate that they have considered the following and included steps to prevent public nuisance:
- (i) Proximity of local residents to the premises
  - (ii) Licensable activities proposed and customer base
  - (iii) Hours and nature of operation
  - (iv) Risk and prevention of noise leakage from the premises from equipment, customers and machinery
  - (v) Prevention of noise from customers leaving the premises and customer pick up points outside the premises and from the car park
  - (vi) Availability of public transport to and from the premises
  - (vii) Noise from use of the garden/outside space including smoking shelters
  - (viii) Delivery and collection times and locations
  - (ix) Impact of external security or general lighting on residents
  - (x) Litter and noxious smells
  - (xi) History of management of and complaints about the premises
  - (xii) Applicant's previous success in preventing Public Nuisance
  - (xiii) Outcomes of discussions with the relevant Responsible Authorities
  - (xiv) Impact of location, noise and contamination from outside smoking areas on neighbours and other customers
  - (xv) Collection of litter arising from the premises

- 12.3.4. Steps will differ depending on the individual premises and activities and it is for the applicant to ensure that reasonable, effective and appropriate steps are included within the operating schedule.
- 12.3.5. The Council will use appropriate conditions which relate to public nuisance and may include:
- Measures to control noise emanating from the premises including closing of windows and doors, installation of a sound limiting device and/or soundproofing and the installation of an acoustic screening or a lobby to contain noise.
  - Terminal hours for types of entertainment and the use of outside areas. (where the appropriate licence under the 2003 Act and Pavement Licence under the Business and Planning Act 2020 is in place)
  - Use of Security Industry Authority (SIA) Registered Door Supervisors as a means to control access, egress and external areas to minimise nuisance
  - Limits on the times waste receptacles can be emptied to minimise noise and disturbance
  - Designation of smoking areas and smoking shelters (also subject to planning permissions in place)
  - Signage asking patrons to leave a premises and area quietly
  - Measures to limit light pollution, balancing bright lighting outside premises considered appropriate to prevent crime and disorder against light pollution for some neighbours,.
- 12.3.6. Where applications have given rise to representations, any appropriate conditions will 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 may also prove appropriate to address any disturbance anticipated as customers enter and leave the premises and therefore, in the immediate vicinity of the premises.
- 12.3.7. The introduction of the Business and Planning Act 2020 as one response to the COVID-19 pandemic and the Pavement Licence regime has seen an increase in outdoor activity and noise. Operators are expected to manage any noise, nuisance and disturbance accordingly.
- 12.3.8. Any complaint relating to a general situation in a town centre will not generally be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate.

- 12.3.9. The Council will not use conditions where the provisions of the Environmental Protection Act 1990 and of the Noise Act 1996 adequately protect those living in the vicinity of the premises in question. However, the Council intends to adopt an approach of prevention which adequately cover concerns raised in relevant representations.
- 12.3.10. The Council will, however, promote the use of other legislation including the Anti-Social Behaviour Act 2003 as a way to control noise from any licensed premises which is causing a public nuisance.
- 12.3.11. The Council as Licensing Authority are mindful that licensed premises, especially those operating late at night and in the early hours of the morning, cause a range of nuisances impacting on people living, working or sleeping in the vicinity.
- 12.3.12. When addressing public nuisance the applicant should identify any particular issues that are likely to affect adversely the promotion of the licensing objective to prevent public nuisance before including in the operating schedule how they propose to mitigate and manage those issues.
- 12.3.13. Where an application includes provision of a smoking area or shelter, the Council as Licensing Authority expects them to be situated as far as possible from neighbouring residential premises. It is expected that suitable receptacles be provided and maintained to dispose of cigarette litter in any area used for smoking outside licensed premises. Operators must take all reasonable steps to discourage smoking on the public highway close to residential premises, the use of door supervisors or imposing a time after which readmission to the premises will not be permitted. Licence holders and applicants are reminded to consider compliance with noise nuisance legislation under the Environmental Protection Act 1990 when considering smoking locations.
- 12.3.14. There is a distinct separation between a public nuisance under the Licensing Objectives and statutory nuisance relating to noise, light and odour under Section 79 Environmental Protection Act 1990 which is dealt with by Environmental Health Officers. Further information can be provided by the Council Environmental Health Team or from the Government website by following this [link](#).
- 12.3.15. Applicants are encouraged to contact the Council's Environmental Health Services with draft proposals and where applicable their plans and operating schedules as to how they intend to control noise emanating from the premises from openings to the building (doors, fans, windows, ventilation). Consideration should be given to the provision of attenuating material and if suitable building attenuation cannot be achieved or no other appropriate measures can be taken to attenuate noise then consideration to the installation, calibration and operation of a noise limiting device set at an agreed level.

12.3.16. Following the introduction of the Live Music Act 2012, the Legislative Reform (Entertainment Licensing) Order 2014 and the Deregulation Act 2015, a licence is not required to stage a performance of live music, or the playing of recorded music if:

- it takes place between 8AM and 11PM; and
- it takes place at an alcohol on-licensed premises; and
- the audience is no more than 500 people

12.3.17. No licence is needed:

- to put on unamplified live music at any place between the same hours; or
- to put on amplified live music at a workplace between the same hours and provided the audience

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

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

12.4.3. Applicants will be expected to detail steps to protect children at the premises from any harm. The Licensing Authority recognises the right of licensees (serving alcohol) to allow accompanied children into their premises. The Licensing Authority would not seek to restrict access by children (above that specified in the Act) unless it is necessary for the prevention of physical, moral or psychological harm.

12.4.4. Steps to prevent children from harm must be included where:

- (i) There is entertainment or services of an adult nature provided
- (ii) There have been previous convictions for under age sales of alcohol and other age restricted products.
- (iii) There is a known association with drug taking or dealing
- (iv) There is a significant element of gambling on the premises
- (v) There is a presumption that children under 18 should not be permitted entry such as to nightclubs (apart from when specific events are held for under 18's)
- (vi) Outcomes of discussions with relevant Responsible Authorities suggest such steps are applicable

- 12.4.5. Nothing in the Licensing Act 2003 prevents operators from excluding children from a licensed premises, and no condition can be added to require the admission of children.
- 12.4.6. The Council is committed to protecting children from harm. Local authorities have an overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. While local authorities play a lead role, safeguarding children and protecting them from harm is everyone's responsibility. Everyone who comes into contact with children and families has a role to play. All persons working in a premises should be made aware of their safeguarding duties by the person responsible.
- 12.4.7. The Council as Licensing Authority will only seek to limit the access of children to licensed premises where it is necessary for the prevention of physical, moral or psychological harm and will consult the Sussex Safeguarding Children Board for advice on any application that indicates there may be concerns over access for children. In the event of representations, the Licensing Sub-Committee will consider the merits of each application before deciding whether to impose conditions limiting the access of children.
- 12.4.8. The following are examples of premises that are likely to raise concern:
- Where entertainment or services of an adult or sexual nature are commonly provided
  - Where there have been convictions of the current staff at the premises for serving alcohol to minors or premises with a reputation for underage drinking
  - Where a remote delivery service for alcohol is offered, with the potential for minors to order/be delivered alcohol
  - Where age restricted films are shown
  - A known association with drug taking or drug dealing
  - Where there is a strong element of gambling on the premises
  - Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 12.4.9. Examples of entertainment or services of an adult or sexual nature might include:
- Topless bar staff, striptease, lap, table or pole dancing
  - Performances involving feigned violence or horrific incidents
  - Feigned or actual sexual acts or fetishism
  - Entertainment involving strong or offensive language.
- 12.4.10. The Council as Licensing Authority may consider any of the following options when dealing with a licence application where limiting the access of children is considered appropriate to prevent harm to children:

- Limitations on the hours when children may be present
  - Limitations on the presence of children under certain ages when particular specified activities are taking place
  - Limitations on the parts of premises to which children might be given access
  - Limitations on ages below 18
  - Requirements for an accompanying adult
  - Full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 12.4.11. No conditions will be imposed requiring that children be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the operator. The Licensing Act 2003 details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the Police to ensure the appropriate compliance with the law, especially relating to the sale and supply of alcohol to children.
- 12.4.12. Consideration will be given to promoting initiatives which may assist in preventing the sale of alcohol to children such as Home Office campaigns and works closely with West Sussex Trading Standards and other partners in tackling such. The Council as Licensing Authority is supportive of and actively encourages recognised proof of age schemes, 'Challenge 25' polices and information relation to proxy purchasing in all licensed premises as a fundamental means of preventing under age sales and proxy purchasing. The Council as Licensing Authority has an expectation that all licence holders will maintain accurate record keeping of refusals and ensure that all staff are suitably trained.
- 12.4.13. Where premises offer a delivery service which includes the delivery of alcohol, the Licensing Authority has an expectation that the licence holder will ensure suitable and appropriate measures are in place at the point of sale and/or point of delivery to verify that underage sales are not taking place as per the mandatory conditions.
- 12.4.14. Many children go to see and/or take part in entertainment arranged especially for them, for example children's film shows, discos, dance or drama school productions and additional arrangements are required to safeguard them while at the premises.
- 12.4.15. Where an application for a Premises Licence or Club Premises Certificate includes the provision of entertainment for children or by children, the Licensing Authority will expect the operating schedule to include arrangements for protecting children.
- 12.4.16. Where representations are made and the Licensing Sub-Committee consider it appropriate to do so, they may make full use of licensing conditions to secure the protection of children from harm.

- 12.4.17. Section 15 of this Policy covers this in more detail within the context of safeguarding responsibilities and protection from harm.
- 12.4.18. The Council as Licensing Authority is committed to protecting children from harm and supports the use of underage test purchases arranged by the West Sussex County Council Trading Standards Service, the Councils Licensing Team and Police. Where underage sales are found, the Council as Licensing Authority supports the appropriate and proportionate use of warnings, fixed penalty notices, reviews and prosecution as a means of promoting the licensing objectives and enforcing the Licensing Act 2003 proportionately.
- 12.4.19. In keeping with Section 182 Guidance (as amended) issued under the Licensing Act 2003, the Licensing Sub-Committee will treat underage sales as serious criminal activity and will give consideration to the suspension or revocation of a licence if a review is brought in respect of underage sales.
- 12.4.20. Another key aspect in relation to the sale and supply of age restricted products such as alcohol, is the importance marketing and promotion of such. To this end, the Council as Licensing Authority recognises the Portman Group as the regulatory body for alcohol marketing in the UK through their Code of Practice.
- 12.4.21. The initial Section 182 Guidance issued under the Licensing Act 2003 commended the Portman Group Code: *“The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors.”*
- 12.4.22. *The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the naming, packaging and promotion of alcoholic drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or over. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel’s decisions are published. 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.*
- 12.4.23. The Council as Licensing Authority considers that the Code is an important tool in protecting children and vulnerable consumers from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may particularly appeal to these groups. I would also highlight the latest edition of the Code of Practice <https://www.portmangroup.org.uk/codes-of-practice/>
- 12.4.24. This contains several new important updates including action to target irresponsible or inappropriate marketing and associations with illegal behaviour.

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

- 13.1. Organisers of large events (in particular, major festivals and carnivals) are strongly advised to contact the Council Licensing Authority and Responsible Authorities at the earliest opportunity to discuss licensing matters, providing as much advance notice as reasonably practicable.
- 13.2. Large scale open air events require significant planning and organisation with potential to impact on the licensing objectives. The Council as Licensing Authority and other Responsible Authorities expect to be satisfied well in advance of any such event that appropriate measures are in place to safeguard the Licensing Objectives. Applicants are advised to take account of the Councils Event Guidance and associated timescales for consideration and determination, as well as key information which is required to be provided as part of the application before it can be determined.
- 13.3. It is expected that all other appropriate authorisations will be in place prior to an application and organisers must be mindful that a premises licence application may take up to two months to be determined should representations be received. Dependent upon the size and scale of a proposed event, all supporting documentation is expected at least six months' notice of an organisers intention to hold such may be required and a series of meetings with relevant parties, as well as participation in Safety Advisory Groups may be required.

### **Martyns Law**

- 13.4. The Council as Licensing Authority, having regard to the Section 182 Guidance issued under the Licensing Act 2003 and the Governments anticipated implementation of 'Martyn's Law to improve safety and security at venues and public spaces in light of the terrorist attacks in Manchester and London in 2017.
- 13.5. The paradigm shift in the nature of terrorism means that the security agencies primary responsibility of protecting its citizens is no longer achievable through the existing, and very limited, provision of state-owned protective security resources. The spaces and places in which people live, work and enjoy democratic freedoms are the very places that terrorists wish to attack.

- 13.6. Crawley has its own history and experiences of terrorist attacks and the Licensing Authority supports Martyn's Law. As such, the Authority would expect that those who operate the places and spaces in which people live, work and socialise must take greater steps to ensure the security of their users.
- 13.7. However, the solution is not just about tangible materials, it is also about being prepared. Consequently, the Council as Licensing Authority would expect large capacity venues and organisers of large events to consider the following measures including:
- Risk assessments in place to address risks and any mitigation/control measures.
  - Access and identification verification systems to be in place, to include searching prior to admission, the use of knife arches
  - A requirement that spaces and places to which the public have access engage with freely available counter-terrorism advice and training
  - A requirement for those places to conduct vulnerability assessments of their operating places and spaces
  - A requirement for those places to mitigate the risks created by the vulnerabilities
  - A requirement for those places to have a counter-terrorism plan.

## **Section 14 - Films**

- 14.1. The screening or display of films covers a vast range of subjects, some of which deal with adult themes and/or contain, for example, strong language, scenes of horror, violence or a sexual nature that may be considered unsuitable for children within certain age groups.
- 14.2. Premises or Club Premises which are licensed for the exhibition of films are required by a mandatory licence condition to restrict admission to screenings in accordance with any age recommendation made by a film classification body, or by the licensing authority. Where recommendations have been made by both bodies, and the licensing authority has notified licence-holders of this, the licensing authority's recommendation will take precedence.
- 14.3. For the purposes of Sections 20 and 74 of the Licensing Act 2003, the Council as Licensing Authority recognises the British Board of Film Classification (BBFC) as the film classification body, and will specify this body within the licences and certificates it issues.

- 14.4. The Council as Licensing Authority views as good practice the inclusion within publicity materials of age-related admission restrictions arising from recommendations made by the BBFC or Council Licensing Authority. In any event, licence-holders must take appropriate measures to verify the age of persons being admitted to films which are subjected to age restrictions.
- 14.5. Details of the applicable recommendation in respect of a particular film should be exhibited prior to the commencement of that film. In the case of a BBFC recommendation this may be displayed on screen for at least 5 seconds prior to the feature. Details of a Licensing Authority recommendation should be displayed at or near the entrance to the screening.
- 14.6. The Council as Licensing Authority anticipates that the BBFC's recommendations will apply to the vast majority of films shown at licensed premises within the borough. However in a small number of cases, the licensing authority may be called upon to exercise its powers and issue an overriding recommendation, which would only apply to licensed premises within the Borough. Such situations can be approximately characterised in one of three groups:
- In cases where the Licensing Authority has concerns about a particular film, and has of its own volition made an alternate recommendation. This may allow admission of persons of a higher or lower age than the recommendation made by the BBFC, or in extreme circumstances may prevent the showing of a particular film. This power will be rarely, if ever, utilised.
  - In cases where a film has not been classified by the BBFC. This is likely to be the case with small, local, independent films, or foreign films, where a wider UK release is not intended.
  - In cases where the Licensing Authority is approached by a third party, asking the authority to override a recommendation made by the BBFC.
- 14.7. The third of these groups may include films intended to be shown at 'parent and baby' screenings, which have increased in popularity in recent years. The Licensing Act 2003 and Section 182 Guidance are silent on the admission of babies to a film which is subject to an age-related recommendation – therefore on a strict interpretation of the Licensing Act 2003, babies must be excluded from such screenings.
- 14.8. The Council as Licensing Authority is aware that some cinemas across the country have agreed schemes whereby the applicable licensing authority makes an alternate recommendation in respect of a specified film, expressly permitting the admission of babies and very young children to special screenings of that film with only parents of such children in attendance.

- 14.9. It is recommended that any premises considering the provision of such screenings contacts the licensing authority to discuss the proposals firstly. The authority will typically only depart from BBFC Classification in exceptional circumstances and would expect special provisions to be made for such screenings, including higher light levels and reduced sound levels, in order that parents can better ensure the safety of their children.
- 14.10. When exercising powers under Section 20 of the Licensing Act to issue an admission recommendation for a previously unclassified film, Council will adhere to the BBFC's [Classification Guidelines](#), and where possible will issue a recommendation which is in accordance with one of the standard classification bands. This approach is preferred as audiences will be familiar with this particular classification scheme and the meaning of the 'certificates'.
- 14.11. In such circumstances, the Council will require the organiser of the exhibition to provide a copy of the film for classification purposes, or to arrange a viewing for representatives of the licensing authority.
- 14.12. Where the Council as Licensing Authority receives a request to override an existing recommendation made by the BBFC, or has concerns of its own in respect of a particular film, in the first instance Council shall have regard to the BBFC's original classification decision, and the BBFC Insight record which describes the content of the film that led to the classification decision. If satisfied that the content will not present any issues if viewed by children under 24 months of age, then the Council may agree to issue an alternate recommendation, consistent with the BBFC's original classification but including a specific exemption for accompanied children below 24 months of age, at screenings advertised and restricted to 'parent and baby' only. Where concerns exist based on the BBFC Insight record that a film may not be suitable for viewing by young children below 24 months of age, the Council as Licensing Authority may request that the cinema facilitates a viewing of the film in question to make a full assessment of this. No alternate recommendation would be issued unless the Council is satisfied that allowing young children below 24 months of age to be admitted will not lead to the child protection licensing objective being undermined.

## **Section 15 – Safeguarding**

- 15.1. The Council as Licensing Authority is aware that alcohol use, misuse and abuse is one of the recurring key 'parental factors' in child protection and safeguarding, often contributing to parental neglect of children and domestic abuse and violence within families. The density of licensed premises, particularly off licences in deprived areas or areas where there are high rates of domestic abuse and violence against women and girls, is a cause for concern to the Council. There is a close working relationship with safeguarding leads at West Sussex County Council in addressing concerns that present.
- 15.2. The Council expects that premises will operate in a responsible manner to ensure that children are not desensitised to the potential harm of alcohol and where appropriate, other age restricted products. Desensitisation can occur by many ways.

For example, through the manner in which the business operates, through the products that they offer for sale, the layout of their premises or through how promotional/advertising material is displayed. Matters that may be considered by the Council as Licensing Authority if its discretion is engaged are:

- Whether due regard is paid to industry codes of good practice on the labelling and display of alcoholic products, such as not displaying these next to soft drinks, sweets or toys
- The likelihood of children being attracted to the premises; e.g. by the nature of activities or facilities provided whether or not these are licensed
- The use and display of promotional material for alcohol and other age restricted products.
- Any history of non-compliance in relation to age restricted products and proxy purchasing for or on behalf of under 18s.

15.3. Alcohol and under age sales can be a factor in child sexual exploitation (CSE), where young people may be encouraged or coerced to drink, or alcohol may be a factor in risk-taking behaviour by young people who drink irresponsibly and then get involved in activities that otherwise they would not. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises and licensed premises being used for the purposes of grooming and enticement.

15.4. The Council as Licensing Authority is also aware children may be attracted to takeaway and fast food restaurants and there is evidence nationally that this type of licensed premises has been used for the purpose of grooming and enticement. The accessibility and attraction to children of other age restricted products such as cigarettes and vapes is also noted, and it is expected that these will be placed behind a counter and screened so as to deter purchasing by children.

15.5. The Council as Licensing Authority encourages premises licence holders to make sure they are fully aware of the signs of CSE and to understand that the sexual exploitation of a child is sexual abuse and a crime. Licence holders and operators are expected to raise the awareness of their staff about CSE, modern slavery, human trafficking and County Lines with a view to providing intelligence for the appropriate authorities about concerns, including perpetrators who may be operating in their area. Business licence holders should be mindful of the indicators of modern slavery and human trafficking, safeguarding and other forms of exploitation in and around licensed premises . (See also Appendix F)

15.6. The Council as Licensing Authority works in partnership with West Sussex County Council (WSCC) Trading Standards, with a view to protecting consumers and the operation of legitimate businesses.

## Section 16 - Agent of Change Principle

- 16.1. The 'Agent of Change' principle encapsulates the position that a person or business (ie the agent) introducing a new land use is responsible for managing the impact of that change. The practical issue that has arisen on occasion is that in circumstances where residents move into an area where noise is emanating from, for example, a long-standing music venue, this may have resulted in the Council as Licensing Authority imposing additional licensing restrictions on the established licensed venue. Campaigners on behalf of licensed premises have long advocated support for implementation of an 'agent of change' principle to place the responsibility for noise management measures on the incoming 'agent of change'.
- 16.2. The House of Lords Select Committee in 2017 recommend that a full 'Agent of Change' principle be adopted in both planning and licensing guidance to help protect both licensed premises and local residents from consequences arising from any new built development in their nearby vicinity.
- 16.3. National Planning Guidance has been updated to include reference to the agent of change principle in NPPF. The new paragraph 182 of NPPF now states that both planning policies and planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (e.g. places of worship, pubs, music venues and sports clubs). "Unreasonable restrictions" should not be placed on existing businesses as a result of development permitted after they were established.  
  
*"Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."*
- 16.4. Whilst National Planning Policy has been updated to incorporate the 'Agent of Change' principle, the Section 182 Guidance under the Licensing Act 2003 makes no reference to it.
- 16.5. Having considered the recommendations of the House of Lords Select Committee, Crawley Borough Council, acting in its role as the Licensing Authority has adopted 'Agent of Change' principles in its Licensing Policy.
- 16.6. Upon a review, the Council as Licensing Authority is normally required to take any steps it considers necessary to promote the licensing objectives, however the implications of adoption of 'Agent of Change' are that should a premises licence be subject of a review application as a result of complaints from local residents who are experiencing nuisance arising from a change of use and moving into the area, the Council as Licensing Authority will not place 'unreasonable restrictions' on that premises, if it were operating legally beforehand.

## Section 17 - Licence Conditions

- 17.1. Where Responsible Authorities or other persons do not make any representations about an application, it is the duty of the Council as Licensing Authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule and any relevant mandatory conditions prescribed by the 2003 Act.
- 17.2. Additional Home Office guidance on Mandatory Licensing Conditions may be found by following this [link](#).
- 17.3. The Council as Licensing Authority must avoid attaching conditions that duplicate other regulatory regimes as far as possible and may not impose conditions unless its discretion has been engaged following the making of relevant representations and the Licensing Sub-Committee has been satisfied at a hearing that it is appropriate to impose them.
- 17.4. It may then impose only those conditions appropriate to promote the licensing objectives arising out of the consideration of the representations.
- 17.5. To minimise problems and the necessity for hearings, the Council as Licensing Authority would encourage applicants to consult with the 'Responsible Authorities' when preparing their operating schedules so that they can offer appropriate conditions as part of their applications.
- 17.6. The Council as Licensing Authority recognises that it is important to ensure that any conditions attached to a licence or certificate achieve the licensing objectives but are not disproportionate or overly burdensome. Therefore, where conditions are necessary they will be tailored to the individual style and characteristics of the particular premises and event concerned. Where appropriate, following a hearing the Licensing Sub-Committee will consider attaching conditions provided that they are proportionate, justifiable and capable of being met.
- 17.7. A committee or board with responsibility for managing a community premises where alcohol is sold such as a church or community hall, may apply to remove the mandatory condition requiring a designated premises supervisor and personal licence holder and replace it with the condition that every supply of alcohol must be made or authorised by the management committee. For further information on the community premises exemption for a DPS follow this [link](#).

## Section 18 - Administration & Delegation

- 18.1. The functions of the Licensing Authority under the Licensing Act 2003 are carried out by Crawley Borough Council's Licensing Committee, by its Licensing Sub-Committees or by officers acting under delegated authority.
- 18.2. The Sub-Committee comprises three councillors drawn on a panel basis from the membership of the licensing committee with each hearing chaired by a designated Licensing Sub-Committee Chairperson. Councillors may not sit on any sub-committee to determine any application or review of a licence within their respective ward.
- 18.3. In the interests of efficiency and cost-effectiveness for all parties involved in the licensing process, the Licensing Authority has established a scheme of delegation to deal with applications received under the Act.
- 18.4. The table at 18.7 sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub Committees and Authorised Officers. This form of delegation is without prejudice to officers referring an application to a Sub Committee or to Full Committee if considered appropriate in the circumstances of any particular case.
- 18.5. Ward councillors play an important role in the local community. They can make representations in writing and speak at the hearing on behalf of an interested party such as a local resident or local business if specifically requested to do so. They may also make representations as an interested party in their own right if they have concerns about the premises.
- 18.6. They may apply for a review of a licence if problems at a specific premises justify intervention and are brought to their attention. Ward Councillors are informed of all new applications and any application to vary a licence across the Borough.
- 18.7. The table below sets out the scheme of delegations and decision making.

<b>Matter to be deal with</b>	<b>Licensing Sub-Committee</b>	<b>Officer</b>
Application for personal licence	If a Police objection has been made	If no objections
Application for premises licence / club premises certificate	If a relevant representation has been made	If no relevant representation made
Application for provisional statement	If a relevant representation has been made	If no relevant representation made
Application to vary premises licence/ club premises certificate	If a relevant representation has been made	If no relevant representation made

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

- 18.8. Local residents and businesses may wish to contact their local ward Councillors in respect of a licence application. If a local resident or business makes a representation about an application it is often helpful to send a copy to the local Councillors as this assists them to gain an understanding of local community feelings.

- 18.9. Ward Councilors may attend hearings of Licensing Sub-Committees considering applications and may speak on behalf of themselves or local residents and businesses if they have made a personal representation, they have made a representation on behalf of local residents or businesses as 'community advocates' or they have been nominated by an objector who cannot attend the hearing or prefers to be represented at the hearing.

## Section 19 - Enforcement

- 19.1. Crawley Borough Council has adopted a risk based inspection program in line with government recommendations and which are in keeping with the principles of the Hampton Review. Inspections will ensure observance of conditions placed on licences, investigate concerns and provide high visibility support increasing public confidence in compliance activity.
- 19.2. This regime helps identify underlying problems or tensions within communities, increases the quality of local intelligence, allows issues to be targeted promptly and permits the integration of remedial strategies on an ongoing basis delivering the service that the public expects.
- 19.3. Where necessary, appropriate compliance action will be conducted in a fair, transparent and consistent manner ensuring that any action taken is proportionate and reflects the risk posed to the promotion of the licensing objectives. Interventions will be conducted in accordance with:
- Crawley Borough Council Enforcement Policies
  - The Crime & Disorder Reduction strategy
  - The Community Safety strategy
  - The Drugs & Alcohol strategy.
  - The relevant regulation and legislative requirements in accordance with the activity provided.
- 19.4. The Council as Licensing Authority encourages licensees to seek advice from the Environmental and Licensing Services and/or the Police for clarification, advice or assistance with issues which arise, but places the responsibility for effective management solely with licence holders.
- 19.5. A range of initiatives are in place to make Crawley a pleasant place to visit, work and socialise, including the Crawley Safer Community Partnership Executive, Joint Action Group and joint enforcement partnerships operating the town have a key priority to reduce violent crime in public places by challenging licence holders so as to minimise incidents of alcohol related violence

## Section 20 - Reviews

- 20.1. Following the grant of a premises licence or a club premises certificate, a Responsible Authority or any other person may ask the Licensing Authority to review it due to a matter arising in connection with any of the four licensing objectives.
- 20.2. Full details of the review process can be provided by contacting the Councils Licensing Team, the Councils website and may also be found in Chapter 11 of the Section 182 Licensing Act 2003 Revised Guidance on the Home Office website by following this [link](#).

## Section 21 - Diversity & Equality

- 21.1. The Council as Licensing Authority wishes to encourage the provision of a culturally diverse range of regulated entertainment within the Borough, particularly live music and dance which are accessible to all people.
- 21.2. All licensed premises are subject to the Equality Act 2010 which lists a number of protected characteristics that must not be used as a reason to treat a person less favourably than another person, these are:
  - Age
  - Disability
  - Gender reassignment
  - Marriage and civil partnerships
  - Pregnancy and maternity
  - Race (this includes colour; nationality; ethnic and national origins)
  - Religion or belief
  - Sex or sexual orientation.
- 21.3. Treating a person less favourably than someone else because that person has one or more of these characteristics is discriminatory.
- 21.4. The Equality Act 2010 also includes a duty on the Council as the Licensing Authority to have due regard to the need to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations, between people with different protected characteristics.
- 21.5. The Council as Licensing Authority urges applicants and existing operators to plan ahead to meet their legal responsibilities under the Equality Act 2010. Further information and guidance can be obtained from the Home Office by following this [link](#).
- 21.6. Duties imposed by the Equality Act 2010 provide that any person providing a service to the public must comply with the duty to make reasonable adjustments to enable disabled people to access the service, where a disabled person would be at a substantial disadvantage compared to a non-disabled person.

- 21.7. This applies to disabled people employed by or those who wish to obtain goods and services from licensed premises. No condition will be attached to a licence or certificate which conflicts with or duplicates this requirement.
- 21.8. Service providers have a duty to make reasonable adjustments to any physical features which put a disabled person at a substantial disadvantage in accessing a service, or they have to provide the service by a reasonable alternative means.
- 21.9. Access to buildings and their facilities is a matter addressed in Building Regulations and planned alterations affecting access may involve the need to apply for building control approval.
- 21.10. The Equality Act 2010 provides protection from three forms of disability discrimination:
- Direct discrimination because of disability in relation to goods, facilities and services
  - Indirect disability discrimination
  - Discrimination arising from disability.
- 21.11. Businesses have an obligation to make reasonable adjustments to help disabled individuals access their goods, facilities and services.
- 21.12. An Equality Impact Assessment has also been undertaken in respect of this Statement of Licensing Policy and is available at Appendix G

**Appendix A**

**Licensing Act 2003 – Responsible Authority Contacts**

**Contact Details for Responsible Authorities**

Home Office (Immigration Enforcement).  
Alcohol Licensing Team  
Lunar House  
40 Wellesley Road  
Croydon  
CR9 2BY

[alcohol@homeoffice.gov.uk](mailto:alcohol@homeoffice.gov.uk)

Chief Officer of Police  
Licensing Team  
Centenary House  
Durrington Lane  
Worthing  
BN13 2PQ

[ws\\_licensing\\_wor@sussex.police.uk](mailto:ws_licensing_wor@sussex.police.uk)

The Licensing Authority  
Licensing Team  
Crawley Borough Council  
Town Hall,  
The Boulevard  
Crawley  
West Sussex,  
RH10 1UZ

[Licensing@crawley.gov.uk](mailto:Licensing@crawley.gov.uk)

WSCC Fire & Rescue Service  
(FAO Fire Safety)  
West Sussex Fire & Rescue Service  
Business Fire Safety  
Horsham Fire Station  
Hurst Road  
Horsham  
West Sussex  
RH12 2DN

[firesafety@westsussex.gov.uk](mailto:firesafety@westsussex.gov.uk)

West Sussex Trading Standards  
West Sussex County Council  
County Hall North  
Chart Way  
Horsham  
West Sussex  
RH12 1XH

[Trading.standards@westsussex.gov.uk](mailto:Trading.standards@westsussex.gov.uk)

Development Control <Development.Control@crawley.gov.uk>

Director of Public Health  
Public Health Licensing  
First Floor  
The Grange  
Chichester  
PO19 1QT

[publichealth.licensing@westsussex.gov.uk](mailto:publichealth.licensing@westsussex.gov.uk)

Health and Safety Environmental Health Services  
Crawley Borough Council  
Town Hall  
The Boulevard  
Crawley  
West Sussex  
RH10 1UZ 35

[environmentalservices@crawley.gov.uk](mailto:environmentalservices@crawley.gov.uk)

Local Planning Authority  
Crawley Borough Council  
Town Hall  
The Boulevard  
Crawley  
West Sussex  
RH10 1UZ

[Development.Control@crawley.gov.uk](mailto:Development.Control@crawley.gov.uk)

Environmental Health (Pollution Control)  
Crawley Borough Council  
Town Hall The Boulevard  
Crawley  
West Sussex  
RH10 1UZ

[environmentalservices@crawley.gov.uk](mailto:environmentalservices@crawley.gov.uk)

Children's Safeguarding Unit  
Room 24  
Durban House  
Durban Road  
Bognor Regis  
PO22 9RE

[cputeam@westsussex.gov.uk](mailto:cputeam@westsussex.gov.uk)

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## **Appendix B**

### **Scheme of Delegations & Decision Making in relation to Licensing Act 2003**

<b>Matter to be dealt with</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/ club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/ club premises certificate	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 an objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases

**Appendix C**

**USEFUL LINKS ( FULL DETAILS TO FOLLOW)**

Licensing Act 2003 [Licensing Act 2003 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2003/17)

Section 182 Guidance (December  
2023) [Revised](#)

[guidance issued under section 182 of](#)

[Licensing Act 2003 - GOV.UK](#)

[\(www.gov.uk\)](https://www.gov.uk)

Live Music Act 2012 [Live Music Act 2012](https://www.legislation.gov.uk/ukpga/2012/17)

[\(legislation.gov.uk\)](https://www.legislation.gov.uk)

Business and Planning Act 2020 – Off Sales, Pavement Licensing and Policies – see  
website) [Business and Planning Act 2020 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2020/17)

Regulatory Reform (Fire Safety) Order 2005 [The Regulatory Reform \(Fire Safety\) Order  
2005 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukreg/2005/1750)

Retail Alcohol Standards - Challenge 25

[info@rasg.co.uk](mailto:info@rasg.co.uk)

Portman Group [portmangroup.org.uk](https://portmangroup.org.uk)

## Appendix D

### **Public Health & Alcohol Licensing**

As a Responsible Authority, Public Health are automatically notified of new premises applications. They are also able to make representations or apply for licence reviews. Any representation made by Public Health must be relevant to the existing statutory licencing objectives.

In West Sussex this function is delivered by the West Sussex County Council (WSSC) Public Health Lead for Alcohol, on behalf of the Director of Public Health.

There is no Public Health Licensing Objective. However, WSSC Public Health directorate can contribute to local licensing decisions through the provision of data, such as population level alcohol-related health harms or local knowledge of vulnerable & high risk groups. Public Health may also collate qualitative evidence from the local area.

### **Public Health Information**

The relationship between alcohol consumption and risk is complex. Most systems in the body can be damaged by alcohol consumption, but the rate at which harm increases in relation to the amount of alcohol consumed varies. For example liver disease has an exponential relationship with alcohol consumption, whereas the risk of cancers shows a dose dependent relationship. The risk to which an individual is exposed to is also related to a number of factors, including both the amount and the frequency of drinking, but also genetics, and age.

One consistent observation is that the risk of ill health increases with the amount people drink and the number of occasions they drink to excess. Table 4 shows that those drinking at higher risk levels are at much greater risk of developing hypertension (high blood pressure), stroke, coronary heart disease, pancreatitis and liver disease.

Men and women who regularly drink at higher risk levels are significantly more likely to experience ill health as a result of their drinking as shown in Table 4.

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

In 2010/11 there were almost one million alcohol related violent crimes and the British Crime Survey 2009/10 revealed that victims believed the offender(s) to be under the influence of alcohol in half (50%) of all violent incidents.

It is estimated that in a community of 100,000 people each year, 1000 people will be a victim of alcohol related violent crime. In addition alcohol misuse is more prevalent among the

prison population and is also implicated in the frequency and severity of domestic abuse incidences.

Alcohol misuse is a major risk factor for early death in England and contributes to over 200 health conditions such as mouth cancer & stroke, heart disease that can lead to illness and disability<sup>1</sup>. The associated social consequences of alcohol misuse can also adversely affect families, relationships, crime and unemployment.

- The health and social harms of alcohol are not spread evenly across society. Alcohol can lead to inequalities which are often avoidable, unfair, and systemic differences in health amongst different groups of people<sup>2</sup>.
- Whilst there is no definitively 'safe' lower limit of drinking, the UK Chief Medical Officers (CMOs) advise that adults should not regularly drink more than 14 units of alcohol per week. People regularly drinking at these levels should spread units over 3 or more days with at least a few alcohol free days<sup>3</sup>.

In 2009, the Chief Medical Officer of England published official guidance on alcohol focusing specifically on children and young people<sup>4</sup>. It recommends that an alcohol-free childhood is the healthiest and best option. Alcohol use in the teenage years is associated with a range of health and social harms. Evidence also suggests that young people who begin drinking before the age of 15 are more likely to experience problems related to their alcohol use<sup>4</sup>

Drinking alcohol during pregnancy increases the risk of miscarriage, premature birth and of the baby having a low birthweight. Pregnant women are advised that the safest approach is not to drink alcohol at all to reduce risk to the baby<sup>2</sup>.

## Alcohol Harm in Crawley

1. The [Local Alcohol Profiles for England](#) provide information for local government, health organisations, commissioners and other agencies to monitor the impact of alcohol on local communities. The data is predominantly available at upper-tier local authority level, with some indicators available at the level of lower tier local authority.

Key indicators include alcohol-related hospital admissions and alcohol-related mortality.

2. For West Sussex the data shows that:

- -23.7% of adults (18+) are drinking above the lower risk limits
- -7000 adults are thought to have an alcohol dependency in the county.
- -2710 children live with an adult with alcohol dependency.

3. For Crawley the data shows that:

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<sup>1</sup> GBD 2019 Risk Factors Collaborators. Global burden of 87 risk factors in 204 countries and territories, 1990-2019: a systematic analysis for the Global Burden of Disease Study 2019. The Lancet, Volume 396, Issue 10258, 17–23 October 2020, Pages 1223-1249, [https://doi.org/10.1016/S0140-6736\(20\)30752-2](https://doi.org/10.1016/S0140-6736(20)30752-2)

<sup>2</sup> <https://www.kingsfund.org.uk/publications/what-are-health-inequalities>

<sup>3</sup> [Alcohol consumption: advice on low risk drinking - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/alcohol-consumption-advice-on-low-risk-drinking)

<sup>4</sup> [Alcohol consumption by children and young people - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/alcohol-consumption-by-children-and-young-people)

- The rate of alcohol-related hospital admissions is 413 per 100,000 population, better than the average for England. This represents 432 hospital admissions per year.\*
- The rate of alcohol-specific hospital admissions among those under 18 is 30.5 per 100,000 population. This represents 8 admissions per year\*\*.
- The estimated rate of alcohol-related deaths in Crawley for 2021 is 34.0 per 100,000 population. This equates to 33 deaths in 2021.

\*Narrow definition - Where the main reasons for admission to hospital was attributable to alcohol

\*\* Conditions caused wholly by the use of alcohol

## **Appendix E**

### **WSCC Trading Standards Overview – Enforcement and Regulation**

West Sussex Trading Standards has a zero tolerance to the sale of alcohol to children and, where we have sufficient evidence to show this has taken place, we will seek a review of the business's alcohol licence with the aim of having the licence suspended or revoked, unless there are exceptional circumstances.

The seller and business will also be subject to enforcement action in line with our published enforcement policy. This approach would be following the business having been fully advised previously by way of a personal visit with the owner/director, and the advice followed up in writing.

- As part of this Policy, we agreed that the following steps would be taken
- Engage with the alcohol licence review process to assist in tackling the illegal supply of tobacco, alcohol, vapes and other age restricted products to children
- Conduct intelligence lead test purchasing operations
- We give robust advice to businesses who are reported to us as selling age restricted products to children
- Take appropriate and proportionate enforcement action
- Utilise 'Zero tolerance' messaging around UAS of Alcohol to children\*

This policy is also reflected in our Trading Standards published Enforcement Policy

[Trading Standards Enforcement Policy - West Sussex County Council](#)

## **Appendix F**

### **West Sussex County Council – Licensing, Safeguarding and Modern Slavery**

#### **Licensing and Modern Slavery**

Local Authority Licensing teams and the business licence holders they support and monitor, can be key partners in local anti-slavery responses. West Sussex County Council's Modern Slavery pledge is shared with all the District and Borough authorities across the County. Local council licensing teams can update local licensing policies to directly address modern slavery. Licensing teams can also build their internal capacity to practically address modern slavery.

Whilst it is hoped that, on a national, Governmental level, guidance can be improved to reflect Modern Slavery concerns (such as the inclusion of "Modern Slavery" as part of section 182 Guidance (Licensing Act 2003) around prevention of crime and disorder) There is much that can be achieved at a local level. This includes:

- Licensing officers and business licence holders should be mindful of the indicators of Modern Slavery and Human Trafficking and know how to respond to this appropriately, should they encounter potential exploitation crime.
- Licensing officers and business licence holders can achieve this by improving their basic awareness of Modern Slavery and Human Trafficking by attending relevant and appropriate professional development and training.
- Documentation around Licence Policy and Procedures can be enhanced to include direct, embedded reference to Modern Slavery and Human Trafficking, such as declarations, asking relevant questions, and also as part of the licence application process. This will give due consideration to the possibility of exploitation crime in and around licenced premises.

Colleagues in Licensing teams can familiarise themselves with the contents of...

***"Understanding the Potential of Licensing Frameworks and Teams to Tackle Modern Slavery in the UK"*** ... published by the **Shiva Foundation** and created in partnership with West Sussex County Council and other local authorities. This Guidance provides a clear framework for both licensing teams and committees and offers several recommendations regarding policy and practice in administering the licensing process for local businesses, with due regard to all aspects of Modern Slavery. The link for this document is:

[SF-Licensing-Report-sec3.pdf \(shivafoundation.org.uk\)](https://www.shivafoundation.org.uk/SF-Licensing-Report-sec3.pdf)

**APPENDIX G**

EQUALITY IMPACT ASSESSMENT

**EQUALITY IMPACT ASSESSMENT CRAWLEY BOROUGH COUNCIL**

<b>A. Summary Details</b>		
1	Title of EIA:	Statement of Licensing Policy 2024-2029
2	Person responsible for the assessment:	Kareen Plympton
3	Contact details:	<a href="mailto:Kareen.plympton@crawley.gov.uk">Kareen.plympton@crawley.gov.uk</a>
4	Section & Directorate:	Community Services, Public Protection
5	Name and roles of other officers involved in the EIA, if applicable:	NA

<b>B. Policy or Function</b>		
1	Is this EIA for a policy or function?	Policy <input checked="" type="checkbox"/> Function <input type="checkbox"/>
2	Is this EIA for a new or existing policy or function?	New <input type="checkbox"/> Existing <input type="checkbox"/> Change to an existing policy or function <input checked="" type="checkbox"/>

3	What is the main purpose of the policy/function?	<p>Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its Licensing Policy, reviewed 5 yearly. Such a policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the Licensing Act 2003. The policy sets out the general approach to make licensing decisions whilst remaining consistent with the provisions of the Licensing Act 2003.</p> <p>The licensing objectives are set out in the Act and are:</p> <ul style="list-style-type: none"> <li>• The prevention of crime and disorder</li> <li>• Public safety</li> <li>• The prevention of public nuisance</li> <li>• The protection of children from harm</li> </ul>
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<p>4</p>	<p>Is the policy/function associated with any other policies of the Authority?</p>	<p><b>Community Safety Partnership Priorities</b></p> <p><b>Youth-related ASB, VAWG, cost-of-living related crime, drug-related harm, protecting vulnerable individuals.</b></p> <ul style="list-style-type: none"> <li>◆ Children and Young People - Licensed premises must be safe for all users and staff - public safety, the protection of children from harm and the prevention of crime and disorder are key objectives.</li> <li>◆ Health and Wellbeing – Promotion of safer socializing and responsible drinking, Licensed premises and their clientele should not cause undue noise and nuisance to neighbors - prevention of public nuisance is a key objective</li> <li>◆ The licensing regime has led to an increase in licensed premises which will help to boost the local economy which will bring new jobs and more prosperity to the Borough</li> </ul> <p>The revised policy is intended to address issues in relation to living well, and is intended to help strike the right balance between the development of the nighttime economy and its potential adverse impact on local residents, alongside a requirement to comply with the Licensing Act 2003</p>
<p>5</p>	<p>Do any written procedures exist to enable delivery of this policy/function?</p>	<p>Section 182 Guidance issued in conjunction with the Licensing Act 2003</p>
<p>6</p>	<p>Are there elements of common practice not clearly defined within the written. procedures? If yes, please state.</p>	<p>No</p>

<p>7</p>	<p>Who are the main stakeholders of the policy? How are they expected to benefit?</p>	<p>Licence holders • Potential Licence holders • Residents or their representatives • Local businesses or their representatives • Government bodies and other external agencies, such as Police, Fire &amp; Rescue Service • Council departments, such as Planning Control and the Safeguarding Children Board, Pollution Control Team, Health and safety and Food Safety teams. • Councilors as the decision makers and representatives of residents.</p> <p>The benefits of the Licensing Policy Statement are that it provides: a fair and consistent approach to licensing enforcement administration for any service user; easy to understand information regarding Licence application and decision-making processes to anybody who wants it; and enables any service user to understand and comply with current legislation.</p>
<p>8</p>	<p>How will the policy/function (or change/improvement), be implemented?</p>	<p>The Statement of Licensing Policy if agreed formally by the Full Council on 22/02/24 will become effective on the 1<sup>st</sup> March 2024</p> <p>The Policy then has to be reviewed and renewed at least every 5 years.</p>
		<p>Once implemented guidance and information will be available for businesses.</p> <p>Guidance and advice will also be available to individuals who wish to make representations (objections) to an application.</p> <p>Unlicensed activity and compliance will be monitored by enforcement.</p>

9	What factors could contribute or detract from achieving these outcomes for service users?	No barriers identified
10	Is the responsibility for the proposed policy or function shared with another department or authority or organization? If so, please state?	No

**C. Data Collection on People Impacted by Policy or Function**

1	Do you have monitoring data on the number of people (from different equality groups) who are using or are potentially impacted upon by your policy/ function?	<p>There is very little data regarding existing licensees available to inform this process.</p> <p>All local authorities have to use prescribed processes and forms. produced by Central Government. The forms used do not include equalities issues.</p>
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		<p>The Government have not permitted application forms to contain anything except that which is specified in the regulations. This has had implications not just for previous equalities impact assessments for licensing consultation but also monitoring all Council interventions under the act.</p> <p>The Council will not be in a position where it can proactively affect the profile of Licence holders. The policy we adopt though will ensure that the process of obtaining a Licence will be fair and free of discrimination.</p>
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2	Please specify monitoring information you have available and attach relevant information*.	The information required from applicants is set down in Regulations and does not include any form of profile monitoring. In essence the same is true of any residents who object to any application.
3	If monitoring has NOT been undertaken, will it be done in the future or do you have access to relevant monitoring data?	<p>There is no information currently available that adequately profiles users or beneficiaries.</p> <p>An action point from this assessment will be to consider what meaningful profiling can be done of service users that will inform future initiatives and policy to ensure there is no unequal impact on the relevant target groups.</p>

D. Consultation & Involvement		
1	<p>Are you using information from any previous consultations and/or local/national consultations, research or practical guidance that will assist you in completing this EIA?</p>	<p>The policy is in the main developed with due regard to the statutory guidelines laid down by the Central Government; due regard to responses made to the consultation process carried out to a wide range of stakeholders ; and in part sets out how applicants should conduct themselves with regard to a wide range of issues which include equalities.</p> <p>A range of businesses, organizations and others were consulted, including:</p> <ul style="list-style-type: none"> <li>◆ Local Businesses ◆ Religious bodies and organization’s ◆ Relevant and associated business organization’s ◆ Police, ◆ Fire Authority, Local holders of on &amp; off licensees, ◆ Certificate Holders ◆ Community Safety Partnerships</li> <li>◆ Trade Organization’s</li> <li>◆ Local councilors,</li> </ul>
2	<p>Please list any consultations planned, methods used and groups you plan to</p>	<p>No further consultation is planned before the Policy becomes effective.</p>

	target. (If applicable)	
3	**What barriers, if any, exist to effective consultation with these groups and how will you overcome them?	No barriers identified

\*\*It is important to consider all available information that could help determine whether the policy/ function could have any potential adverse impact. Please attach examples of available research and consultation reports

**E: The Impact – Identify the potential impact of the policy/function on different equality target groups**

The potential impact could be negative, positive or neutral. If you have assessed negative potential impact for any of the target groups you will also need to assess whether that negative potential impact is high, medium or low

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	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason
<b>Sex</b>			x	No adverse impact identified
Pregnant women & women on maternity leave				The Licensing regime plays an important part in the regulation of alcohol sales in Crawley– and the schemes and conditions proposed in the Policy re supportive of the aim of reducing alcohol consumption during

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				pregnancy.
Gender Reassignment				No adverse impact identified
Marriage & Civil Partnership				No adverse impact identified
<b>Race</b> - include race, nationality & ethnicity (NB: the experiences may be different for different groups)				No adverse impact identified
<b>Disability</b> – physical, sensory & mental impairments	✓			A responsible and transparent licensing policy, both for the premises and the personal licensee, contribute to ensuring that venues and staff of those venues are aware of vulnerable groups.
<b>Age Group</b> - specify e.g. older, younger etc.	✓			The statutory guidelines highlight the protection of children as a key objective of the policy. As a result the policy addresses issues relating to children in the following way  ◆ Applicants will have to consult with the Area Child Protection Committee

			<p>The Council may impose conditions limiting access to children ♦ where there have been convictions for serving alcohol to minors or with a reputation for underage drinking. ♦ with a known association with drug taking or dealing ♦ where there is a strong element of gambling on the premises ♦ where entertainment of an adult or sexual nature is commonly provided</p> <p>The Licensing Authority will consider any of the following options when dealing with a Licence application where limiting the access of children is considered necessary to prevent harm to children:</p> <ul style="list-style-type: none"><li>♦ Limitations on the hours when children may be present ♦</li><li>Limitations on ages below 18 ♦</li><li>Limitations or exclusion when certain activities are taking place. ♦</li><li>♦ Requirements for an</li></ul>
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				accompanying adult ♦ Full exclusion of people under 18 from the premises when any licensable activities are taking place
<b>Sexual Orientation</b> – Heterosexual, Lesbian, Gay Men, Bisexual people				No adverse impact identified
<b>Religious/Faith groups</b> (specify)				No adverse impact identified

As a result of completing the above what is the potential negative impact of your policy? High   
 Medium  Low  Neutral

F. Could you minimize or remove any negative potential impact? If yes, explain how.	
Race:	N/A
Sex & Gender, including pregnancy & maternity, gender reassignment, marriage & civil partnership	N/A
Disability:	N/A
Age:	N/A
Sexual Orientation:	N/A
Religious/Faith groups:	N/A

Also consider the following:		
1	If there is an adverse impact, can it be justified on the grounds of promoting equality of opportunity for a particular equality group or for another legitimate reason?	N/A
2	Could the policy have an adverse impact on relations between different groups?	No

<p>3</p>	<p>If there is no evidence that the policy <i>promotes</i> equal opportunity, could it be adapted so that it does? If yes, how?</p>	<p>The aims of the policy are:</p> <ol style="list-style-type: none"> <li>1. Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises.</li> <li>2. Giving the police, licensing officers and responsible authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems.</li> <li>3. Recognizing the important role which licensed premises play in our local communities and economy by minimizing the regulatory burden on business, encouraging innovation and supporting responsible premises.</li> <li>4. Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and</li> <li>5. Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon</li> </ol>
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		<p>them.</p> <p>The policy itself is therefore intended to have an overall positive impact on the area and its residents, supporting the safe operation of licensed premises in the Crawley</p>
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**G. EIA Action Plan**

<b>Recommendation</b>	<b>Key activity</b>	<b>When</b>	<b>Officer Responsible</b>	<b>Progress milestones</b>
The policy has a statutory review process. The policy has to be updated at least every 5 years.	Keep the policy under review	On-going	Kareen Plympton	

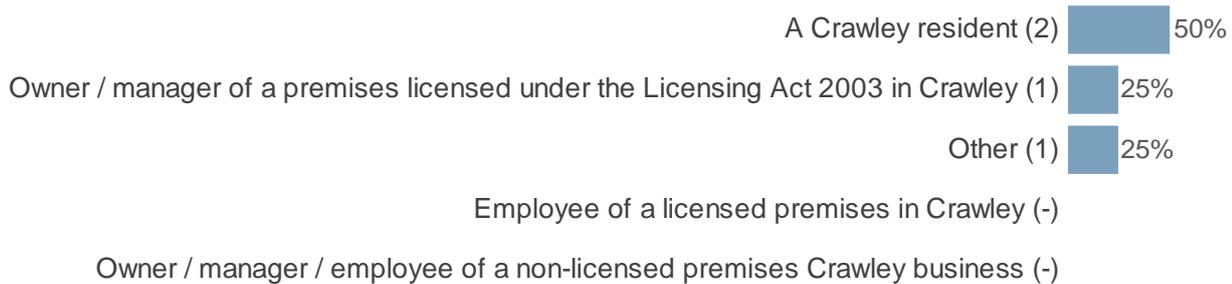
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## Licensing survey

This report was generated on 19/12/23. Overall 4 respondents completed this questionnaire. The report has been filtered to show the responses for 'All Respondents'. A total of 4 cases fall into this category.

The following charts are restricted to the top 12 codes. Lists are restricted to the most recent 100 rows.

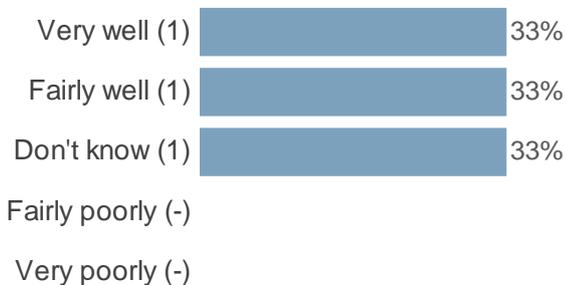
### Are you completing this survey as...? (Select all that apply)



### If 'Other' please specify

UK alcohol marketing regulator and social responsibility body

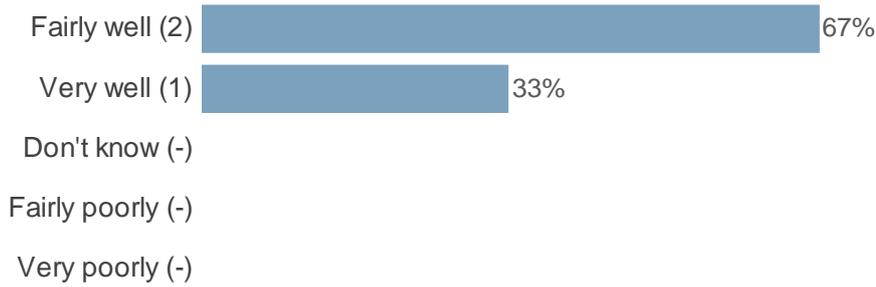
### How well do you think the proposed revisions to the Statement of Licensing Policy can help to promote the licensing objectives?



Please use the free text box below to provide any additional comments to your response:

Keep in informed

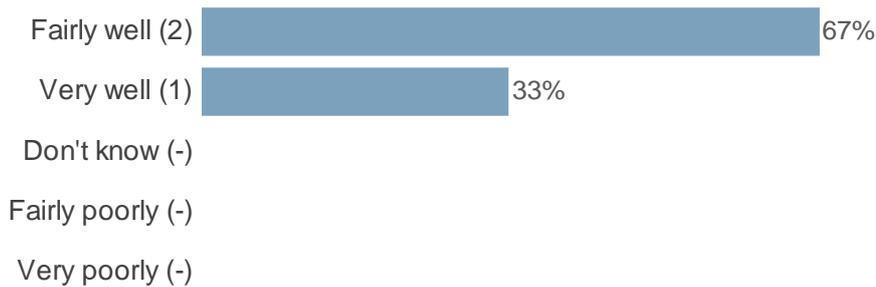
How well do you think the proposed Statement of Licensing Policy can help to promote the licensing objectives whilst supporting a diverse range of businesses?



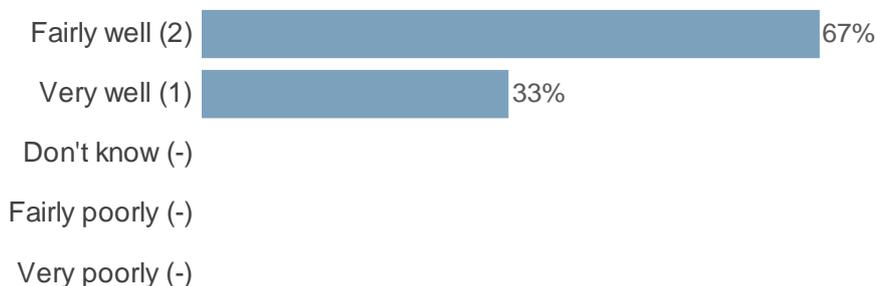
Please use the free text box below to provide any additional comments to your response:

Diversity and use of carbon free equipment

How well do you think the proposed Statement of Licensing Policy addresses the balance between promoting the licensing objectives and supporting a diverse range of businesses?



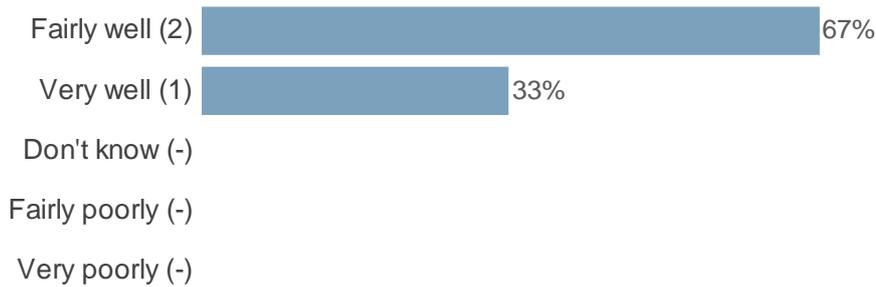
How well do you think the proposed Statement of Licensing Policy addresses the issue of age restricted products and underage sales?



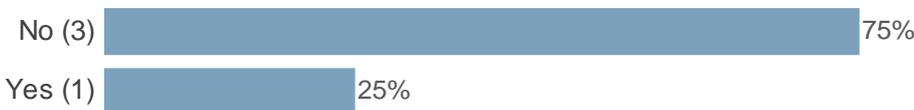
Please use the free text box below to provide any additional comments to your response:

All restricted products should not be sold ailder certain times

How well do you think the proposed Statement of Licensing Policy covers public health matters connected to the Licensing Act 2003?



Are there any other areas that you think need to be included in the proposed Statement of Licensing Policy?



Please use the free text box below to provide any additional comments to your response:

Thank you for the opportunity to contribute to the consultation on your licensing policy. We know that several other authorities have included a brief reference and description of the Portman Group as the regulatory body for alcohol marketing in the UK through our Code of Practice in the main body of the text as well as contact details in their document annexes. This builds on the UK Secretary of State's initial Guidance on the Licensing Act in 2004 which commended the Portman Group Code: "The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors. The Secretary of State commends the Code to licensing authorities and recommends that they should commend it in their statements of licensing policy" - which was subsequently adopted by many local authorities across the UK in their licensing policies. If you were to consider such a text to encourage retailers in your area to abide by Retailer Alert Bulletins to remove irresponsible products and promotions, we might suggest including the following: The Portman Group Code of Practice The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the naming, packaging and promotion of alcoholic drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or over. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published. 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. The Code is an important tool in protecting children and vulnerable consumers from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may particularly appeal to these groups. I would also highlight the latest edition of the Code of Practice (<https://www.portmangroup.org.uk/codes-of-practice/>), which contains several new important updates including action to target offensive marketing and associations with illegal behaviour.

Do you have any additional comments, concerns, or suggestions regarding the proposed Statement of Licensing Policy?

No

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## PORTMAN GROUP FEEDBACK TO CONSULTATION

*“The Portman Group is the social responsibility body and regulator for alcohol labelling, packaging and promotion in the UK. Founded in 1989, it has over 160 code signatories from producers, retailers and membership bodies and it is funded by 19 industry leading member companies. The Portman Group aims to consistently challenge the industry to deliver high standards of best practice and fulfil the essential self-regulatory role of ensuring the responsible marketing and promotion of alcoholic products to UK consumers under our Codes of Practice.*

*Thank you for the opportunity to contribute to the consultation on your licensing policy. We know that several other authorities have included a brief reference and description of the Portman Group as the regulatory body for alcohol marketing in the UK through our Code of Practice in the main body of the text as well as contact details in their document annexes. This builds on the UK Secretary of State’s initial Guidance on the Licensing Act in 2004 which commended the Portman Group Code: “The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors. The Secretary of State commends the Code to licensing authorities and recommends that they should commend it in their statements of licensing policy” - which was subsequently adopted by many local authorities across the UK in their licensing policies. If you were to consider such a text to encourage retailers in your area to abide by Retailer Alert Bulletins to remove irresponsible products and promotions, we might suggest including the following: The Portman Group Code of Practice The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the naming, packaging and promotion of alcoholic drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or over. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel’s decisions are published. 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. The Code is an important tool in protecting children and vulnerable consumers from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may particularly appeal to these groups. I would also highlight the latest edition of the Code of Practice (<https://www.portmangroup.org.uk/codes-of-practice/>), which contains several new important updates including action to target offensive marketing and associations with illegal behaviour.”*

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## **POLICE FEEDBACK TO CONSULTATION**

### **Chief Inspector Ben Starns**

*“You will appreciate that if we have multiple premises, all competing, with each other to extend their opening times past 0330, then from a policing perspective we will potentially be in difficulty providing policing cover at that time of the morning. There is also the risk to their customers dispersing at 0400-0500 in the morning re their personal safety and a shortage of taxis and other public transport at that time, as well as potential problems with noise nuisance and disorder. As you often correctly point out, there are increasing numbers of residential units being created in vacant properties in High Street and surrounding areas as they are converted from commercial to flats. Another risk of course is that late night kebab and burger bars will also be keen to extend their hours too to cater for customers leaving premises 04:00-05:00, thus potentially adding to dispersal problems.*

*We are conscious that legally you cannot simply state “no variation applications past 03:30 will be accepted” in a new statement of licensing policy as it is likely to attract legal challenge.*

*Whilst we appreciate there is legally and politically no easy solution to the above, we request that the above is considered when you debate your Crawley Statement of licensing policy renewal, please.”*

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**TABLE OF REVISIONS TO THE STATEMENT OF LICENSING POLICY**  
**(Proposed Revisions To Statement of Licensing Policy 2024 – 2029 in italics)**

		<b>Page</b>
Section 1	Introduction <i>Re-worded to make the Statement of Licensing Policy more accessible and easier to understand</i>	4
Section 2	Background <i>New Section to reflect local area demographics, balancing the desire to develop and promote a strong, sustainable local economy with a diverse range of licensed premises operating at different times, combined with the Councils legal duties, and the commitment with partners to reduce the fear of and actual crime, disorder so that residents, visitors and businesses can enjoy what Crawley has to offer and seeks to acknowledge the impact of COVID-19 Pandemic. This Section also details how the Council as Licensing Authority will exercise its functions to ensure that the Licensing Objectives under the Licensing Act 2003 are promoted and sets out the aims of the Statement of Licensing Policy in line with the Licensing Objectives, as well as the obligations placed on the Council by other legislation</i>	5-7
Section 2.1	Scope of Statement of Licensing Policy <i>Expands on the Statement of Licensing Policy 2019- 2024 , adding in links to websites, details the activities covered and references the Section 182 Guidance under the Licensing Act 2003.</i>	7-8
Section 3	Policy Consultation <i>New Section covering how the Statement of Licensing Policy is consulted upon and views sought of a range of parties including those defined as Responsible Authorities under the Licensing Act 2003, licence holders, Trade organizations when preparing the Statement of Licensing Policy.</i>	9
Section 4	Fundamental Principles <i>Incorporates the Section within the 2019 – 2024 Policy referred to as “How Decisions Are Made” and recognizes the role of the different partnerships in place alongside other regulatory regimes in shaping the local area, general information regarding the decision making process, representations and appeals.</i>	9-11
Section 5	Public Health <i>New Section recognizing Public Health as a Responsible Authority since 2013 and the links between public health and the licensing regime.</i>	11
Section 6	Premises Licences & Club Premises Certificates <i>Noted as Section 3 in the 2019 – 2024 Statement of Licensing Policy</i> <i>Revision to wording in this Section to make it more accessible and easier to understand. Sets out key matters in relation to licensable activities, application processes,</i>	12-13

	<i>consultation and making representations. Information in relation to “Producing the Operating Schedule” has been removed and is covered in the Sections 11 and 12.</i>	
Section 6.1	Application Consultation <i>As above</i>	13
Section 6.2	Making Representation <i>As above</i>	13-14
Section 7	Personal Licences <i>Revision and simplification to text and inclusion of Government link to the relevant considerations in relation to personal licences</i>	15
Section 8	Fees, Charges & Advice <i>New Section with links to fees and charges, and charging for advice</i>	16
Section 9	Variations (Full & Minor) <i>New Section with details relating to variations to premises licences, both full and minor variations as well as links to sources of assistance</i>	17
Section 10	Temporary Event Notices (TENs) <i>Section 4 of 2019-2014 Statement of Licensing Policy Revision to wording and additional text providing clarification on TENs as well as links to sources of assistance.</i>	18
Section 11	Licensing Hours <i>Section 2 of 2014 – 2019 Statement of Licensing Policy Revision to wording and clarification of considerations as well as Sussex Police submissions. Removal of references to zoning.</i>	19-20
Section 12	Promoting the Four Licensing Objectives <i>Parts included in different areas across the Statement of Licensing Policy 2019 – 2024, including Section 2. Revisions to wording, content and expansion of explanations and inclusion of reference to off licences and off sales</i>	21-22
Section 12.1	Prevention of Crime & Disorder <i>Section 2 of 2014- 2019 Statement of Licensing Policy 2019- 2024 Revision to wording and expansion of to improve accessibility and aid understanding regarding the promotion of this Licensing Objectives alongside relevant considerations.</i>	23-26
Section 12.2	Public Safety <i>Section 2 of 2014- 2019 Statement of Licensing Policy 2019- 2024 Revision to wording and content to improve accessibility and aid understanding regarding the promotion of this Licensing Objectives alongside relevant considerations.</i>	27
Section 12.3	Prevention of Public Nuisance <i>Section 2 of 2014- 2019 Statement of Licensing Policy 2019- 2024 Revision to wording and content to improve accessibility and aid understanding regarding the promotion of this</i>	28-31

	<i>Licensing Objective alongside relevant considerations. Inclusion of information relating to the Live Music Act 2012 and Business and Planning Act 2020</i>	
Section 12.4	Protection of Children from Harm <i>Section 2 of 2014- 2019 Statement of Licensing Policy Revisions to expand on explanations, content and to improve accessibility and aid understanding regarding the promotion of this Licensing Objectives alongside relevant considerations. Inclusion of information on safeguarding, the role of Trading Standards and other matters regarding age restricted products and activities. Inclusion of information relating to the Portman Group and associated Code of Practice.</i>	31-34
Section 13	Large Scale Events, Premises operations & Martyns Law <i>Section 3 of 2014- 2019 Statement of Licensing Policy Revisions to expand on explanations, content and to improve accessibility and aid understanding New Section. Overview of the key matters to consider and Martyns Law and Counter Terrorism actions and considerations by licensed operators and premises to promote the Licensing Objectives.</i>	35-36
Section 14	Films <i>Revisions to wording and further explanations offered in relation to the exhibition of films as a licensable activity under the Licensing Act 2003</i>	36-38
Section 15	Safeguarding <i>New Section setting out safeguarding considerations and responsibilities</i>	38-39
Section 16	Agent of Change Principle <i>New Section, explanation of principle and promotion of the Licensing Objectives.</i>	40
Section 17	Licence Conditions <i>Section 7 2019 – 2024 Licensing Policy Statement Revision to wording and further information provided to aid accessibility, understanding and links with the use of conditions to assist in the promotion of the Licensing Objectives, as well as the control and supervision of licensed premises, competent staff and suitable controls</i>	41
Section 18	Administration & Delegation <i>Revision to wording, expansion of content to explain the Committee process and includes the scheme of delegations in terms of decision making and the role of Ward Councilors</i>	42-44
Section 19	Enforcement <i>Section 5 2019 – 2024 Licensing Policy Statement Revision to wording and further information provided to aid accessibility, understanding and links with the use of links to signpost to guidance and when reviews may be used</i>	44
Section 20	Reviews <i>Section 7 2019 – 2024 Licensing Policy Statement</i>	45

	<i>Revision to wording and further information provided to aid accessibility, understanding and links with the use of links to signpost to guidance and when reviews may be used</i>	
Section 21	Diversity & Equality <i>Section 7 2019 – 2024 Licensing Policy Statement Further information relating to equality and diversity matters and duties contained therein. Includes reference to the Equality Impact Assessment undertaken</i>	45- 46
Appendix A	Responsible Authority Contact List <i>Includes email contact details</i>	Appended
Appendix B	Delegation of functions	Appended
Appendix C	Useful Links <i>Includes helpful sources of information for those included in the licensed trade and/or who may have an interest</i>	Appended
Appendix D	Public Health Information <i>New information in relation to alcohol related harms, statistics and the role of Public Health in Licensing Act 2003 matters.</i>	Appended
Appendix E	West Sussex Trading Standards Overview <i>New – Overview of the role of Trading Standards and regulatory practices</i>	Appended
Appendix F	Modern Slavery, Child Sexual Exploitation, Safeguarding and the licensed trade West Sussex County Council <i>New – Relevance of Modern Slavery, Child Sexual Exploitation, Safeguarding within the licensed trade</i>	Appended
Appendix G	Equality Impact Assessment <i>New EIA arising from the Licensing Policy Statement 2024 - 2029</i>	Appended

## EQUALITY IMPACT ASSESSMENT CRAWLEY BOROUGH COUNCIL

### A. Summary Details

1	Title of EIA:	Statement of Licensing Policy 2024-2029
2	Person responsible for the assessment:	Kareen Plympton
3	Contact details:	<a href="mailto:Kareen.plympton@crawley.gov.uk">Kareen.plympton@crawley.gov.uk</a>
4	Section & Directorate:	Community Services, Public Protection
5	Name and roles of other officers involved in the EIA, if applicable:	NA

### B. Policy or Function

1	Is this EIA for a policy or function?	Policy <input checked="" type="checkbox"/>	Function <input type="checkbox"/>
2	Is this EIA for a new or existing policy or function?	New <input type="checkbox"/>	Existing <input type="checkbox"/> Change to an existing policy or function <input checked="" type="checkbox"/>

3	<p>What is the main purpose of the policy/function?</p>	<p>Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its Licensing Policy, reviewed 5 yearly. Such a policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the Licensing Act 2003. The policy sets out the general approach to make licensing decisions whilst remaining consistent with the provisions of the Licensing Act 2003.</p> <p>The licensing objectives are set out in the Act and are:</p> <ul style="list-style-type: none"> <li>• The prevention of crime and disorder</li> <li>• Public safety</li> <li>• The prevention of public nuisance</li> <li>• The protection of children from harm</li> </ul>

4	Is the policy/function associated with any other policies of the Authority?	<p><b>Community Safety Partnership Priorities</b></p> <p><b>Youth-related ASB, VAWG, cost-of-living related crime, drug-related harm, protecting vulnerable individuals.</b></p> <ul style="list-style-type: none"> <li>◆ Children and Young People - Licensed premises must be safe for all users and staff - public safety, the protection of children from harm and the prevention of crime and disorder are key objectives.</li> <li>◆ Health and Wellbeing – Promotion of safer socializing and responsible drinking, Licensed premises and their clientele should not cause undue noise and nuisance to neighbors - prevention of public nuisance is a key objective</li> <li>◆ The licensing regime has led to an increase in licensed premises which will help to boost the local economy which will bring new jobs and more prosperity to the Borough</li> </ul> <p>The revised policy is intended to address issues in relation to living well, and is intended to help strike the right balance between the development of the nighttime economy and its potential adverse impact on local residents, alongside a requirement to comply with the Licensing Act 2003</p>
5	Do any written procedures exist to enable delivery of this policy/function?	Section 182 Guidance issued in conjunction with the Licensing Act 2003
6	Are there elements of common practice not clearly defined within the written. procedures? If yes, please state.	No

<p>7</p>	<p>Who are the main stakeholders of the policy? How are they expected to benefit?</p>	<p>Licence holders • Potential Licence holders • Residents or their representatives • Local businesses or their representatives • Government bodies and other external agencies, such as Police, Fire &amp; Rescue Service • Council departments, such as Planning Control and the Safeguarding Children Board, Pollution Control Team, Health and safety and Food Safety teams. • Councilors as the decision makers and representatives of residents.</p> <p>The benefits of the Licensing Policy Statement are that it provides: a fair and consistent approach to licensing enforcement administration for any service user; easy to understand information regarding Licence application and decision-making processes to anybody who wants it; and enables any service user to understand and comply with current legislation.</p>
<p>8</p>	<p>How will the policy/function (or change/improvement), be implemented?</p>	<p>The Statement of Licensing Policy if agreed formally by the Full Council on 22/02/24 will become effective on the 1<sup>st</sup> March 2024</p> <p>The Policy then has to be reviewed and renewed at least every 5 years.</p>
		<p>Once implemented guidance and information will be available for businesses.</p> <p>Guidance and advice will also be available to individuals who wish to make representations (objections) to an application.</p> <p>Unlicensed activity and compliance will be monitored by enforcement.</p>

9	What factors could contribute or detract from achieving these outcomes for service users?	No barriers identified
10	Is the responsibility for the proposed policy or function shared with another department or authority or organization? If so, please state?	No

**C. Data Collection on People Impacted by Policy or Function**

1	Do you have monitoring data on the number of people (from different equality groups) who are using or are potentially impacted upon by your policy/ function?	<p>There is very little data regarding existing licensees available to inform this process.</p> <p>All local authorities have to use prescribed processes and forms. produced by Central Government. The forms used do not include equalities issues.</p>
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		<p>The Government have not permitted application forms to contain anything except that which is specified in the regulations. This has had implications not just for previous equalities impact assessments for licensing consultation but also monitoring all Council interventions under the act.</p> <p>The Council will not be in a position where it can proactively affect the profile of Licence holders. The policy we adopt though will ensure that the process of obtaining a Licence will be fair and free of discrimination.</p>
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2	Please specify monitoring information you have available and attach relevant information*.	The information required from applicants is set down in Regulations and does not include any form of profile monitoring. In essence the same is true of any residents who object to any application.
3	If monitoring has NOT been undertaken, will it be done in the future or do you have access to relevant monitoring data?	<p>There is no information currently available that adequately profiles users or beneficiaries.</p> <p>An action point from this assessment will be to consider what meaningful profiling can be done of service users that will inform future initiatives and policy to ensure there is no unequal impact on the relevant target groups.</p>

D. Consultation & Involvement		
1	<p>Are you using information from any previous consultations and/or local/national consultations, research or practical guidance that will assist you in completing this EIA?</p>	<p>The policy is in the main developed with due regard to the statutory guidelines laid down by the Central Government; due regard to responses made to the consultation process carried out to a wide range of stakeholders ; and in part sets out how applicants should conduct themselves with regard to a wide range of issues which include equalities.</p> <p>A range of businesses, organizations and others were consulted, including:</p> <ul style="list-style-type: none"> <li>◆ Local Businesses</li> <li>◆ Religious bodies and organization's</li> <li>◆ Relevant and associated business organization's</li> <li>◆ Police,</li> <li>◆ Fire Authority, Local holders of on &amp; off licensees,</li> <li>◆ Certificate Holders</li> <li>◆ Community Safety Partnerships</li> <li>◆ Trade Organization's</li> <li>◆ Local councilors,</li> </ul>
2	<p>Please list any consultations planned, methods used and groups you plan to</p>	<p>No further consultation is planned before the Policy becomes effective.</p>

	target. (If applicable)	
3	**What barriers, if any, exist to effective consultation with these groups and how will you overcome them?	No barriers identified

*\*\*It is important to consider all available information that could help determine whether the policy/ function could have any potential adverse impact. Please attach examples of available research and consultation reports*

**E: The Impact – Identify the potential impact of the policy/function on different equality target groups**

*The potential impact could be negative, positive or neutral. If you have assessed negative potential impact for any of the target groups you will also need to assess whether that negative potential impact is high, medium or low*

	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason
<b>Sex</b>			x	No adverse impact identified
Pregnant women & women on maternity leave				The Licensing regime plays an important part in the regulation of alcohol sales in Crawley– and the schemes and conditions proposed in the Policy re supportive of the aim of reducing.

				alcohol consumption during
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				pregnancy.
Gender Reassignment				No adverse impact identified
Marriage & Civil Partnership				No adverse impact identified
<b>Race-</b> include race, nationality & ethnicity (NB: the experiences may be different for different groups)				No adverse impact identified
<b>Disability</b> – physical, sensory & mental impairments	✓			A responsible and transparent licensing policy, both for the premises and the personal licensee, contribute to ensuring that venues and staff of those venues are aware of vulnerable groups.

<p><b>Age Group</b> - specify e.g. older, younger etc.</p>	<p>✓</p>		<p>The statutory guidelines highlight the protection of children as a key objective of the policy. As a result the policy addresses issues relating to children in the following way</p> <ul style="list-style-type: none"> <li>◆ Applicants will have to consult with the Area Child Protection Committee</li> </ul>
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			<p>The Council may impose conditions limiting access to children</p> <ul style="list-style-type: none"> <li>◆ where there have been convictions for serving alcohol to minors or with a reputation for underage drinking.</li> <li>◆ with a known association with drug taking or dealing</li> <li>◆ where there is a strong element of gambling on the premises</li> <li>◆ where entertainment of an adult or sexual nature is commonly provided</li> </ul> <p>The Licensing Authority will consider any of the following options when dealing with a Licence application where limiting the access of children is considered necessary to prevent</p>
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				accompanying adult ♦ Full exclusion of people under 18 from the premises when any licensable activities are taking place
<b>Sexual Orientation</b> – Heterosexual, Lesbian, Gay Men, Bisexual people				No adverse impact identified
<b>Religious/Faith groups</b> (specify)				No adverse impact identified

**As a result of completing the above what is the potential negative impact of your policy?**

High       Medium       Low       Neutral

F. Could you minimize or remove any negative potential impact? If yes, explain how.	
Race:	N/A
Sex & Gender, including pregnancy & maternity, gender reassignment, marriage & civil partnership	N/A
Disability:	N/A
Age:	N/A
Sexual Orientation:	N/A
Religious/Faith groups:	N/A

Also consider the following:		
1	If there is an adverse impact, can it be justified on the grounds of promoting equality of opportunity for a particular equality group or for another legitimate reason?	N/A
2	Could the policy have an adverse impact on relations between different groups?	No

3	If there is no evidence that the policy <i>promotes</i> equal opportunity, could it be adapted so that it does? If yes, how?	<p>The aims of the policy are:</p> <ol style="list-style-type: none"><li>1. Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises.</li><li>2. Giving the police, licensing officers and responsible authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems.</li><li>3. Recognizing the important role which licensed premises play in our local communities and economy by minimizing the regulatory burden on business, encouraging innovation and supporting responsible premises.</li><li>4. Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and</li><li>5. Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon</li></ol>
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them.

The policy itself is therefore intended to have an overall positive impact on the area and its residents, supporting the safe operation of licensed premises in the Crawley

**G. EIA Action Plan**

<b>Recommendation</b>	<b>Key activity</b>	<b>When</b>	<b>Officer Responsible</b>	<b>Progress milestones</b>
The policy has a statutory review process. The policy has to be updated at least every 5 years.	Keep the policy under review	On-going	Kareen Plympton	