



**Horsham District Council's Statement of
Licensing Policy for Regulated
Entertainment, Late Night Refreshment and
the Sale and Supply of Alcohol**

December 2010

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This Policy was approved and adopted by Council as the Licensing Policy for Horsham District on the 15 December 2010.

This Policy takes effect from 7th January 2011.

1. INTRODUCTION

- 1.1 Horsham District Council (The Licensing Authority), in pursuance of its duties and powers under the Licensing Act 2003 (LA 2003), hereby formally makes a statement as to its Policy in respect of the provisions of that Act and will use this Policy as the framework against which licensing decisions will be made by the Authority.
- 1.2 The aim of the Licensing Authority's 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. There is a presumption that a licence will be granted unless there are compelling reasons to refuse the licence.
- 1.3 The Licensing Objectives are:-
- Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm (Section 4(2) LA 2003)
- 1.4 The Licensing Authority has had regard to the Guidance issued by the Secretary of State in drawing up this statement of Licensing Policy. (Guidance issued under Section 182 LA 2003, by the Department for Culture Media and Sport)
- 1.5 In undertaking its licensing function, the Licensing Authority is also bound by other legislation such as:
- Section 17 of the Crime and Disorder Act 1998 requiring the Licensing Authority to do all that it reasonably can to prevent crime and disorder in its locality.
 - Guidance issued under Section 182 Licensing Act 2003.
 - 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 thereunder
 - Environmental Protection Act 1990
 - Criminal Justice and Police Act 2001
 - The Anti-Social Behaviour Act 2003.
 - Disability Discrimination Act 1995
 - The Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009

- 1.6 The Licensing Authority will also seek to discharge its responsibilities identified by other Government Strategies, so far as they impact on the Licensing Objectives. Such Strategies include:
- Action Plan for Tackling Alcohol Related Crime, Disorder and Nuisance
 - National Alcohol Harm Reduction Strategy for England (AHRSE) 2004
 - Local Alcohol Strategy
 - Safer Clubbing
- 1.7 In addition, the Licensing Authority will consider applications with reference to other adopted policies, such as:
- Community Safety Strategy 2005/2008
 - Horsham Evening Economy
 - Health Promotion Strategy
 - Enforcement Concordat
 - Core Strategy of the Local Development Framework
 - Pub Watch scheme
 - 'Citizen Card' Proof of age scheme
- 1.8 The Licensing Authority, 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 entertainment premises to the local economy and vibrancy of the district.
- 1.9 The Policy provides guidance to applicants, objectors and interested residents on the general approach the Licensing Authority will take in terms of licensing. Although each licence application must be considered separately on its individual merits, in adopting the licensing policy the Licensing Authority is making it clear that wider considerations other than the fitness of the applicant and suitability of the premises will be taken into account.
- 1.10 The Policy may be revised at any time there is considered to be a need for adjustment and we will comply with any statutory requirements. Where required, there will be public consultation before any revision of the policy.
- 1.11 The Policy is written in pursuance of the Licensing Act 2003 and incorporates Horsham District Council's adopted policies in respect of Equal Opportunities.
- 1.12 Set out at Appendix 1 are the administrative procedures that have been adopted by the Licensing Authority to administer applications received under the provisions of the Licensing Act 2003.

2. SCOPE OF THE POLICY

- 2.1 The 2003 Act provides a unified system of regulation of the activities for the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment. The system is achieved through the granting of Personal Licences, Premises Licences, Club Premises Certificates and Temporary Event Notices.
- 2.2 Activities that require a licence under the Licensing Act 2003 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 premises from 23.00 to 05.00 hours for consumption both on and off the premises
 - Supply of alcohol or provision of regulated entertainment to club members
 - Provision of entertainment listed below (known as regulated entertainment) to the public or club members or with a view to profit:
 - An exhibition of a Film
 - A performance of a play
 - An indoor sporting event
 - A boxing or wrestling entertainment
 - A performance of live music
 - Any playing of recorded music
 - A performance of dance
 - Provision of facilities for making music
 - Provision of facilities for dancing
- 2.3 The scope of the policy covers new applications, renewals, transfers and variations of licences and certificates, including where applicable temporary event notices. It will also include review of licences and certificates. Such a review could lead to the revocation of a licence or certificate.
- 2.4 This policy will take effect on 7th January 2011 and remain in force for such period as is determined by Parliament or is subject to review by the Licensing Authority. Any revisions may be the subject of statutory consultation.

3. MAIN PRINCIPLES

- 3.1 The main principles of the policy are to implement the key aims of the legislation which are defined as follows: -
- a) to reduce crime and disorder;
 - b) to reduce public nuisance;
 - c) to protect children from harm;
 - d) to protect the public; and
 - e) to reduce alcohol misuse;
 - f) to encourage tourism.
- 3.2 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. It is also important that these additional opportunities for licensable activities are balanced, and in accordance with, the Core Strategy of the Local Development Framework (LDF) retail/town centre policies and objectives. This balancing should ensure that there is not an over provision of such uses in the town and village centres, which may undermine their vitality and viability.
- 3.3 The Policy sets out a general approach to the making of licensing decisions and underpins the provisions of the Licensing 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.
- 3.4 Similarly, this Policy 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 LA 2003.
- 3.5 Licensing is about control of licensed premises, qualifying clubs and temporary events, within the terms of the LA 2003. Any terms and conditions that are attached to various permissions will be focused on those matters which are within the control of individual licensees and others who are granted relevant permissions. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises.
- 3.6 The Licensing Authority will focus primarily on the direct impact that activities taking place at licensed premises may have on members of the public living, working or engaging in normal activity in the area concerned. Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding a licence, certificate or relevant permission.

4. LOCAL IMPACT

- 4.1 Views will be taken, as part of the consultation process, as to the effect an expansion of licensing may have on any one area. Regard will be had to the Licensing Objectives which are: -
- Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
- 4.2 The impact of additional food and drink uses on the character of the area and the effect on local amenity, traffic and parking will be a matter for Horsham District Council as the Local Planning Authority to determine. Licence conditions which address the cumulative impact of licensed premises within an area will, however, reflect the particular circumstances in that area which may have an impact on nuisance, crime and disorder.
- 4.3 Quotas will not be imposed in any circumstances, but the overall impact will be addressed and this may have an impact on the number of licensed premises in any given area.
- 4.4 It may be that in the future the Licensing Authority will have to adopt a special policy to address the saturation effect. In such a case before any policy is formulated, consideration will be given to:-
- a) Identifying any serious or chronic concerns about nuisance and disorder
 - b) Assessing the causes
 - c) Identifying the area from which problems are arising and the boundaries of that area and
 - d) Adopting a policy about future licence applications from that area
- 4.5 Should any “Special Policy” be implemented it will be kept under review.
- 4.6 This policy underlines Horsham District Council’s duties under Section 17 of the Crime and Disorder Act 1998, in respect of crime and disorder and to the Licensing Objectives of the LA 2003.
- 4.7 This policy also states that when considering the grant of applications or variations before the Licensing Authority, it will consider representations based on those issues that impact on the promotion of the licensing objectives in Horsham District Council’s area generally.

- 4.8 The policy clarifies that the onus will be on the objector to any licence application, to lay an evidentiary base for any assertion that the addition of particular premises would produce the cumulative impact as claimed or result in a detrimental impact when compared against the Licensing Objectives.
- 4.9 Issues of cumulative impact will therefore be addressed via the following mechanisms:-
- a) Planning Controls.
 - b) Positive measures to create a safe and clean environment in partnership with local businesses, transport operations and other departments of Horsham District Council and other local authorities.
 - c) Application of the powers of Horsham District Council to adopt legislation to control the consumption of alcohol in designated public places.
 - d) Police enforcement of the law concerning disorder and anti-social behaviour.
 - e) The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
 - f) The confiscation of alcohol from adults and children in designated areas.
 - g) Enforcement by Trading Standards against under-age sales including the use of test purchasing.
 - h) 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.
 - i) Application of powers of the police, other responsible authorities, local residents or businesses to seek a review of the licence or certificate in question.

5. THE POLICIES

The policies are set out in **bold type**, with the explanation and justification for each area of policy in normal type.

GEN/1 These policies will normally apply to any licence application determined after the date that the Licensing Authority resolved to make these policies operational, irrespective of the date on which the application was made.

GEN/2 In determining a licence application the overriding principle adopted by the Licensing Authority will be that each application will be determined on its individual merits.

GEN/3 This policy shall avoid duplication with other regulatory regimes.

GEN/4 This policy 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.

5.1 The Licensing Authority is keen to promote the artistic and cultural life of the District and the Licensing Authority's approach will be to encourage new and innovative forms of regulated entertainment that are consistent with the licensing objectives.

5.2 The Horsham District Council will through its Community Development and Leisure Services Department seek to licence appropriate public places under its control in order to facilitate the entertainment outlined above as part of the implementation of its Cultural Strategy.

5.3 The views of vociferous minorities should not be allowed to dominate the general interests of the community. In determining what conditions should be attached to licences and certificates, the promotion of the licensing objectives will be the overriding determining factor. The Licensing Authority is aware of the need to avoid measures which deter live music, dancing and theatre, such as imposing indirect costs of a substantial nature.

5.4 Licensing Hours

LICHRS/1 Consideration will be given to the individual merits of each and every application. However, it is recognised, following Government recommendation, that longer licensing hours with regard to the sale of alcohol are important to ensure that the concentrations of customers leaving premises simultaneously are avoided. For the avoidance of doubt

and to give the public clarity each premises licence will have a “Starting” and “Terminal” Hour fixed. The Operating Schedule shall therefore include proposed times of operating and details of how the applicant intends to promote the Licensing Objectives.

5.4.1 The Licensing Authority will expect to see within the operating schedule a series of times setting out when: -

- Customers may first enter the premises,
- The time from when Licensable Activities will take place,
- The time for last orders for the sale of alcohol,
- The “terminal hour” for the premises.

5.4.2 Applicants should carefully consider the hours that they wish to operate and when to close their premises for the entry of customers and when to require customers to leave. The Licensing Authority will generally require that customers should not be allowed to remain on the premises later than 30 minutes after Licensable Activities have ceased.

5.4.3 The benefits of “cooling down” periods after the last sales of alcoholic drinks, while food and non-alcoholic drinks are still available; when the volume and tempo of music is reduced and the levels of lighting increased are widely recognised as helping to reduce crime and disorder and public nuisance. In certain types of premises applicants should consider the benefits of stopping the sale of alcohol well before other Licensable Activities stop and more than 30 minutes before the premises close and customers are required to leave.

5.4.4 Fixed and early closing times 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, 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.

5.4.5 The Licensing Authority recognises the benefit of reducing concentrations and achieving slower dispersal of people from licensed premises through longer opening times.

LICHRS/2 By promoting later hours of opening it is anticipated that customers will leave for a variety of reasons over a longer period. To assist in this aim, in areas containing a number of licensed premises, the Licensing Authority will encourage licensees to stagger their closing times to avoid large numbers of customers leaving premises simultaneously. Where voluntary arrangements cannot be obtained or are unsuccessful and problems of crime, disorder or nuisance arise, the Licensing Authority will

consider whether it is appropriate to limit the hours of the individual licensed premises. This will particularly be the case in noise-sensitive areas.

LICHRS/3 The Licensing Authority shall have regard to the need to disperse people quickly and safely from town/village centres to avoid concentrations which may produce disorder and disturbance.

5.4.6 The aim of this policy is to minimise disturbance and strain on transport systems. It is also designed to prevent the replication of the previous mass exodus of patrons to the detriment of the licensing objective of preventing public nuisance.

5.4.7 The Licensing Authority will work with the local Licensing Officer with responsibility for Hackney Carriage and Private Hire Operators to provide mechanisms to encourage sufficient and appropriate licensed means of transport to get patrons home.

5.5 Zoning

5.5.1 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 Licensing Authority will not fix predetermined closing times for particular areas.

5.5.2 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 district in which they live.

5.5.3 In each individual case that arises following representation, the Licensing Authority will consider the potential for nuisance associated with the style, characteristics and activities of the business involved; examine the potential steps which could be taken to reduce the risk of nuisance, particularly in areas of dense residential accommodation; and consider restricting the hours of trading only as a last resort because of the potential impact on disorder and anti-social behaviour from fixed and artificially early closing times.

5.6 Planning

PLAN/1 To avoid inoperative premises licences being granted the Licensing Authority will not normally determine an application unless the applicant can demonstrate that the

premises have either an appropriate (in terms of activity and hours of use sought) planning consent, or that is otherwise lawful. Exceptions may be made where the applicant can demonstrate compelling reasons why the application should be considered although the planning status of the premises has not been finalised.

5.6.1 This policy is simply to avoid unnecessary duplication and thus comply with the Guidance. Generally, any premises for which a licence is required must also have an appropriate authorised use under town planning legislation.

5.6.2 Attention is drawn to the following:

- (i) The existing planning permission might, and if recently granted is very likely to have conditions restricting the use of the premises in some way: e.g. the hours of operation. In that case, anybody seeking a licence to operate beyond those hours would first need to obtain a revised planning consent or a relaxation or removal of the condition.
- (ii) The existence of a planning permission (or lawful use) where there is no condition on the usage does not mean that a licence for late hours of operation or a particular entertainment would necessarily be appropriate. Similarly, if an existing planning permission has conditions on the hours of operation, it does not follow that a licence for a particular activity will be granted up to the hours specified in the planning permission.
- (iii) Where a long standing planning permission has no condition on hours, or where there is lawful use without planning permission, it is likely there has been no rigorous consideration of late night impact during the planning process. Experience has revealed the importance of these issues and planning permissions are no longer likely to be granted without such constraints.

5.7 Personal Licences

PERL/1 Where appropriate, following a representation from the Police The Licensing Authority will consider whether granting the licence will be in the interests of the crime and disorder prevention objective. The Licensing Authority will consider the seriousness any relevant conviction(s), the period that has elapsed since any offence(s) were committed and any mitigating circumstances. The Licensing Authority will only grant the application if it is satisfied that doing so will promote this objective.

- 5.7.1 Prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of Horsham District Council under the Crime and Disorder Act 1998. Granting a licence to a known criminal may undermine rather than promote the crime prevention objective and the authority will give due consideration to this when determining applications for a Personal Licence.
- 5.7.2 The Licensing Authority recognises it has very little discretion regarding the granting of these licences. In general provided an applicant has an approved qualification and does not have certain relevant criminal convictions the application has to be granted.
- 5.7.3 If an applicant has a relevant conviction the police can oppose the application. If an objection is lodged a hearing has to be held unless all parties agree that a hearing is not necessary.

5.8 Premises Licences and Club Premises Certificates

PL&CPC/1 The Licensing Authority will expect the premises to be constructed or modified to the highest possible standards of safety. It will expect the applicant to have addressed the requirements of Health and Safety at Work and Fire Safety legislation. The Licensing Authority will also expect the operating schedule to detail how the premises will be properly managed and maintained to ensure public safety at all times.

- 5.8.1 Public safety is a very important licensing objective as it is about protecting the safety and even the lives of patrons. It is the Licensing Authority's wish that anyone visiting a licensed venue can do so in complete safety as they will be visiting premises that have been constructed with safety in mind and are well managed and maintained.

5.9 Operating Schedules

PL&CPC/2 The Licensing Authority will expect individual applicants to address the licensing objectives in their operating schedule. It will expect the operating schedule to have regard to the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community.

5.9.1 In particular it will expect the applicant to be proposing practical steps to prevent disturbance to local residents. The Licensing Authority will expect the applicant to have carried out sound tests to ascertain whether there is sound leakage. This noise could relate not only to music but also from air handling equipment, or patrons. If there is sound leakage the Licensing Authority will expect this to have been addressed in practical ways such as: -

- Keeping doors and windows closed and providing adequate mechanical ventilation
- Reducing sound levels and installing a sound limiting device to prevent sound exceeding the appropriate level
- Installing soundproofing measures to contain sound and vibration

5.9.2 The Licensing Authority will expect popular venues, which attract queues, to formulate a system to avoid disturbance to residents. This can sometimes be achieved by simply ensuring that the direction of the queue is away from residential accommodation.

5.9.3 However, excessive noise and/or disorder require more rigorous action. It is important that queues formed later in the evening are supervised to keep noise to a minimum. This action can also help stop drug dealers from passing on drugs during the queuing process but the prime purpose is to prevent noise and disturbance. Door supervisors will generally carry out this role, but they must be given clear instructions as to their duties and responsibilities and be adequately supervised.

5.9.4 In terms of patrons leaving the premises particularly late at night or early in the morning the Licensing Authority will expect the applicant to have included in the operating schedule such practical steps as: -

- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors.
- At appropriate times making loudspeaker announcements within the premises to the same effect.
- Instructing door supervisors to ask patrons leaving the premises to leave the area quietly.
- Having measures in place to prevent bottles and glasses being removed from the premises.
- Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down.
- Where appropriate considering car jockey schemes.
- Increasing the availability of licensed taxis or mini-cabs to take patrons from the premises.

- In appropriate cases door supervisors or a manager patrolling nearby streets to assess for themselves whether there is a problem and how best to deal with it.
- Banning from the premises people who regularly leave in a noisy fashion.
- Increasing outside lighting levels but without causing nuisance from light pollution.
- Where there is a private forecourt, preventing patrons from using it for eating and drinking etc after 11 p.m.

5.9.5 One of the greatest irritations to residents trying to sleep is the sound of music escaping from licensed premises. Such an escape of sound might preclude the grant of a licence or if one has already been granted for it to be reviewed with a view to possible revocation. It might also lead to a Noise Abatement notice being issued under the Environmental Protection Act 1990. Responsible applicants and licensees will wish to avoid the need for such action, as they will wish to comply with the licensing objective of preventing public nuisance.

5.9.6 There can be little doubt that a well-managed licensed venue can benefit the local community. Against that, there is clearly a risk of local residents being disturbed particularly if the venue is open late at night. This is because people leaving the premises, particularly late at night or in the early hours of the morning, can be a significant problem. Patrons may be less inhibited about their behaviour and may be unaware of the noise they are creating.

5.9.7 Late at night and during the early hours of the morning the area will be quieter and any noise will, therefore, be amplified and provide more disturbance for residents. Clearly a responsible applicant or licensee will wish to further the licensing objective of preventing public nuisance by introducing practical measures such as those referred to in paragraph 5.9.4 to prevent such nuisance.

5.9.8 Alcohol has an effect on many aspects of the local environment including:

- The consequences of overindulging in alcohol such as urinating and vomiting in public places and on private property.
- Increased street refuse – cans, bottles, and other alcohol related paraphernalia.
- Alcohol related criminal damage (vandalism)
- Alcohol related violence and aggression.

PL&CPC/3 The Licensing Authority will expect the applicant to indicate in the operating schedule the measures proposed to prevent crime and disorder. Dependent upon the nature and style of the premises these may include:

- The provision, operation and maintenance of closed circuit television in accordance with the specification required by Sussex Police.
- Search facilities and procedures.
- Use of safe drinking vessels (e.g. plastic and safer forms of glass cups/bottles).
- Provision of free and accessible drinking water.
- Access to appropriately priced non-alcoholic facilities/products.
- The requirement for a Personal Licence Holder to be on site at all times that alcohol is being sold.
- Display of information about responsible drinking including unit levels, the sensible drinking message and the risks of “drink driving”.
- Clear and prominent sign up to a “designated driver scheme” (whereby people are encouraged to designate a driver for the evening who will not drink alcoholic drinks).
- Measures to prevent the use or supply of illegal drugs.
- Measures to prevent the “spiking” of drinks.
- Employment of licensed door supervisors and other appropriately trained staff.
- To consider food serving and “cool down” times – e.g. introducing periods before closing during which food and soft drinks only are sold.
- Good design and management of premises creating more seating areas to avoid the health and violence implications of “vertical” drinking.
- Having measures in place to prevent bottles and glasses being removed from the premises.
- Employing glass collectors to ensure that drinking vessels do not accumulate.
- Procedures for risk assessing promotions and events for the potential to cause crime and disorder and plans for minimising such risks
- Participation in an appropriate Pub Watch scheme or other body designed to ensure effective liaison with the local community.
- Participation in any alcohol harm reduction campaigns run by Horsham District Council, and/or West Sussex Primary Care Trust and/or Sussex Police.

5.9.9 Prevention of crime and disorder is both an objective of the Licensing Act 2003 and an important responsibility of Horsham District Council under the Crime and Disorder Act 1998. It is important, therefore, that the applicant be able to demonstrate to the Licensing Authority the practical steps that will be taken to further this objective. Integrated responses to night life issues which encompass public health as well as crime and disorder issues can facilitate the implementation of initiatives as well as reduce costs and repetition.

PL&CPC/4 The Licensing Authority believes that there should be reasonable facilities and access for people with disabilities.

5.9.10 It is only right that wherever practicable, disabled people should not be treated in a less advantageous way than able-bodied people. In addition there are responsibilities under the Disability Discrimination Act 1995, which came fully into effect in October 2004, not to treat disabled people in a less advantageous way.

5.9.11 In some cases it may be helpful to all concerned for officers from Horsham District Council to discuss with applicants and/or their advisers a draft of their operating schedule before it is formally submitted. This will help ensure it properly addresses all the issues of concern.

5.10 Retail premises

PL&CPC/5 Shops, stores and supermarkets should be free to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for normal shopping, unless there are very good reasons for restricting those hours.

5.10.1 Where the law permits the shop to open for 24 hours or limits such opening, for example on Sundays, the Licensing Authority will generally permit the sale of alcohol during those hours.

5.10.2 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 a garage, applications may be considered but each case will be considered on its merits. (Section 176 Licensing Act 2003 and Paragraph 5.28 of the Guidance).

5.10.3 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.

5.10.4 In determining an application for a Premises Licence and the hours during which the premises might provide licensable activities to the public, it is not for the Licensing Authority to consider such matters as the rights of the workers employed on the premises who may be asked to work longer hours.

5.10.5 Against this background, the impact on workers of extended hours permitted by a premises licence is a contractual matter to be resolved between the employer and employee, and the Licensing Authority will not seek to intervene in these matters.

5.11 Tables and Chairs outside Premises

PL&CPC/6 With a view to ensuring no adverse impact on the safety and amenity of local residents, the Licensing Authority will generally not permit late hours of operation for those areas of the premises that are in the open air. In respect of any area on which the applicant has been given permission by Horsham District Council to erect tables and chairs, the Licensing Authority will expect their removal at the conclusion of the operational hours for that area.

PL&CPC/7 In the case of tables and chairs on private land the Licensing Authority will expect the applicant to agree to these hours as part of the operating schedule. If an applicant is not prepared to accept these hours the Licensing Authority will consider the likely affect of this refusal on the licensing objective of preventing nuisance.

5.11.1 The provision of tables and chairs outside the premises either on the highway or on private land can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture. Horsham District Council would want to encourage in certain areas of the town centre a café style culture to encourage eating and drinking outside appropriately located venues.

5.11.2 Horsham District Council will continue to review the need for designating areas using the powers in the Police and Criminal Justice Act 2001.

5.11.3 This policy is designed to strike a fair balance between the needs of those wishing to enjoy refreshment in the open air and the need to prevent safety and nuisance problems.

5.12 Sex Related Activities

PL&CPC/8 The Licensing Authority will not, as a general rule grant licences which involve a sex related element near schools, churches, hospitals, youth clubs or other premises where significant numbers of children are likely to attend. Where

such licences are granted the Licensing Authority may impose conditions designed to ensure the protection of children and to prevent crime and disorder problems. However, each application will be considered on its own merits.

5.12.1 Where the activities proposed under the licence include those of a sex related nature (e.g. strip-tease or table dancing) the Licensing Authority will take into account the increased risk to the licensing objectives. For the sake of convenience the term “strip-tease” in this part of the policy should be taken to refer to any entertainment or service involving exposure of genitalia or the sexual stimulation of patrons.

5.12.2 Where such licences are granted, conditions will be imposed designed to ensure that children are not admitted to and cannot witness these activities and to prevent crime and disorder problems.

For example:

If strip-tease is proposed any performance shall:

- (a) Be in a position where the performance cannot be seen from the street;
- (b) Be in a designated area of the premises with segregation from the audience;
- (c) Be in a position where the performers will have direct access to the dressing room without passing through or in close proximity to the audience.

5.12.3 Whilst strip-tease entertainment is taking place no person under the age of 18 shall be allowed to enter or view that part of the licensed premises where such entertainment is taking place and a clear notice shall be displayed, at each entrance to the premises or that part of the premises where such entertainment is taking place, in a prominent position, so that it can be easily read by persons entering the premises, in the following terms:

“NO PERSON UNDER 18 WILL BE ADMITTED”

5.12.4 To prevent the possibility of children seeing unsuitable advertisements, the policy will be to attach a condition to the effect that

“Except with the consent of the Licensing Authority and the appropriate advert consent there shall be no external advertising of the striptease entertainment either at the premises or in its immediate vicinity.”

5.12.5 In considering the grant of applications involving strip-tease the Licensing Authority will also have regard to the risk of nuisance to nearby residents and will consider rejecting the application or attaching appropriate conditions.

5.12.6 These policies are designed to further the licensing objective of protecting children by preventing them being exposed to unsuitable material or acts. They are also designed to further the crime prevention and prevention of nuisance objectives by recognising the increased risk of nuisance or illegal activities such as performers offering “extras” to customers or the plying for trade by sex workers.

5.12.7 Horsham District Council has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

5.13 Drugs

PL&CPC/9 The Licensing Authority will expect licensees of venues to take all reasonable steps to prevent the entry of drugs into licensed premises, to take appropriate steps to prevent drugs changing hands within the premises and to take practical measures to prevent tragedies as a result of drug misuse.

5.13.1 The Misuse of Drugs Act 1971 is intended to prevent the non-medical use of certain drugs. Drugs subject to this legislation are known as “controlled” drugs. Controlled drugs are usually manufactured and supplied illegally, which attracts criminal involvement in their distribution. Drugs manufactured illegally often vary in quality and strength. This can put people taking such drugs in danger. It is a criminal offence for people to knowingly allow premises they own, manage or have responsibility for, to be used by any other person for:

- Administration or use of any controlled drugs.
- Supply of any controlled drugs
- Production or cultivation of controlled drugs.

5.13.2 The Licensing Authority recognises that drug use by people in a club environment is not something that is relevant to all licensed premises. However, many licensed premises and entertainment venues can be popular both with drug misusers and suppliers.

5.13.3 The Licensing Authority would expect staff at premises to contact Sussex Police with any suspicion or evidence of the use of drugs on their premises.

5.13.4 The Licensing Authority will consider imposing conditions on premises Licences to address drug related issues.

5.13.5 The purpose of this policy is to further the crime prevention objective and to ensure public safety by preventing a tragic loss of life caused by drug misuse, overheating and other factors.

5.14 Children

CHLIC/1 The Licensing Authority will take necessary measures to protect children from harm. Examples of premises where the introduction of additional controls are likely to be necessary are:

- Premises where there have been convictions for serving alcohol to a minor or with a reputation for under-age drinking
- Premises with a known association with drug taking or dealing
- Premises where there is an element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines)
- Premises where entertainment of an adult or sexual nature is provided

Children and cinemas

CHLIC/2 In the case of premises giving film exhibitions, the Licensing Authority will impose conditions that children will be restricted from viewing age-restricted films.

5.14.1 Nothing in this statement of policy limits the access of children to licensed premises unless it is necessary 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.

5.14.2 It is acknowledged that complete bans will be rare but the options for limiting the access of children, where necessary, for the prevention of harm to children, include the following: -

- (i) limitations on the hours when children may be present
- (ii) age limitations (below 16)
- (iii) limitations or exclusions when certain activities are taking place
- (iv) requirements for an accompanying adult
- (v) full exclusion of people under 16 from the premises when any licensable activities are taking place.

5.14.3 In order to address issues concerning under age persons illegally gaining access to alcohol, the Licensing Authority will expect staff training programs to include and address this specific issue. The Licensing Authority would also recommend that such training should include sections on the checking of identification and recognition of false identification.

5.14.4 Applicants requiring advice and support relating to compliance with their obligations with the licensing objective relating to the “Protection of Children from harm should contact the area Child Protection Committee whose address is given in Appendix B.

5.14.5 Conditions

SC/1 **The Licensing Authority will attach appropriate conditions where they are necessary for the promotion of one or more of the Licensing Objectives, such conditions will be tailored to the individual styles and characteristics of the premises and events concerned.**

SC/2 **Specific conditions may be attached to premises licences to reflect local crime and disorder prevention strategies. Such conditions may include the use of closed circuit television cameras, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of licensed door supervisors, specialised lighting requirements, hours of opening, and designation of seating areas within premise.**

6.1 Each licence will be individual to the premises to which it applies and the conditions attached to the licence will be individual to that premises and deal in a proportionate manner with those issues that relate to that premises. There will not be any standard conditions that will be automatically applied to any premises other than the Mandatory Conditions required to be attached to all licences. However, the Licensing Authority may draw upon a pool of conditions which may be relevant to the majority of applications and from which appropriate and proportionate conditions may be drawn in particular circumstances.

7. Enforcement

ENF/1 The enforcement of licensing law and the inspection of licensed premises is detailed in the Protocol between Sussex Police, West Sussex County Council, West Sussex Fire and Rescue Service and Horsham District Council. This protocol reflects the need for a more efficient deployment of Police Fire and Local Authority staff commonly engaged in licensing enforcement.

- 7.1 Horsham District Council as the Licensing Authority is responsible for the enforcement of the requirements of the Licensing Act 2003. In fulfilling this responsibility the Licensing Authority will liaise with Sussex Police, West Sussex Fire and Rescue Service, West Sussex Trading Standards, West Sussex Children's Services, The Health and Safety Executive and Customs and Excise to ensure that enforcement is co-ordinated and targeted appropriately.
- 7.2 The Licensing Authority has adopted the Government's Enforcement Concordat and all of its enforcement policies comply with the principles of the Concordat.
- 7.3 The Licensing Authority has adopted and published a general enforcement policy setting out its general approach to enforcement. In addition the Licensing Authority has adopted and published a Licensing Enforcement Policy. All of these policies are available from the Horsham District Council's Public Health and Licensing Department whose contact details can be found at Appendix B. They are also available on-line at www.horsham.gov.uk
- 7.4 The Licensing Authority will undertake inspections, including joint inspections and enter into other working arrangements with Sussex Police, West Sussex Fire and Rescue Service and other agencies to support the licensing objectives.
- 7.5 Protocols used by the enforcement agencies will provide for the targeting of agreed problem and high-risk premises requiring greater attention. Those premises which are shown to be well managed with good working practices and well maintained can expect a "light touch" approach to enforcement. The Licensing Authority considers that subscription to and the active involvement in "Pub Watch" as evidence of good working practice.
- 7.6 The Licensing Authority will inspect every premises that it has not previously licensed, to secure compliance with the licensing objectives and this policy. The Licensing Authority will also inspect every premises on receipt of an application to vary the premises licence, save where only a minor change is being proposed.

7.7 Monitoring of premises will be on a risk-assessed basis, to be undertaken when and if judged necessary. The table below sets out that risk based approach.

Risk Status	Enforcement and Monitoring
High	Inspection of Premises by Authority or Police at least every 6 months
Medium	Contact with Licence Holder or where relevant Designated Premises Supervisor once a year Monitoring Inspection during operating hours at least once within 18 months of initial incident.
Low	Contact with Licence Holder or where relevant Designated Premises Supervisor every 2 years
Very Low (*)	Contact with Licence Holder or where relevant Designated Premises Supervisor once every 3 years

(*) **Private members clubs and small shops that have not been identified as being a risk.**

8. INTEGRATION OF STRATEGIES

- 8.1 The Licensing Authority liaise with local crime prevention agencies, planning, transport, health groups, youth, tourism, cultural bodies and licensed premises.
- 8.2 Regard will also be had to any local byelaws and/or strategies relating to the control of the consumption of alcohol in designated public places. The Licensing Authority will have regard to the need to disperse people quickly and safely from town/village centres to avoid concentrations which may produce disorder and disturbance.
- 8.3 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.

9. OTHER REGULATORY REGIMES

The following notes are made with regard to specific regimes:

Health and Safety: premises subject to a Premises Licence will normally have been visited by the Horsham District Council's Public Health and Licensing staff with regard to health and safety enforcement at the premises. Certain premises will 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. (See Appendix B for contact details).

Fire Safety: premises and their operators are required to comply with the requirements of the Fire Regulatory Reform Order in relation to Fire Safety. Operators will need to demonstrate that they have carried out a Fire Risk Assessment and implemented the findings. (See Appendix B for contact details).

Food Hygiene: premises selling alcohol and/or premises engaged in a food business will be registered and subject to risk-based food hygiene inspections at regular intervals under the Food Safety Act 1990, by Horsham District Council's Public Health and Licensing staff. (See Appendix B for contact details).

Food Safety: premises are subject to inspection by West Sussex Trading Standards on a risk assessed basis regarding food descriptions (incorporating substitution and adulteration), pricing and weights and measures legislation. (See Appendix B for contact details).

Health Act 2006: The Health Act 2006 introduced legislation prohibiting smoking inside buildings or partially enclosed spaces to which the public have access or where staff are employed. Persons using the outside areas of licensed premises may in certain circumstances cause conflict with Premises Licence conditions. Licence Holders should ensure that there are no Licence Conditions that restrict the use of outside areas for any reason.

Noise: Statutory and Public nuisances are dealt with by Horsham District Council's Public Health and Licensing staff under the Environmental Protection Act 1990 and associated legislation. Noise from commercial premises may often fall under this regime. (See Appendix B for contact details).

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. (See Appendix B for contact details).

ADMINISTRATIVE PROCEDURES

- 1 Set out below are the administrative procedures that have been adopted by the Licensing Authority to administer applications received under the provisions of the Licensing Act 2003. Set out at the end of this Appendix is the table of delegations that will be operated by the Licensing Authority in handling applications. **Note: These delegations are set out in the Guidance issued by the Government and cannot be altered.**

- 2 Opposed applications will be heard by a sub-committee comprising of three members drawn from the Licensing Committee. The three members selected to hear the application will be selected on the basis that they come from wards in a different part of the Council's area such that they will not be a local member for the ward to which the application pertains.

- 3 Hearings of the sub-committee will take place during the day where possible although it may be necessary to hold meetings during the evening. Day time meetings will usually commence at 10.00a.m and evening meetings at 5.30p.m.

The procedure for the hearing of opposed licensing applications by the Licensing Committee will be in accordance with the Regulations issued under the LA 2003 (Section 197).

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COMMITTEE	SUB-COMMITTEE	OFFICERS
Application for personal licence		If a Police Objection made	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 for a minor variation to an existing premises licence- club premises certificate.			All cases
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
Application 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 a police objection a temporary event notice		All cases	

(Source: Guidance issued under Section 182 LA 2003, by the Department for Culture Media and Sport, Paragraph 3.63.)

ADDRESSES FOR RESPONSIBLE AUTHORITIES

CHIEF OFFICER OF POLICE

The Chief Officer of Police

FAO The Licensing Officer,
Horsham Police Station
Hurst Road
HORSHAM
West Sussex
RH12 2DJ
0845 6070999

FIRE AUTHORITY

West Sussex Fire and Rescue Service

Horsham Fire Station
Hurst Road
HORSHAM
West Sussex
RH12 2DJ
01403 213280

LICENSING AUTHORITY

**Horsham District Council
Planning and Environmental Services**

Park House
North Street
HORSHAM
West Sussex
RH12 1RL
01403 215402

HEALTH AND SAFETY ENFORCING AUTHORITY

**Horsham District Council
Planning and Environmental Services**

Park House
North Street
HORSHAM
West Sussex
RH12 1RL
01403 215453

Health and Safety Executive

Operations Manager,
Field Operations Directorate
South and South East
Health and Safety Executive
Phoenix House
23-25 Cantelupe Road
EAST GRINSTEAD
West Sussex RH19 3BE
Tel: 01342 334200

LOCAL PLANNING AUTHORITY

Horsham District Council
Development Control Department
Park House
North Street
HORSHAM
West Sussex
RH12 1RL
01403 215187

AUTHORITY RESPONSIBLE FOR PROTECTING THE ENVIRONMENT

Horsham District Council
Planning and Environmental Services
Park House
North Street
HORSHAM
West Sussex
RH12 1RL
01403 215609

AUTHORITY RESPONSIBLE FOR CHILD PROTECTION

Chairman, West Sussex Area Child Protection Committee
Director of Children's Services
Child Protection CPT
Room 41
Durban House
Durban Road
South Bersted Business Park
Bognor Regis
PO22 9RE

OTHER CONTACT DETAILS

Security Industry Authority
4th Floor
50 Broadway
LONDON
SW1H 0SA
020 7227 3600
www.the-sia.org.uk

GLOSSARY OF TERMS

In this Statement of Policy, the following definitions are included to provide an explanation of certain terms included in the Licensing Act 2003 and therefore in this policy. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used the reader must refer to the Licensing Act 2003.

Reference to an Act of Parliament refers to the Act as it applies at the date of this licence or any later amendment or re-enactment of it.

Ambulance Authority

South East Coastal Ambulance Service.

Authorised Officer

An Officer authorised by Horsham District Council, Sussex Police Authority or Fire Authority or Ambulance Authority.

Car Jockey Schemes –

A scheme whereby the customer's car is parked by staff at the licensed premises and returned to the customer at the main entrance to the premises at the time of departure, whether for a fee or not.

Chief Officer of Police

The Chief Constable of Sussex Police.

Children –

Individuals aged less than 16 years

Club Premises Certificate –

A certificate granted by the Licensing Authority in respect of premises occupied by and habitually used for the purposes of a club, specifying the qualifying club activities and meeting the Statutory Requirements.

Conditions

The conditions attached to the licence whether Mandatory, Proffered by the applicant or imposed by the Licensing Authority following a sub committee hearing.

Fire Authority

West Sussex Fire and Rescue Service.

Guidance

Guidance issued under Section 182 Licensing Act 2003, by the Department for Culture Media and Sport

Head of Planning and Environmental Services

The Head of Planning and Environmental Services of Horsham District Council.

LA 2003

Licensing Act 2003.

Late Night Refreshment –

The supply of hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises; between the hours of 11.00pm and 5.00am. Exemptions relate to some clubs, hotels etc and employees.

Licensable activities –

- i) the sale by retail of alcohol
- ii) the supply of alcohol by or on behalf of a club, or to the order of, a member of the club
- iii) the provision of regulated entertainment
- iv) the provision of late night refreshment

Licensed Door Supervisors –

Licensed individual working as a door supervisor and responsible for security, protection, screening the suitability of people entering premises or dealing with conflict in pubs, clubs and other licensed premises open to the public.

Licensee (Premises Licence Holder)

The person, to whom the licence, to which these conditions apply, has been granted, renewed or transferred by the Licensing Authority. Whenever there is more than one person named as a Licensee the Conditions may be enforced against all of them jointly and against each individually.

Licensing Authority

Horsham District Council.

Noise Sensitive Areas –

Residential properties and hospitals, libraries, place of worship, hotels, school and other similar premises when these are in use. (Institute of Acoustics)

Operating Schedule –

Document which includes a statement of the following matters –

- i) the relevant licensable activities
- ii) the times during which it is proposed that the relevant licensable activities are to take place
- iii) any other times during which it is proposed that the premises are to be open to the public
- iv) where the applicant wishes the licence to have effect for a limited period, that period
- v) where the relevant licensable activities include the supply of alcohol, prescribed information in respect of the individual whom the applicant wishes to have specified in the premises licence as the designated premises supervisor
- vi) where the relevant licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises, or both
- vii) the steps which it is proposed to take to promote the licensing objectives
- viii) such other matters as may be prescribed

Personal Licence –

A licence granted by the licensing authority, to an individual authorising that individual to supply alcohol, or authorise the supply of alcohol, in accordance with a premises licence.

Premises

This means the premises to which the licence included on the authorised plan relates.

Premises Licence –

A licence granted in respect of any premises, which authorises the premises to be used for one or more licensable activities. This includes the authorised plan and both the licence and plan, or a certified copy thereof MUST be kept on the premises.

Prescribed Form

Any form issued by the Licensing Authority.

Qualifying Club Activities –

- i) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ii) the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place
- iii) the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests

Regulated Entertainment –

Means, any entertainment subject to the provisions of a licence issued under the 2003 Act. The entertainment or entertainment facilities are provided –

- i) to any extent for members of the public or a section of the public
- ii) exclusively for members of a club which is a qualifying club in relation to the provision of regulated entertainment, or for members of such a club and their guests, or
- iii) if not within i) or ii) above, for consideration and with a view to a profit

Entertainment means–

- i) a performance of a play
- ii) an exhibition of a film
- iii) an indoor sporting event
- iv) a boxing or wrestling entertainment
- v) a performance of live music
- vi) any playing of recorded music
- vii) a performance of dance
- viii) entertainment of a similar description to that falling within v),vi),vii)

where the entertainment takes place in the presence of an audience (including spectators) and is provided for the purpose of entertaining that audience.

Relevant Standard

Any relevant British, European or International standard or regulation currently in force.

Stage

Any structure on which performance takes place and any banks of loudspeakers adjoining the structure.

Terminal Hour

The hour at which all or any of the Licensable Activities have finished and the premises have been closed to the public.

Temporary Event Notices –

A notice to the Licensing Authority of a proposed use of a premises for one or more licensable activities for a period not exceeding 96 hours duration.

Zoning –

The setting of fixed trading hours within a designated area.