



Horsham  
District  
Council

## HORSHAM DISTRICT COUNCIL

LICENSING ACT 2003  
STATEMENT OF  
LICENSING POLICY  
2024-2029

Approved by Licensing Committee:  
Approved by Council: 17 July 2024  
Approved by Cabinet: 20 November 2024  
Effective 20 November 2024

---

## Contents

		<b>Page</b>
Section 1	Introduction	3
Section 2	Background	3
Section 2.1	Scope of Statement of Licensing Policy	5
Section 3	Policy Consultation	6
Section 4	Fundamental Principles	7
Section 5	Health	8
Section 6	Premises Licences & Club Premises Certificates	8
Section 6.1	Application Consultation	10
Section 6.2	Making Representation	10
Section 7	Personal Licences	11
Section 8	Fees & Charges	11
Section 9	Variations (Full & Minor)	12
Section 10	Temporary Event Notices (TEN's)	13
Section 11	Licensing Hours	15
Section 12	Promoting the Four Licensing Objectives	16
Section 12.1	Prevention of Crime & Disorder	16
Section 12.2	Public Safety	18
Section 12.3	Prevention of a Public Nuisance	19
Section 12.4	Protection of Children from Harm	20
Section 13	Large Scale Events	22
Section 14	Films	23
Section 15	Child Safeguarding and Child Sexual Exploitation (CSE)	25
Section 16	Agent of Change Principle	26
Section 17	Licence Conditions	26
Section 18	Administration & Delegation	27
Section 19	Enforcement	29
Section 20	Reviews	30
Section 21	Diversity & Equality	30
Appendix A	Responsible Authority Contact List	35

## **Section 1 - Introduction**

- 1.1 The Licensing Authority (the Authority) is required to publish a Statement of Licensing Policy (the Policy). This Policy has been prepared and published in accordance with the provisions of the Licensing Act 2003 (the Act) and the Guidance issued under section 182 of the Act (the Guidance).
- 1.2 Horsham District Council is the Authority under the provisions of the Licensing Act 2003. The Act came into force on the 24th November 2005 and has been the subject of various subsequent amendments.

Accordingly, the Authority is responsible for granting premises licences, club premises certificates, temporary event notices and personal licences in the district 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.

- 1.3 The Authority has an established Licensing Committee in accordance with the Act. 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 Authority (The District Council), the Licensing Committee, the Licensing Sub-Committee and Authorised Officers as 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 19 November 2029, will be kept under review throughout this period 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.
- 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, the Authority will consult on such changes, and they will be considered by the Licensing Committee.
- 2.3 The Policy will take effect on the 20 November 2024 and will remain in force until 19 November 2029. However, during this period it will be kept under review and, if appropriate, it may continue beyond this period subject to future legislative change.
- 2.4 This Policy is intended to inform and guide applicants, responsible authorities and other persons about how the Authority will make licensing decisions. An application that follows this Policy is less likely to give rise to relevant representations, or, if the Authority is asked to make a determination on receipt of representations, less likely to have additional measures imposed to promote the licensing objectives. This approach is supported by Guidance and case law. In the British Beer and Pub Association, The Association of Licensed Multiple

Retailers, The British Institute of Innkeeping v Canterbury City Council [2005] EWHC 1318 (Admin) Mr Justice Richards stated:

*'A policy ... not only guides the decision-maker but also serves to inform an applicant about what he should consider in preparing his application. Far from being objectionable, that is one of the purposes of having such a policy...An application that takes account of the matters set out in the policy, for example by including what is referred to in the policy or by giving a reasoned justification for not doing so, is less likely to give rise to relevant representations and more likely to be granted without additional conditions...' [para 82]*

- 2.5 Horsham District is a non-metropolitan district in West Sussex located to the south of London and adjacent to Crawley which has England's second busiest international airport, London Gatwick. The districts largest settlements is Horsham which is the largest whilst the surrounding rural area contains many villages, the largest of which are Southwater and Billingshurst.
- 2.6 Horsham town centre is a focus for shopping other business and the evening and late night economy, with to access and transport, entertainment variety and choice of styles in bars, late night venues and restaurants.
- 2.7 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 district.
- 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 The Act 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 Horsham District 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;

- 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 licensing regime is built around the promotion of the following licensing objectives, these are to be addressed when licensing functions are undertaken. The objectives apply equally to applicants and the Council as Licensing Authority –

These are:

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

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 the link below:

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

2.11.1 The Policy is intended to support the aims of promoting the licensing objectives by giving the Authority the policies to effectively manage the evening and night-time economy, promote business and improve our communities, but it is also intended to reflect the needs and concerns of our residents and responsible authorities.

The aims the 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:
  - i. reduce crime and disorder;
  - ii. encourage tourism;
  - iii. encourage an early evening and night time economy which is viable, sustainable and socially responsible;
  - iv. reduce alcohol misuse;
  - v. encourage employment;
  - vi. encourage the self sufficiency of local communities;
  - vii. reduce the burden of unnecessary regulation on business;

- viii. encourage and promote live music, dancing and theatre for the wider cultural benefit of communities generally.

2.11.2 This Policy 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.

2.11.3 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 liaise with the 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.

2.11.4 Policy frameworks can change and new or emerging issues may arise at both a local and national level which may need to be taken into account when applying this Policy.

The Authority may therefore, make new applicants and existing licence holders aware of such changes so that they can ensure they can comply with any future challenges and such revisions to Policy as appropriate.

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

2.1.1 The Act sets out the legal framework for the 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 : <https://www.gov.uk/guidance/alcohol-licensing> by clicking the [link](#).
- 2.1.4 The Act requires the Authority to carry out its licensing functions to promote the licensing objectives. Horsham District Council as the Authority takes its responsibilities under the Act seriously and will use all available powers to promote the four Licensing Objectives.

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

- 3.1 Prior to the formal review process of the Policy, the Authority 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 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 informed and transparent decision-making and improving dialogue whilst promoting partnership working within and across local communities.
- 3.3 In determining the policy the 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. These are;
- 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
  - Bodies representative of current licence holders.

The above listed persons/bodies are ordinarily consulted and the appropriate weight given to their views when determining or reviewing the policy.

- 3.3 The Licensing Authority ordinarily consults with other persons/bodies when determining or reviewing policy; such other persons/bodies include:
- Horsham Community Safety Partnership (CSP)
  - The Horsham Business Improvement District (BID)
  - Town and Parish Councils in the administrative area;
  - Sussex Chamber of Commerce and Industry; and
  - Relevant departments of the West Sussex County Council (e.g. Youth Services, Highways).
- 3.5 The views of all these bodies and the evidence presented have been given due weight in the determination of this policy.

## Section 4 - Fundamental Principles

- 4.1 This 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, the 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 in the Act.
- 4.3 Licensing is about the control of licensed premises, qualifying clubs, temporary events and individuals within the terms of the 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.
- 4.4 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 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.
- 4.5 Licensing law is not a 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.
- 4.6 The controls exercised through the provisions of the Act are key aspects in the control of nuisance and antisocial behaviour forming part of the Council's holistic approach to licensing.
- 4.7 In this respect, the 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 Community Safety Partnership (Horsham)
  - Planning Controls
  - Business Improvement District Partnership
  - Regular liaison with Sussex Police
  - Horsham District Pub and Business watch
- 4.8 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 to achieve outcomes that can be achieved by other legislation.



- 4.9 In particular, the licensing functions will be carried out separately from the Council's functions as the Local Planning Authority.
- 4.10 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.
- 4.11 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.
- 4.12 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 Licensing Authority.

## **Section 5 - Health**

- 5.1 The Police Reform and Social Responsibility Act 2011 granted 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 Licensing Authority welcomes the addition to the ongoing development of a multi-agency collaborative approach towards licensing matters, recognising the significant scope for participation to reduce alcohol related violence and harm, as well as promoting and advising on sensible drinking whilst 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.
- 5.4 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.
- 5.5 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>.

---

<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>

5.6 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>.

5.7 In January 2016, the UK Chief Medical Officers released updated recommendations on alcohol consumption:

- Both men and women should aim to consume no more than 14 units of alcohol per week.
- If you do reach the 14-unit mark, it's advisable to spread your drinking over three or more days.
- To reduce your alcohol intake, consider designating several drink-free days each week. The guidance also addresses occasional drinking, advising adults to:
- Limit the total alcohol intake during any single occasion,
- Consume drinks more slowly, eat while drinking, and alternate with water,
- Plan ahead to ensure safe transportation and the company of trusted individuals.

5.8 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>

5.9 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>.

## **Public Health & Alcohol Licensing**

6 The Licensing Act 2003 was amended by the Police Reform & Social Responsibility Act 2011 to give health bodies an increased say in licencing issues. This amended act made Directors of Public Health a Responsible Authority.

7 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.

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

9 There is no Public Health Licensing Objective. However, WSSCC 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.

---

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

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

10 West Sussex County Council (WSCC) Public Health Lead for Alcohol, on behalf of the Director of Public Health provide the following statistics applicable to the West Sussex region:

- Approximately 18.3% of the population (aged 16+) are estimated to consume alcohol above the lower risk limits\*
- It is estimated that there are 8,100 adults in the county with alcohol dependency\*
- Data indicates that 2,710 children reside with an adult who has alcohol dependency\*\*
- The rate of alcohol-specific admissions for West Sussex is 32.3 per 100,000 in 2020-23. This is above the national average.\*\*\*

\*West Sussex Alcohol Health Equity Audit.

<https://jsna.westsussex.gov.uk/assets/pdf/alcohol-hea-series/1.2%20Alcohol%20consumption%20and%20estimated%20need%20-%20HEA%20series.pdf>

\*\* West Sussex Substance Misuse Needs Assessment

<https://jsna.westsussex.gov.uk/assets/living-well/west-sussex-substance-misuse-needs-assessment-2021.pdf>

\*\*\* Office of Health Improvement & Disparities Local Alcohol Profiles

<https://fingertips.phe.org.uk/profile/local-alcohol-profiles/data#page/3/gid/1938132982/pat/15/par/E92000001/ati/502/are/E10000032/iid/92904/age/173/sex/4/cat/-1/ctp/-1/yrr/3/cid/4/tbm/1>

In the Horsham District:

- The rate of alcohol-related specific admissions is 331 per 100,000 population in 2022/23, which is lower than the national average and equates to 505 hospital admissions in the year.\*\*\*
- For those under 18, the rate of alcohol-specific hospital admissions is 28.1 per 100,000 which is above the national average\*\*\*
- The estimated rate of alcohol-related deaths in Horsham for 2022 was 30 per 100,000, amounting to 49 deaths that year \*\*\*.

## **Section 6 - Premises Licences & Club Premises Certificates**

6.1 An application is required if an individual(s), business or club wishes to carry out one or more of the following activities:

- The sale or supply of alcohol
- Regulated entertainment\*
- The supply of hot food and drink between 2300 hours and 0500 hours

6.1.1 Some entertainment has been deregulated through the deregulation of Schedule 1, Licensing Act 2003 (Regulated Entertainment) in 2015. Further details of deregulation can be found at Appendix 1 – Deregulation Schedule 1 – Regulated Entertainment.

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 on its website, updated weekly, which can be found by following this link  
<https://www.horsham.gov.uk/licensing/current-licensing-applications>

## **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, emailed or delivered in person. 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 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 Representations should contain;
- The name, full address & post code of the person making them.
  - The reasons for their representation and
  - Which of the four Licensing Objectives the representations relate to;
    - Crime and disorder
    - Public Nuisance
    - Public safety
    - Protection of children from harm
- 6.2.4 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.
- 6.2.5 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.
- 6.2.6 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.
- 6.2.7 Frivolous representations would be categorised by a lack of seriousness.
- 6.2.8 Such judgments will be made by officers following such enquiries as may be necessary.
- 6.2.9 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 committee report that will become a public document. It will be provided to the applicant, his agent and persons who have made representations as well as the Licensing Sub-committee 10 days prior to the hearing.

- 6.2.10 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 objectors personal details may be removed from the representation before it is given to the applicant.
- 6.3.11 Where there are no representations there is no discretion for the Authority to refuse the application or to alter or add to those conditions which are compliant with the operating schedule; the application must be processed and would be deemed granted

## **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.
- 7.6 In exercising its duties, the Council 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.
- 7.7 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.
- 8.8 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 (Minor and Full)**

- 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:-

The process may be used for changes such as:

- small changes to the structure or layout of a premises;
- the addition of authorisation for late night refreshment or regulated entertainment (such as performance of plays or film exhibitions);
- small changes to licensing hours (but see below on changes that relate to alcohol);
- revisions, removals and additions of conditions (this could include the removal or amendment of out of date, irrelevant or unenforceable conditions, or the addition of volunteered conditions).

Changes to the structural layout can 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.)

- 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**

- 10.1 A notice in the prescribed form must be served on the Licensing Authority, Sussex Police and the Environmental Health Department at Horsham District Council by the individual who proposes carrying on licensable activities.
- 10.2 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.
- 10.3 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.
- 10.4 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 The person giving a notice is referred to as the 'premises user'. All sales of alcohol will be made by or under the authority of a premises user and certain prescribed information must be supplied within a notice.
- 10.6 Temporary Event Notices 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.

10.7 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
- The event cannot last longer than 168 hours
- No premises may host more than 15 events in a year
- The maximum number of days covered by Temporary Event Notices cannot exceed 21 days in a year
- 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.

10.8 Further details and comprehensive guidance on Temporary Event Notices may be found via <https://www.gov.uk/find-licences/temporary-events-notice>

## **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 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 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 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 (April 2018) which states that;

*10.13 "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."*

*10.14 “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.”*

*10.15 “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 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.
- 11.7 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 could finish earlier or later than the sale of alcohol.
- 11.8 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.
- 11.9 In each case, the hours being sought for regulated entertainment or late-night refreshment must be set out in the application and operating schedule.
- 11.10 Where representations are received, the application will be referred to a Licensing Sub Committee in accordance with the scheme of delegation included in this Policy. 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. Where the Sub Committee considers it appropriate to do so it may apply licensing conditions, including limiting the hours of operation.
- 11.11 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.
- 11.12 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.

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

- 12.1 The promotion of the four objectives is fundamental to the Act. 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 way of 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 with 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 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.

#### **12.1 - Prevention of Crime and Disorder**

- 12.1.1 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 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.
- 12.1.2 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.
- 12.1.3 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.
- 12.1.4 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.
- 12.1.5 The 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.

12.1.6 Whilst recognising that drug misuse is not an issue in all licensed premises, the 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 business model.

12.1.7 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 can apply for a 'Review' of the 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 Guidance. The Authority recognises that each case must be decided on individual facts and its specific merits.

12.1.8 In addition to the requirement for the 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.

12.1.9 Consideration will be given where appropriate to the powers available under the Violent Crimes Reduction Act 2006 and the use of Public Spaces Protection Orders.

### **Cumulative Impact**

12.1.10 The Council 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 either 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.

12.1.11 There are other measures to control cumulative impact matters listed in the 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
- Police enforcement including the issue of fixed penalty notices
- 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
- Police powers to close premises
- Review of a premises licence or club premises certificate

12.1.12 The Licensing Authority does not propose to consider the use of alternative measures such as fixed closing times, staggered closing times or zoning within Horsham District.

### **Late Night Levy**

12.1.13 This Authority does not currently have in place a late night levy.

12.1.14 The late night levy is a power for licensing authorities to introduce a charge for premises that have a late alcohol licence. Whether or not to implement the levy will be left entirely at the discretion of the Authority which will make the decision based on the situation in the local area. 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 Horsham which is funded by businesses within the BID area. The Licensing Authority will not consider the Late-Night Levy whilst the Business Improvement District persists. In the areas that it is introduced the levy will be collected annually and the revenue will be split between the Authority and the police.

### **Early Morning Restriction Orders (EMRO)**

12.1.15 This Authority does not currently have in place an early morning restriction order.

12.1.16 Early morning restriction orders (EMRO) are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.

12.1.17 The Authority will need to be satisfied that the request for an EMRO is appropriate for the promotion of the licensing objectives and for a specified period between midnight and 0600 hours and in relation a particular area, which may be the whole or part of the local authority area.

Such orders are intended to prevent the sale of alcohol on premises within a designated geographical area for any period of time, between midnight and 0600 hours if the Licensing Authority believes that it is appropriate. There is no proposal for this type of order to be considered at this present time.

## **Section 12.2 - Public Safety**

12.2.1 The 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 Applicants are encouraged to contact the Council's Environmental Health Services with draft proposals including plans and operating schedules. Where applicable applicants should consider safe capacity, the safety of those with special needs and the first aid requirements of customers.
- 12.2.3 Licence holders should have clear documented policies and procedures in place which identify all public safety risks associated with the premises and the measures to prevent, manage, mitigate and respond to those risks.
- 12.2.4 Where representations are received and the Licensing Sub-Committee considers it appropriate to do so, they may attach conditions to licences to ensure public safety.
- 12.2.5 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 Environmental Health Services, website links at **12.4.4**.

### **Section 12.3 - Prevention of a Public Nuisance**

- 12.3.1 Licensing Sub Committees are mindful that licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity. 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.
- 12.3.2 Where an application includes provision of a smoking area or shelter the 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. Licensees must take all reasonable steps to discourage smoking on the public highway close to residential premises, considering measures such as a ban on customers taking drinks outside on to the public highway, 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.

- 12.3.3 The Licensing Authority expects all licence holders to consider the impact of noise on neighbours or those otherwise impacted by undertaking simple measures such as not emptying glass into external bins at night, arranging deliveries wherever possible during the day or clearing garden areas at a reasonable time preventing nuisance to neighbouring residents.
- 12.3.4 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.

12.3.5 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 may have to be given.

12.3.6 Where representations are received and the Licensing Sub-Committee considers it appropriate to do so, they may attach conditions to licences to prevent public nuisance.

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

12.4.1 The wide range of different premises that require licensing under the Act means that children may be expected to visit many of these, often on their own, 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.

12.4.2 The Authority 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.

12.4.3 The 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. The Licensing Authority will consult the Surrey 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.

12.4.4 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.

12.4.5 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.

12.4.6 The Licensing Sub-Committee 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.

12.4.7 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 individual licensee. The Act details a number of offences designed to protect children in licensed premises and the 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.

12.4.8 Consideration will be given to promoting initiatives which may assist in preventing the sale of alcohol to children such as Home Office campaigns. The Licensing Authority is supportive of and actively encourages recognised proof of age schemes and 'Challenge 25' policies in all licensed premises as a fundamental means of preventing under age sales.

The Licensing Authority has an expectation that all licence holders will maintain accurate record keeping of refusals and ensure that all staff are suitably trained.

12.4.9 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.



- 12.4.10 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.
- 12.4.11 Where an application for a Premises Licence or Club Premises Certificate includes the provision of entertainment for children or by children, the Authority will expect the operating schedule to include arrangements for protecting children.
- 12.4.12 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.
- 12.4.13 The Authority is committed to protecting children from harm and supports the programme of underage test purchases arranged by the [Sussex](#) Trading Standards Service, the Licensing Team and Police. Where underage sales are found, the 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 proportionately.
- 12.4.14 In keeping with the Guidance 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.

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

- 13.1 Organisers of large events (in particular, major festivals and carnivals) are strongly advised to contact the 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 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.
- 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.
- 13.4 The Authority is aware that in January 2020 the Government announced its backing of the 'Martyn's Law' campaign to improve security at venues and public spaces in light of the terrorist attacks in Manchester and London in 2017.
- 13.5 The shift in the pattern of terrorism means that the security agencies primarily 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 Horsham District Council supports the concept of 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 Authority would expect large capacity venues and organisers of large events to consider the following measures:
- 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 Act, the 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 Authority views as good practice the inclusion within publicity materials of age-related admission restrictions arising from recommendations made by the BBFC or the 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 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 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 Act and 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 Act, babies must be excluded from such screenings. The 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.

14.8 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.

14.9 When exercising powers under section 20 to issue an admission recommendation for a previously unclassified film, the authority 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’.

14.10 In such circumstances, the authority 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.

14.11 Where the 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 the authority 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 authority 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 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 authority 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 – Child Safeguarding and Child Sexual Exploitation (CSE)**

- 15.1 The Authority 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.
- 15.2 The 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 the most deprived areas, where there are the highest rates of domestic abuse, is a cause for concern to the Authority.
- 15.3 The Authority expects that premises will operate in a responsible manner to ensure that children are not desensitised to the potential harm of alcohol. 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 Authority if its discretion is engaged are:
1. 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.
  2. 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.
  3. The use and display of promotional material for alcohol products.
- 15.3 Alcohol 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 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.
- 15.5 The 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. The Authority also expects licence holders to raise the awareness of their staff about CSE and provide intelligence for the appropriate authorities about concerns, including perpetrators who may be operating in their areas.

- 15.6 To support organisations that come into contact with the public, or which employ under 18s, the Licensing Authority expects staff to have access to safeguarding training and are briefed on local safeguarding initiatives.

## **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 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 (eg 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 Guidance makes no reference to it.
- 16.5 Having considered the recommendations of the House of Lords Select Committee, Horsham District 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 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 Licensing

Authority will not place 'unreasonable restrictions' on that premises, if it were operating legally beforehand.

## **Section 17 - Licence Conditions**

- 17.1 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate.

Where responsible authorities or other persons do not make any representations about an application, it is the duty of the Authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule and any relevant mandatory conditions prescribed by the Act.

- 17.2 Additional Home Office guidance on Mandatory Licensing Conditions may be found by following this [link](#).

- 17.3 The 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.

- 17.5 To minimise problems and the necessity for hearings, the 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 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 Horsham District 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 Authority has established a scheme of delegation to deal with applications received under the Act.
- 18.4 The table at paragraph 18.8 sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub Committees and 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 in their ward.
- 18.7 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.
- 18.8 Ward Councillors 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.

<b>Matter to be dealt 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/	If a relevant representation has been made	If no relevant representation made

club premises certificate		
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

## Section 19 - Enforcement



- 19.1 The council has adopted a risk based inspection programme 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;
- Horsham Council enforcement policies
  - Crime & Disorder reduction strategy
  - Community Safety strategy
  - Drugs & Alcohol strategy.
- 19.4 The 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.

## **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 a Council Licensing Compliance Officer or may 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 Licensing Authority wishes to encourage the provision of a culturally diverse range of regulated entertainment within the District, 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 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;
1. Direct discrimination because of disability in relation to goods, facilities and services
  2. Indirect disability discrimination
  3. Discrimination arising from disability.
- 21.11 Businesses have an obligation to make reasonable adjustments to help disabled individuals access their goods, facilities and services.

**Further information may be obtained from:**

Horsham District Council  
Parkside  
Chart Way  
Horsham  
West Sussex  
RH12 1RL

Tel: 01403 215100

Email: [Licensing@horsham.gov.uk](mailto:Licensing@horsham.gov.uk)

## Appendix A

### Licensing Act 2003 – Responsible Authority Contacts

<p><b>1. Licensing</b> C/o Licensing Horsham District Council Horsham District Council Parkside Chart Way Horsham West Sussex RH12 1RL</p> <p>Email: <a href="mailto:Licensing@horsham.gov.uk">Licensing@horsham.gov.uk</a></p>	<p><b>2. Sussex Police</b> Neighbourhood Police Licensing Team West Sussex Division Centenary House Durrington Lane, Worthing West Sussex BN13 2PQ</p> <p>Email: <a href="mailto:westsussex.licensing@sussex.police.uk">westsussex.licensing@sussex.police.uk</a></p>
<p><b>3. Sussex Fire and Rescue Service</b> Licensing Administration The Fire Safety Team Horsham Fire Station Hurst Road HORSHAM West Sussex RH12 2DJ</p> <p>01403 213280 Email: <a href="mailto:firesafety@westsussex.gov.uk">firesafety@westsussex.gov.uk</a></p>	<p><b>4. Sussex Primary Care Trust</b> The Director of Public Health Public Health Licensing West Sussex County Council 1 st Floor, The Grange County Hall Campus Chichester PO19 1QT</p> <p>Email: <a href="mailto:publichealth.licensing@westsussex.gov.uk">publichealth.licensing@westsussex.gov.uk</a></p>
<p><b>5. Pollution Control</b> c/o Environmental Health Horsham District Council Parkside Chart Way Horsham West Sussex RH12 1RL</p> <p>Email: <a href="mailto:EHL@horsham.gov.uk">EHL@horsham.gov.uk</a></p>	<p><b>6. Health and Safety</b> c/o Environmental Health Horsham District Council Parkside Chart Way Horsham West Sussex RH12 1RL</p> <p>Email: <a href="mailto:EHL@horsham.gov.uk">EHL@horsham.gov.uk</a></p>
<p><b>7. Safeguarding Children Unit</b> Child Protection ~ WSCC Children's Access Point 4th Floor, County Hall North Chart Way Horsham West Sussex RH12 1XH</p> <p>01403 229900 Email: <a href="mailto:socialcare@westsussex.gov.uk">socialcare@westsussex.gov.uk</a></p>	<p><b>8. WSCC Trading Standards</b> WSCC Trading Standards Service 4th Floor, County Hall North Chart Way Horsham West Sussex RH12 1XH</p> <p>Tel 01243 642124 Email: <a href="mailto:trading_standards@westsussex.gov.uk">trading_standards@westsussex.gov.uk</a></p>
<p><b>9. Planning Control</b> Planning Horsham District Council Parkside Chart Way Horsham West Sussex RH12 1RL</p> <p>Email: <a href="mailto:planning@horsham.gov.uk">planning@horsham.gov.uk</a></p>	<p><b>Home Office</b> Home Office Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY</p> <p>Email: <a href="mailto:alcohol@homeoffice.gov.uk">alcohol@homeoffice.gov.uk</a></p>