



Public Document Pack

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5 September 2019

Licensing Committee

A meeting of the Licensing Committee will be held in CR1 (Pink Room) Arun Civic Centre Maltravers Road Littlehampton on the **Friday 20th September 2019 at 9.30 am** and you are requested to attend.

Members: Councillors B Blanchard-Cooper (Chairman), Brooks (Vice-Chair), Bennett, C Blanchard-Cooper, Mrs Catterson, Charles, Clayden, Mrs Cooper, Edwards, Goodheart, Kelly, Lury, Oliver-Redgate, Purchase and Mrs Worne

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and officers should make their declaration by stating:

- a) the item they have the interest in
- b) whether it is a pecuniary, personal and/or prejudicial
- c) the nature of the interest

3. MINUTES

(Pages 1 - 4)

To approve as a correct record the Minutes of the meeting held on 22 March 2019 (attached).

4. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

5. STATEMENT OF LICENSING POLICY - REVISION (Pages 5 - 64)

This report requests Members to consider the revised Statement of Licensing Policy alongside comments made in response to consultation to agree a recommendation to Full Council.

Note : *Indicates report is attached for all Members of the Council only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager).

Note : Members are reminded that if they have any detailed questions would they please inform the Chairman and/or relevant Director in advance of the meeting.

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LICENSING COMMITTEE

22 March 2019 at 9.30 a.m.

Present : Councillors Cooper (Chairman), Wheal (Vice-Chairman) Cates, Clayden, Dillon, Hitchins, Mrs Oakley, Oliver-Redgate and Warren.

[Note: Councillor Oliver-Redgate was absent from the meeting during consideration of Minutes 487 to 490 (Part)].

487. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Mrs Daniells.

488. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

489. MINUTES

The Minutes of the meeting held on 14 December 2018, which were circulated at the meeting, were approved as a correct record and signed by the Chairman.

The Committee also received and noted the Minutes of the meeting of the Licensing Sub-Committee held on 22 February 2019, as circulated to the meeting.

490. AMENDMENTS TO ARUN DISTRICT COUNCIL'S ENFORCEMENT POLICY FOR ENVIRONMENTAL HEALTH, PRIVATE SECTOR HOUSING LICENSING AND CLEANSING

The Group Head of Technical Services confirmed that this report was being represented to the Committee so that it could make recommendations to Full Council to adopt amendments to the existing Enforcement Policy for Environmental Health, Private Sector Housing, Licensing and Cleansing.

The Policy included an additional enforcement option covering Civil Penalty for Housing Act 2004 offences. Minor amendments had also been made to reflect changes in job descriptions or structures within teams. All amendments had been clearly highlighted in the Policy using tracked changes for ease of reference.

It was explained that where there was sufficient evidence that certain Housing Act 2004 offences had arisen, civil penalties could be issued as an alternative to prosecution. If these penalties were not paid, they could be pursued as a civil debt in the Courts. Examples of such offences were provided including where there was failure to comply with an improvement notice where standards of accommodation had fallen short in terms of what was deemed to be safe.

In addition, the report sought approval for setting a Fixed Penalty Notice fine level of £100 as an alternative to prosecution for the offence of breaching a Community Protection Notice. It was explained that Community Protection Notices were already served by the Council in instances where unreasonable behaviour of a continuing or persistent nature was having a detrimental effect on the quality of life of those in the locality. The Notices required the recipient to either do something or not do something, for example to not cause a noise nuisance.

The main advantage of this introduction was that it would be a more efficient process to operate rather than having to instigate a complex prosecution.

In considering the Policy, various questions were asked by the Committee. Firstly, concern was expressed that the £100 Fixed Penalty Notice would not be a big enough deterrent for repeat offenders. The Group Head of Technical Services explained that repeat offences of anti-social behaviour matters would be escalated to prosecution stage. It was also explained that civil penalties of up to £30k could be issued for when there had been deliberate acts causing significant harm in relation to Housing Act offences. The scale of the civil penalty was dependent on culpability and harm. Other queries related to the level of anti-social behaviour and what this might cover. Would one-off minor offences come under this new introduction and how would the Council respond to constant harassment issues. The Group Head of Technical Services explained that very minor one-off incidents such as noise from a garden party would not apply. He explained instances in which the issuing of a fixed penalty notice would apply.

Following some further discussion,

The Committee

RECOMMEND TO FULL COUNCIL – That

- (1) The amended Enforcement Policy for Environmental Health, Private Sector Housing, Licensing and Cleansing be adopted;
- (2) The setting of a Fixed Penalty Notice fine level at £100 for breaches of a Community Protection Notice, as an alternative to prosecution be approved; and
- (3) Approval be given to the Group Head of Technical Services, or his nominated representative, to be given delegated authority to make any necessary consequential changes to the amended Enforcement Policy for Environmental Health, Private Sector Housing, Licensing and Cleansing as a result of new legislation or alternative practices.

491. LICENSING FEE SETTING

The Licensing Team Manager presented this report which set out proposed licensing regimes for approval so that these could be adopted from 1 April 2019.

The report provided Members with information as to how fees had been calculated and ensuring that the Council should seek to recover its costs in relation to the authorisation procedures and formalities of each specified regime. Members were advised that some fee regimes were set on a national basis which the Council had no power to amend. Some regimes allowed for the change of a reasonable fee to cover costs up to a capped limit set by Government and some statute permitted for the setting of local fees to recover costs.

An important influencing factor for this year's fee setting process had been the introduction of a new software system as this had changed the way in which applications were administered. As fees were calculated including the time taken to process and administer applications, this had had an impact on the fees charged. It was also likely that further changes to processes would continue over time as more efficient ways of working were introduced.

The Licensing Team Manager stated that it was also important to mention that there were a number of pieces of European Legislation that needed to be taken into consideration as these were applicable to some fee regimes but not all.

Finally, Members' attention was drawn to the response received with regard to the setting of street trading fees where it was explained that a response would be sent following this meeting confirming the decision reached by the Committee

In considering the fees proposed, mention was made that it would have been useful if Members could have been provided with the existing list of charges so that they could see the level and percentage of increases or decreases proposed.

Following a brief discussion,

The Committee

RESOLVED

That the fees for the licensing regimes set out in the Appendix to the report, as proposed by Officers, which had been calculated in accordance with the requirements of each regime and principles of cost recovery laid out in guidance be approved for adoption on 1 April 2019.

492. VOTE OF THANKS

As this was the last meeting of the Committee in this administration, the Chairman thanked Members and Officers for their support and hard work over the last four years.

(The meeting concluded at 10.20 am)

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF LICENSING COMMITTEE ON 20 SEPTEMBER 2019

PART A: REPORT

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|----------------------------------------------------------|
| SUBJECT: Statement of Licensing Policy - revision |
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| REPORT AUTHOR: Sarah Meeten, Licensing Manager DATE: 5 September 2019 EXTN: x37680 PORTFOLIO AREA: Place |
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EXECUTIVE SUMMARY:

This paper requests Members consider the revised Statement of Licensing Policy alongside comments made in response to consultation to agree a recommendation to Full Council.

RECOMMENDATIONS:

Members will be asked to recommend adoption of the policy to Full Council after inserting the data provided by Public Health into section 7 of the policy.

1. BACKGROUND:

- 1.1** The Licensing Act 2003 places an obligation upon the council to publish a licensing policy before discharging its functions under the Act. The policy must be reviewed a minimum of every five years.
- 1.2** The policy was last revised in 2014 and therefore now requires consideration.
- 1.3** The draft policy (Appendix 1) has been published for consultation and committee are asked to consider it alongside comments that have been made before making a recommendation to Full Council.
- 1.4** The policy has been extensively updated, it is therefore recommended that it is considered as an entire document rather than amended sections being highlighted for review.
- 1.5** Consultation Responses

| Response | Officer Comment |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| <i>Public Health</i> <i>'I have reviewed the draft statement of licencing policy for Arun and think that it is one of the best that I have seen. It's comprehensive with very helpful suggestions on what good looks like/what</i> | It is recommended that the data provided by Public Health can be inserted into section 7 of the policy. |

action can be taken to mitigate challenges to the licensing objectives. We really welcome the focus on public health.

I don't have any amendments to suggest but thought you might be interested in the most recent data (for the Local Alcohol profiles for England) on alcohol prevalence in West Sussex and alcohol harm in Arun:

How is alcohol harm measured?

There are a number of measures for alcohol related harm. The Local Alcohol Profiles for England provide information for local government, health organisations, commissioners and other agencies to monitor the impact of alcohol on local communities and to monitor the services and initiatives that have been put in place to prevent and reduce the harmful impact of alcohol. The data is predominantly available at upper-tier local authority level, with some indicators available at the level of Clinical Commissioning Group or lower tier local authority.

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

What does this currently look like?

In West Sussex:

- It is estimated that 23.7% of adults (18+) are drinking above the lower risk limits*
- It is believed that there are 6,967 adults with an alcohol dependency in the county.*
- Data suggests that 2710 children live with an adult with alcohol dependency.*

In Arun:

- The rate of alcohol-related admissions to hospital, where the primary diagnosis is an alcohol-attributable condition or a secondary diagnosis is an alcohol-attributable external cause, is 630 per 100,000 population, representing 1,084 hospital admissions per year. This is similar to the average for England, but worse than the regional*

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| <p>average.</p> <ul style="list-style-type: none"> • <i>The rate of alcohol-specific hospital admissions among those under 18 is 30.9 per 100,000 population, similar to the England average. This represents 26 stays per year.</i> • <i>The estimated rate of alcohol-related deaths in Arun for 2017 is 48.2 per 100,000 population. This equates to 95 deaths in 2017.'</i> | |
| <p>Ferring Parish Council</p> <p><i>'Ferring Parish Council appreciates the opportunity to comment on the licensing policy review.</i></p> <p><i>Our only comment is that we consider it important to be notified, prior to decision making, on ALL licensing applications/amendments, whether considered minor or major, applicable to Ferring.</i></p> <p><i>While there may be no statutory, legal requirement to notify or consult on what may be considered minor licensing amendments, Ferring Parish Council is of the opinion that its residents would expect the elected first tier of local government to be notified of any such applications for the use of its local knowledge in support of the decision process.'</i></p> | <p>An officer has spoken with the Parish Clerk and explained why the Council may only consult using the methods prescribed by statute and that it would not be lawful to circumvent the law using policy. This is completely understood.</p> |
| <p>Bognor Regis Town Council</p> <p><i>'At the Town Council's Planning and Licensing Committee Meeting, held on 6th August 2019, Members discussed the updates to the Statement of Licensing Policy.</i></p> <p><i>Members welcomed the inclusion of local area issues such as street drinking and the expectations that ADC has in relation to applications in problem areas. Along with the updates made to the guidance for applications, Members RESOLVED to AGREE to submit NO OBJECTION in response to the consultation.'</i></p> | <p>No comment</p> |

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|
| 2. PROPOSAL(S): | | |
| 2.1 Members will be asked to recommend adoption of the policy to Full Council after any amendments have been made. | | |
| 2.2 It is recommended that the data provided by Public Health can be inserted into section 7 of the policy. | | |
| 3. OPTIONS: | | |
| 3.1 To insert Public Health data provided into section 7 of the policy and then recommend to Full Council adoption of the policy to take effect from 1 December 2019. | | |
| 3.2 To recommend to Full Council to adopt the revised policy to take effect from 1 December 2019 | | |
| 3.3 To make amendments to the policy before recommending to Full Council to adopt it to take effect from 1 December 2019 | | |
| 3.4 To recommend to Full Council not adopting the policy | | |
| 4. CONSULTATION: | | |
| Has consultation been undertaken with: | YES | NO |
| Relevant Town/Parish Council | ✓ | |
| Relevant District Ward Councillors | ✓ | |
| Other groups/persons (please specify) Responsible Authorities and holders of Licensing Act 2003 authorisations within the Arun District, Arundel Chamber of Commerce, Pubwatch groups within the district, Citizens Advice, Sussex Magistrates Courts, The Association of Licensed Multiple Retailers, British Institute of Innkeeping, Group Head of Community Wellbeing, Group Head of Neighbourhood Services and via the council's website | ✓ | |
| 5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below) | YES | NO |
| Financial | | ✓ |
| Legal | ✓ | |
| Human Rights/Equality Impact Assessment | ✓ | |
| Community Safety including Section 17 of Crime & Disorder Act | ✓ | |
| Sustainability | | ✓ |
| Asset Management/Property/Land | | ✓ |
| Technology | | ✓ |
| Other (please explain) | | |

6. IMPLICATIONS:

The council must ensure it discharges its functions in a lawful manner. Parts of the policy overlap with community safety matters therefore the Group Head for this area was consulted.

7. REASON FOR THE DECISION:

To ensure the Licensing Authority can discharge its functions under the Licensing Act 2003 in accordance with statute.

8. BACKGROUND PAPERS:

Equality Impact Assessment (Appendix 2)

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

Section 182 Guidance

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

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Licensing Act 2003 Statement of Licensing Policy

Important Notice

Applicants are expected to be familiar with the contents of this Statement of Licensing Policy and it is recommended, in accordance with government guidance that applicants should also seek the views of the key responsible authorities about the steps necessary for the promotion of the licensing objectives before formally submitting applications and have taken these views into account where appropriate, when formulating their Operating Schedule. Contact details for all responsible authorities are available on the web pages

www.arun.gov.uk/licensing

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1.0 Introduction

1.1 Arun District Council is the licensing authority for the purposes of the Licensing Act 2003 ('the Act') (as amended by the Violent Crime Reduction Act 2006, the Policing and Crime Act 2009, the Police Reform and Social Responsibility Act 2011, the Live Music Act 2012, the Deregulation Act 2015, the Immigration Act 2016 and the Licensing Act 2003 (Miscellaneous Amendments) Regulations 2017) and is responsible for the administration and enforcement of the Act within the Arun District. This includes, among other duties, the granting of Premises Licences, Club Premises Certificates, Temporary Event Notices and Personal Licences in the district in respect of activities defined by the Act as 'Licensable Activities'.

1.2 For the purposes of the Act licensable activities are:

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment, and
- The provision of late night refreshment – the supply of hot food **and/or** hot drink from premises between 11pm and 5am

The provision of 'regulated entertainment' means that entertainment is provided to any extent for members of the public or a section of the public, exclusively for members of a club and their guests, or for consideration and with a view to a profit.

It includes the following activities:

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- Boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance

- Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music or the performance of dance
- Providing facilities for making music and dancing or entertainment of a similar description

1.3

The Live Music Act 2012 and the Deregulation Act 2015 deregulated some performances of music in certain specified circumstances:

As from 1st October 2012 permission is not required for performances of live unamplified music between 8am until 11pm. There are also circumstances where live amplified music will also not require authorisation under the Act. Further detail is given below.

Entertainment facilities

Historically permission was needed for use of a room and any equipment needed for making music such as microphones etc. This permission is no longer a requirement.

Live unamplified music

Live unamplified music may take place anywhere (this means indoors or outdoors in any place) between the hours of 8am and 11pm on the same day regardless of audience size without licensing requirements.

Live amplified music

The rules are different with performances of amplified music. Live amplified music ceases to be regulated by the Act if all the following conditions are met:

- There is a premises licence or club premises certificate in operation that permits on-sales of alcohol
- The premises to which the license or certificate applies is open for sale or supply of alcohol on the premises
- Live music is only performed inside the hours of 8am until 11pm on the same day
- The audience size is not greater than 500 people

1.4

The Licensing Authority must discharge its duties giving regard to promoting the four licensing objectives. These are:

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

The Licensing Authority recognises that each objective is of equal importance and that there are no other statutory licensing objectives so that the promotion of the four objectives is always paramount to its consideration.

1.5 This Statement of Licensing Policy ('the Policy') has been prepared in accordance with the provisions of section 5 Act and the latest revised guidance issued under [Section 182](#) of the Act. This policy sets out the guidelines the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications under the Act.

The Policy will take effect on the **1 January 2020**. It will remain in force for a period of not more than five years and will be subject to revision and further consultation prior to 2025.

The aim of the Policy is to strike a balance between securing the safety, amenity and cleanliness of the residential and business community and encouraging a sustainable entertainment and cultural industry.

2.0 Consultation

2.1 Before publishing this Policy, the Licensing Authority consulted by publishing a draft policy on line available for all persons to view.

2.2 In accordance with S5(3) of the Act, the following parties have been consulted during development of this policy:

- Chief Officer of Sussex Police;
- West Sussex Fire & Rescue Service;
- Persons representative of those holding premises licences issued by the Authority;
- Persons representative of those holding club premises certificates issued by the Authority;
- Persons representative of those holding personal licences issued by the Authority;
- Representatives of businesses and residents within the Arun District.

2.3 The Licensing Authority may, at its discretion, consult other persons/bodies when determining or reviewing this Policy. Such other persons/bodies may include town and parish councils and trade associations.

2.4 A list of consultees is published as Annex 4

3.0 Right to work

- 3.1 The Immigration Act 2016 places a duty upon licensing authorities to ensure all applicants for premises and personal licences have the right to work in the United Kingdom and that licences and authorisations are not issued to persons who are unable to provide evidence of such.
- 3.2 The Deregulation Act 2015 permits licensing authorities to relax the requirements for licensing late night refreshment in certain circumstances. The Authority may now designate
- a description of premises as not requiring permission to sell hot food and drink after 11pm,
 - an area of the district where premises do not need a Premises Licence to sell hot food or drink after 23:00 hours
 - stipulate that during periods between 23:00 and 05:00 hours, premises may trade freely for the provision of hot food and drink without the need for a licence.
- 3.3 When choosing to designate categories of premises as exempt, a licensing authority can only exempt types of premises set out in the regulations. These are:
- Motorway service areas;
 - Petrol stations;
 - Local Authority premises (except domestic premises) unless there is an event taking place at which more than 500 people are present;
 - Schools (except domestic premises) unless there is an event taking place at which more than 500 people are present;
 - Hospitals (except domestic premises);
 - Community premises (church, chapel, village, parish or community hall or other similar building) unless there is an event taking place at which more than 500 people are present;
 - Licensed premises authorised to sell by retail alcohol for consumption on the premises between the hours of 11pm and 5am.
- 3.4 The Licensing Authority has not introduced these measures but will consult on the adoption of these powers if at any time in the future the imposition of any of these measures is considered necessary to promote the licensing objectives.

4.0 Main Principles

4.1 Whilst the Guidance issued under S182 of the Act makes it clear that the promotion of the licensing objectives is of paramount importance, the Licensing Authority identifies other key aims and principles which should be achieved. The main principles of the Policy are:

- To give licensing authorities and police powers they need to effectively manage the night-time economy and act against those premises causing problems;
- To recognise the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible operators of premises;
- To provide a regulatory framework for alcohol and entertainments and late night refreshment which reflects the needs of local communities and empowers the Authority to make and enforce decisions about the most appropriate licensing strategies for their local area;
- To encourage greater community involvement in licensing decisions and ensuring local residents are given a proper opportunity to have their say regarding licensing decisions that may affect them;
- To promote public health;
- To protect the public including local residents from crime, anti-social behaviour and noise nuisance associated with licensed premises;

4.2 The Policy is also intended to ensure that the provision of additional opportunities for licensable activities are matched by appropriate and proportional measures enabling the police and licensing authority to act promptly to maintain public order and safety.

4.3 Arun District Council represents the general interests of communities and the views of minorities will be considered. When acting in its capacity as the Licensing Authority, only those views in respect of the licensing objectives will be considered.

4.4 The Policy sets out a general approach to making licensing decisions that underpins the provisions of the Act and associated guidance. It does not seek to undermine the right

of any individual to apply under the terms of the Act for a variety of permissions (or reviews) or the right to have any such application considered on its individual merits.

- 4.5 Similarly, the Policy does not override the right of any person to make representations on an application or request a review of a licence or certificate. Any person has the same rights to make representations concerning applications for premises licences and hours of trading and to have those representations considered by the same standards regardless of the area of the district in which they live or conduct their business.
- 4.6 When Arun District Council seeks a premises licence from itself (as the Licensing Authority), the Licensing Committee, Sub-committee and its officers will consider the matter from an entirely neutral standpoint.
- 4.7 Larger or high-risk outdoor events or events which are deemed unusual in nature will be expected to have met with, and sought the advice of, the multi-agency Safety Advisory Group (SAG) so that the safety and control of the event can be planned several months in advance. The Licensing Authority will assist with advice and guidance.
- 4.8 The Council has been granted several premises licences for public spaces. Those wishing to use the space for performances may seek permission a minimum of three months ahead by contacting events@arun.gov.uk or making application via the event e-form on the Arun District Council website. Applicants may be required to participate in a Safety Advisory Group prior to approval being granted.
- 4.9 The Licensing Authority acknowledge that licensing law is not a mechanism for the general control of anti-social behaviour by people once they are beyond the direct control of the individual, club or business holding a licence, certificate or relevant permission. However, the Licensing Authority believes a level of responsibility for customer or member behaviour clearly exists beyond the site boundary. The Licensing Authority will seek compelling evidence linking incidents that occur away from particular premises when making decisions concerning licences, certificates or notices. The control of anti-social behaviour away from licensed premises, qualifying clubs and temporary events is primarily a matter for the Police but the individual, club or business holding a licence, certificate or relevant permission will be expected to work in co-operation with the Police to ensure that, wherever possible, anti-social behaviour away from premises and events is minimised.

4.10 In the review and delivery of its Policy the Licensing Authority aims to work closely with responsible authorities, other statutory agencies, all tiers of local government, community, special interest and trade groups. The aim is to achieve a fair and balanced licensing regime through consultation and partnership working wherever possible.

5.0 Equality

5.1 The Human Rights Act 1998 makes it unlawful for a local authority to act in a way, which is incompatible with a right under the European Convention on Human Rights, except in certain circumstances. In carrying out its licensing functions the Licensing Authority will have particular regard to:

- Article 6 that in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established in accordance with the law.
- Article 8 that everyone has the right to respect for his home and private and family life.
- Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his or her possessions (including for example the possession of a licence)
- Article 14 the prohibition of discrimination. The rights and freedoms within the Convention shall be secured without discrimination on any ground.

5.2 However, it is important to understand that many of the rights and freedoms are subject to limitations, enabling a balance to be struck between the rights of an individual and the wider interests of a democratic society. Thus, a person's individual convention rights may be lawfully interfered with but only if there is a law which permits it. The interference must also be no more than is necessary and proportionate to the aims.

5.3 This Policy recognises that The Equalities Act 2010 places a legal obligation on this Authority to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; and to advance equality of opportunity; and foster good relations between people with different protected characteristics. All complaints relating to issues of equality in licensed premises or against licence holders will be investigated and action will be taken where deemed appropriate.

5.4 The protected characteristics 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

5.5 Treating a person with a protected characteristic less favourably than another constitutes discrimination.

5.6 The Licensing Authority recognises that the district as a whole and especially the town centres are seeing a rapid increase in diversity of population. Applications for licences for business which caters to a more diverse audience would be encouraged as long as they seek to promote the licensing objectives. Those especially looking to host a different offering where alcohol is not a licensable activity and to offer activities which offer alternative entertainment in the local area would be welcomed as a measure to assist make the town centres a destination for all to enjoy, especially in the evenings.

5.7 The Equality Act 2010 also imposes a duty on any person providing a service to the public, including operators of licensed premises, 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.

5.8 The Licensing Authority encourages applicants and existing operators to be proactive in meeting their legal responsibilities and plan for these. Further information and guidance is available from the Home Office.

5.9 The council publishes an Equality & Diversity Policy available at www.arun.gov.uk

6.0 Data and privacy

6.1 In exercising its functions under the Act, the Licensing Authority will conform to the protocols established with the Information Commissioner's Office (ICO) to ensure efficient and effective exchange of information. The existing protocols established in connection with the Licensing Act 2003 are utilised for information exchange with other regulatory bodies. All information exchanged is in accordance with the

requirements of the General Data Protection Regulations 2018 (GDPR) and the Freedom of Information Act. The name and address of those making Licensing Act representations will be disclosed to applicants except in exceptional circumstances where there is a genuine threat of intimidation or violence if personal details were divulged.

7.0 The Arun District

- 7.1 Arun is one of seven districts and boroughs which make up West Sussex. Its main towns are Arundel, Bognor Regis and Littlehampton. Covering an area of 85 square miles, Arun stretches from Pagham in the west to Findon in the east; and from Houghton in the north to the 14.5 miles of coastline in the south.
- 7.2 Whilst not the largest district in terms of size in West Sussex, it has the largest population (156,997 – estimated mid-2016).
- 7.3 Within Arun, there are large differences in deprivation and wealth which place several wards among the most deprived and others among the least deprived wards in England. This means that, along the coastal strip in particular, high levels of deprivation often exist next to areas of comparative affluence.
- 7.4 At 58% Arun has the lowest percentage of working age (i.e. 16 – 64 years) population in West Sussex. The figure for Crawley is 67%. Small businesses employing fewer than 25 people predominate. Key areas of employment are linked to tourism especially hotels and catering. Arun is a visitor destination area, attracting 5 million-day visitors and 520,000 staying visitors. Arun has the second largest visitor economy in West Sussex with around 5.6 million visitor days and £237 million being spent by visitors annually. Tourism supports over 4,600 FTE jobs in Arun – 11.3% of the workforce.
- 7.5 The highest concentrations of young people and families with children are in the coastal towns. Social and Caring Services statistics show that Arun has the highest rate of “children in need” in West Sussex. Arun has a relatively low number of young people under the supervision of the West Sussex Youth Offending team compared to Crawley and Chichester.
- 7.6 Alcohol misuse has been identified as the dominant lifestyle issue in West Sussex, with levels of high risk drinking amongst younger people and alcohol related admissions to hospital being growing concerns. Arun has the second highest rate of alcohol related hospital admissions (behind Worthing).

7.7 The University of Chichester in Bognor Regis is currently undergoing expansion and as a result student accommodation will significantly increase in the town. The town will accommodate around 1500 more students over the next four years and it is believed this will significantly impact on the night time economy in the area.

8.0 The Policy

8.1 The Licensing Authority has consulted widely prior to publishing this Policy. Minor changes and revisions to appendices may be adopted without such wide consultation.

8.2 The aim of the Policy needs to take account of the licensing objectives set out in the Act.

9.0 Licensing Objectives

9.1 The licensing objectives are:

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

9.2 In respect of each of the four licensing objectives, applicants for new, and changes to existing licences will need to provide evidence to the Licensing Authority that suitable and sufficient measures, as detailed in their application, Operating Schedule and other supporting documentation, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events. Reference will need to be made to whether additional measures will be taken on an occasional or specific basis such as when a special event or promotion is planned, which is intended to, or likely to attract, larger audiences or be at times other than normally operated.

9.3 Details added to the Operating Schedule of an application will be translated into clear and enforceable conditions which will be added to the Premises Licence or Club Premises Certificate. Conditions should be focused on matters which are in the control of licence holders and others with relevant authorisations (such as the DPS) i.e. the premises and its vicinity.

9.4 Applicants are expected to research the local area and consider any local issues when preparing an Operating Schedule as part of an application. The Operating Schedule should detail measures that will prevent an adverse impact on the licensing objectives, this should include conditions

designed to mitigate the likelihood of the premises contributing to issues in the local area.

- 9.5 Although each licence or certificate application must be considered on its individual merits, the Licensing Authority in adopting its Policy is making it clear that wide ranging considerations including the fitness of the applicant, the management and the suitability of premises will all be taken into account when making licensing decisions. This will not however override obligations set out in the Act.

10.0 Licence applications

- 10.1 Further guidance for licence applicants or those seeking other authorisations under the Licensing Act 2003 can be obtained by viewing the relevant web pages at www.arun.gov.uk/licensing or contacting the Licensing Team, Arun District Council, Civic Centre, Maltravers Road, Littlehampton, BN17 5LF or by calling 01903 737755 or by email: licensing@arun.gov.uk . Application advice may be available from officers and further information can be found on the above web pages.

- 10.2 All applicants for the grant of a premises licence or club premises certificate are required to complete an Operating Schedule as part of the application. The application will be considered, in terms of the proposals and the steps made to promote the licensing objectives, which should be based on a risk assessment of the proposed operation, and whether it has a risk of undermining the licensing objectives. The application will be in a prescribed form and must include the following:

- Days and times the applicants proposes to conduct licensable activities
- Operating hours of the premises (hours open to the public)
- Comprehensive details regarding intended use of the premises
- If the licence requires authorisation to supply alcohol, the name and address and consent of the person to be named as Designated Premises Supervisor (DPS)
- If the alcohol will be supplied on the premises, off the premises, or both
- Steps the applicant will take to ensure promotion of the licensing objectives.

- 10.3 These steps which should arise following research and consideration of any local issues as well as consideration of

the impact of the proposed activities at the premises *may* include (this is not an exhaustive list and other measures should be considered where deemed appropriate):

- Details of proof of age scheme to be implemented at premises and procedures for checking identification
- Details of refusals and incident logs to be kept at premises
- The provision and functionality of CCTV at the premises
- Entry policies
- Drugs policies including prevention and search procedures (in liaison with police)
- The use of polycarbonate vessels or toughened glass
- Participation in pub watch or similar schemes
- Details of how and where alcohol will be stored at the premises
- The consideration and details of how customers will be dispersed late at night or in the early hours of the morning
- Details of how the premises will be managed when open for licensable activities
- Details of how patrons will be prevented from leaving on licensed premises with open containers or glasses of alcohol
- Security measures at the premises including provision of registered door staff
- Details of age restrictions at premises
- Wind down schemes at the end of evenings
- The storage of bottles of spirits for sale being kept out of arms reach of members of the public
- Alcohol displayed for sale not being in the immediate entrances/exits of premises
- When glass collectors will be used
- Procedures for ensuring that the immediate vicinity of a premises is clear of patrons and rubbish associated with the premises after closing
- Details of cessation of use of outdoor areas in the evenings to prevent public nuisance

- How patrons of late night refreshment premises will be encouraged to move away from the vicinity of a premises and not congregate and eat where it is not appropriate
- Erection of signage asking patrons to be quiet and considerate to residents when leaving premises
- How sound from the premises will be monitored to ensure a public nuisance isn't being created
- Arrangements during the absence of the DPS
- The conducting of a risk assessment in relation to ad-hoc events at the premises or other activities that fall outside the scope of usual operations.

10.4

Applicants will find guidance relating to plans for premises that are required as part of an application on our website www.arun.gov.uk/licensing

The Premises Licence will not in all cases stipulate a maximum capacity for a venue or small event. However, the Licensing Authority will expect existing licence holders and applicants to have in place a Fire Safety Risk Assessment that complies with the Regulatory Reform (Fire Safety) Order 2005 and includes a safe occupancy level for a premises or event. The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These include the: -

- Nature of the premises or event;
- Nature of the licensable activities being provided;
- Provision or removal of such items as temporary structures, including a stage, or furniture;
- Number of staff available to supervise people attending the premises under normal circumstances and in the event of an emergency;
- People attending the premises, including those with disabilities or special needs;
- Availability of suitable and sufficient sanitary accommodation;
- Adequate ventilation.

10.5

On receipt of an application the Licensing Authority may take into account any of the factors as it considers appropriate for the promotion of the licensing objectives. Where such consideration leads the Licensing Authority (as a Responsible Authority) to the view that an application has not demonstrated that it will promote that objective satisfactorily it will consider making a representation. Where relevant

representations have been received a sub-committee is likely (but is not obliged) to have regard to some or all of those factors when considering what decision is appropriate; and as such the Licensing Authority would expect applicants to have given consideration to whether some or all of the matters could be addressed in their Operating Schedules prior to submitting an application.

10.6 Where an application incorporates what the Licensing Authority considers are minor errors of form (inc. omissions), it will attempt to contact the applicant with a view to correcting those errors; but if it is unable to do so within 2 working days of submission of the defective application, the application will be likely to be rejected. In circumstances where the errors are considered by the Licensing Authority to be more than minor, and/or substantive in nature (for example a failure to advertise the application correctly) the application will be rejected but the full application fee will be retained by the Licensing Authority.

10.7 After submission of an application, it is normal practice for the authority to reword conditions to make them clear and enforceable. The intention of the condition will remain the same.

11.0 Personal licences

11.1 Applicants for the grant of a personal licence will be required to provide a certificate as proof that they have obtained a relevant required qualification. Applicants are also required to provide a criminal records check.

11.2 Where a relevant unspent conviction is disclosed and the Police object to the application on the grounds of the crime prevention objective the matter will be referred to the licensing sub-committee. The committee shall normally refuse such an application unless there exceptional and compelling grounds to justify the grant the licence. Relevant convictions are listed under schedule four of the Act as amended by the Police Reform and Social Responsibility Act 2011.

11.3 Applicants will also be required to provide proof of right to work in the UK.

12.0 Temporary Event Notices (TENs)

12.1 Temporary Event Notices (TENs). There are two types of TENs, late and standard. It is recommended that a minimum

of 28 days' notice is given of an intended event (by serving a standard notice). A copy of the notification must be submitted to the licensing authority, environmental health and the police simultaneously. The Act requires a minimum of ten clear working days for the submission of a standard notice. The day of service and the day of the event do not count in your calculations (see below example).

12.2 Late TENs. If it has become too late to submit a standard TEN, these can be given no less than five clear working days ahead of the event and no more than nine clear working days and must also be submitted to environmental health and the police. Late TENs are very restricted in number, and if an objection is received from the police or environmental health your permission will be withdrawn with no right of appeal. We therefore recommend you submit a standard notice in time.

12.3 If a TEN that has been given less than five clear working days ahead of the event it will be returned unauthorised. The law does not make provision for us to use discretion in respect of notices that are out of time.

12.4 Calculating service of Temporary Event Notices (TENs). To calculate dates of service, you will need to count backwards starting the day before your event and discount any non-working days (Saturdays, Sundays and Bank Holidays).

| | | | | | | | | | | | | | | | | |
|---------------------------------------------|----|---|---|---|---|---|-----------------------------------------|---------------------------|---|---|---------------------|---|---|---|---|------------------|
| T | F | S | S | M | T | W | T | F | S | S | M (bank holiday) | T | W | T | F | S |
| Last day of service for standard TEN | | | | | | | Last day of service for late TEN | No TENs can be served now | | | | | | | | Event day |
| → Working days before event | 10 | | | 9 | 8 | 7 | 6 | 5 | | | | 4 | 3 | 2 | 1 | |

12.5 A counter notice (permitted limits) will be served if a person serves a notification that exceeds their permitted limits (see www.arun.gov.uk for further information).

12.6 Where objections and representations are made in relation to applications, they will be dealt with in accordance with the delegations set out in this Policy.

13.0 Representations

13.1 Responsible Authorities (as defined by the Act) and 'any other person' may make representations on applications relating to Premises Licences or Club Premises Certificates. Only the police and environmental health may object to a TEN and only the police to Premises Licence transfers, variations of designated premises supervisors and Personal Licence applications.

13.2 In addition to the Responsible Authorities any person can make relevant representation to the Licensing Authority on applications for the grant, Variation or Review of a Premises Licence. In addition, any person may seek a Review of a Premises Licence.

13.3 Representations must be made in writing and must be received by the Licensing Authority within the relevant statutory consultation period. Representations received after the close of consultation cannot be considered.

13.4 The Authority will not consider representations that it deems to be frivolous or vexatious.

13.5 Where persons or organisations, such as Councillors, MPs, solicitors, agents, trade unions and residents associations are representing others such as members of the public, residents or businesses the Licensing Authority reserves the right to require written evidence that a person does represent the person(s) it claims to. Any person making a relevant representation that wishes to speak or be represented at a Licensing Sub-committee hearing is expected to inform the Licensing Authority of their intention at least five working days before the hearing. Failure to do so may result in such a person not being heard, although the Chair may exercise their discretion and allow the person to speak.

13.6 A representation is relevant when it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. In deciding as to what weight to attach to a relevant representation the Licensing Authority may consider whether the individual is likely to be directly affected by disorder or disturbance occurring, or potentially occurring, on those premises or immediately outside the premises. Therefore, it is the impact of issues relating to the

four licensing objectives that is the key consideration. Each representation will be judged on its own merit.

13.7 Upon receiving a representation, officers of the Licensing Authority may assess whether the representation is considered to be relevant. Only representations that detail likely impact on one or more of the licensing objectives will be considered relevant. Representations that are not deemed relevant by officers may not be placed before the sub-committee for consideration.

13.8 In borderline cases the benefit of doubt will be given to the person making representations and the representation will be included in the agenda for the Sub-committee to determine what weight, if any, should be given to it.

14.0 Determinations

14.1 Where no relevant representations are received, the Licensing Authority will have no discretion and must grant applications. Where relevant representations are made the Licensing Authority will take into account the following matters (this list is not exhaustive):

- Matters that with within the control of the applicant or holder of authorisation concerned;
- The nature of the premises concerned;
- The impact – actual or potential – of proposed activities on people living or working nearby;
- The extent to which an application has considered and addressed the above impacts prior to making the application;
- Its duties arising under other legislation (e.g. Human Rights Act and the Equalities Act 2010); and
- Any relevant principles arising from case law.

14.2 Where relevant representations are made and remain unresolved, a hearing will be convened before the Licensing Sub-committee. The application will be determined after all representations and evidence has been considered.

14.3 If a relevant representation has been received regarding an application then a hearing must be held unless all parties agree it is unnecessary, except for a Review application, where a hearing must always be held, even if mediation has been successful.

14.4 The determination will be issued with reasons for the decisions.

- 14.5 The determination will be issued to the applicant and any parties to the hearing in writing as soon as reasonably practicable, in accordance with hearings regulations.
- 14.6 Where the responsible authorities and other persons do not raise any relevant representations about an application made to the Licensing Authority, it is the duty of the Licensing Authority to grant the licence or certificate subject only to conditions that are consistent with the Operating Schedule and any mandatory conditions prescribed in the Act itself.
- 14.7 Where a responsible authority or another person (such as a member of the public, a local resident or residents' association) has made a valid representation about an application or for a licence to be reviewed, the Licensing Authority will seek to encourage direct contact between the parties to try and achieve agreement. This process will not override the right of any responsible authority or other person to ask that the Licensing Committee consider a valid representation.
- 14.8 When one part of the authority seeks a premises licence of this kind from the Licensing Authority, the Licensing Sub-committee and officers must consider the application on an entirely neutral standpoint. Relevant representations that are made will be considered fairly by the Sub-committee. Any party making a relevant representation may appeal to the magistrates' court within 21 days.

15.0 Area specific issues

- 15.1 The Licensing Authority have concerns regarding areas which have been associated as being hotspots for particular issues. These include:
- Street drinking
 - Pre and post loading issues resulting in anti-social behaviour
 - Sales of alcohol to intoxicated persons
- It is expected that applicants for licences located in an area subject to such issues provide a suitable Operating Schedule detailing specific measures that will be used to ensure promotion of the licensing objectives. It is expected that applicants should contact the licensing team prior to applying to discuss such issues, especially if the premises are in a town centre vicinity. Areas of concern to the Licensing Authority include Bognor Regis and Littlehampton town centres. Applicants for licences in these areas will be expected to have undertaken a risk assessment of the proposed activities and offered any suitable mitigation to ensure promotion of the licensing objectives. Applicants are expected to consider

appropriate conditions relating to licensable activities as well as hours the activities will take place.

15.2 Recent years have seen problems associated with street drinking in town centres and seafront areas in addition to parks and public spaces. Issues can be transient and occur in other areas. Individuals and groups that become intoxicated have been evidenced as causing anti-social behaviour and committing criminal acts. The consumption of alcohol can exacerbate such behaviours further and cause public nuisance and fear. This has a very visible impact on localities. Licence holders and their staff should be alive to such problems and ensure robust and adequate measures exist to prevent direct or indirect contribution to detrimental community impact. This should include the provision of regular and adequate staff training.

15.3 Other measures that may be considered suitable include the banning of promotions or advertising of sales of alcohol in windows, restrictions of sales of high strength beers, lagers and ciders above 6.5% ABV, display of alcohol near entrances and exits and other measures aimed at reducing problematic street drinking.

15.4 Town centres areas have seen a recent upturn in anti-social behaviour associated with the night time economy. The Licensing Authority is concerned that the regeneration of town centres could be hindered if such issues continue to increase. With the presence of an increased number of licensed premises, the Licensing Authority may consider use of licensing tools or powers to deal with such issues should this become appropriate.

16.0 Integration of strategies

16.1 The Licensing Authority recognises the need to avoid duplication with other regulatory regimes and local strategies so far as possible.

16.2 This Policy shall avoid unnecessary duplication or inefficiencies by properly separating the planning and licensing regimes in operation.

16.3 In most cases, the Licensing Authority would expect that planning permission will have been resolved before a licensing application is made, thus properly separating the matters which fall within the remit of the Development Control Committee rather than the Licensing Committee.

- 16.4 Where substantial alterations to premises are proposed the legislation requires that new permissions are sought. Where a minor change to a premises is proposed so that the licensing objectives are not challenged a minor variation may be sought. The Licensing Authority suggests that applicants contact the Licensing Authority in advance of submitting a minor variation to ensure that the Licensing Authority shares this view that representations are unlikely to be made. Where a minor change to a premises results in significant change in the manner of operation it will be the licensing officers decision as to whether a minor variation, variation or a new application is required. Full reasons for this decision will be provided.
- 16.5 Arun District Council will endeavour to secure the proper integration of this Policy with strategies and regulatory regimes covering local crime prevention and anti-social behaviour away from licensed premises. Specific conditions may be attached to particular premises licences or certificates issued to club premises to reflect local crime prevention strategies where appropriate for the promotion of the licensing objectives.
- 16.6 The Licensing Committee may request, receive and consider reports from other groups.
- 16.7 The Council will seek to discharge its licensing responsibilities with due regard to relevant Government and local strategies.
- 16.8 The Licensing Authority supports the national drive to encourage sensible drinking through initiatives and legislation, including minimum pricing. It values the important role that parents, carers and others have in providing good role models for children and young people to develop sensible drinking habits.
- 16.9 The Governments Alcohol Harm Reduction Strategy identified addressing sensible drinking and alcohol harm as a key priority, particularly with regard to increasing trends in levels of harm and health service use linked to alcohol. Whilst Alcohol Concern's publication, 'One on Every Corner', looked at the link between increasing off-licence density, and the harm done to children by underage drinking. The evidence around alcohol outlet density and alcohol harm has recently been added to with the publication of a study in 2018. The key findings were:
- A higher density of on-trade outlets is associated with higher hospital admissions for conditions wholly attributable to alcohol.

- A higher density of licensed convenience stores is also associated with higher hospital admissions for conditions wholly attributable to alcohol.
- The relationship between outlet density and hospital admissions is largely the same for men and women, though appears more pronounced for older people.
- The overall relationship between outlet density and hospital admissions appears to be the same in deprived areas and affluent areas

17.0 Cumulative impact

- 17.1 'Cumulative impact' is not mentioned specifically within the Act but it is referenced in the Statutory Guidance issued under section 182 of the Act. It can be described as the potential impact on the licensing objectives of a significant number of licensed premises concentrated in one area.
- 17.2 Such policies may only be introduced on an evidential basis.
- 17.3 The effect of the Policy is to create a rebuttable presumption that application's for new licences or for extensions to hours will be refused subject to certain limitations.
- 17.4 Should the need arise for a local Cumulative Impact Policy in any part of Arun District it shall be imposed only after consideration of and following the recommendations within national guidance.
- 17.5 The Licensing Authority accepts that applicants know their premises best and they will be expected to address all aspects relevant to the individual style and characteristics of their premises, licensable activities and events when considering the controls they feel are appropriate for discharging their duty to meet the Licensing Objectives.
- 17.6 The Licensing Committee or its Sub-committee is only able to impose additional conditions that are clearly proportionate and appropriate following relevant representation made to the authority or that are agreed with the applicant. Such conditions will only be imposed if appropriate for the promotion of the licensing objectives. The Licensing Authority may act in its capacity as a responsible authority and raise representations in relation to an application if it deems it appropriate to do so.
- 17.7 In attaching conditions the Licensing Authority will be mindful of their potential impact on live music, dance and or theatre. It will try to avoid measures which deter such activity.

- 17.8 The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement ensuring the promotion of all the licensing objectives. For this reason, these elements should be specifically considered and addressed within an applicant's Operating Schedule. Particularly applicants should explain how the premises will be adequately managed if the designated premises supervisor is not present. The Licensing Authority expects that the Designated Premises Supervisor (DPS) will have more than a causal relationship with, and attendance at, the relevant premises and that persons in a supervisory capacity should hold a personal licence in respect to the sale of alcohol. The local authority would view it as best practice for the DPS to nominate and brief a competent, authorised person in charge to act in their absence. The DPS will consent to this in writing providing the local authority and police a point of contact in their absence. It is expected that the nominated person will normally be a personal licence holder and where this is not the case, the reasons for not appointing a personal licence holder are documented. The DPS is ultimately accountable for issues that arise in connection with a licensed premise, even during a period of absence.
- 17.9 The Licensing Authority recognises the important role of licensed door supervisors in the achievement of the licensing objectives. Applicants will be expected to provide details in their Operating Schedules of when and how such licensed door supervisors will be used.
- 17.10 The Licensing Authority recognises that irresponsible drinks promotions are prohibited as a mandatory condition and therefore will be enforced as such. The Licensing Authority believes that irresponsible drinks promotions can take many different forms, not all of which are clearly defined in the statutory instrument. To assist the licensed trade further in determining an irresponsible drinks promotion, the Licensing Authority suggests a promotion that encourages customers to drink more, and/or more quickly, or in a way that the consumer cannot easily know how much they have drunk and is likely to cause significant risk of breaches of one or more of the four licensing objectives (see 3.3) may be considered irresponsible. In cases which do not clearly fit into the statutory instrument definition but do fit the Licensing Authority's definition, the operator may be asked to cease that particular promotion. If the operator refuses to cease the promotion or refuses to change it to a more responsible

promotion, any enforcement would have to consider the latest statutory guidance as issued under section 182 of the Act.

17.11 The Licensing Authority recognises that the majority of those responsible for licensed premises, clubs or events already attempt to act in a responsible way and to demonstrate their intention of being a good neighbour. Applicants are encouraged to maintain and improve this harmonious working relationship with the community in which they operate both within the licensing approval process and throughout the life of the licence.

17.12 The Licensing Authority considers it vital that licence holders provide formal and effective training to all staff involved in the sale of alcohol to recognise members of the public who are drunk or underage and give their staff the ability and confidence to refuse service. The Licensing Authority will expect Operating Schedules to demonstrate that the licence holder has considered such matters and addressed them as far as possible and that formal training records are kept on the premise and are to be made available for inspection by police and/or licensing authority officers on request.

18.0 The licensing objectives

18.1 The Licensing Authority will give consideration to some or all of the following lists of factors (this is a non-exhaustive list) and where relevant representations are made, may consider conditions in respect of some or all of them to be appropriate for the promotion of the licensing objectives. The Licensing Authority as a Responsible Authority may also make representations against an application where it deems a proposed Operating Schedule insufficient to demonstrate promotion of the licensing objectives.

18.2 Prevention of crime and disorder
The Licensing Authority will consider attaching conditions to licences and certificates to prevent crime and disorder. **Annex 3** gives guidance when considering what conditions may be appropriate. Any such conditions imposed will be tailored to the style and characteristics of the premises, the type of licensable activities, the previous history of the premises, licence holder and/or designated premises supervisor and the locality.

18.3 Factors for consideration include:

- Measures for effective and responsible management of premises
- Measures specifically relating to control of outdoor areas associated with the premises

- Training measures for staff aimed at reducing incidents of crime and disorder and service of alcohol to intoxicated persons or to those underage
- The location and storage of high strength alcohol products in off-licences
- Provision and effective coverage of CCTV systems
- Use of SIA registered door staff
- Participation in local schemes such as Pubwatch and Shopwatch
- The use of toughened and plastic receptacles and decanting of bottled drinks
- The use of refusal and incident logs and production of such to authorised officers of authorities
- Measures to prevent the supply and use of illegal drugs in and around the immediate vicinity of premises
- Dispersal policy
- The effective management of persons outside premises
- Procedures to safely manage capacity

The specification of a capacity figure where this is appropriate for the promotion of the crime and disorder objective, this may include in premises where dancing is taking place and it may be appropriate to limit capacity to avoid overcrowding and confrontation.

18.4

Public Safety

The Health and Safety at Work Act 1974 and associated legislation placed thereunder is separate to the Act. There is an expectation that health and safety legislation is complied with. To avoid duplication, failure to do so could result in enforcement action being taken by the appropriate authority.

18.5

Where the licensed premises, club or event has a policy of restricted entry and/or experience shows that queuing for entry is a feature at certain times, applicants will, on the grounds of Public Safety, as a minimum, identify supervisory arrangements to manage the queues and risk assess the impact on having customers queuing in situ. This is particularly important for large premises and events with a high footfall.

18.6

Factors for consideration may include:

- Any capacity arrangements not covered by the Fire Safety regime
- The promotion of schemes to discourage drink driving
- Event Management Plans
- Use of toughened glass or plastic receptacles

- Measures for assessment and refusal of entry to intoxicated persons, and for the provision of recording such
- First aid training for staff and procedures for dealing with accidents

18.7 Prevention of public nuisance

The Council may require stricter conditions where the premises are situated in an area primarily of a residential nature. The applicant is expected to assess the impact of proposed activities upon the area and to provide suitable mitigation.

18.8 Factors for consideration may include:

- Measures for effective and responsible management of premises
- Measures specifically relating to control of outdoor areas associated with the premises, including times of use
- Adoption of and adherence to best practice guidance, for example, the Noise Council Code of Practice on Environmental Noise Control at Concerts, and other recognised codes of practice
- The writing and implementation of a noise management plan
- Dispersal policy
- Appropriate closing times given the nature of the surrounding area
- Smoking arrangements for customers
- Displaying notices asking customers to leave the premises quietly
- Food vendors of both static and mobile premises, licensed for late night refreshment, should demonstrate in their Operating Schedule and other documentation how they intend to control noise, general nuisance and litter.

18.9 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. The Licensing Authority will examine the potential steps which could be taken to reduce the risk of nuisance, particularly in areas of dense residential accommodation, and will consider restricting the hours of trading where other practical measures of control cannot be applied. In this scenario, the impact of artificially early closing times and the contribution to crime and disorder and anti-social behaviour as a result need to be considered.

18.10 Protection of children from harm

Arun District Council is committed to the principle that safeguarding children and protecting children in our community is everyone's responsibility. Arun Officers when visiting premises will consider the safeguarding and wellbeing of children and young person's attending the premises.

18.11

Factors for consideration may include:

- Adoption of a voluntary age verification policy such as Challenge 25
- Appropriate instruction and training for those employed or engaged to prevent harm to children, in particular, child sexual exploitation (CSE) Provision and effective coverage of CCTV systems
- The implementation and use of refusal logs
- Measures to deter proxy sales
- Exclusions at certain times or a requirement that children must be accompanied by an adult
- Policies and procedures for e.g. lost and found children at events
- Staff to receive regular and adequate training on the law and practice relating to age restricted sales (including challenging purchasers, checking identification), such training to be properly documented and records made available for inspection.
- Where films are intended to be shown, the Licensing Authority will expect Operating Schedules to include arrangements to prevent children viewing age-restricted films as classified by the BBFC or by the Licensing Authority itself. Save for in exceptional circumstances, the Licensing Authority will apply the classifications from time to time approved by the BBFC.

18.12

When entertainment is being provided specifically for children, the licence holder will take reasonable steps to ensure that the persons providing the entertainment are safe to work with children. Examples of what steps could be considered reasonable are detailed in **Annex 3**.

18.13

Areas that will give rise to concern in respect of children include premises:

- Where there have been convictions or fixed penalty notices served for serving alcohol to minors or with a reputation for underage drinking,
- Where there are reports of children obtaining alcohol by proxy,
- With a known association with drug taking or dealing,

- Where there is a strong element of gambling on the premises,
- Where entertainment of an adult or sexual nature is commonly provided,
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises e.g. a nightclub.

18.14 Where a large number of children are expected to attend regulated entertainment (e.g. theatre production, 'junior disco' etc or film shows), the Licensing Authority will expect applicants to have regard to the need for a specified number of adults to be present at the places where regulated entertainment is taking place, to control the access and egress of children and to assure their safety. The number of adults required will need to be calculated based on a risk assessment by the applicant and will need to take into consideration the size of the venue, the number and ages of the children present, the type of activity involved, and any requirements included in the Children's Acts. As a guide, the Licensing Authority would normally expect at least one responsible adult for every 50 children present. For children under the age of seven, the ratio of adults needs to increase.

19.0 Sale of alcohol to children

19.1 The Authority views with disfavour offences related to the provision of alcohol to children. Therefore, it is expected that licence holders set out measures in their Operating Schedule to demonstrate how sales of alcohol to minors will be prevented. Measures should include the adoption and implementation of a proof of age policy and the display of signage advertising the policy at the premises. Convictions and fines issued to current staff members for sale of alcohol to children will give rise to concern by authorities.

19.2 The application of a proof of age policy such as 'Challenge 25' is considered an essential measure in preventing underage sales. The Council expects that signage relating to the application of the selected policy should be clearly displayed at the premises. All staff involved with the sale or supply of alcohol should be trained in the application of this Policy and other related matters such as proxy sales.

19.3 Where the sale of alcohol to children gives rise to a licence review, it will be the responsibility of the licence holder to demonstrate that measures were in place to try and prevent issues arising. Where a licence holder fails to do so the committee will consider what action is appropriate to ensure promotion of the licensing objectives. This may include

removal of the designated premises supervisor, suspension or revocation of the licence.

20.0 Safeguarding vulnerable persons

- 20.1 The Licensing Authority expects the operators of all premises to have regard to the need to provide appropriate safeguarding for vulnerable people (both children and adults) and consider including conditions which assist in keeping vulnerable people safe. This may include:
- Dispersal policies including provisions for the safe dispersal of the vulnerable; and/or
 - Policies concerning the safe and responsible ejection or refusal of entry of vulnerable or potentially vulnerable people
 - Procedures for reporting concerns regarding vulnerable persons

21.0 Adult Entertainment

- 21.1 Where regulated entertainment on the premises is of an adult or sexual nature the Council may upon receipt of relevant representations, give consideration to the grant of a licence in relation to premises in the vicinity of:

- Schools
- Libraries
- Places of religious worship
- Community facilities or public buildings or public areas
- Historic buildings
- Residences
- Children's play areas
- Youth clubs
- Other premises that may be attended by numbers of children

- 21.2 Each application will be considered on its own merits. With a view to promoting the licensing objectives the authority may determine the nature of any external signage for premises providing adult or sexual entertainment.

- 21.3 The Licensing Authority expects that no adult or sexual entertainment in any premises will be visible from outside the premise. Only persons who chose to enter the premises should be able to view the entertainment.

- 21.4 The authority expects that those proposing to provide adult entertainment provide an adequate Operating Schedule as part of their application. This schedule should have a focus

on the protection of children from harm objective and as a minimum include details of restriction of entry to premises, staff training, security measures, how views inside the premises will be restricted.

- 21.5 The Authority has adopted schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009, in relation to Sexual Entertainment Venues. The Licensing Authority will have regard to any policies regarding these venues as and when applications are made. For regular adult entertainment, a sexual entertainment venue licence may be required. Please contact the licensing team for advice.

22.0 Public health

- 22.1 In January 2012 Public Health became a Responsible Authority for the purposes of the Licensing Act 2003. This has both provided an opportunity for and imposed an obligation on West Sussex County Council Public Health to consider and respond to licence applications where they have concerns about the promotion of the licensing objectives at premises.

- 22.2 The Licensing Authority would expect applicants to have given consideration to the following matters in relation to public health and have addressed them in the proposed Operating Schedule of their application (the following list is non-exhaustive):
- The restriction of the sale of higher strength alcohol
 - Procedures for complying with mandatory licences conditions relating to irresponsible promotions
 - The locating of high strength alcohol behind service counters out of arms reach of the public
 - Adequate provision of seating for customers to discourage more intensive standing drinking
 - Restrictions on the size of display areas for alcohol in convenience stores
 - The banning of any alcoholic drinks' promotions
 - In respect of off-sales in problem areas, not automatically aligning supply of alcohol hours to opening hours where this may increase supply of alcohol and exacerbate problems.

- 22.3 Where an applicant has failed to offer appropriate measures this may give rise to objections on the grounds of impact on one of more of the four licensing objectives from Public Health or the Licensing Authority as a Responsible Authority.

23.0 Licensing hours

- 23.1 Consideration will be given to the individual merits of each application. The Licensing Authority makes its decision having considered its obligations under the Act and associated guidance issued by the Secretary of State.
- 23.2 Shops and supermarkets will normally be permitted to sell alcohol in line with its opening hours unless it is appropriate for representations to be considered regarding local issues which could impact on the licensing objectives.
- 23.3 The Authority may consider any matters in relation to opening hours that it sees appropriate to do so with a view to promotion of the licensing objectives.

24.0 Shops, stores and supermarkets

- 24.1 Good reasons for imposing a limitation on hours or imposing conditions may be appropriate, for example, following representations in the case of isolated shops known to be a focus of disorder or anti-social behaviour, including pressurising shop staff to make unlawful sales of alcohol or where the shop is known to be a source of alcohol for the habitually drunk and or for “street drinkers”.
- 24.2 Licence holders are expected to comply with best practise guidance and work with Trading Standards and the Police as well as the Licensing Authority to prevent or deter proxy sales.
Over recent years problems associated with street drinking have been experienced in town centres and on the promenades in the district. While there are some areas with recurring problems with regard to street drinking groups they also crop up in different areas at different times. These individuals and the shops that supply them can be a focus of antisocial behaviour, disorder and disturbance. The supply of alcohol to individuals involved in the day-long consumption of alcohol on the street and in open spaces can directly lead to these groups of drinkers causing various types of crime, public nuisance and anti-social behaviour.
- 24.3 Pre-loading and post-loading, the sale of alcohol to people who consume it on the way to or from venues licensed for the consumption of alcohol on the premises, gives rise to problems of drunkenness and disorderly behaviour. The proliferation of stores selling alcohol for consumption off the premises is of concern if it leads to drinking on the streets or alcohol being carried into premises such as pubs and

nightclubs. The Licensing Authority is concerned that alcohol loading from off-licence sales is a significant problem in the town centres of Bognor Regis and Littlehampton and adversely affects the licensing objectives.

- 24.4 Where the police or others make representations against the grant of a further licence for off sales, because of their serious concerns over any of the problems listed above and the disorder associated with the off sale of alcohol in the area, the Licensing Authority will consider the impact of the grant of a licence in that specific locality. The Licensing Authority will want to be assured that the Operating Schedule of premises, and the overall management, training and levels of staffing, are appropriate to ensure that the licensing objectives are promoted in what may be challenging circumstances. The earliest and latest hours of opening will be of concern. This is because problematic street drinkers and others who are seriously addicted to alcohol, may be drawn to shops that sell alcohol earlier in the morning and later in the evening than other premises and consequently create public nuisance. This may also be because increasing the supply of alcohol in areas already subjected to levels of anti-social behaviour is likely to impact on the licensing objectives. Where there are representations on problems of disorder the hours when alcohol may be sold for consumption off the premises may be conditioned to be less than the generally granted hours issued to public houses and restaurants in the area.

25.0 Public Spaces Protection Order (PSPO)

- 25.1 PSPOs relating to alcohol consumption shall not apply when an area is licensed under the Act and is being used for alcohol sales, or for 30 minutes after. The area will be subject to the PSPO at all other times. This seeks to achieve promotion of the licensing objectives whilst not interfering with community events.

26.0 Enforcement

- 26.1 Multi-agency inspections are undertaken where it is appropriate. The Licensing Authority will work collaboratively with trading standards and police on their work preventing underage sales and other issues which impact on the promotion of the licensing objectives.
- 26.2 When the Licensing Authority is acting in its enforcement role, it will comply with the Arun District Council environmental health, licensing, private sector housing and environmental amenities enforcement policy (see www.arun.gov.uk).

26.3 The Licensing Authority, Police and other responsible authorities will share information about licensees, licensed premises and associated activities. Such sharing of information will be in accordance with S185 of the Act. Information will be shared to allow authorities to exercise their functions under the Act.

26.4 Certain officers of the Licensing Authority are authorised to act as the responsible authority on behalf of the Licensing Authority. This includes responsibility for considering applications for new or varied authorisations and applications for reviews.

27.0 Administration, exercise, delegation of functions and committee procedures

27.1 The table sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-committees and Officers.

| Matter to be dealt with | Licensing Committee | Sub-committee | Officers |
|-----------------------------------------------------------------|--------------------------------------|---------------------------------------|---------------------------------------|
| Application for a personal licence | If a police objection is made | Usually delegated from full committee | If no objection |
| Application for personal licence with unspent convictions | | All cases | |
| Application for premises licence/ club premises certificate | If a relevant representation is made | Usually delegated from full committee | If no relevant representation is made |
| Application for a provisional statement | If a relevant representation is made | Usually delegated from full committee | If no relevant representation is made |
| Application to vary premises licence/ club premises certificate | | If a relevant representation is made | If no relevant representation is made |
| Application to vary designated premises supervisor | | If a police objection | All other cases |
| Request to be removed as designated premises supervisor | | | All cases |
| Application for transfer of premises licence | | If a police objection | All other cases |

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| Application for minor variation | | | All cases (including decision on whether to consult other responsible authorities and determination) |
| Applications for interim authorities | | If a police objection | All other cases |
| Decision on whether a complaint is irrelevant, frivolous or 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/EH objection to a temporary event notice | | All cases | Where objection is resolved by inclusion of existing premises licence conditions and applicant is in agreement |
| Attachment of conditions from existing premises licence to a TEN | | Where applicant objects to conditions | If applicant is in agreement |
| Issuing of counter notice for a late TEN | | | All cases |
| Suspension of licence for non-payment of fees | | | All cases |
| Requests to change the film classification awarded by the BBFC | All cases | | |

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| Request for classification of films where none has been awarded by the BBFC | Where there is concern regarding content about proposed exhibition of film | | Where appropriate procedure is followed and there are no concerns about content |
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- 27.2 The Act itself creates a presumption that applications for permissions will be granted unless an objection is raised. Where a function is delegated to an officer, that officer will be responsible for liaising with the applicant, any interested parties and the responsible authorities to ensure any licence granted meets with the criteria in this Policy.
- 27.3 Where relevant representations are made the licensing officer will liaise with the applicant, interested parties and the responsible authorities to see if a “settlement” is possible to overcome the representations without the need for the matter to go before the Licensing Committee or a Sub-committee. Only where representations are raised which cannot be settled will matters be referred through to either a Sub-committee or Licensing Committee for determination, as outlined above. Where an application for a Review is made, the licensing officer will try and resolve the issues raised, however in the instance of a review, even if a settlement is reached it must come before the Licensing Committee or Sub-committee for ratification.
- 27.4 Whilst contested licensing applications are quasi-judicial in nature, the Licensing Committee or a Sub-committee will try to keep the proceedings as informal as possible. However, some degree of formality is needed to ensure that all parties receive a fair hearing. The published procedure is designed to ensure that all parties can express their views openly and fairly and it will be followed at hearings. This will be followed at Licensing Committee or Subcommittee hearings. Please see www.arun.gov.uk/licensing for further information.
- 27.5 Applicants, other persons, and responsible authorities are entitled to bring legal representation with them if they wish however this is by no means a requirement.
- 27.6 All parties are, however, reminded that these are civil proceedings and inquisitorial rather than adversarial in nature. Aggressive advocacy is not encouraged and will not be tolerated.
- 27.7 In cases where a review is sought by either a responsible authority or an ‘other person’ the grounds of that review should

be relevant to the Licensing Objectives. Evidence of the problems should be presented to the Licensing Authority with the application. Corroborating evidence from sources other than the applicant in a review is acceptable at any point in the 28-day consultation period.

27.8 Any party who intends to put written material before a sub-committee should provide at least 5 copies (including any plans) to the licensing officer at least 10 working days prior to the hearing. Applicants should note that changes to application plans during the application process should be notified to the licensing officer as soon as possible and may result in a need for re-consultation and a delay in determining the application. The applicant is also responsible for ensuring that responsible authorities receive a copy of the material (including plans) at least 10 working days prior to the hearing. The Licensing Authority will have arrangements in place whereby any applicant, responsible authority or other person may arrange to view the various submissions received.

27.9 Any failure to adhere to requirements listed above may:

- result in a case having to be adjourned
- result in delay/ rescheduling of the hearing
- result in the sub-committee refusing to allow a party to speak at the hearing

27.10 Please note that the time-scales referred to above will not apply in relation to temporary event notices, reviews or transfers of premises licences/club premises certificates, or applications for interim authorities where shorter timescales may need to be met. The licensing officer will advise separately in cases of this type.

The following Annexes to the above Policy are provided for information and do not form part of the Policy

Annex 1 – definitions

Club premises certificate - A permission that allows licensable activities to be conducted, but within a club context. There are qualifying criteria to be a “Club” in this context. A club premises licence will normally last for the duration of the club lifetime.

DBS (Disclosure & Barring Service) check - A formal interrogation of national databases containing information on criminal convictions and entries on national registers of other information.

Designated Premises Supervisor - A legal position required for licensed premises where the sale of alcohol by retail takes place. This person is legally responsible for authorising the sale of alcohol by retail by other members of staff. They must be a personal licence holder. It is an offence to sell alcohol by retail without an appointed DPS.

Foreign offences - Convictions that have been made abroad.

Frivolous or vexatious representations - Determined by the Licensing Authority (each case on its merits). Vexatious representations may include situations where there are ongoing or historic disputes between rival businesses or individual. Frivolous representations would include those that lack seriousness or are trivial.

Licensable activities – Regulated entertainment, the sale of alcohol by retail, supply of alcohol in a club context, and the provision of hot food and hot drink between the hours of 11pm and 5am.

Personal licence - A licence authorising an individual that is suitability trained and responsible in the eyes of the law as appropriate to authorise the sale of alcohol by retail.

Premises Licence - A licence that permits licensable activities to be conducted within a predefined timescale at a defined geographic location. This may refer to buildings, outside areas, the area upon which temporary constrictions and vehicles may be located for the purposes of conducting licensable activities. A premises licence will normally last for the lifetime of the business.

Provisional Statement - Where the early indication of whether a proposed licensed premises would be permitted, prior to the building of a premises is seen as essential for the investment for the development a provisional licence could be sought prior to the relevant planning permission. However, under normal circumstances planning permission should be granted before the application is made to the Licensing Authority.

Public Register - The Licensing Authority has a requirement to keep a register of certain information regarding licensing activity within Arun District, this is to be accessible to the public.

Qualifying Club Criteria - For a club to qualify for being able to apply for a club premises licence, the club must satisfy all of the following conditions:

- Nobody can be admitted as a member without an interval of at least two days after their nomination or application for membership
- A person who is admitted as a member other than by prior nomination of application must wait at least two days before enjoying the privileges of membership

- The club is established in good faith as a club; this means there are restrictions on the club's freedom to purchase alcohol, how money or property belonging to the club is used, giving members information about the club's finances, the club's accounts, and the nature of its premises.
- The club has at least 25 members.
- No alcohol is supplied, or intended to be supplied otherwise than on behalf of the club.

Regulated Entertainments - Regulated entertainments include singing, dancing, performance of live and recorded music and any combination thereof, indoor sporting events, film showings, theatrical performance, and boxing or wrestling.

Relevant Offences - Offences that may affect the appropriateness of a person to hold a premises licence. These may be foreign offences.

Relevant Representations - Representations which are about the likely effect on the licensing objectives and are made by an interested party, responsible authority (or by a chief officer of police where the representation concerns a premises supervisor) and which are not 'frivolous or vexatious'.

Responsible authorities in this District include:

- Sussex Police
- West Sussex Fire and Rescue Service
- Arun District Council Health and Safety Team or Health and Safety Executive where not ADC
- Arun District Council Pollution Team
- Arun Planning and Building Control department
- West Sussex Trading Standards
- Where relating to a vessel, the British Waterways Board or the Environment Agency
- Public Health
- Local Safeguarding Children Board
- Immigration Enforcement

Contact details for these authorities can be found at

www.arun.gov.uk/licensing

Representation - Where applications are sent to responsible authorities and advertised, representations may be made to the Licensing Authority by either a responsible authority or by any other person. Where a relevant representation is made against the licence application, this will trigger a hearing before the licensing sub-committee.

Sale of alcohol by retail - Where alcohol is sold to a member of the public, for consumption either on or off the premises, under the authorisation of a personal licence from a licensed premises or premises user in the context of a temporary event

notice (TEN). This does not include the wholesale of alcohol such as the sale of alcohol to a trader for the purposes of his trade.

Supply of alcohol in a club context - Technically sales of alcohol by retail do not take place except to guests where the club rules permit. Where club members are involved, there is no sale at that point as the member owns a part share of the stock and the money passing across the bar is to preserve equity between members where one member may consume more than another. The club must be a “qualifying club”.

Temporary Event Notice - A notice given by an individual to the Licensing Authority of the intention to conduct licensable activities at a defined geographic location, for a defined duration of time, for less than 500 people (including all staff and performers). The notice is given by a “Premises User”.

Variation of a Licence - A licence holder may apply to vary the terms and conditions of the licence by submitting an application to vary the licence – changes such as removal of conditions, the addition of new licensable activities, extension of hours are examples where a variation should be submitted.

Annex 2 – Risks to the licensing objectives and mitigations

Applicable to all four licensing objectives

| Risk | Measure |
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| Lack of knowledge | <ul style="list-style-type: none"> The DPS or a personal licence holder will be present at the premises from a particular time until closing or at all times when the premises are open for licensable activities. |
| Poor management The operation of the premises changing and undermining the promotion of the licensing objectives | <ul style="list-style-type: none"> Staff training to include obligations under the Licensing Act 2003, offences under the Act, underage sales, proxy sales, sales of alcohol to drunks, awareness and application of policies particular to the premise. Service of alcohol will be only by waiter/waitress service directly to customers seated at tables. The premises will operate as a restaurant whereby substantial meals are to be available at all times it is open to the public Alcohol may only be served ancillary to food (full meals). |
| Staff levels | <ul style="list-style-type: none"> Adequate staffing levels will be maintained at the premises at all times it is open |

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| Eating, drinking and smoking outside | <ul style="list-style-type: none"> • Ensuring measures are in place to disperse customers when areas close • Consideration of suitable placement of outdoor areas taking into account nearby amenity and residents • Measures to clear away glasses, cutlery and other items • Ensuring impact on any residential accommodation above is considered • The hours outside areas will be operated • The need for SIA to monitor areas and control patrons • Ensuring any lighting does not present a nuisance • Ensuring outside areas do not obstruct pavements etc. preventing through access |
| Sanitary provision | <ul style="list-style-type: none"> • Ensuring there are adequate facilities at the premises so that customers do not soil the streets |

Prevention of crime and disorder

It should be noted that it is unlawful under the Licensing Act 2003:

- **To sell or supply alcohol to a person who is drunk**
- **To knowingly allow disorderly conduct on licensed premises**
- **For the holder of a premises licence or a designated premises supervisor to knowingly keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported.**
- **To allow the presence of children under 16 who are not accompanied by an adult between midnight and 5 am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.**

Conditions enforcing these arrangements are therefore unnecessary.

The committee will consider imposing conditions that relate to the following matters and reserves the right to consider others as appropriate.

It is recommended those installing refer to the British Standards regarding the installation of CCTV. You should use an installer who can comply with these standards. Please ensure that you refer to the Information Commissioners Office website where applicable.

| Risk | Measure |
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| Security | <ul style="list-style-type: none"> • CCTV should be installed and operating inside and outside premises at all times the premise is open for licensable activities. Cameras should cover all internal areas and the immediate outside areas. The date and time settings on the system must always be correct. • Recording should be in real time and on hard drive with the availability to export to external media for other agencies such as police. |

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| | <ul style="list-style-type: none">• Recordings should be kept for a minimum period of 28 days.• Staff should be trained on how to operate the CCTV system installed. Records should be kept detailing the names of all staff trained to operate the system.• The system clock should be set correctly and kept accurate. Changes of clocks due to GMT and BST should be taken into account.• A trained staff member should be on duty to operate the system whenever the premise is open for licensable activities. |
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| | <ul style="list-style-type: none"> • Requests for recordings from the police should be made available within 72 hours. • Areas dedicated to the display of alcohol should be covered by CCTV. • The quality of the pictures recorded should be good enough that an individual may be identified. • External lighting to provide safety for customers and as a deterrent to crime. • An alarm should be installed so that the premises have a degree of protection after hours. • The alarm system should be linked so that it notifies the police if it is activated. • Areas not accessible to the public should always be kept secured the whilst the premises is open to the public. • Emergency exits should be secured or alarmed so staff become aware of their use. • SIA registered door staff should be employed to supervise admissions and patrons inside the venue. • Any person performing the role of door supervisor should be Security Industry Authority licensed and their SIA badge must always be clearly on display. • Door staff should be easily identifiable by their uniform, high visibility jackets or arm bands. • Door staff should be readily identifiable apart from stewards. • A record should be kept of door staff employed, with the contact details of that staff member and the date and time their duties commenced and concluded. • The number of door staff required should be determined by a risk assessment considering activities at the premise and the size of the venue and the type of patron that the venue is likely to attract. A copy of the risk assessment should be held at the premises and made available for inspections to authorised officers of the Licensing Authority and police immediately when requested. • The minimum ratio of SIA licensed door staff should be one supervisor to every XXX customers. An additional supervisor required on the entrance/exit. • Consideration should be given to use of female door staff where required. • These staff should be employed for the sole purpose of door supervision duties and for no other purpose. • Searches should always be carried out in public areas covered by CCTV. • Security reviews should be held every six months and notes of the meeting kept. |
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| | <ul style="list-style-type: none"> • Staff briefings to enable licensees to ensure delivery of best practice at the premise. |
| Thefts | <ul style="list-style-type: none"> • Alcohol should not be displayed within a few metres of entrances and exits as this makes it very easy for thieves to reach alcohol and run. • Security tagging of high value items. • Use of mirrors in premises can make supervision easier and act as a deterrent to thieves. • Use of bag hooks in premises. • Use of managed cloakrooms to prevent thefts. • Premises layout should be designed to avoid secluded areas. • Adequate procedures for lost and found property to be integrated into staff training. |
| Drugs | <ul style="list-style-type: none"> • A zero tolerance policy should be implemented with regard to the carrying and use of drugs at premises. • Posters should be displayed at the premises reminding customers of the zero tolerance policy. • Signage should be displayed outside the premises stating 'no search, no entry'. • Search policies should be created in consultation with Sussex Police. • Staff training delivered and documented so that all staff are aware the police must be contacted if drugs are found or patrons are suspected of being in possession of drugs. • A process should be established for the seizing and handing over of drugs to the police. This should include details of how the drugs will be stored securely. • Details of any person who is ejected are kept in a log book. • Drug awareness training should be delivered to all staff. A record of the date and name of staff member should be kept and made available to the Licensing Authority and police. • Supervision of toilet areas may be an effective deterrent to drug use. • A toilet attendant may be appropriate for busy or event nights. • Regular toilet checks and swabbing should be documented with dates, times, findings and the staff member that made the checks. • Consideration should be given to the design of surfaces to minimise the number of flat surfaces available. |
| Violence | <ul style="list-style-type: none"> • Use of polycarbonate drinking vessels and decanting of drinks from glass bottles. • Polycarbonate drinking vessels must be used in outside areas. |

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| | <ul style="list-style-type: none"> • Glassware will be collected on a regular basis. • Staff will monitor and ensure that glassware is not removed from premises. • Conflict management training will be given to all staff to give them confidence to deal with escalating situations. Training should be documented and include keeping a log of all incidents that have occurred at a premises and the resulting action. Records should be made available to the police and Licensing Authority. • Sharing of information with other premises, such as via pub watch radio to ensure that incidents in licensed premises are minimised. • Ensuring door policies include the management of queues to ensure they do not become unnecessarily long resulting in agitated and aggressive patrons. • Measures should be implemented at the end of an evening to ensure patrons are dispersed effectively. This may include changes in music style and lighting and the cessation of alcoholic drink sales to encourage patrons to start to leave slowly. • Sufficient staff numbers should be maintained to ensure patrons leave in an orderly fashion and the immediate vicinity of the premises is cleared. |
| Drunkenness | <ul style="list-style-type: none"> • Premises should refer to industry codes such as those recommended by The Portman Group and the British Beer and Pub Association. • Displaying information at premises to educate customers about unit consumption and sensible drinking. • The price of soft drinks should remain competitive with that of alcoholic drinks. • Drinks promotions should not encourage excessive drinking. • Staff training should include the effects of alcohol and how to spot signs of customers becoming drunk and how to confidently deal with drunken patrons. Training should also include how to observe cut-off points for drinking and how to refuse service. • Staff training should include awareness of responsibilities under the Licensing Act 2003. • Glass collectors should use the opportunity to interact with customers and report any concerns about drunkenness to a manager. |

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| Consumption of alcohol on the street | <ul style="list-style-type: none"> • Display of posters at the exits of premises reminding customers there is a Public Space Protection Order - PSPO) in effect. • Restrict the sale of high strength lagers, ciders and beers in cans above 6.5%ABV and bottles with a volume greater than 750ml with an ABV in excess of 6.5%. • Staff training regarding proxy sales and implementing measures to prevent proxy sales. • Refusal of service of alcohol to those that have been identified as contributing to anti-social behaviour in the nearby area associated with the consumption of alcohol. • Use of lockable shutters to prevent shoplifting and to secure alcohol outside of permitted hours. |
| <p>Increase in street drinking issues</p> <p>Increase in anti-social behaviour in the area</p> | <ul style="list-style-type: none"> • No sales of alcoholic beverages (<i>beers, lagers & ciders</i>) over a specified limit of alcohol by volume or of specified quantities (e.g. of beers, lagers and ciders over 6.0% alcoholic content by volume). • No sales of single cans or bottles of beer, lager and cider in containers containing less than 500ml. • No sales of miniature bottles of wine or spirit in units of less than 35cl. • Other conditions may be imposed directed at reducing problematic street drinking. • Conditions stopping irresponsible drink promotions that do not follow best practice, that would appeal to underage drinkers or street drinkers or encourage excessive consumption. • Conditions relating to the positioning of alcohol within the shop and the types of displays of alcohol within the store. Particularly those displays that might appeal to younger consumers. |

Public Safety

This section is designed to assist those that are preparing risk assessments to establish the impact on the licensing objective of public safety that the proposed operation may have. Licence holders should ensure that a proactive approach is taken to managing public safety at premises and that adequate documented policies and procedures are in place to address any issues resulting from risks identified. All new applications should state measures that will be taken to promote the licensing objectives.

| Risk | Measures |
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| Capacity | <ul style="list-style-type: none"> • Risk assessment to be completed in accordance with guidance from West Sussex Fire and Rescue to identify safe capacity for premise. |

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| | <ul style="list-style-type: none"> • Ticketing events that organisers anticipate will be well attended. • Counting persons into a venue using clickers if required. |
| Safety of staff and customers | <ul style="list-style-type: none"> • A first aid box that is well stocked and in date will always be available for use. • A recognised first aid qualification will always be held by at least one member of staff the premises is open for licensable activities. • A record should be kept of all staff that hold recognised first aid training and qualifications. • A quiet room will be made available to any person requiring first aid treatment. |
| | <ul style="list-style-type: none"> • Temperature levels in venues should be adequately controlled. • Perimeter checks outside the premises should be made for glassware which should be cleared away. • Spillages and broken glass should be cleared away immediately and all staff should be made aware of this policy. • Display of information for patrons to choose a safe method of transport home such as telephone numbers for licensed taxis. • Provide a safe waiting area inside the premises for patrons to wait for taxis. • No strobe lighting or lasers to be used at the premises without the prior consent of the Licensing Authority. |
| Overcrowding | <ul style="list-style-type: none"> • A policy should be implemented to ensure that localised overcrowding does not become an issue within venues. • Consideration to running below capacity for special events to give greater comfort for patrons and lead to less agitation from crowding. • Ticket sales to control entry and to control queues more adequately. |
| Drug use | <ul style="list-style-type: none"> • Entry to persons appearing to be under the influence of drugs should be refused. Refusal of entry should be entered into the premise incident log. • A duty of care policy should be implemented to ensure that patrons who are overly intoxicated or under the influence of alcohol and drugs and not left vulnerable. Staff should be aware of how to provide basic medical care if necessary. All staff should be made aware of the policy and this should be documented with training records. • If a customer suspects their drink has been spiked, staff must report this to police immediately. This should be incorporated and documented in staff training. |

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| | <ul style="list-style-type: none"> • Where appropriate, a 'chill out' area should be provided to customers that is cooler and quieter than the rest of the venue. • Consideration to the provision of food and non-alcoholic drinks at the end of the evening. |
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Public Nuisance

This section covers some of the public nuisance risks that may arise because of conducting licensable activities at a premise. Some suggested guidelines for measures are details alongside.

Licence holders are expected to ensure proactive measures to prevent public nuisance are in place prior to conducting licensable activities. It is also accepted as best practice that licence holders liaise with local businesses and residents where it is identified that issues may arise and provide them with means of contact to ensure a speedy resolution if problems do occur.

It is recommended that records are kept of measures taken as evidence of diligence and remedy when problems are identified.

| Risk | Measures |
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| Noise breakout from premises | <ul style="list-style-type: none"> • A noise management policy should be written and agreed with the Council's Environmental Health Team. The plan should include details of how noise attenuation will be controlled and how noise breakout will be prevented from music, speech and other sound. • An acoustic consultant should be employed to assess noise breakout. • A contact telephone number should be made available to local residents should they need to speak to a responsible at the premise regarding noise. The number should always be in use the premise is open for licensable activities. • All staff should be trained and understand the content of the noise management policy and ensure it is adhered to. A record should be kept with the time and date each staff member received the training and this should be made available to the Licensing Authority and authorised officers of environmental health as a responsible authority. • Musical performers should be made aware of the noise management plan. • Windows and doors should be kept closed whilst the premises licence is in use for regulated entertainment to prevent noise breakout. • Self-closing devices should be fitted to doors. • Positioning of entertainment facilities so that noise escape from a premise is minimised. • Sound limiting devices should be in use and sealed at a level deemed acceptable by a qualified acoustic consultant. |

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| | <ul style="list-style-type: none"> • Lobbied areas at entrances and exits should be in use. • A log book should be used to monitor noise outside the premises and should include notes of any remedial action taken. • The noise log book should also note any complaints received regarding noise escape at the premise. |
| Noise from customers outside and leaving the premise | <ul style="list-style-type: none"> • Display of information for patrons to choose a safe method of transport home such as telephone numbers for licensed taxis. • Provide a safe waiting area inside the premises for patrons to wait for taxis to avoid unnecessary noise and nuisance outside after closing time. • Changing music and lighting levels in premise towards closing time to disperse patrons at a slower rate. • Sufficient staff numbers should be maintained to ensure patrons leave in an orderly fashion and the immediate vicinity of the premises is cleared. • Notices will be displayed near to exits asking patrons to respect local residents and be quiet when leaving the premise. • Staff will interact with patrons and ask them to leave in an orderly fashion and not to disturb local residents. • Door staff should regularly monitor outside areas to ensure that no public nuisance is created by patrons. • Door staff should ensure that patrons do not congregate in the vicinity of the premises. • Patrons should not be permitted to take their drinks outside whilst going to smoke. This will encourage them not to stay outside for so long. • The number of smokers outside the premises should be limited at any one time after a certain time in the evening when the ambient noise level drops. • Smoking areas should be carefully located outside so that disruption is not caused for local residents. • External furniture should be removed by a certain time in the evening. • No entry or re-entry to premise after a certain hour to control over activity outside. |
| Litter and waste | <ul style="list-style-type: none"> • Regular litter patrols should be carried out by staff in the nearby vicinity of the premise to clear any litter associated with the premise. • Commercial deliveries and collections should only take place in normal office hours of 8am to 6pm Monday to Saturday to avoid disturbance to local residents. • Use of cigarette receptacles for customers. |

Protection of children from harm

The Licensing Authority take matters relating to the protection of children particularly seriously.

Applicants for licences and certificates are expected to set out in the Operating Schedule statements of measures that will be taken to protect children.

| Risk | Measure |
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| Underage sales | <ul style="list-style-type: none">• A challenge 25 scheme or similar will be implemented at the premises to ensure that an adequate measure is in place to prevent underage sales.• The scheme implemented should include guidance to staff and customers regarding what types of ID will be accepted as proof of age at the premises. The only suggested acceptable forms of ID are passports, photographic driving licences and PASS cards.• Suitable signage should be displayed advertising implementation of the scheme.• Staff training should be undertaken prior to any sales and documented. The training should include underage sales prevention and how to competently check identification. Training should be documented and recorded with the date it was undertaken. Records should be made available to the Licensing Authority, trading standards and police.• Staff training should be undertaken by any staff serving alcohol and door staff.• Till prompts should be in use at the store to ensure staff ask for proof of age if required.• Display of suitable signage at the premise advising that proxy sales (purchase on behalf of underage persons or intoxicated persons) is an offence.• The refusal button on EPOS tills should be used to record sales refusals when it cannot be establish the customer is 18 or over.• A refusals register should be used at the premises. This should include the date and time, the name of the staff member refusing the sale, a description of the customer, the product attempted to purchase and the reason why the sale was refused.• The register should be made available to the Licensing Authority, trading standards and the police for inspection on request.• The register should be reviewed by the DPS at minimum intervals of four weeks and signed. Feedback to staff should be given and any emerging patterns should be explored. |
| Films | <ul style="list-style-type: none">• Adequate measures should be introduced to ensure that underage persons are not admitted into age restricted films. |

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| | <ul style="list-style-type: none"> • Staff should receive training to ensure that they have the competence and confidence to ensure that persons below the acceptable age are not admitted to films otherwise than that in accordance with the British Board of Film Classification guidelines. |
| Adult Entertainment | <ul style="list-style-type: none"> • Children under the age of 18 should be excluded from the premises when adult entertainment is taking place. • Entrances and exits to the premises should be designed so that you cannot see inside the premises from outside. • Adverts for entertainment of an adult nature should not be displayed outside or near to the premise, or internally where it can be seen by young persons. • Flyers or leaflets advertising adult entertainment at the premises should not be circulated or handed out in the vicinity of the premises. • Provision should be made so that performers may enter and exit the premises through separate doors away from the public. |

Annex 3 – Factors for consideration at review

The sub-committee, when holding licence review hearings, will follow these guidelines to maintain a degree of consistency and transparency when making decisions. The sub-committee reserves the right to amend and republish these guidelines considering operational experience and as a separate document to the Statement of Licensing Policy. In reaching a decision the Sub-committee will consider any of the aggravating or mitigating factors below but may also consider other relevant evidence before them. Likewise, they can consider any other proportionate and appropriate action as allowed under the Act. Section 182 guidance will also be considered in conjunction with this Policy.

| Relevant representation received regarding the prevention of public nuisance | |
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| Aggravating factors | Mitigating Factors |
| Noise late at night (especially if in breach of any condition) | Noise limiting device installed |
| Previous warnings ignored | Appropriate apology given to those disturbed by nuisance and nuisance subsequently ceased |
| Long and prolonged disturbance | Complaints telephone/hotline available and communicated to complainants |
| Poor procedures and controls for preventing (as far as is reasonably practicable) 'off premises' disturbance from customers leaving the premises/event | Short-term disturbance |
| Excessive nuisance emanating from premises during unsocial hours | Undertaking/commitment not to repeat activity leading to disturbance |

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| Litter problems (especially if in breach of any condition) | Willingness to attend and cooperate during mediation steps Good controls, practices and training in place Voluntary acceptance/proposal of additional conditions by way of formal change to licence/certificate |
| Relevant representation received regarding the prevention of crime and disorder | |
| Aggravating Factors | Mitigating Factors |
| <p>Failure to cooperate with Police</p> <p>Encouraging or inciting criminal behaviour associated with licensed premises</p> <p>Serious injury results</p> <p>Encouraging or inciting</p> <p>Confidence in management ability to rectify defects</p> <p>Previous track record</p> <p>Voluntary anti-social behaviour associated with licensed premises (this might also include incidents in the locality)</p> <p>Previous track record</p> <p>High rate of turnover of Licence holder/ designated premises supervisor</p> <p>Incidents not reported to police</p> | <p>Good controls, practices and training in place</p> <p>Willingness to attend and cooperate during mediation steps</p> <p>Previous track record</p> |
| Relevant representation received regarding public safety | |
| Aggravating Factors | Mitigating Factors |
| <p>Death or serious injury occurred</p> <p>Substantial risk to public safety, in the view of a responsible authority involved</p> <p>Previous warnings ignored</p> <p>Review arose out of wilful/deliberate disregard of licence conditions</p> | <p>Minor or technical breach of licence condition</p> <p>Confidence in management to rectify defects</p> <p>Confidence in management to avoid repetition of incident</p> <p>Good controls, practices and training in place</p> <p>Voluntary acceptance/proposal of additional conditions</p> |
| Relevant representation received regarding protection of children from harm | |
| Aggravating Factors | Mitigating Factors |

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| <p>Age of Children</p> <p>Previous warnings ignored</p> <p>Children exposed to physical harm/ danger as opposed to other threats</p> <p>Activity arose during normal school hours</p> <p>Deliberate or wilful exploitation of children</p> <p>Large number of children affected</p> <p>Children not allowed on premises as part of Operating Schedule</p> <p>Involves under-age exposure to alcohol</p> <p>Inappropriate or inadequate ratio of adults to children</p> | <p>Conduct occurred with consent of person with parental responsibility for child</p> <p>Short duration of event</p> <p>No physical harm</p> <p>Short-term disturbance</p> <p>Undertaking/commitment not to repeat activity</p> <p>Voluntary acceptance/proposal of additional conditions</p> <p>Children permitted on the premises as part of Operating Schedule</p> <p>Good controls, practices and training in place for preventing harm to children</p> <p>Not involving under-age exposure to alcohol</p> |
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Review following criminal conviction

| Aggravating Factors | Mitigating Factors |
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| <p>Penalty imposed by court/police</p> <p>Previous warnings ignored</p> <p>Offender previously convicted or cautioned for same or similar offence</p> <p>Offences over prolonged periods of time</p> <p>Offences resulted in significant danger or nuisance</p> | <p>Compensation paid by offender or agreement towards mediation</p> <p>Voluntary acceptance/proposal of additional conditions</p> <p>First offence or warning</p> <p>Single offence</p> <p>No danger to the public or nuisance</p> <p>Offences merely administrative in nature</p> <p>Offence unlikely to be repeated</p> |

Committee recommendations

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| <p>Take no action</p> <p>Issue written warning</p> <p>Modify the conditions of a premises licence or club premises certificate to include addition of new conditions or deletion of old conditions</p> <p>Exclude a licensable activity or qualifying club activity from the Licensing Act 2003 permission, for a pre-determined duration of time or permanently</p> <p>Remove the designated premises supervisor from the licence (alcohol sales only)</p> <p>Suspend the licence for a period not exceeding three months</p> <p>Revoke the premises licence or withdraw the club premises certificate</p> |
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Annex 4 - Consultees

Current licence (Club Premises Certificates, Premises Licences and Personal Licences) holders

West Sussex Trading Standards

Chief Officer of Sussex Police

West Sussex Fire and Rescue Service

Planning and building control

ADC Health and Safety

ADC Pollution Team

West Sussex Local Safeguarding Children Board

Director of Public Health

Immigration Enforcement

Arundel Chamber of Commerce

Arundel Pubwatch

Littlehampton Pubwatch

Bognor Regis Pubwatch

Littlehampton Citizens Advice Bureau

Town and Parish Councils within the Arun District

Sussex Magistrates Courts

The Association of Licensed Multiple Retailers

The British Institute of Innkeeping

ADC Group Head of Community Wellbeing

ADC Group Head of Neighbourhood Services

The draft Policy was also published on the ADC website inviting comments