



Email: committeeservices@horsham.gov.uk
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Council

Wednesday, 5th December, 2018 at 6.00 pm
Park Suite, Parkside, Chart Way, Horsham

To: All Members of the Council

(Please note that prayers will be taken by Father David Bouskill, Vicar of Holy Trinity Church, Horsham before the meeting commences)

You are summoned to the meeting to transact the following business

Glen Chipp
Chief Executive

Agenda

	Page No.
1. Apologies for absence	
2. Minutes	5 - 8
To approve as correct the minutes of the meeting of the Council held on 17 th October 2018 <i>(Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)</i>	
3. Declarations of Members' Interests	
To receive any declarations of interest from Members	
4. Announcements	
To receive any announcements from the Chairman of the Council, the Leader, Members of the Cabinet or the Chief Executive	
5. Questions from the Public	
To receive questions from the public under Rules 4a.2(f) and 4a.8-18	
6. Recommendations from Cabinet	9 - 10
To receive the recommendation from the meeting of Cabinet held on 22 nd November 2018 on the Medium Term Financial Strategy 2019/20 to 2022/23 – report available online at: Cabinet agenda 22 November 2018	

7. **Reports of representatives**
To receive reports from representatives on outside bodies
8. **Review of Licensing Policy (Gambling Act 2005)** 11 - 42
To receive the report of the Head of Environmental Health and Licensing
9. **Review of Licensing Policy (Licensing Act 2003)** 43 - 86
To receive the report of the Head of Environmental Health and Licensing
10. **Members' Questions on Notice**
To receive questions from Members under Rules 4a.20(b)-25
11. **Urgent Business**
To consider matters certified by the Chairman as urgent

GUIDANCE ON COUNCIL PROCEDURE

(Full details in Part 4a of the Council's Constitution)

<p>Addressing the Council</p>	<p>Members must address the meeting through the Chairman. When the Chairman wishes to speak during a debate, any Member speaking at the time must stop. The Chairman will decide whether he or she prefers Members to stand or sit when addressing the Council.</p>
<p>Minutes</p>	<p>Any comments or questions should be limited to the accuracy of the minutes only</p>
<p>Quorum</p>	<p>Quorum is one quarter of the whole number of Members. If there is not a quorum present, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If a date is not fixed, the remaining business will be considered at the next ordinary meeting.</p>
<p>Declarations of Interest</p>	<p>Members should state clearly in which item they have an interest and the nature of the interest (i.e. personal; personal & prejudicial; or pecuniary). If in doubt, seek advice from the Monitoring Officer in advance of the meeting</p>
<p>Announcements</p>	<p>These should be brief and to the point and are for information only – no debate/decisions</p>
<p>Questions from the public (Notice must have been given in writing to the Chief Executive by 12.00 three working days before the meeting)</p>	<p>Directed to Leader, Cabinet Member or Chairman of an ordinary committee and relevant to the business of the meeting. 2 minutes in total to put the question. Appropriate Member to reply. Questioner may ask one supplementary question. Member to reply (max 2 minutes unless Chairman consents to a longer period). Overall time limit for questions of 15 minutes or six questions, whichever is greater. The questioner must be present. If a question cannot be dealt with at the meeting (lack of time or absence of relevant Member), a written reply to be given. No discussion but any Member may move that a matter raised by a question is referred to Cabinet or committee. If seconded, no discussion – vote taken.</p>
<p>Cabinet recommendations (see also rules of debate)</p>	<p>Leader/Cabinet Member presents and moves recommendation(s) – seconder required. Members may:</p> <ul style="list-style-type: none"> - ask a question on the item under consideration – max 2 minutes; and/or - make a statement – max 5 minutes.
<p>Questions from Members on Notice (Notice must have been given in writing to the Chief Executive by 12.00 two working days before the meeting)</p>	<p>These are directed to the Chairman, Leader, Cabinet Member or chairman of any committee:</p> <ul style="list-style-type: none"> - 2 minutes maximum for initial question - 2 minutes maximum for the response - 2 minutes maximum for a supplementary question - 2 minutes maximum for a response to the supplementary question - 5 minutes maximum for the questioner to make a final statement in response, if they wish - If an oral reply is not convenient (e.g. too lengthy) a written answer may be circulated later. <p>No discussion. Maximum of 30 minutes overall for questions and answers.</p>

<p>Rules of debate</p>	<p>The Chairman controls debate and normally follows these rules but Chairman's interpretation, application or waiver is final.</p> <ul style="list-style-type: none"> - No speeches until a proposal has been moved (mover may explain purpose) and seconded - Chairman may require motion to be written down and handed to him/her before it is discussed - Secunder may speak immediately after mover or later in the debate - Speeches must relate to the question under discussion or a personal explanation or a point of order (max 5 minutes) - A Member may not speak again except: <ul style="list-style-type: none"> o On an amendment o To move a further amendment if the motion has been amended since he/she last spoke o If first speech was on an amendment, to speak on the main issue (whether or not the amendment was carried) o In exercise of a right of reply. Mover of motion at end of debate on original motion and any amendments (may not otherwise speak on amendment). Mover of amendment has no right of reply. o On a point of order – must relate to an alleged breach of Council Procedure Rules or law. Chairman must hear the point of order immediately. The ruling of the Chairman on the matter will be final. o Personal explanation – relating to part of an earlier speech by the Member which may appear to have been misunderstood. The Chairman's ruling on the admissibility of the personal explanation will be final. - Amendments to motions must be to: <ul style="list-style-type: none"> o Refer the matter to an appropriate body/individual for (re)consideration o Leave out and/or insert or add others (as long as this does not negate the motion) - One amendment at a time to be moved, discussed and decided upon. - Any amended motion becomes the substantive motion to which further amendments may be moved. - A Member may alter a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion). - A Member may withdraw a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion). - The mover of a motion has the right of reply at the end of the debate on the motion (unamended or amended).
<p>Voting</p>	<p>Any matter will be decided by a simple majority of those voting, by show of hands or if no dissent, by the affirmation of the meeting unless:</p> <ul style="list-style-type: none"> - Two Members request a recorded vote - A recorded vote is required by law. <p>Any Member may request their vote for, against or abstaining to be recorded in the minutes.</p> <p>In the case of equality of votes, the Chairman will have a second or casting vote (whether or not he or she has already voted on the issue).</p>

Public Document Pack Agenda Item 2

Council 17 OCTOBER 2018

Present: Councillors: Peter Burgess (Chairman), Kate Rowbottom (Vice-Chairman), John Bailey, Andrew Baldwin, John Blackall, Toni Bradnum, Alan Britten, Karen Burgess, Philip Circus, David Coldwell, Roy Cornell, Christine Costin, Leonard Crosbie, Ray Dawe, Brian Donnelly, Matthew French, Billy Greening, Tony Hogben, David Jenkins, Nigel Jupp, Liz Kitchen, Lynn Lambert, Adrian Lee, Gordon Lindsay, Paul Marshall, Christian Mitchell, Godfrey Newman, Stuart Ritchie, Jim Sanson, David Skipp, Ben Staines, Simon Torn, Claire Vickers, Michael Willett and Tricia Youtan

Apologies: Councillors: Jonathan Chowen, Paul Clarke, Jonathan Dancer, Tim Lloyd, Mike Morgan and Brian O'Connell

Absent: Councillors: John Chidlow, Josh Murphy and Connor Relleen

CO/21 MINUTES

The minutes of the meeting of the Council held on 5th September 2018 were approved as a correct record and signed by the Chairman

CO/22 DECLARATIONS OF MEMBERS' INTERESTS

There were no declarations of interest.

CO/23 ANNOUNCEMENTS

The Chairman of the Council:

- Thanked the Town Centres and Events Manager, Garry Mortimer-Cook and his team for organising outside events for Horsham District Council, especially American Car Fest which had been a very successful event.
- Reminded Members of the enhanced Carol Service which would take place on 9th December 2018.
- Reminded Members of the Horsham District Council Lunch for Staff on 4th December, and invited Members to come along, as a way of saying thank you to the staff.

The Leader of the Council introduced a short presentation by the Director of Community Services on the Year of Culture 2019.

The Cabinet Member for Waste, Recycling and Cleansing advised Members that recycling bins were being trialled in the town centre to help boost the District's recycling rate.

The Cabinet Member for Finance and Assets updated Members on the Discretionary Rate Relief and on the recent unqualified annual audit and unqualified value for money audit.

CO/24 **QUESTIONS FROM THE PUBLIC**

No questions relevant to the business of the meeting had been received.

CO/25 **RECOMMENDATIONS FROM CABINET**

The Cabinet Member for Community and Wellbeing moved the recommendation from the minutes of the Cabinet meeting held on 20th September 2018 to approve a supplementary budget for Rowan Drive, Billingshurst. Councillor Gordon Lindsay seconded the motion.

RESOLVED

(i) That the capital budget envelope be increased from £3,000,000 to £3,175,000.

(ii) That a supplementary capital budget of £175,000 be approved for this project.

REASON

To enable the Council to provide additional temporary accommodation for eligible families in housing need.

CO/26 **RECOMMENDATIONS FROM COMMITTEES**

Councillor Michael Willett, Chairman of the Governance Committee moved the recommendation arising from the Governance Committee on 16th October 2018 on the Review of polling districts, polling places and polling stations. Councillor David Coldwell seconded the motion.

RESOLVED

That Council approve the revised schedule of polling districts and polling places following the review carried out this year.

REASON

To ensure that polling districts, polling places and polling stations are relevant and fit for purpose.

CO/27 **REPORTS OF REPRESENTATIVES**

Councillor David Coldwell, representative on the South Downs National Park Authority, updated Members on the A27 Arundel and advised them that there had been a second application for judicial review and this would take place towards the end of the year.

Councillor Christine Costin, representative on Horsham in Bloom, was pleased to advise Members that at the recent AGM a new Committee had been formed to allow the charity to continue to carry out its work.

CO/28 **MEMBERS' QUESTIONS ON NOTICE**

No questions had been received.

CO/29 **URGENT BUSINESS**

There was no urgent business.

The meeting closed at 6.50 pm having commenced at 6.00 pm

CHAIRMAN

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**COUNCIL
5TH DECEMBER 2018
CABINET RECOMMENDATIONS**

Details of recommendations to Council made at the Cabinet meeting held on 22nd November 2018 are set out below:

EX/36 **Medium Term Financial Strategy update**

The Cabinet Member for Finance and Assets reported that the review of the Financial Strategy, as part of the budget setting process, enabled a balanced financial position to be projected by including an affordable level of Council Tax. This would allow delivery of the corporate priorities and policies of the Council and the continued enhancement of value for money and satisfaction with services for the residents of the District.

The 2018/19 Budget had been approved in February 2018 and small budget surpluses were projected for 2018/19 and 2019/20, with projected deficits in 2020/21 and 2021/22. Since then, the Council had been working further on income generation, continuing the business transformation journey to the next stage and other efficiency measures to mitigate against cost pressures that continued to rise.

The report set out the proposed strategy for the period 2019/20 to 2022/23 to establish the context for the Council's budget and medium term financial planning scenarios and assumptions. This had been done in the context of high levels of uncertainty for the future in respect of business rates and the Fair Funding Review.

The Finance and Assets Policy Development Advisory Group had considered and supported the proposed Medium Term Financial Strategy and the assumptions used in its preparation.

Cabinet Members supported the proposed Medium Term Financial Strategy, noting that the proposals were prudent and preserved the continued delivery of services valued by residents.

The Chairman of Overview and Scrutiny Committee advised that, overall, the Committee considered that the proposed strategy was good, restrained and modest.

RECOMMENDED TO COUNCIL

- (i) That the Medium Term Financial Strategy 2019/20 to 2022/23 be approved.
- (ii) That the projected balanced budgets and budget gap as detailed in the report be noted.

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Report to Council

Date of meeting: 5th December 2018

By the Head of Environmental Health and Licensing

DECISION REQUIRED



**Horsham
District
Council**

Review of Licensing Policy (Gambling Act 2005)

Executive Summary

The Gambling Act 2005 currently requires Licensing Authorities to publish at least every three years a statement of their Gambling Licensing Policy.

Applications for licences under the Gambling Act 2005 have to be made in accordance with the Licensing Authority's Licensing Policy. The policy, which has to be approved by full Council (as the Licensing Authority), has to be the subject of public consultation and the comments received have to be taken into account before formally adopting the policy.

At its meeting on 7 June 2018 the Licensing Committee approved a draft Gambling Licensing Policy for consultation. The period of consultation ran until the 18 September 2018.

As the Council did not received any representations the Environmental Health and Licensing Manager in consultation with the Chairman of the Licensing Committee recommends to the Council adoption of the Gambling Licensing Policy at Appendix 1

Recommendations

That the Council is recommended:

- i) Approve the Gambling Licensing Policy as set out at Appendix 1 to this report as council policy

Reasons for Recommendations

- i) To comply with legislative requirements
- ii) To ensure openness and transparency in the Council's decision making

Background Papers: None

Wards affected: All

Contact: Chris Boyle (Licensing Officer) Ext 5578.

Background Information

1 Introduction and Background

- 1.1 The purpose of this report is to seek the Council's approval of the Gambling Licensing Policy at Appendix 1 as council policy.
- 1.2 The Gambling Act 2005 currently requires Licensing Authorities to publish at least every three years a statement of their Gambling Licensing Policy. The Council's current Policy came into force on 31 December 2015. The Council has now to adopt a new policy to come into force by 31 December 2018.

2 Relevant Council policy

- 2.1 The Council's existing Gambling Licensing Policy

3 Details

- 3.1 The Gambling Act 2005 currently requires Licensing Authorities to publish at least every three years a statement of their Gambling Licensing Policy.
- 3.2 Applications for licences under the Gambling Act 2005 have to be made in accordance with the Licensing Authority's Licensing Policy. The policy, which has to be approved by full Council (as the Licensing Authority), has to be the subject of public consultation and the comments received have to be taken into account before formally adopting the policy.
- 3.3 At its meeting on 7 June 2018 the Licensing Committee approved a draft Gambling Licensing Policy for consultation (Appendix 1). The period of consultation ran until the 18 September 2018.
- 3.4 The draft Gambling Licensing Policy was sent to a wide range of consultees including: -
 - All Statutory Consultees (Police, Fire and Rescue Service, Health and Safety, Planning, Social Services)
 - All Members
 - All Parish and Neighbourhood Councils
 - All Licensed Betting Establishments (Betting Shops)
 - Trade Representative Bodies
 - All Licensed Betting Shop Operators conducting business in the district
 - The Gambling Commission
 - The consultation was also published on Horsham District Council's website and the local press were informed.

No responses were received from any of the above.

4 Next Steps

- 4.1 As the Council did not received any representations the Head of Environmental Health and Licensing in consultation with the Chairman of the Licensing Committee recommends to the Council adoption of the Gambling Licensing Policy set out at Appendix 1.

5 Outcome of Consultations

- 5.1 At its meeting on 7 June 2018 the Licensing Committee approved a draft Gambling Licensing Policy for consultation. The period of consultation ran until the 18 September 2018.
- 5.2 No representations were received during the three month statutory consultation process.
- 5.3 The Director of Corporate Resources and the Monitoring Officer have reviewed the policy and support its adoption. The policy will give clarity in respect of decisions and thereby help give protection from legal challenge.

6 Other Courses of Action Considered but Rejected

- 6.1 None

7 Resource Consequences

- 7.1 There are no financial consequences arising from this report

8 Legal Consequences

- 8.1 The Gambling Act 2005 currently requires Licensing Authorities to publish at least every three years a statement of their Gambling Licensing Policy. Applications for licences under the Gambling Act 2005 have to be made in accordance with the Licensing Authority's Licensing Policy. The policy, which has to be approved by full Council (as the Licensing Authority), has to be the subject of public consultation and the comments received have to be taken into account before formally adopting the policy.

9 Risk Assessment

- 9.1 The Gambling Licensing Policy has been subject to statutory consultation and as no representations were received no changes have been made to the policy which has served the Council well since 2006

10 Other Considerations

- 10.1 One of the licensing objectives is preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- 10.2 There will be no impact on different equality groups issuing from this report.

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Horsham District Council's Statement of Principles in respect of the Gambling Act 2005

DECEMBER 2018

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1 STATEMENT OF PRINCIPLES

1.1 Introduction

Horsham District Council is the Licensing Authority under the Gambling Act 2005. This Council is responsible for granting premises licences, permits and registrations in the Horsham District Council area in respect of those classes of premises set out at paragraph 1.6 below.

The Gambling Act 2005 requires the Council to prepare and publish a “Statement of Licensing Policy” that sets out the policies that the Council will generally apply when making decisions on applications made under the Act.

This “Statement of Principles” has been prepared having regard to the provisions of the Guidance issued by the Gambling Commission and the duties of the Licensing Authority under the Gambling Act 2005.

The Statement of Principles will be available on the Council’s website.

The Statement of Principles first came into effect on the date of its adoption by the Council in December 2006. It was subsequently reviewed in accordance with the statutory provisions and will be reviewed as necessary, and at least every three years from the date of adoption.

1.2 Horsham District Council Area

Horsham District Council is situated in the County of West Sussex, which comprises 7 District Councils and 1 County Council. The Council area has a population of 131,300 (2011 Census) making it the third largest in the County in terms of population. In terms of area it is the second largest, covering 205 square miles. A map of the district is contained in Appendix B.

1.3 Glossary of Terms

Within this draft Statement of Policy, the following words and terms are defined as stated:

Licensing Objectives:	As defined in section 1.4 below
Council:	Horsham District Council
District:	The area of West Sussex administered by Horsham District Council (Map appended at Appendix B)
Licences:	As defined in section 1.4 below
Applications:	Applications for licences and permits as defined in section 1.6 below
Notifications:	Means notification of temporary and occasional use notices

Act:	The Gambling Act 2005
Regulations:	Regulations made under the Gambling Act 2005
Premises:	Any place, including a vehicle, vessel or moveable structure
Code of Practice:	Means any relevant code of practice under section 24 of the Gambling Act 2005
Machine Categories	Defined in Paragraph 16.29 of the Gambling Commission Guidance and set out at Appendix C for ease of reference.
Mandatory Condition:	Means a specified condition provided by Regulations to be attached to a licence
Default Condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by Horsham District Council
Responsible Authority:	<p>For the purposes of this Act, the following are responsible authorities in relation to premises:</p> <ol style="list-style-type: none">1. The Licensing Authority in whose area the premises are wholly or mainly situated (“Horsham District Council”);2. The Gambling Commission;3. Sussex Police;4. West Sussex Fire and Rescue Service;5. Head of Planning, Planning Department, Horsham District Council;6. Environmental Protection Team, Horsham District Council;7. West Sussex Children’s Safeguarding Board8. HM Customs and Excise.9. Home Office (Immigration)
Interested Party:	<p>For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:-</p> <ol style="list-style-type: none">a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;b) Has business interests that might be affected by the authorised activities;c) Represents persons who satisfy a) or b) above.

1.4 Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:

- In accordance with any relevant code of practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives and
- In accordance with the authority’s statement of licensing policy

1.5 Types of Licence

This document sets out the policies that the Council will apply when making decisions upon applications or notifications made for:-

1. Premises Licences;
2. Temporary Use Notices;
3. Permits as required under the Act;
4. Registrations as required under the Act.

1.6 Licensable Premises and Permits

This policy relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, namely:-

1. Casinos;
2. Bingo Premises;
3. Betting Premises;
4. Tracks;
5. Adult Gaming Centres;
6. Family Entertainment Centres;
7. Club Gaming Permits;
8. Prize Gaming and Prize Gaming Permits;
9. Occasional Use Notices;
10. Registration of small society lotteries.

General Principles

Nothing in this Statement of Principles will:-

1. Undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits; OR
2. Override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act.

The starting point in determining applications will be to consider applications in accordance the requirements of Section 153 of the Gambling Act 2005. Conditions will only be considered where they are needed to meet the requirements of the Licensing Objectives, and any conditions applied will be proportionate to the scale of the application and the risks involved. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

All applicants for Premises Licences will be required to set out how they will comply with the Licensing Objectives, as specified in section 1.4 above, and what measures they intend to employ to ensure compliance with them.

When determining an application to grant a Premises Licence or review a Premises Licence, regard will be taken regarding the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. It should be noted that this policy does not preclude any application being made and each application will be decided on its merits, with the opportunity for the applicant to show how potential concerns can be overcome.

Licensing is about the control of licensed premises, temporary use notices or occasional use notices within the terms of the Act. Conditions may be attached to licences that will cover matters that are within the control of individual licensees.

When considering any conditions to be attached to licences, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Secretary of State may by regulation provide for specified conditions to be attached to a premises licence as either "mandatory" or "default" conditions. In determining an application the Council may not have regard to the expected demand for the facilities which it is proposed to provide.

The Council recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:-

1. Planning controls;
2. Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council departments;
3. Regular liaison with the Police on law enforcement issues regarding disorder and anti-social behaviour;
4. The power of the Police, other responsible authorities or local residents and businesses to seek a review of the licence.

Objectors will be required to relate their objection to one of more of the Licensing Objectives, as specified in section 1.4 above, before the Council will be able to consider it.

The Council, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of different racial groups.

1.7 Consultees

The Statement of Licensing Policy will be subject to formal consultation with:-

1. Sussex Police and other responsible authorities, and
2. Representatives of the holders of the various licences for premises within the District who will be affected by this Policy, and
3. Persons/bodies representing the interests of persons likely to be affected by this policy.

1.8 Information exchange

In fulfilling its functions and obligations under the Gambling Act 2005 the Council will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information, the Council will conform to the requirements of data protection and freedom of information legislation in accordance with the Council's existing policies.

Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their details will be disclosed on the Council's website in accordance with its existing policies on the disclosure of information.

2 LEGISLATION, POLICIES AND STRATEGIES

2.1 Legislation

In undertaking its licensing function under the Gambling Act 2005, the Council is also bound by other legislation, including:-

1. Section 17 of the Crime and Disorder Act 1988;
2. Human Rights Act 1998;
3. Health and Safety at Work Act 1974;
4. Environmental Protection Act 1990;
5. The Anti-Social Behaviour Act 2003;
6. The Race Relations Act 1976 (as amended);

However, the policy is not intended to duplicate existing legislation and regulation regimes that already place obligations on employers and operators.

2.2 Relationship with Planning Policies

When determining an application, the Licensing Authority cannot take into account “irrelevant matters” such as the likelihood of the applicant obtaining planning permission or building control approval.

An applicant can apply for a “provisional statement” if the building is not complete or if he does not yet have a right to occupy it. Such an application is, however, a separate and distinct process to the granting of planning permission or building control approval.

2.3 National Strategies

The Council will also seek to discharge its responsibilities identified by other Government Strategies, in so far as they impact on the objectives of the licensing function.

2.4 Local Strategies and Policies

Where appropriate, the Council will consider applications with reference to other adopted local strategies and policies, including the following:-

1. The Council's Corporate Strategy;
2. The Community Safety Strategy;
3. Enforcement Policy.

2.5 Local Risk Assessments

Each betting premises within the Horsham District Councils area are required by the Gambling Act 2005 to complete and make available upon request a premises specific risk assessment detailing localised risks such as other licensed premises, schools and self-exclusions.

The risk assessments are inspected by Horsham District Councils Licensing Officer during planned compliance inspections and details forwarded to the Gambling Commission.

Integrating Strategies

There are many stakeholders involved in the leisure industry and many are involved in the promotion of the licensing objectives. A number of stakeholders' plans and strategies deal with matters related to the licensing function. Where this is the case, the Council will aim, as far as possible, to co-ordinate them.

The Council recognises in particular the importance of the co-ordination and integration of the Gambling Policy with other plans aimed at the management of town centres and the night-time economy.

Relevant plans and strategies include:-

- Crime and Disorder Strategy – The Council will fulfil its duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the District. As far as possible, licensing decisions will aim to contribute to the targets set in the Crime and Disorder Strategy and conditions attached to licences and certificates will reflect local crime prevention strategies.
- The Café Culture and Town Centre Management. As far as possible, any licensing decisions will be in line with the aspirations of this strategy.
- Racial Equality – The Council is required under race relations legislation to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The impact on these issues of the Gambling Policy will be monitored and amendments will be made as necessary.
- Human Rights – The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a Convention Right. The Council will have particular regard to the following relevant provisions of the European Convention on Human Rights:-

- 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 by 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.
-
- Proper integration will be assured by the Licensing Authority's Licensing Committee providing reports, when appropriate, to its Planning Committee on the situation regarding licensed premises in the area, including the general impact of gambling related crime and disorder, to enable the Planning Committee to have regard to such matters when taking its decisions.
 - The Council will ensure that the Licensing Committee receives reports, when appropriate, on the needs of the local economy to ensure that these are reflected in their considerations.
 - Economic Strategies – The Council will ensure that the Licensing Committee is apprised of the employment situation in the area and the need for new investment and employment where appropriate.
 - Enforcement Policy – All licensing enforcement will be conducted in accordance with the Enforcement Concordat and the Public Health and Licensing General Enforcement Policy and the Council's Licensing Enforcement Policy which will be amended to reflect the requirements of the Gambling Act and the advice of the Gambling Commission once it is published.

In order to avoid duplication with other statutory regimes, the Council will not attach conditions to a licence unless they are considered necessary for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

Non-compliance with other statutory requirements may be taken into account in reaching a decision about whether to grant a licence, but only if relevant representations are received.

3. DECISION MAKING

3.1 Committee Terms of Reference

A Licensing Sub-Committee of three Councillors will sit to hear applications where representations have been received from interested parties and responsible authorities. Ward Councillors will not sit on a Sub-Committee involving an application within their ward.

The Licensing Committee will also sit to determine general licensing matters that have been delegated to it by the full Council that are not associated with the Gambling Act 2005.

Where a Councillor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the licence in question.

The Licensing Sub-Committee will also refer to the Licensing Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

The Licensing Committee will refer to the full Council any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

Every determination of a licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations in accordance with the timescales set out in any Regulations. A summary of the decision shall also be posted on the Council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the Council.

The Council's Policy with regard to the determination of applications for gaming machine permits in premises licensed under the Licensing Act 2003 is that all applications for permits for 3 or more machines will be determined by a Licensing Sub Committee on their individual merits. Appendix C sets out in detail the permitted number of gaming machines by category in different types of premises.

The Council's Head of Planning and Environmental Services will deal with all other licensing applications where either no representation have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by the Council's Licensing Officer in consultation with the Environmental Health and Licensing Manager, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Committee or Sub-Committee. Where representations are rejected, the person making that representation will be given a written reason as to why that is the case. There is no right of appeal against a determination that representations are not admissible.

3.2 Allocation of Decision Making Responsibilities

The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a Sub-Committee to deal with them.

Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, will be delegated to Council Officers.

The table set out at Appendix A sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committee and Officers.

This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

3.3 Licensing Reviews

The Council will carry out a review of a Premises Licence where it has received a formal application for review in accordance with the Act that is relevant to one or more of the Licensing Objectives. Representations may include issues relating to the following:-

1. Use of licensed premises for the sale and distribution of class A drugs and/or the laundering of the proceeds of drugs crimes;
2. Use of licensed premises for the sale and distribution of illegal firearms;
3. Use of licensed premises for prostitution or the sale of unlawful pornography;
4. Use of licensed premises as a base for organised crime activity;
5. Use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;

6. Use of licensed premises for the sale of smuggled tobacco or goods;
7. Use of licensed premises for the sale of stolen goods;
8. Children and/or vulnerable persons being put at risk.

Due consideration will be given to all relevant representations unless they fit the following:-

- a) The grounds are frivolous;
- b) The grounds are vexatious;
- c) The grounds are irrelevant;
- d) The grounds will not cause the Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
- e) The grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or
- f) The grounds are substantially the same as representations made at the time the application for a premises licence was considered.

A premises licence may also be reviewed by the Licensing Authority of its own volition.

LOCAL STANDARDS

3.6 Applications

An application for a premises licence can only be made by a person who either holds an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, OR has made an application for an operating licence which has not yet been determined.

Applications for the grant, transfer or variation of a Premises Licence must be accompanied by an assessment that demonstrates how the applicant will promote all the Licensing Objectives in the form of a written Operating Schedule. The applicant may ask the Council for advice as to the scope of information to be provided.

The level of detail to be provided will be advised by the Council and will be proportional to the scale and nature of the application made.

Definitions of “Responsible Authorities” and “Interested Parties” who are able to make representations under this Act can be found in the glossary of terms in section 1.3.

3.7 Assessment of Need

Unmet demand is not a criterion that will be taken into consideration when determining an application for a Premises Licence under the Gambling Act 2005.

3.8 Conditions

Conditions will be applied to licences that are proportionate and appropriate to the business, organisation or individual concerned or are required by law. The Council will draw upon the advice issued by the Gambling Commission and attach conditions relative to the given circumstances of each individual case.

However, there will be a number of measures that the Licensing Authority will commonly consider utilising in order to pursue the Licensing Objectives. These may include such measures as the supervision of entrances, segregation of gambling areas from non gambling areas frequented by children. The Licensing Authority will expect applicants to offer their own suggestions as to ways in which the Licensing Objectives can be met effectively through the use of conditions.

Conditions attached to Premises Licences will, so far as possible, reflect local crime prevention strategies. For example, closed circuit television cameras may be appropriate in certain premises.

Enforcement

The Council is a signatory to the Enforcement Concordat and will follow the principles set out in it. The concordat is based around the principles of consistency, transparency and proportionality.

The Enforcement Concordat (available upon request) proposes that a graduated response is taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence, such as failing to maintain certain records, may be dealt with by way of a written warning. More serious offences may result in a referral to Sub-Committee, the issue of a Formal Caution or a referral for prosecution.

The Council intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with their operating schedules, in compliance with the specific requirements of the Act and in compliance with any licence conditions. It will also be important to monitor the District for unlicensed premises.

The Council recognises that in respect of bookmaker's premises it is likely that certain bookmakers may have a number of premises within the Council's area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the Licensing Authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.

The Council will seek to work actively with the Police in enforcing licensing legislation and intends to establish protocols with Sussex Police, West Sussex Trading Standards Department and West Sussex Fire and Rescue Service on enforcement issues to ensure an efficient deployment of police and council officers.

4.5 Casinos

There are currently no casinos operating within the District. At its meeting on 7th June 2006 the Council agreed that with effect from 13th December 2006 its policy with regard to Casino Premises Licences was not to issue any Casino Premises Licences in respect of the District of Horsham. This remains the council's policy.

4.6 Prize Gaming Permits

Gaming is defined as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.

A prize gaming permit is a permit issued by the Authority to authorise the provision of facilities for gaming with prizes on specified premises.

An application for a permit can only be made by a person who occupies or plans to occupy the relevant premises and if the applicant is an individual, he must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises. The application must be made to the Authority in whose area the premises are wholly or partly situated. Applications for Prize Gaming Permits will be subject to formal consultation with Sussex Police.

4.7 Unlicensed Family Entertainment Centres

Where premises do not hold a Premises Licence but wish to provide gaming machines, it may apply to the licensing authority a gaming machine permit.

An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre, and if the Chief Officer of Police has been consulted on the application. Relevant considerations to take into account would be the applicant's suitability, such as any convictions that they may have that would make them unsuitable to operate a family entertainment centre; and the suitability of the premises in relation to their location and issues about crime and disorder.

In respect of premises licensed under Licensing Act 2003, premises will be automatically entitled to two Category D machines. Where premises apply for a permit for more than two machines each application will be considered on its own merits. Categories of Gaming Machines are defined in Appendix C

4.8 Licensed Family Entertainment Centres

Licensed Family Entertainment Centres (FECs) are a new category of premises introduced by the Act. Persons operating an FEC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the Authority. This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives to cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry

- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

4.9 Bingo Premises

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted this licensing authority will ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

4.10 Betting Premises

The Act contains a single class of licence for betting premises. However, within this single class of licence, there will be different types of premises which require licensing.

The Act also permits betting intermediaries to operate from premises, although betting intermediaries usually offer their services via remote communication, such as the internet. In principle, however, there is nothing to stop a betting intermediary applying for a betting premises licence to offer intermediary services upon the premises.

The Authority is aware of its power to restrict the number of betting machines. In the event that the Authority considers whether to impose a condition on a licence it may, among other things, take into account the size of the premises, the number of counter positions available for person to person transactions, and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

4.11 Tracks

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

Gaming machines - □Further guidance from the Gambling Commission is awaited as regards where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This licensing authority notes the Commission's Guidance that licensing authorities therefore need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

Condition on rules being displayed – The licensing authority may attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.”

Applications and plans - This licensing authority awaits regulations setting-out any specific requirements for applications for premises licences but is in accordance with the Gambling Commission's guidance which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."

The authority also notes that in the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

4.12 Adult Gaming Centres

Adult gaming centres (AGCs) are a new category of premises introduced by the Act. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the Authority.

No-one under the age of 18 is permitted to enter an AGC. This Authority will have particular regard to the location of and entry to AGCs to minimise the opportunities for children to gain access. This may be of particular importance in areas where young people may be unsupervised and an AGC is in a complex, such as a shopping centre.

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives to cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes (National & Local)
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

4.13 Club Gaming Permits

The Authority may grant members' clubs and miners' welfare institutes (but not commercial clubs) club gaming permits which authorise the establishments to provide gaming machines, equal chance gaming and games of chance as prescribed in regulations.

The Authority will only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

Club gaming permits allow the provision of no more than three gaming machines. These may be from categories B, C or D. The club is permitted to choose the combination of machines on its premises. The Authority may grant or refuse a permit, but it may not attach any conditions to a permit.

4.14 Prize Gaming & Prize Gaming Permits

Gaming is defined as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.

A prize gaming permit is a permit issued by the Authority to authorise the provision of facilities for gaming with prizes on specified premises.

An application for a permit can only be made by a person who occupies or plans to occupy the relevant premises and if the applicant is an individual, he must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises. The application must be made to the Authority in whose area the premises are wholly or partly situated.

4.15 Temporary Use Notices

The Act sets out the position in relation to temporary use notices. These allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a

temporary use notice would include hotels, conference centres, and sporting venues.

A temporary use notice may only be granted to a person or company holding a relevant operating licence. For example, the holder of a betting operating licence could apply to provide betting facilities at a snooker tournament.

The Secretary of State will prescribe in regulations the gambling activities that may be specified in a temporary use notice as well as combinations of activities that may not be specified, and activities that may not be combined with any other.

4.16 Occasional Use Notices

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

4.17 Registration of Small Society Lotteries

In carrying out its functions in relation to Lotteries the Authority will have regard to the Act, the guidance issued by the Gambling Commission from time to time and any Regulations issued by the Secretary of State.

PREVENTION OF CRIME AND DISORDER

The Council places a considerable importance on the prevention of crime and disorder, and will fulfil its duty under s17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the borough. A high standard of control is therefore expected to be exercised over licensed premises.

The Council will, when determining applications, consider whether the grant or a Premises Licence will result in an increase in crime and disorder.

Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council's Licensing Officers and Sussex Police before making a formal application.

In considering licence applications, the Council will particularly take into account the following:-

1. The design and layout of the premises;
2. The training given to staff in crime prevention measures appropriate to those premises;
3. Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
4. Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
5. The likelihood of any violence, public order or policing problem if the licence is granted.

4. ENSURING THAT GAMBLING IS CONDUCTED IN A FAIR AND OPEN WAY

Generally, the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be a matter for either the management of the gambling business (and therefore relevant to the Operating Licence), or will be in relation to the suitability and actions of an individual (and therefore relevant to the Personal Licence). Both of these options fall under the purview of the Gambling Commission.

If any matters of complaint are made to the Licensing Authority concerning gambling not being conducted in a fair and open way the Licensing Authority will refer the complaint to the Gambling Commission for investigation.

PROTECTION OF CHILDREN AND OTHER VULNERABLE PERSONS

4.6 Access to Licensed Premises

With limited exceptions, the access of children and young persons to those gambling premises which are adult only environments will not be permitted.

The Council will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

The Council will consult with the person responsible for child protection issues at West Sussex County Council on any application that indicates there may be concerns over access for children or vulnerable persons.

The Council will judge the merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises. This may include such requirements as:-

1. Supervision of entrances;
2. Segregation of gambling areas from areas frequented by children;
3. Supervision of gaming machines in non-adult gambling specific premises.

The 2005 Act provides for a Code of Practice on access to Casino premises by children and young persons and the Council will work closely with the Police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

4.7 Vulnerable Persons

The Council does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children, but it will assume for regulatory purposes, that “vulnerable persons” include:

1. People who gamble more than they want to;
2. People who gamble beyond their means;
3. People who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

(Reference Para 5.21 Gambling Commission Guidance to Licensing Authorities)

5. COMPLAINTS AGAINST LICENSED PREMISES

The Council will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Council may initially arrange a conciliation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the licensing committee consider their valid objections or for any licence holder to decline to participate in a conciliation meeting.

As set out in 6 above any complaints relating to gambling not being conducted in a fair and open way will be referred to the Gambling Commission.

Due consideration will be given to all relevant representations unless they fit the exceptions in 3.3 above.

6. FURTHER INFORMATION

Further information about the Gambling Act 2005, this Statement of Licensing Policy or the application process can be obtained from:-

The Licensing Officer
Horsham District Council
Parkside
Chart Way
Horsham
West Sussex
RH12 1RL

Tel: 01403 215578
E-mail: licensing@horsham.gov.uk

Information is also available from:-

Gambling Commission
Berkshire House
168-173 High Holborn
London
WC1V 7AA

Tel: 020 7306 6219
Website: www.gamblingcommission.gov.uk

APPENDIX A

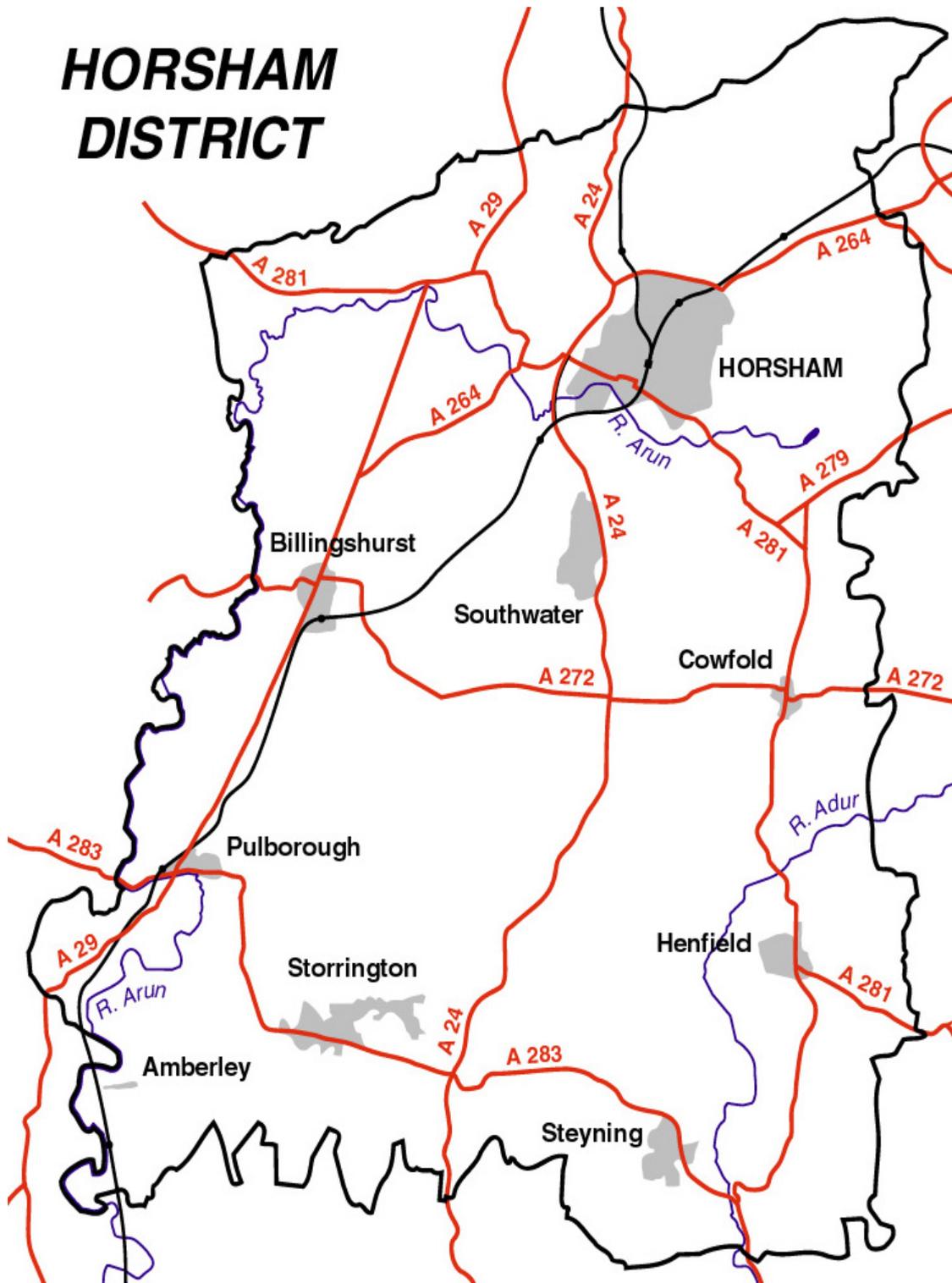
TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X (to be approved by Cabinet Member)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of license premises gaming machi permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

Source: Gambling Commission "Guidance to Local Authorities". Dated April 2006

APPENDIX B

HORSHAM DISTRICT



APPENDIX C
CATEGORIES OF GAMING MACHINES

Premises Type	MACHINE CATEGORY						
	A	B1	B2	B3	B4	C	D
Regional casino (machine/table ratio of 25-1 up to maximum)	Maximum of 1250 machines. Any combination of machines in categories A to D, within the total limit of 1250 (subject to table ratio)						
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines. Any combination of machines in categories B to D, within a total limit of 150 (subject to table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines. Any combination of machines in categories B to D, within a total limit of 80 (subject to table ratio)					
Pre - 2005 Act casinos (no machine/table ratio)		Maximum of 20 machines categories B to D or C or D machines instead					
Betting premises and tracks occupied by pool betting			Maximum of 4 machines categories B2 to D				
Bingo premises				Maximum of 4 machines in category B3 or B4		No limit C or D machines	
Adult gaming centre				Maximum of 4 machines in category B3 or B4		No limit C or D machines	
Family entertainment centre (with premises licence)						No limit on category C or D machines	
Family entertainment centre (with permit)							No limit on category D machines
Clubs or miners' welfare institutes with permits				Maximum of 3 machines in categories B3A to D			
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic on notification	
Qualifying alcohol licensed premises with gaming machine permit						Number as specified on permit	
Travelling fair							No limit on category D machines
	A	B1	B2	B3	B4	C	D

Categories of machines are defined in Section 16.9 of the Gambling Commission "Guidance to Local Authorities". Dated 11 April 2018

Report to Council

Date of meeting: 5th December 2018

By the Head of Environmental Health and Licensing

DECISION REQUIRED



**Horsham
District
Council**

Review of Licensing Policy (Licensing Act 2003)

Executive Summary

The Licensing Act 2003 currently requires Licensing Authorities to publish at least every five years a statement of their Licensing Policy.

Applications for licences under the Licensing Act 2003 have to be made in accordance with the Licensing Authority's Licensing Policy. The policy, which has to be approved by full Council (as the Licensing Authority), has to be the subject of public consultation and the comments received have to be taken into account before formally adopting the policy.

At its meeting on 7 June 2018 the Licensing Committee approved a draft Licensing Policy for consultation. The period of consultation ran until the 18 September 2018.

As the Council did not receive any representations the Environmental Health and Licensing Manager in consultation with the Chairman of the Licensing Committee recommends to the Council adoption of the Licensing Policy at Appendix 1

Recommendations

That the Council is recommended:

- i) Approve the Licensing Policy as set out at Appendix 1 to this report as council policy

Reasons for Recommendations

- i) To comply with legislative requirements
- ii) To ensure openness and transparency in the Council's decision making

Background Papers: None

Wards affected: All

Contact: Chris Boyle (Licensing Officer) Ext 5578.

Background Information

1 Introduction and Background

- 1.1 The purpose of this report is to seek the Council's approval of the Licensing Policy at Appendix 1 as council policy.
- 1.2 The Licensing Act 2003 currently requires Licensing Authorities to publish at least every five years a statement of their Licensing Policy. The Council's current Policy came into force on 31 January 2014. The Council has now to adopt a new policy to come into force by 31 January 2019.

2 Relevant Council policy

- 2.1 The Council's existing Licensing Policy

3 Details

- 3.1 The Licensing Act 2003 currently requires Licensing Authorities to publish at least every five years a statement of their Licensing Policy.
- 3.2 Applications for licences under the Licensing Act 2003 have to be made in accordance with the Licensing Authority's Licensing Policy. The policy, which has to be approved by full Council (as the Licensing Authority), has to be the subject of public consultation and the comments received have to be taken into account before formally adopting the policy.
- 3.3 At its meeting on 7 June 2018 the Licensing Committee approved a draft Licensing Policy for consultation (Appendix 1). The period of consultation ran until the 18 September 2018.
- 3.4 The draft Licensing Policy was sent to a wide range of consultees including: -
 - All Statutory Consultees (Police, Fire and Rescue Service, Health and Safety, Planning, Social Services)
 - All Members
 - All Parish and Neighbourhood Councils
 - Trade Representative Bodies
 - The consultation was also published on Horsham District Council's website and the local press were informed.

No responses were received from any of the above.

4 Next Steps

- 4.1 As the Council did not received any representations the Head of Environmental Health and Licensing in consultation with the Chairman of the Licensing Committee recommends to the Council adoption of the Licensing Policy set out at Appendix 1.

5 Outcome of Consultations

- 5.1 At its meeting on 7 June 2018 the Licensing Committee approved a draft Licensing Policy for consultation. The period of consultation ran until the 18 September 2018.
- 5.2 No representations were received during the three month statutory consultation process.
- 5.3 The Director of Corporate Resources and the Monitoring Officer have reviewed the policy and support its adoption. The policy will give clarity in respect of decisions and thereby help give protection from legal challenge.

6 Other Courses of Action Considered but Rejected

- 6.1 None

7 Resource Consequences

- 7.1 There are no financial consequences arising from this report

8 Legal Consequences

- 8.1 The Licensing Act 2003 currently requires Licensing Authorities to publish at least every five years a statement of their Licensing Policy. Applications for licences under the Licensing Act 2003 have to be made in accordance with the Licensing Authority's Licensing Policy. The policy, which has to be approved by full Council (as the Licensing Authority), has to be the subject of public consultation and the comments received have to be taken into account before formally adopting the policy.

9 Risk Assessment

- 9.1 The Licensing Policy has been subject to statutory consultation and as no representations were received no changes have been made to the policy which has served the Council well since 2005

10 Other Considerations

- 10.1 One of the licensing objectives is preventing licensable activities from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- 10.2 There will be no impact on different equality groups issuing from this report.

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

2018

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This Policy was approved and adopted by Council as the Licensing Policy for Horsham District on the

This Policy takes effect from December 2018

1. INTRODUCTION

- 1.1 Horsham District Council (The Licensing Authority), in pursuance of its duties and powers under the Licensing Act 2003 (as amended) (LA 2003), hereby formally makes a statement as to its Policy in respect of the provisions of that Act and will use this Policy as the framework against which licensing decisions will be made by the Authority.
- 1.2 A number of revisions have been made by Parliament in the light of experience of the Act and suggestions from its practitioners. These include:
- The requirement to renew personal licences every ten (10) has been removed
 - The offence of selling liquor confectionary to children under sixteen (16) years has been removed
 - The maximum number of temporary event notices has been increased from twelve (12) to fifteen (15) per calendar year for each premises
 - The requirement to report lost or stolen personal licence to the police has been removed.

Full details of the relevant changes are contained in the Authority's guidance on the Licensing Act 2003 which is available on the council's website.

- 1.3 The aim of the Licensing Authority's policy is to promote the Licensing Objectives set out in the Act whilst securing the safety and amenity of residential communities and facilitating a sustainable entertainment and cultural industry. There is a presumption that a licence will be granted unless there are compelling reasons to refuse the licence.
- 1.4 The Licensing Objectives are:-
- Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm (Section 4(2) LA 2003)
- 1.5 The Licensing Authority has had regard to the Guidance issued by the Secretary of State in drawing up this statement of Licensing Policy. (Guidance issued under Section 182 LA 2003, by the Department for Culture Media and Sport).
- 1.6 In undertaking its licensing function, the Licensing Authority is also bound by other legislation such as:
- Section 17 of the Crime and Disorder Act 1998 requiring the Licensing Authority to do all that it reasonably can to prevent crime and disorder in its locality;
 - Amended Statutory Guidance issued under Section 182 of the Licensing Act 2003;
 - The European Convention on Human Rights, which is given effect by the Human Rights Act 1998; placing a duty on public authorities to protect the rights of individuals in a variety of circumstances;

- Health and Safety at Work Act 1974; and regulations made thereunder;
- Food Safety Act 1990; and regulations made thereunder;
- Environmental Protection Act 1990;
- Criminal Justice and Police Act 2001;
- The Anti-Social Behaviour Act 2003;
- Disability Discrimination Act 1995;
- The Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009;
- The Policing and Crime Act 2009;
- The Police Reform and Social Responsibility Act 2011;
- The Late Night Levy (Application and Administration) Regulations 2012.
- The Licensing Act 2003 (Description of Entertainment) (Amendment) Order 2013.

1.7 The Licensing Authority will also seek to discharge its responsibilities identified by other Government Strategies, so far as they impact on the Licensing Objectives. Such Strategies include:

- Action Plan for Tackling Alcohol Related Crime, Disorder and Nuisance;
- National Alcohol Harm Reduction Strategy for England (AHRSE) 2004;
- Local Alcohol Strategy;

1.8 In addition, the Licensing Authority will consider applications with reference to other adopted policies, such as:

- Community Safety Strategy;
- Horsham Evening Economy;
- Health Promotion Strategy;
- Enforcement Concordat;
- Core Strategy of the Local Development Framework;
- Pub Watch scheme;
- 'Citizen Card' Proof of age scheme.

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

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

1.11 The Policy may be revised at any time there is considered to be a need for adjustment and we will comply with any statutory requirements. Where required, there will be public consultation before any revision of the policy.

1.12 The Policy is written in pursuance of the Licensing Act 2003 and incorporates Horsham District Council's adopted policies in respect of Equal Opportunities.

- 1.13 Set out at Appendix 1 are the administrative procedures that have been adopted by the Licensing Authority to administer applications received under the provisions of the Licensing Act 2003.

2. SCOPE OF THE POLICY

2.1 The 2003 Act provides a unified system of regulation of the activities for the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment. The system is achieved through the granting of Personal Licences, Premises Licences, Club Premises Certificates and Temporary Event Notices.

2.2 Activities that require a licence under the Licensing Act 2003 and covered by this policy include:

- Retail sale of alcohol for consumption both on and off the premises
- Supply of hot food or drink from a premises from 23.00 to 05.00 hours for consumption both on and off the premises
- Supply of alcohol or provision of regulated entertainment to club members
- Provision of entertainment listed below (known as regulated entertainment) to the public or club members or with a view to profit:
 - Performance of a play
 - An exhibition of a film
 - An indoor sporting event
 - A boxing or wrestling entertainment
 - Live music
 - Any playing of recorded music
 - Performance of dance
 - Similar entertainment to live music, recorded music, or performance of dance (including karaoke.)

The provision of certain Regulated Entertainment is exempt under the Live Music Act 2012.

The exemptions are:

Films for the purpose of

- Advertisement
- Information
- Education
- Museums and art galleries
- Any entertainment in a church
- Private parties, including wedding receptions
- Garden fetes
- Incidental music (where music is played on site, but it is not the main attraction)
- Morris dancers
- Vehicles in motion, such as carnival floats

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

- 2.4 This amended policy will take effect on December 2018 and remain in force for such period as is determined by Parliament or is subject to review by the Licensing Authority. Any revisions may be the subject of statutory consultation.

3. MAIN PRINCIPLES

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

4. LOCAL IMPACT

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

4.9 Issues of cumulative impact will therefore be addressed via the following mechanisms:-

- Planning Controls;
- Positive measures to create a safe and clean environment in partnership with local businesses, transport operations and other departments of Horsham District Council and other local authorities;
- Application of the powers of Horsham District Council to adopt legislation to control the consumption of alcohol in designated public places;
- Police enforcement of the law concerning disorder and anti-social behaviour;
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- The confiscation of alcohol from adults and children in designated areas;
- Enforcement by Trading Standards against under-age sales including the use of test purchasing;
- Application of police powers to instantly close for up to 24 hours, any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder, or excessive noise emanating from the premises;
- Application of powers of the police, other responsible authorities, local residents or businesses to seek a review of the licence or certificate in question.

5. THE POLICIES

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

- GEN/1** These policies will normally apply to any licence application determined after the date that the Licensing Authority resolved to make these policies operational, irrespective of the date on which the application was made.
- GEN/2** In determining a licence application, the overriding principle adopted by the Licensing Authority will be that each application will be determined on its individual merits.
- GEN/3** This policy shall avoid duplication with other regulatory regimes.
- GEN/4** This policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues the potential for limited disturbance in neighbourhoods will always be carefully balanced with these wider benefits, particularly for children.
- GEN/5** It is the current policy of this authority not to introduce the Late Night Levy and Early Morning Restriction Orders.

- 5.1 The Licensing Authority is keen to promote the artistic and cultural life of the District and the Licensing Authority's approach will be to encourage new and innovative forms of regulated entertainment that are consistent with the licensing objectives.
- 5.2 The views of vociferous minorities should not be allowed to dominate the general interests of the community. In determining what conditions should be attached to licences and certificates, the promotion of the licensing objectives will be the overriding determining factor. The Licensing Authority is aware of the need to avoid measures which deter live music, dancing and theatre, such as imposing indirect costs of a substantial nature.

5.4 Licensing Hours

- LICHRS/1** Consideration will be given to the individual merits of each and every application. However, it is recognised, following Government recommendation, that longer licensing hours with regard to the sale of alcohol are important to ensure that the concentrations of customers leaving premises simultaneously are avoided. For the avoidance of doubt and to give the public clarity each premises licence will have a "Starting" and "Terminal" Hour fixed. The Operating Schedule shall therefore include proposed times of operating and details of how the applicant intends to promote the Licensing Objectives.

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

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

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

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

5.4.4 Fixed and early closing times can, in the case of sales of alcohol, result in rapid binge drinking close to closing times; leading to disorder, disturbance and other nuisance behaviour, particularly in and around late night fast food outlets, taxi ranks and other sources of transport.

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

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

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

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

5.4.7 The Licensing Authority will work with the local Licensing Officer with responsibility for Hackney Carriage and Private Hire Operators to provide mechanisms to

encourage sufficient and appropriate licensed means of transport to get patrons home.

5.5 Zoning

- 5.5.1 Zoning refers to the setting of fixed trading hours within designated areas. Experience in Scotland has demonstrated that zoning leads to the significant movement of people across boundaries in search of premises opening later and puts greater pressure on town centres than is necessary. It is further recognised that zoning risks treating residents in one area preferentially over others simply because they have chosen to live in the busy central area of the town. As such, the Licensing Authority will not fix predetermined closing times for particular areas.
- 5.5.2 Accordingly, all residents living in the vicinity of licensed premises have the equal right to make representations concerning applications for premises licences and hours of trading, and to have those representations given equal weight regardless of the area of the district in which they live.
- 5.5.3 In each individual case that arises following representation, the Licensing Authority will consider the potential for nuisance associated with the style, characteristics and activities of the business involved; examine the potential steps which could be taken to reduce the risk of nuisance, particularly in areas of dense residential accommodation; and consider restricting the hours of trading only as a last resort because of the potential impact on disorder and anti-social behaviour from fixed and artificially early closing times.

5.6 Planning

PLAN/1 To avoid inoperative premises licences being granted the Licensing Authority will not normally determine an application unless the applicant can demonstrate that the premises have either an appropriate (in terms of activity and hours of use sought) planning consent, or that is otherwise lawful. Exceptions may be made where the applicant can demonstrate compelling reasons why the application should be considered although the planning status of the premises has not been finalised.

This will not apply to an application for a provisional statement under section 29 of the Licensing Act 2003.

- 5.6.1 This policy is simply to avoid unnecessary duplication and thus complies with the Guidance. Generally, any premises for which a licence is required must also have an appropriate authorised use under town planning legislation.
- 5.6.2 Attention is drawn to the following:
- (i) The existing planning permission might, and if recently granted is very likely to have conditions restricting the use of the premises in some way: e.g. the hours of operation. In that case, anybody seeking a licence to operate beyond those hours would first need to obtain a revised planning consent or a relaxation or removal of the condition.

- (ii) The existence of a planning permission (or lawful use) where there is no condition on the usage does not mean that a licence for late hours of operation or a particular entertainment would necessarily be appropriate. Similarly, if an existing planning permission has conditions on the hours of operation, it does not follow that a licence for a particular activity will be granted up to the hours specified in the planning permission.
- (iii) Where a long standing planning permission has no condition on hours, or where there is lawful use without planning permission, it is likely there has been no rigorous consideration of late night impact during the planning process. Experience has revealed the importance of these issues and planning permissions are no longer likely to be granted without such constraints.

5.7 The Late Night Levy and Early Morning Restriction Orders

LNL/EMRO/1 The Late Night Levy

It is the policy of the Licensing Authority, having given the matter serious consideration not to introduce the Late Night levy at this time. The authority retains the right to revisit this decision at a later date if necessary.

LNL/EMRO/2 Early Morning Restriction Orders

It is the policy of the Licensing Authority, having given the matter serious consideration not to introduce an Early Morning Restriction Order at this time. The authority retains the right to revisit this decision at a later date if it considers it to be necessary.

In deciding not to impose the levy the Local Authority took into account:

- a. The costs of policing and other arrangements for the reduction or prevention of crime and disorder, in connection with the supply of alcohol between midnight and 6am, and
- b. Having regard to these costs, the desirability of raising revenue to be applied in accordance with statute.

Should the authority consider it necessary to revisit either of these decisions they will, before implementation be subject of a consultation process.

5.8 Personal Licences

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

will only grant the application if it is satisfied that doing so will promote this objective.

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

5.9 Premises Licences and Club Premises Certificates

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

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

5.10 Operating Schedules

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

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

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

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

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

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

- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors;
- At appropriate times making loudspeaker announcements within the premises to the same effect;
- Instructing door supervisors to ask patrons leaving the premises to leave the area quietly;
- Having measures in place to prevent bottles and glasses being removed from the premises;
- Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down;
- Where appropriate considering car jockey schemes;
- Increasing the availability of licensed taxis or mini-cabs to take patrons from the premises;
- In appropriate cases door supervisors or a manager patrolling nearby streets to assess for themselves whether there is a problem and how best to deal with it;
- Banning from the premises people who regularly leave in a noisy fashion.
- Increasing outside lighting levels but without causing nuisance from light pollution;
- Where there is a private forecourt, preventing patrons from using it for eating and drinking etc after 11 p.m.
- At take away food venues encouraging customers not to consume food in the immediate vicinity of the premises.

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

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

5.10.7 Late at night and during the early hours of the morning the area will be quieter and any noise will, therefore, be amplified and provide more disturbance for residents. Clearly a responsible applicant or licensee will wish to further the licensing objective of preventing public nuisance by introducing practical measures such as those referred to in paragraph 5.10.4 to prevent such nuisance.

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

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

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

- **Who will be responsible for ensuring compliance with the operating schedule and/or any conditions imposed by a Licensing Sub Committee following a hearing.**
- **The provision, operation and maintenance of closed circuit television in accordance with the specification required by The Licensing Authority following consultation with the Sussex Police;**
- **Search facilities and procedures;**
- **Use of safe drinking vessels (e.g. poly-carb and safer forms of glass cups/bottles);**
- **Access to appropriately priced non-alcoholic facilities/products;**
- **Display of information about responsible drinking including unit levels, the sensible drinking message and the risks of “drink driving”;**
- **Clear and prominent sign up to a “designated driver scheme” (whereby people are encouraged to designate a driver for the evening who will not drink alcoholic drinks);**

- **Measures to prevent the use or supply of illegal drugs;**
- **Measures to prevent the “spiking” of drinks;**
- **Employment of licensed door supervisors and other appropriately trained staff;**
- **To consider food serving and “cool down” times – e.g. introducing periods before closing during which food and soft drinks only are sold;**
- **Good design and management of premises creating more seating areas to avoid the health and violence implications of “vertical” drinking;**
- **Having measures in place to prevent bottles and glasses being removed from the premises;**
- **Employing glass collectors to ensure that drinking vessels do not accumulate;**
- **Procedures for risk assessing promotions and events for the potential to cause crime and disorder and plans for minimising such risks;**
- **The participation in an appropriate Pub Watch scheme or other body designed to ensure effective liaison with the local community is encouraged;**

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

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

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

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

5.11 Retail premises

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

- 5.11.1 Where the law permits the shop to open for 24 hours or limits such opening, for example on Sundays, the Licensing Authority will generally permit the sale of alcohol during those hours.
- 5.11.2 Normally the sale of alcohol from a garage will be prohibited. Where, however, it can be shown that the main activity of the premises is not a garage, applications may be considered but each case will be considered on its merits. (Section 176 Licensing Act 2003 and Paragraph 5.28 of the Guidance).
- 5.11.3 Good reasons for imposing a limitation may be appropriate, for example, following police representations in the case of isolated shops known to be a focus of disorder or disturbance because youths gather there and engage in anti-social behaviour, including pressurising shop staff to make unlawful sales of alcohol.
- 5.11.4 In determining an application for a Premises Licence and the hours during which the premises might provide licensable activities to the public, it is not for the Licensing Authority to consider such matters as the rights of the workers employed on the premises who may be asked to work longer hours.
- 5.11.5 Against this background, the impact on workers of extended hours permitted by a premises licence is a contractual matter to be resolved between the employer and employee, and the Licensing Authority will not seek to intervene in these matters.

5.12 Tables and Chairs outside Premises

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

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

- 5.12.1 The provision of tables and chairs outside the premises either on the highway or on private land can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture. Horsham District Council want to promote, in certain areas of the town centre a café style culture to encourage eating and drinking outside appropriately located venues.
- 5.12.2 Horsham District Council will continue to review the need for designating areas using the powers in the Police and Criminal Justice Act 2001.
- 5.12.3 This policy is designed to strike a fair balance between the needs of those wishing to enjoy refreshment in the open air and the need to prevent safety and nuisance problems.

5.13 Sex Related Activities

PL&CPC/8 The Licensing Authority will not, as a general rule grant licences which involve a sex related element near schools, churches, hospitals, youth clubs or other premises where significant numbers of children are likely to attend. Where such licences are granted the Licensing Authority may impose conditions designed to ensure the protection of children and to prevent crime and disorder problems. However, each application will be considered on its own merits.

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

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

For example:

If strip-tease is proposed any performance shall:

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

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

“NO PERSON UNDER 18 WILL BE ADMITTED”

5.13.4 To prevent the possibility of children seeing unsuitable advertisements, the policy will be to attach the following condition;

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

- 5.13.5 In considering the grant of applications involving strip-tease the Licensing Authority will also have regard to the risk of nuisance to nearby residents and will consider rejecting the application or attaching appropriate conditions.
- 5.13.6 These policies are designed to further the licensing objective of protecting children by preventing them being exposed to unsuitable material or acts. They are also designed to further the crime prevention and prevention of nuisance objectives by recognising the increased risk of nuisance or illegal activities such as performers offering “extras” to customers or the plying for trade by sex workers.
- 5.13.7 Horsham District Council has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1982. The Council’s policy on Sexual Entertainment Venues can be found on the Council’s web site.
- 5.13.8 In most circumstances an additional licence would be required and once this licence is in place any conditions on the Premises Licence relating to Adult Entertainment on the Premises Licence have to be removed.

5.14 Drugs

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

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

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

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

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

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

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

5.15 Children

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

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

Children and cinemas

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

5.15.1 Nothing in this statement of policy limits the access of children to licensed premises unless it is necessary for the prevention of harm to children. No statement of policy can properly anticipate every issue of concern that could arise in respect of children with regard to individual premises and as such, general rules will be avoided. Consideration of the individual merits of each application remains the best mechanism for judging such matters.

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

- Limitations on the hours when children may be present;
- Age limitations (below 16);
- Limitations or exclusions when certain activities are taking place;
- Requirements for an accompanying adult;
- Full exclusion of people under 16 from the premises when any licensable activities are taking place.

5.15.3 In order to address issues concerning under age persons illegally gaining access to alcohol, the Licensing Authority will expect staff training programs to include and address this specific issue. The Licensing Authority would also recommend that

such training should include sections on the checking of identification and recognition of false identification.

- 5.15.4 Applicants requiring advice and support relating to compliance with their obligations with the licensing objective relating to the “Protection of Children from harm should contact the authority responsible for Child Protection whose address is given in Appendix B.

6 Conditions

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

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

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

7. Enforcement

- ENF/1** **The enforcement of licensing law and the inspection of licensed premises is detailed in the Protocol between Sussex Police, West Sussex County Council, West Sussex Fire and Rescue Service and Horsham District Council. This protocol reflects the need for a more efficient deployment of Police, Fire and Local Authority staff commonly engaged in licensing enforcement.**
- 7.1 Horsham District Council as the Licensing Authority is responsible for the enforcement of the requirements of the Licensing Act 2003. In fulfilling this responsibility the Licensing Authority will liaise with the Sussex Police, West Sussex Fire and Rescue Service, West Sussex Trading Standards, West Sussex Children's Services, The Health and Safety Executive, the local National Health provider and HM Revenue and Customs and Excise to ensure that enforcement is co-ordinated and targeted appropriately.
- 7.2 The Licensing Authority has adopted the Governments current Regulators Compliance Code and will as matter of course adopt and comply with any statutory policies under that or any future relevant code or legislation.
- 7.3 The Licensing Authority has adopted and published a general enforcement policy setting out its general approach to enforcement. In addition the Licensing Authority has adopted and published a Licensing Enforcement Policy. All of these policies are available from the Horsham District Council's Licensing Team whose contact details can be found at Appendix B. They are also available on-line at www.horsham.gov.uk
- 7.4 The Licensing Authority will undertake inspections, including joint inspections and enter into other working arrangements with Sussex Police, West Sussex Fire and Rescue Service and other agencies to support the licensing objectives.
- 7.5 Protocols used by the enforcement agencies will provide for the targeting of agreed problem and high-risk premises requiring greater attention. Those premises which are shown to be well managed with good working practices and well maintained can expect a "light touch" approach to enforcement.
- 7.6 The Licensing Authority considers that membership and active involvement in the local "Pub Watch" scheme is evidence of good working practice.

- 7.7 The Licensing Authority will inspect premises licensed under the 2003 Act to ensure compliance with the licensing objectives and this policy.
- 7.8 The Licensing Authority will also inspect every premises on receipt of an application for the grant of a Premises Licence or Club Premises Certificate or to vary the an existing licence or certificate, save where only a minor change is being proposed.
- 7.9 Monitoring of premises will be undertaken as required or when judged necessary either in isolation or in conjunction with other agencies in accordance with the Joint Protocol.
- 7.10 Horsham District Councils Licensing Officer will seek to work with Immigration Enforcement who became a Responsible Authority in April 2016 to enforce licensing related issues for the Immigration Act 2016.
Immigration officers have the same powers as Horsham District Councils Licensing Officers and the Police to enter a premises being used to sell alcohol or late night refreshment, in order to investigate immigration offences. This will enable joint enforcement operations with Licensing Officers and allow Immigration Officers to enter licensed premises without a warrant where there is intelligence of illegal working taking place.
Horsham District Council expects Immigration Enforcement to share information about licence holders and licensed premises, under the Immigration Act 2016 and to consult closely with the Horsham District Council Licensing Officer when any enforcement action may be required.

8. INTEGRATION OF STRATEGIES

- 8.1 The Licensing Authority liaises with local crime prevention agencies, planning, transport, health groups, youth, tourism, cultural bodies and licensed premises.
- 8.2 Regard will also be had to any local byelaws and/or strategies relating to the control of the consumption of alcohol in designated public places. The Licensing Authority will have regard to the need to disperse people quickly and safely from town/village centres to avoid concentrations which may produce disorder and disturbance.
- 8.3 This policy shall avoid unnecessary duplication or inefficiencies by properly separating the planning and licensing regimes in operation. Where appropriate, matters for consideration in licensing applications will not duplicate matters considered as part of any planning application. Licensing decisions will take into account any relevant planning decisions.

9. OTHER REGULATORY REGIMES

The following notes are made with regard to specific regimes:

Immigration

An “Entitlement to Work” test introduced for Personal Licence Holders and individual Premises Licence Holders, where the Premises Licence permits the sale of alcohol or late night refreshment

Applicants for Personal Licences must produce evidence of their entitlement to work in the United Kingdom and any Personal Licence will lapse when an individual is no longer entitled to work in the United Kingdom on or after 6th April 2017

Since April 2017 Immigration Officers can now enter licensed premises as if they were a Police Constable, if premises are being used for the sale of alcohol or late night refreshment, to see if an offence under The Immigration Act 2016 has been committed.

Health and Safety: premises subject to a Premises Licence will normally have been visited by the Horsham District Council’s Planning and Environmental Services staff with regard to health and safety enforcement at the premises. Certain premises will not fall under this regime and will be the subject of health and safety enforcement by the Health and Safety Executive (HSE). These regimes place a range of general and specific duties on employees, employers, operators of venues and members of the public. Matters arising out of the Health and Safety at Work etc Act 1974 and associated Regulations should not be the subject of conditions unless they are necessary for the promotion of the licensing objectives. It should be noted that such regulations will not always cover the unique circumstances that arise in connection with entertainment and may include exemptions on the assumption that licensing controls will provide the necessary coverage. (See Appendix B for contact details).

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

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

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

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

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

Door Supervisors: Any activities that are of a security nature and carried out in relation to licensed premises when they are open to the public will be licensable. This means that anyone providing door supervisory work in licensed premises open to the public will need a licence under the Private Security Industry Act 2001 issued by the Security Industries Authority. (See Appendix B for contact details).

ADMINISTRATIVE PROCEDURES

The Licensing Committee are responsible for setting and approving the council's Statement of Licensing Policy. This is a statutory requirement under the Act and the legislation sets out a number of administrative procedures that have to be complied with.

- 1 Set out below are the administrative procedures that have been adopted by the Licensing Authority to administer applications received under the provisions of the Licensing Act 2003. Set out at the end of this Appendix is the table of delegations that will be operated by the Licensing Authority in handling applications.

Note: These delegations are set out in the Guidance issued by the Government and cannot be altered.

- 2 Opposed applications will be heard by a sub-committee comprising of at least three members drawn from the Licensing Committee. The members selected to hear the application will be selected on the basis that they come from wards in a different part of the Council's area, such that they will not be a local member for the ward to which the application pertains.
- 3 Hearings of the sub-committee will take place during the day where possible, although it may be necessary to hold meetings during the evening. Day time meetings will usually commence at 10.00a.m and evening meetings at 5.30p.m.

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

- 4 The 2003 Act requires a licensing authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due. However, this does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee before or at the time of the due date. In either of these cases, there is a grace period of 21 days. This period is intended to allow the licensing authority and the licence or certificate holder an opportunity to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence will be suspended. There is no statutory requirement for authorities to issue invoices or reminders but it is the policy of this authority to issue an invoice at least one month before the fee becomes due.
- 5 Businesses, organisations and individuals who want to sell or supply alcohol must have a licence or other authorisation from the licensing authority. The law and policy governing this area is overseen by the Home Office. The Police Reform and Social Responsibility Act 2011 introduced a power for the Home Secretary to prescribe, through regulations that fee levels under the 2003 Act are set locally on a cost-recovery basis.
- 6 Where an annual fee has not been paid and no dispute has been registered before the due date the authority will issue a suspension notice on the next working day following the due day giving the Premises Licence Holder notice that the licence will

be suspended with effect from midnight on the third day following the day on which the notice is issued. Notices will be posted to the Premises Licence Holder by first class and a copy of the notice will be served on the Designated Premises Supervisor at the premises before the suspension comes into force.

- 7 All application fees are non refundable.
- 8 Where payment is made by cheque and is returned by the bank marked as “refer to drawer” the application will be invalid and will not be progressed. If an applicant wishes to progress the application/variation then a new application will have to be made including a new application fee. Before any such application will be considered the outstanding application fee and/other fees MUST be paid in full.

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COMMITTEE	SUB-COMMITTEE	OFFICERS
Application for personal licence			If no objection is made
Application for personal licence, with unspent convictions		If an objection is made	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for a minor variation to an existing premises licence- club premises certificate.			All cases
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for Interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application			All cases
Determination of an objection to a standard temporary event notice Where the applicant has not agreed To the addition of conditions.		All cases	
Determination of an objection to a late temporary event notice			All cases
Determination of an application for a Temporary Event where the applicant has agreed to the addition of conditions.			All cases

Original Source:

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

ADDRESSES FOR RESPONSIBLE AUTHORITIES

CHIEF OFFICER OF POLICE

Chief Officer of Police

Licensing Officer
Worthing Durrington Police
Station
Centenary House
Durrington Lane
Worthing
BN13 2PQ

WS_Licensing_WOR@.police.uk

FIRE AUTHORITY

West Sussex Fire and Rescue Service

The Fire Safety Team
Horsham Fire Station
Hurst Road
HORSHAM
West Sussex
RH12 2DJ
01403 213280
protection.northernteam@westsussex.gov.uk

LICENSING AUTHORITY

Horsham District Council

Planning and Environmental Services
Park House
North Street
HORSHAM
West Sussex
RH12 1RL
01403 215402

HEALTH AND SAFETY ENFORCING AUTHORITY

Horsham District Council
Planning and Environmental Services
Park House
North Street
Horsham
West Sussex
RH12 1RL
01403 215453

Immigration Service

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

APPENDIX B~ Continued

LOCAL PLANNING AUTHORITY

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

AUTHORITY RESPONSIBLE FOR CHILD PROTECTION

Child Protection ~ WSCC
Children's Access Point
4th Floor, County Hall North
Chart Way
Horsham
West Sussex
RH12 1XH
01403 229900

WEST SUSSEX TRADING STANDARDS SERVICE

WSCC Trading Standards Service
4th Floor, County Hall North
Chart Way

Horsham
West Sussex
RH12 1XH
Tel 01243 642124
email: trading_standards@westsussex.gov.uk

AUTHORITY RESPONSIBLE FOR HEALTH

The Director of Public Health

Public Health Licensing
West Sussex County Council
1st Floor, The Grange
County Hall Campus
Chichester
PO19 1QT
PublicHealth.licensing@westsussex.gov.uk

APPENDIX B~ Continued

OTHER CONTACT DETAILS

Horsham District Council
Licensing Team
Park House
North Street
HORSHAM
West Sussex
RH12 1RL
01403 215578/215525
Email: licensing@horsham.gov.uk

AUTHORITY RESPONSIBLE FOR PROTECTING THE ENVIRONMENT

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

Security Industry Authority

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

Health and Safety Executive

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

South Downs National Park

Hatton House
Bepton Road
Midhurst
West Sussex
GU29 9LU
T: 0300 303 1053

APPENDIX C

GLOSSARY OF TERMS

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

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

Ambulance Authority

South East Coastal Ambulance Service.

Authorised Officer

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

Car Jockey Schemes

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

Chief Officer of Police

The Chief Constable of Sussex Police. All issues relating to local Licensing Issues should be addressed to the local Sussex Police Licensing Team. They can be contacted at:

The Chief Officer of Police
Police Divisional Licensing Officer
Police Station
Hurst Road
Horsham

West Sussex
RH12 2DJ
01243 520280
ws_licensing_hor@sussex.pnn.police.uk

Other licensing issues should be addressed to

The Chief Officer of Police
Sussex Police Headquarters
Malling House
Church Lane
Lewes,
East Sussex,
BN7 2DZ
0845 607 0999

Children

Individuals who are under 16 years of age.

Club Premises Certificate

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

The certificate comes in two parts, namely ;

The Club Premises Certificate itself (Part (A) document which includes the authorised plan showing where the licensable activities can take place, and

The Club Premises Certificate Summary (Part (B) document which **MUST** be displayed in a prominent position within the premises where it can be easily read.

Both parts of the certificate including the plan, or certified copies thereof **MUST** be kept on the premises and readily available to be consulted by any person having the authority to request its production.

Conditions

The conditions attached to the licence whether mandatory, proffered by the applicant or imposed by the Licensing Authority following a sub committee hearing form part of the Operating Schedule and must be complied with. Failure to do so could result a review of the licence and/or legal action which could result in a fine and/or imprisonment.

Early Morning Restriction Orders (EMROs)

This provision enables licensing authorities to restrict sales of alcohol in the whole or a part of their areas for any specified period between 12 midnight and 6 am, if they consider this appropriate for the promotion of the licensing objectives. The licensing authority needs to be satisfied that an EMRO is appropriate in a particular area for the promotion of the licensing objectives under the Licensing Act 2003. EMROs have not been applied in this authority area.

Fire Authority

West Sussex Fire and Rescue Service.

The Fire Safety Team

Horsham Fire Station

Hurst Road

HORSHAM

West Sussex

RH12 2DJ

01403 213280

protection.northernteam@westsussex.gov.uk

Guidance

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

Head of Development and Environment

The Head of Development and Environment of Horsham District Council.

LA 2003

Licensing Act 2003 (as amended).

Late Night Levy

The late night levy ('the levy') enables licensing authorities to raise a contribution from late-opening alcohol suppliers towards policing the night-time economy. This is a local power that licensing authorities can choose whether or not to exercise. It must cover the whole of the licensing authority's area. However, the licensing authority will also choose the period during which the levy applies every night, between midnight and 6am, and decide what exemptions and reductions should apply from a list set out in regulations. It is the current policy of this authority not to apply the levy in the district.

Late Night Refreshment –

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

Licensable activities –

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

Licensed Door Supervisors –

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

Licensee (Premises Licence Holder)

The person, business or company, to whom the licence, to which these conditions apply, has been granted, renewed or transferred by the Licensing Authority. Whenever there is more than one

person named as a Licensee the Conditions may be enforced against all of them jointly and against each individually.

Licensing Authority

Horsham District Council.

Park House
North Street
HORSHAM
West Sussex
RH12 1RL
01403 215578/215525
licensing@horsham.gov.uk

Noise Sensitive Areas

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

Operating Schedule

Document which includes a statement of the following matters –

- i) the relevant licensable activities;
- ii) the times during which it is proposed that the relevant licensable activities are to take place;
- iii) any other times during which it is proposed that the premises are to be open to the public;
- iv) where the applicant wishes the licence to have effect for a limited period, that period;
- v) where the relevant licensable activities include the supply of alcohol, prescribed information in respect of the individual whom the applicant wishes to have specified in the premises licence as the designated premises supervisor;
- vi) where the relevant licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises, or both;
- vii) the steps which it is proposed to take to promote the licensing objectives;
- viii) such other matters as may be prescribed.
- ix) The name or position of the person responsible for ensuring compliance with the operating schedule, i.e. The Premises Licence Holder, The Designated Premises Supervisor or a person nominated by them in writing.

Personal Licence

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

Premises

This means the premises to which the licence or club premises certificate applies.

Premises Licence

A licence granted in respect of any premises, which authorises the premises to be used for one or more licensable activities.

The Licence comes in two parts, namely ;

The Premises Licence itself (Part (A) document which includes the authorised plan showing where the licensable activities can take place, and

The Premises Licence Summary (Part (B) document which MUST be displayed in a prominent position within the premises where it can be easily read.

Both parts of the licence including the plan, or certified copies thereof MUST be kept on the premises and readily available to be consulted by any person having the authority to request its production.

Prescribed Form

Any form issued by the Licensing Authority.

Qualifying Club Activities

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

Regulated Entertainment

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

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

Entertainment means

- a performance of a play;
- an exhibition of a film;
- An indoor sporting event;
- A boxing or wrestling entertainment;
- contest, exhibition or display which combines boxing or wrestling with one or more martial arts (“combined fighting sports”);
- A performance of live music;
- Any playing of recorded music;
- A performance of dance;
- Entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

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

Live music in licensed venues

Live music ceases to be regulated entertainment in venues licensed for the sale of alcohol for consumption on the premises in the following situations:

- when it is unamplified and takes place between 8am and 11pm; and
- when it is amplified and takes place in the presence of an audience of 200 persons or less and is provided between 8am and 11pm.

The premises must be open for the sale of alcohol during the time that the live music is provided for the exemption/s to take effect.

Additionally, any condition attached to the Premises Licence relating to live music ceases to have effect in respect of the live music unless the Licensing Authority states otherwise on the licence pursuant to a Review hearing.

Live music in venues which are not licensed

For those premises which are not licensed for alcohol sales, the 2012 Act states that live music is not regulated entertainment when it is unamplified and takes place between 8am and 11pm. Amplified live music in non-licensed venues will still require formal authorisation from the Licensing Authority, such as a Premises Licence or Temporary Event Notice.

Relevant Standard

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

Stage

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

Terminal Hour

The hour at which all or any of the Licensable Activities have finished and the premises have been closed to the public. No one should be allowed to enter or re-enter the premises after the terminal hour has passed.

Temporary Event Notices

A notice to the Licensing Authority of a proposed use of a premises for one or more licensable activities for a period not exceeding 168 hours duration.

Young Person

A person who is over sixteen years of age but has yet to attain the age of 17 years.

Zoning

The setting of fixed trading hours within a designated area.

