



CRAWLEY BOROUGH COUNCIL

2024 – 2029

Statement of Licensing Policy



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Section 1 – Introduction

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

Section 2 – Background

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

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

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

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

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

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

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

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

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

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

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

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

Section 2.1 Scope of the Statement of Licensing Policy

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

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

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

Section 3 - Policy Consultation

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

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

Section 4 - Fundamental Principles

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

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

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

Section 5 – Public Health

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

Public Health & Alcohol Licensing

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

Section 6 - Premises Licences & Club Premises Certificates

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

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

Section 6.1 - Application Consultation

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

Section 6.2 - Making Representations

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

- 6.2.5. A representation would be 'irrelevant' if it is not about the likely effect of the grant of the application on the promotion of the licensing objectives. Irrelevant representations cannot be accepted.
- 6.2.6. A representation made by a person other than a Responsible Authority will not be accepted if the Licensing Authority decides that it is frivolous or vexatious.
- 6.2.7. Vexation may arise where, for example, there is a dispute between rival businesses, or a repetitive complaint from another person which has already been subject of investigation and no new evidence provided.
- 6.2.8. Frivolous representations would be categorised by a lack of seriousness.
- 6.2.9. Such judgments will be made by Authorised Officers following such enquiries as may be necessary.
- 6.2.10. Where a representation is found to be irrelevant, vexatious or frivolous, the person making it will be informed in writing that the representation will be disregarded. All valid representations will form part of a Sub Committee report that will become a public document. It will be provided to the applicant, their agent and persons who have made representations as well as the Licensing Sub-committee at least 10 days prior to the hearing.
- 6.2.11. Whilst representations may not be made anonymously, in exceptional circumstances, such as when the objector has a genuine and well-founded fear of intimidation or violence, some or all of the persons personal details may be removed from the representation before it is given to the applicant.

Section 7 - Personal Licences

- 7.1. To sell alcohol in licensed premises at least one person needs to hold a 'Personal Licence' which has been granted by the Licensing Authority where they live. This requirement does not apply to 'qualifying clubs'.
- 7.2. Holders of a 'Personal Licence' must hold a recognised licensing qualification, be over 18 years of age and not have certain types of criminal conviction. Proof of a licensing qualification together with a Basic Disclosure certificate less than two months old and endorsed photographs of the holder are required as part of an application for a Personal Licence.
- 7.3. Where an applicant is found to have an unspent conviction for a relevant offence as defined in the Act or for a foreign offence, the Licensing Authority will notify the police. Where the police do not object and the application otherwise meets the requirements the Licensing Authority must grant it. If the police do object, a hearing will be held before the Licensing Sub-Committee to determine the application.
- 7.4. The Policing and Crime Act 2017 gave licensing authorities the power to revoke or suspend personal licences, with effect from 6 April 2017. This is a discretionary power; licensing authorities are not obliged to give consideration to all personal

licence holders subject to convictions for relevant offences, foreign offences or civil penalties for immigration matters.

- 7.5. When a Licensing Authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months.
- 7.6. In exercising its duties, the Council as Licensing Authority will normally seek to suspend or revoke a Personal licence when it is made aware that a licence holder has received a relevant offence, foreign offence or civil penalty for immigration matters.
- 7.7. Full details relating to personal licence applications can be found on the Government website by following this [link](#).

Section 8 - Fees & Charges

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

- 8.8. Applicants are advised that if applications are submitted incorrectly, applications will be rejected with applicants directed to re-apply, including paying the required fee.

Section 9 - Variations (Full & Minor)

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

Section 10 - Temporary Event Notices (TENs)

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

Section 11 - Licensing Hours

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

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

Section 12 - Promoting the Four Licensing Objectives

- 12.1. The promotion of the four objectives is fundamental to the Licensing Act 2003. Every applicant for a premises licence must provide a fully completed and detailed operating schedule. This schedule must be in the prescribed format.
- 12.2. The most effective means for an applicant to assess what measures are needed to promote the licensing objectives is by recognising the various obligations under the Licensing Act 2003 and via risk assessment.
- 12.3. The operating schedule forms the basis of any conditions placed on a licence other than those which are mandatory. It provides valuable information to interested parties and responsible authorities assisting their assessment of the impact of the licensed activity on the licensing objectives and provides information about how the applicant will address these issues. It is likely to form the basis of any decision to submit a representation against the application.

- 12.4. Providing as much information as possible in the operating schedule demonstrates that the applicant has seriously considered the issues, is aware of their duty to promote the licensing objectives at all times and is aware of how this may be best achieved.
- 12.5. The Council as Licensing Authority considers the effective and responsible management of the premises, including instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of the licensing objectives. For this reason, these measures should be specifically considered, detailed and addressed within an applicant's operating schedule.

Supermarkets and other 'Off' licensed premises selling alcohol

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

12.10. Where self-pay till points are made available in stores selling alcohol, provision must be included for alcohol sales to be identified and approved by a suitable person over the age of 18 prior to completion of the purchase.

12.1 - Prevention of Crime and Disorder

12.1.1. Under the 2003 Act the Council as Licensing Authority has a duty to promote the licensing objectives, and a further duty under the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.

12.1.2. Licensed premises of any description, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people can be a source of crime and disorder. The Council as Licensing Authority expect operating schedules to satisfactorily address these and any other potential issues, from the design of the premises through to the daily operation of the business. All persons carrying out a role at a premises are expected to hold suitable qualifications and be trained as to their obligations under the Licensing Act 2003 as well as any obligations under other legislation, including that the relevant "right to work" permissions are in place.

12.1.3. Applicants are recommended to engage with and seek advice from the Police and other Responsible Authorities taking into account, as appropriate, local planning and transport policies in addition to tourism and crime prevention strategies when preparing their operating plans and schedules prior to submission.

12.1.4. When addressing crime and disorder, the applicant should identify any particular issues that are likely to adversely affect the promotion of the crime and disorder objective before including in the operating schedule how they propose to mitigate those matters.

12.1.5. Where objections are received and the Licensing Sub Committee considers it appropriate to do so, conditions may be attached to licences to prevent crime and disorder both inside and in the vicinity of the premises.

12.1.6. The Council as Licensing Authority considers the orderly dispersal of customers from licensed premises to be an important factor in promoting the licensing objectives. In considering applications for the grant or variation of a licence, serious consideration will be given to the dispersal arrangements, the potential effect that granting the licence might have on dispersal arrangements from other licensed premises or the cumulative impact in the area.

12.1.7. Recognising that drug misuse is not an issue in all licensed premises, the Council as Licensing Authority is committed to the reduction and eradication of drugs from licensed premises as part of its role promoting the Crime and Disorder licensing objective. All licence holders are expected to actively support this objective by the way they plan, manage and operate their premises and how they address issues that present.

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

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

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

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

Section 12.2 - Public Safety

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

Section 12.3 - Prevention of Public Nuisance

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

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

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

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

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

12.3.17. No licence is needed:

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

Section 12.4 - Protection of Children from Harm

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

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

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

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

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

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

- 12.4.16. Section 15 of this Policy covers this in more detail within the context of safeguarding responsibilities and protection from harm.
- 12.4.17. The Council as Licensing Authority is committed to protecting children from harm and supports the programme of underage test purchases arranged by the West Sussex County Council Trading Standards Service, the Councils Licensing Team and Police. Where underage sales are found, the Council as Licensing Authority supports the appropriate and proportionate use of warnings, fixed penalty notices, reviews and prosecution as a means of promoting the licensing objectives and enforcing the Licensing Act 2003 proportionately.
- 12.4.18. In keeping with Section.182 Guidance (as amended) issued under the Licensing Act 2003, the Licensing Sub-Committee will treat underage sales as serious criminal activity and will give consideration to the suspension or revocation of a licence if a review is brought in respect of underage sales.

Section 13 - Large Scale Events & Operations

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

Martyns Law

- 13.4. The Council as Licensing Authority, having regard to the Section 182 Guidance issued under the Licensing Act 2003 and the Governments anticipated implementation of 'Martyn's Law to improve safety and security at venues and public spaces in light of the terrorist attacks in Manchester and London in 2017.

- 13.5. The paradigm shift in the nature of terrorism means that the security agencies primarily responsibility of protecting its citizens is no longer achievable through the existing, and very limited, provision of state-owned protective security resources. The spaces and places in which people live, work and enjoy democratic freedoms are the very places that terrorists wish to attack.
- 13.6. Crawley has its own history and experiences of terrorist attacks and the Licensing Authority supports Martyn's Law. As such, the Authority would expect that those who operate the places and spaces in which people live, work and socialise must take greater steps to ensure the security of their users.
- 13.7. However, the solution is not just about tangible materials, it is also about being prepared. Consequently, the Council as Licensing Authority would expect large capacity venues and organisers of large events to consider the following measures including:
- Risk assessments in place to address risks and any mitigation/control measures.
 - Access and identification verification systems to be in place, to include searching prior to admission, the use of knife arches
 - A requirement that spaces and places to which the public have access engage with freely available counter-terrorism advice and training
 - A requirement for those places to conduct vulnerability assessments of their operating places and spaces
 - A requirement for those places to mitigate the risks created by the vulnerabilities
 - A requirement for those places to have a counter-terrorism plan.

Section 14 - Films

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

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

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

Section 15 – Safeguarding

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

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

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

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

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

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

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

Section 16 - Agent of Change Principle

- 16.1. The 'Agent of Change' principle encapsulates the position that a person or business (ie the agent) introducing a new land use is responsible for managing the impact of that change. The practical issue that has arisen on occasion is that in circumstances where residents move into an area where noise is emanating from, for example, a long-standing music venue, this may have resulted in the Council as Licensing Authority imposing additional licensing restrictions on the established licensed venue. Campaigners on behalf of licensed premises have long advocated support for implementation of an 'agent of change' principle to place the responsibility for noise management measures on the incoming 'agent of change'.
- 16.2. The House of Lords Select Committee in 2017 recommend that a full 'Agent of Change' principle be adopted in both planning and licensing guidance to help protect both licensed premises and local residents from consequences arising from any new built development in their nearby vicinity.
- 16.3. National Planning Guidance has been updated to include reference to the agent of change principle in NPPF. The new paragraph 182 of NPPF now states that both planning policies and planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (e.g. places of worship, pubs, music venues and sports clubs). "Unreasonable restrictions" should not be placed on existing businesses as a result of development permitted after they were established.

"Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."
- 16.4. Whilst National Planning Policy has been updated to incorporate the 'Agent of Change' principle, the Section 182 Guidance under the Licensing Act 2003 makes no reference to it.
- 16.5. Having considered the recommendations of the House of Lords Select Committee, Crawley Borough Council, acting in its role as the Licensing Authority has adopted 'Agent of Change' principles in its Licensing Policy.
- 16.6. Upon a review, the Council as Licensing Authority is normally required to take any steps it considers necessary to promote the licensing objectives, however the implications of adoption of 'Agent of Change' are that should a premises licence be subject of a review application as a result of complaints from local residents who are experiencing nuisance arising from a change of use and moving into the area, the Council as Licensing Authority will not place 'unreasonable restrictions' on that premises, if it were operating legally beforehand.

Section 17 - Licence Conditions

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

Section 18 - Administration & Delegation

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

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

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

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

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

Section 19 - Enforcement

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

Section 20 - Reviews

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

Section 21 - Diversity & Equality

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

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

Appendix A Licensing Act 2003 – Responsible Authority Contacts

Contact Details for Responsible Authorities

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

ADD EMAIL AND CONTACT

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

ADD EMAIL AND CONTACT

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

Licensing@crawley.gov.uk

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

ADD EMAIL

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

ADD EMAIL

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

ADD EMAIL

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

ADD EMAIL

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

ADD EMAIL

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

ADD EMAIL

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

ADD EMAIL

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Appendix B
Scheme of Delegations & Decision Making in relation to Licensing Act 2003

Matter to be dealt with	Sub Committee	Officers
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/ club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/ club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of an objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases

Appendix C

USEFUL LINKS (FULL DETAILS TO FOLLOW)

Licensing Act 2003

Section 182 Guidance (August 2023)

Live Music Act 2012

Business and Planning Act 2020 – Off Sales, Pavement Licensing and Policies

Regulatory Reform (Fire Safety) Order 2005

Mandatory Licensing Conditions

Challenge 25 and Identity Verification

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Appendix D

Public Health & Alcohol Licensing

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

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

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

Public Health Information

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

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

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

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

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

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

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

Alcohol misuse is a major risk factor for early death in England and contributes to over 200 health conditions such as mouth cancer & stroke, heart disease that can lead to illness and disability¹. The associated social consequences of alcohol misuse can also adversely affect families, relationships, crime and unemployment.

- The health and social harms of alcohol are not spread evenly across society. Alcohol can lead to inequalities which are often avoidable, unfair, and systemic differences in health amongst different groups of people².
- Whilst there is no definitively 'safe' lower limit of drinking, the UK Chief Medical Officers (CMOs) advise that adults should not regularly drink more than 14 units of alcohol per week. People regularly drinking at these levels should spread units over 3 or more days with at least a few alcohol free days³.

In 2009, the Chief Medical Officer of England published official guidance on alcohol focusing specifically on children and young people⁴. It recommends that an alcohol-free childhood is the healthiest and best option. Alcohol use in the teenage years is associated with a range of health and social harms. Evidence also suggests that young people who begin drinking before the age of 15 are more likely to experience problems related to their alcohol use⁴

Drinking alcohol during pregnancy increases the risk of miscarriage, premature birth and of the baby having a low birthweight. Pregnant women are advised that the safest approach is not to drink alcohol at all to reduce risk to the baby².

Alcohol Harm in Crawley

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

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

2. For West Sussex the data shows that:

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

3. For Crawley the data shows that:

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

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

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

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

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

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

** Conditions caused wholly by the use of alcohol

Appendix E

WSSCC Trading Standards Overview – Enforcement and Regulation

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

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

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

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

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

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

Licensing and Modern Slavery

Local Authority Licensing teams and the business licence holders they support and monitor, can be key partners in local anti-slavery responses. West Sussex County Council’s Modern Slavery pledge is shared with all the District and Borough authorities across the County. Local council licensing teams can update local licensing policies to directly address modern slavery. Licensing teams can also build their internal capacity to practically address modern slavery. Whilst it is hoped that, on a national, Governmental level, guidance can be improved to reflect Modern Slavery concerns (such as the inclusion of “Modern Slavery” as part of section 182 Guidance (Licensing Act 2003) around prevention of crime and disorder) There is much that can be achieved at a local level. This includes:

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

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

“Understanding the Potential of Licensing Frameworks and Teams to Tackle Modern Slavery in the UK” ... published by the **Shiva Foundation** and created in partnership with West Sussex County Council and other local authorities. This Guidance provides a clear framework for both licensing teams and committees and offers several recommendations regarding policy and practice in administering the licensing process for local businesses, with due regard to all aspects of Modern Slavery. The link for this document is:
[SF-Licensing-Report-sec3.pdf \(shivafoundation.org.uk\)](#)

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