



Statement of Licensing Policy

Important Notice

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

2014 Edition 4.4

1	Introduction.....	3
2	Pen Portrait of Arun	4
3	The Policy.....	6
4	Licence Applications	7
5	Main Principles	10
6	Integration of Strategies.....	11
7	Local Cumulative Impact.....	12
8	The Licensing Objectives – General Points.....	13
9	The Licensing Objectives – Prevention of Crime and Disorder.....	14
10	The Licensing Objectives – Public Safety	14
11	The Licensing Objectives – Prevention of Public Nuisance.....	15
12	The Licensing Objectives – Protection of Children from Harm	15
13	Sale of Alcohol to Children.....	17
14	Adult Entertainment	17
15	Licensing Hours.....	18
16	Zoning	18
17	Shops, stores and supermarkets	19
18	Designated public place orders (DPPO)	19
19	Enforcement	19
20	Administration, Exercise, Delegation of Functions and Committee Procedures	20
21	Appendix 1 – Glossary.....	25
22	Appendix 2 – Best Practice and Guidance.....	28
23	Appendix 3 – Licence Review Guidelines	40
24	Appendix 4 - List of consultees	

1 Introduction

- 1.1 Arun District Council is the licensing authority for the purposes of the Licensing Act 2003 ('the Act') and is responsible for granting licences and certificates and processing notices in the Arun District Council area in respect of activities described by the Act as 'Licensable Activities'.

These activities are:

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

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

It includes the following activities:

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- Boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance
- Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music or the performance of dance
- Providing facilities for making music and dancing or entertainment of a similar description

The Live Music Act 2012 deregulated some performances of music in certain specified circumstances:

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

Entertainment Facilities

Entertainment facilities are no longer be licensable. Currently a premises license or club premises certificate includes permissions for provision of facilities for making music. This means that permission is needed for use of a room and any equipment needed for making music such as microphones etc. This permission is no longer a requirement.

Live Unamplified Music

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

Live Amplified Music

The rules are different with performances of amplified music. Live amplified music ceases to be regulated by the Licensing Act 2003 if all the following conditions are met:

- There is a premises license or Club Premises Certificate in operation that permits on-sales of alcohol
- The premises to which the license or certificate applies is open for sale or supply of alcohol on the premises
- Live music is only performed inside the hours of 8am until 11pm on the same day

The audience size is not greater than 200 people

1.2 Arun District Council as a Licensing Authority must discharge its duties with regard to promoting the four licensing objectives. These are:

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

1.3 The Licensing Act 2003 does not compel the Licensing Authority to follow the accompanying section 182 guidance.

2 Pen Portrait of Arun

2.1 Arun is one of seven districts and boroughs which make up West Sussex. Its main towns are Arundel, Bognor Regis and Littlehampton. Covering an area of 85 square miles, Arun stretches from Pagham in the west to Findon in the east; and from Houghton in the north to the 14.5 miles of coastline in the south.

- 2.2 Whilst not the largest district in terms of size in West Sussex, it has the largest population (151,384 (recorded mid-2012)). The ethnic minority population is 3.0% (2011 Census) compared to the county average of 6.2%.
- 2.3 Within Arun, there are large differences in deprivation and wealth which place a number of wards among the most deprived and others among the least deprived wards in England. This means that, along the coastal strip in particular, high levels of deprivation often exist next to areas of comparative affluence.
- 2.4 At 58% Arun has the lowest percentage of working age (i.e. 16 – 64 years) population in West Sussex. The figure for Crawley is 67%. Small businesses employing fewer than 25 people predominate. Key areas of employment are linked to tourism especially hotels and catering. Arun is a Visitor Destination Area, attracting 5 million day visitors and 520,000 staying visitors. Arun has the second largest visitor economy in West Sussex with around 5.6 million visitor days and £237 million being spent by visitors annually. Tourism supports over 4,600 FTE jobs in Arun – 11.3% of the workforce.
- 2.5 The highest concentrations of young people and families with children are in the coastal towns. Social and Caring Services statistics show that Arun has the highest rate of “children in need” in West Sussex. Arun has a relatively low number of young people under the supervision of the West Sussex Youth Offending team compared to Crawley and Chichester.
- 2.6 Arun had the highest rate in the county of substance-related hospital admissions among young people from 1999 through 2000 and also one of the highest rates of referral to the young people’s substance misuse team. Arun appears to have a relatively high proportion of people with substance abuse problems from figures taken from adults under 65 in autumn 2001 in comparison with the county as a whole.
- 2.7 At 2011 census, car ownership ran at the fourth highest rate for West Sussex districts (1.27 per household). Rural settlements in Arun normally experience inferior, and in many cases declining, access to services such as doctors, post offices and shops. Arun is not particularly well served by community transport.
- 2.8 Many thousands of migrants have moved into Arun since 2004. At the 2011 census, over 4,500 residents were born in the eight EU accession countries (A8). This has put pressure on the rented housing sector and also on essential services such as health care and schools. The language barrier and cultural differences mean that additional resources are required across the board. There is also an issue of community tension arising from this rapid population change. The population of Arun is getting older and this is forecast to continue, with the largest percentage increaser coming in the number of over 85s.
- 2.9 Alcohol misuse has been identified as the dominant lifestyle issue in West Sussex, with levels of high risk drinking amongst younger people and alcohol related admissions to hospital being growing concerns. Arun has the second highest rate of alcohol related hospital admissions (behind Worthing).

- 2.10 Arun remains a relatively safe place in which to live and work. Since March 2011 overall recorded crime in Arun has fallen by 17%. Public Place Violent Crime has reduced by 22% since March 2011 and where it does occur it is confined to wards and hotspots surrounding the night time economy areas.

3 The Policy

- 3.1 This Statement of Licensing Policy has been prepared in accordance with the provisions of the section 5 of the Act and the guidance issued under Section 182. This policy took effect on 7th January 2005. Changes brought into effect by the Police Reform and Social Responsibility Act 2011 now require a policy to be reviewed every five years. In making this Statement of Licensing Policy, Arun District Council were mindful of the duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions on, and to do all it reasonably can to prevent crime and disorder in the district.
- 3.2 The aim of the policy is to strike a balance between securing the safety, amenity and cleanliness of the residential and business community and encouraging a sustainable entertainment and cultural industry. In order to do this the Licensing Authority will consult widely when major revisions are scheduled. Minor changes and revisions to appendices may be adopted without such wide consultation.
- 3.3 The aim of the policy needs to take account of the licensing objectives set out in the Act.

The Licensing Objectives are:

- Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
- 3.4 In respect of each of the four licensing objectives, applicants for new, and changes to existing permits will need to provide evidence to the Licensing Authority that suitable and sufficient measures, as detailed in their application, operating schedule and other supporting documentation, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events. Reference will need to be made to whether additional measures will be taken on an occasional or specific basis such as when a special event or promotion is planned, which is intended to, or likely to attract, larger audiences or be at times other than normally operated.
- 3.5 Details added to the operating schedule of an application will be translated into clear and enforceable conditions which will be added to the premises licence or club premises certificate. Conditions should be focused on matters which are

- in the control of licence holders and others with relevant authorisations i.e. the premises and its vicinity.
- 3.6 Applicants are expected to research the local area and take into account any local issues when preparing an operating schedule as part of an application. The operating schedule should take into account any local issues and detail measures that will prevent an adverse impact on the licensing objectives.
 - 3.7 Arun District Council, in adopting the licensing policy, recognises both the needs of residents and local businesses for a safe, healthy and peaceful environment in which to live and work, and the importance of safe and well run entertainment premises to the local economy and vibrancy of the district.
 - 3.8 Although each licence or certificate application must be considered on its individual merits, Arun District Council in adopting its Licensing Policy is making it clear that wide ranging considerations including the fitness of the applicant, the management and the suitability of premises will all be taken into account when making licensing decisions. This will not however override obligations set out in the Act.
 - 3.9 The Policy is written under the terms of the Licensing Act 2003 together with its Guidance and incorporates the Council's adopted policies in respect of Equal Opportunities and Human Rights legislation.

4 Licence Applications

- 4.1 Further guidance for licence applicants or those seeking other authorisations under the Licensing Act 2003 can be obtained by contacting the Licensing Team, Arun District Council, Civic Centre, Maltravers Road, Littlehampton, BN17 5LF or by calling 01903 737755 or by email: licensing@arun.gov.uk
- 4.2 All applicants for the grant of a premises licence or club premises certificate are required to complete an operating schedule as part of the application. The application will be in a prescribed form and must include the following:
 - Days and times the applicants proposes to conduct licensable activities
 - Operating hours of the premises (hours open to the public)
 - Comprehensive details regarding intended use of the premises
 - If the licence requires authorisation to supply alcohol, the name and address and consent of the person to be named as Designated Premises Supervisor (DPS)
 - If the alcohol will be supplied on the premises, off the premises, or both
 - Steps the applicant will take in order to ensure promotion of the licensing objectives.

These steps *may* include (this is not an exhaustive list and other measures should be considered where deemed appropriate):

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

- 4.3 Applicants will find guidance relating to plans for premises that are required as part of an application on our website www.arun.gov.uk/licensing
- 4.4 Applicants for the grant of a personal licence will be required to provide a certificate as proof that they have obtained a relevant required qualification. Applicants are also required to provide a criminal records check. Where a relevant unspent conviction is disclosed and the Police object to the application on the grounds of the crime prevention objectives the matter will be referred to the licensing sub-committee. The committee shall normally refuse such an application unless there exceptional and compelling grounds to justify the grant the licence. Relevant convictions are listed under schedule four of the Act as amended by the Police Reform and Social Responsibility Act 2011.
- 4.5 Temporary Event Notices (TENs). There are two types of TENs, late and standard. It is recommended that a minimum of 28 days' notice is given of an intended event (by serving a standard notice). A copy of the notification must be submitted to the licensing authority, environmental health and the police simultaneously. The Act requires a minimum of ten clear working days for the submission of a standard notice. The day of service and the day of the event do not count in your calculations (see below example).
- 4.6 Late TENs. If it has become too late to submit a standard TEN, these can be given no less than five clear working days ahead of the event and no more than nine clear working days and must also be submitted to environmental health and the police. Late TENs are very restricted in number, and if an objection is received from the police or environmental health your permission will be withdrawn with no right of appeal. We therefore recommend you plan ahead and use a standard notice.
- 4.7 If a TEN that has been given less than five clear working days ahead of the event it will be returned unauthorised. The law does not make provision for us to use discretion in respect of notices that are out of time.
- 4.8 Calculating service of Temporary Event Notices (TENs). To calculate dates of service, you will need to count backwards starting the day before your event and discount any non-working days (Saturdays, Sundays and Bank Holidays).

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

- 4.9 A counter notice (permitted limits) will be served if a person serves a notification that exceeds their permitted limits (see www.arun.gov.uk for further information).
- 4.10 Where objections and representations are made in relation to applications, they will be dealt with in accordance with the delegations set out in this policy.
- 4.11 The Council will not consider representations that it deems to be frivolous or vexatious.
- 4.12 The Council will not consider representations which are not received within the timescales for consultations as dictated by the Act and the Secretary of State.
- 4.13 Where relevant representations are made and remain unresolved, a hearing will be convened before the Licensing Enforcement Committee, or Licensing Sub-committee as appropriate. The application will be determined after all representations and evidence have been considered.
- 4.14 The determination will be issued with reasons for the decisions.
- 4.15 The determination will be issued to the applicant and any parties to the hearing in writing as soon as reasonably practicable, in accordance with hearings regulations.

5 Main Principles

- 5.1 The main principles of the policy are:-
- to reduce the fear of crime;
 - to encourage cultural diversity and lively, safe town centres;
 - to reduce the burden of unnecessary regulation on business;
 - to contribute to the quality of life;
 - to promote public health;
 - to ensure that premises are being managed responsibly;
 - to ensure the promotion of the licensing objectives
- 5.2 The Policy is also intended to ensure that the provision of additional opportunities for licensable activities are matched by appropriate and proportional measures enabling the police and licensing authorities to act promptly to maintain public order and safety.
- 5.3 Arun District Council represents the general interests of communities and the views of minorities will be considered. When acting in its capacity as the Licensing Authority, only those views in respect of the licensing objectives will be considered.
- 5.4 The Policy sets out a general approach to making licensing decisions that underpins the provisions of the Licensing Act 2003 and associated guidance. It

- does not seek to undermine the right of any individual to apply under the terms of the Act for a variety of permissions (or reviews) or the right to have any such application considered on its individual merits.
- 5.5 Similarly, the Policy does not override the right of any person to make representations on an application or request a review of a licence or certificate. Any person has the same rights to make representations concerning applications for premises licences and hours of trading and to have those representations considered by the same standards regardless of the area of the district in which they live or conduct their business.
- 5.6 When Arun District Council seeks a premises licence from itself (as the Licensing Authority), the Licensing Committee, sub-committee and its officers will consider the matter from an entirely neutral standpoint.
- 5.7 Larger outdoor events will be expected to have met with, and sought the advice of, the multi-agency Safety Advisory Group (SAG) so that the safety and control of the event can be planned several months in advance. The Licensing Authority will assist with advice and guidance.
- 5.8 The Council has been granted a number of premises licences for public spaces. Those wishing to use the space for performances may seek permission a minimum of three months ahead. Applicants may be required to participate in a Safety Advisory Group prior to approval being granted.
- 5.9 When considering licence conditions, the Licensing Authority will follow appropriate guidance where practical.
- 5.10 Arun District Council acknowledge that licensing law is not a mechanism for the general control of anti-social behaviour by people once they are beyond the direct control of the individual, club or business holding a licence, certificate or relevant permission. However, the Licensing Authority believes a level of responsibility for customer or member behaviour clearly exists beyond the site boundary. The Licensing Authority will seek compelling evidence linking incidents that occur away from particular premises when making decisions concerning licences, certificates or notices. The control of anti-social behaviour away from licensed premises, qualifying clubs and temporary events is primarily a matter for the Police but the individual, club or business holding a licence, certificate or relevant permission will be expected to work in co-operation with the Police to ensure that, wherever possible, anti-social behaviour away from premises and events is minimised.
- 5.11 In the review and delivery of its licensing policy the Licensing Authority aims to work closely with responsible authorities, other statutory agencies, all tiers of local government, community, special interest and trade groups. The Council's aim is to achieve a fair and balanced licensing regime through consultation and partnership working wherever possible.

6 Integration of Strategies

- 6.1 The Licensing Authority recognises the need to avoid duplication with other regulatory regimes and local strategies so far as possible.
- 6.2 This policy shall avoid unnecessary duplication or inefficiencies by properly separating the planning and licensing regimes in operation.
- 6.3 In most cases, the Licensing Authority would expect that planning permission will have been resolved before a licensing application is made, thus properly separating the matters which fall within the remit of the Development Control Committee rather than the Licensing Committee.
- 6.4 However, where it is commercially expedient to make a Licence application before the planning process has been completed the Licensing Authority would invite the applicant to request that the Licence or Certificate ‘takes no effect’ or is time limited in some way if, for any reason, planning permission were not forthcoming.
- 6.5 Where substantial alterations to premises are proposed the legislation requires that new permissions are sought. Where a minor change to a premises is proposed so that the licensing objectives are not challenged a Minor Variation may be sought. Arun District Council suggests that applicants contact the Licensing Authority in advance of submitting a Minor Variation to ensure that the Licensing Authority shares this view that representations are unlikely to be made. Where a minor change to a premises results in significant change in the manner of operation it will be the Licensing Officers decision as to whether a Minor Variation, Variation or a new application is required. Full reasons for this decision will be provided.
- 6.6 Arun District Council will endeavour to secure the proper integration of this policy with strategies and regulatory regimes covering local crime prevention and anti-social behaviour away from licensed premises. Specific conditions may be attached to particular premises licences or certificates issued to club premises to reflect local crime prevention strategies where appropriate for the promotion of the licensing objectives.
- 6.7 The Licensing Committee may request, receive and consider reports from other groups.
- 6.8 The Council will seek to discharge its licensing responsibilities with due regard to relevant Government and local strategies e.g.
- Safe. Sensible. Social – the next steps in the National Alcohol Strategy
 - Government Action Plan “Together: Tackling Anti-Social Behaviour”
 - Relevant revisions to these and other documents e.g. Responsible drink promotions and point of sale and others as listed on the DCMS and Home Office web pages.

7 Local Cumulative Impact

- 7.1 'Cumulative impact' is not mentioned specifically within the Act. It can be described as the potential impact on the licensing objectives of a significant number of licensed premises concentrated in one area.
- 7.2 Such policies may only be introduced on an evidential basis.
- 7.3 The effect of the policy is to create a rebuttable presumption that application's for new licences or for extensions to hours will be refused subject to certain limitations.
- 7.4 Should the need arise for a Local Cumulative Impact Policy in any part of Arun District it shall be imposed only after consideration of, and following the recommendations within National Guidance.

8 The Licensing Objectives – General Points

- 8.1 The licensing authority accepts that applicants know their premises best and they will be expected to address all aspects relevant to the individual style and characteristics of their premises, licensable activities and events when considering the controls they feel are appropriate for discharging their duty to meet the Licensing Objectives.
- 8.2 The licensing committee or its subcommittee licensing authority is only able to impose additional conditions that are clearly proportionate and appropriate following relevant representation made to the authority or that are agreed with the applicant. Such conditions will only be imposed if appropriate for the promotion of the licensing objectives. The licensing authority may act in its capacity as a responsible authority and raise representations in relation to an application if it deems it appropriate to do so.
- 8.3 In attaching conditions the licensing authority will be mindful of their potential impact on live music, dance and or theatre. It will try to avoid measures which deter such activity.
- 8.4 The licensing authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement ensuring the promotion of all the licensing objectives. For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule. Particularly applicants should explain how the premises will be adequately managed if the designated premises supervisor is not present. The licensing authority expects that the Designated Premises Supervisor will have more than a causal relationship with, and attendance at, the relevant premises and that persons in a supervisory capacity should hold a personal licence in respect to the sale of alcohol. The local authority would view it as best practice for the DPS to nominate and brief a competent, authorised person in charge to act in their absence. The DPS will consent to this in writing providing the local authority and police a point of contact in their absence. It is expected that the nominated person will normally be a personal licence holder and where this is not the case, the reasons for not appointing a personal licence holder are documented. The DPS is ultimately

accountable for issues that arise in connection with a licensed premise, even during a period of absence.

- 8.5 The licensing authority recognises the important role of licensed door supervisors in the achievement of the licensing objectives as a whole. Applicants will be expected to provide details in their operating schedules of when and how such licensed door supervisors will be used.
- 8.6 The licensing authority recognises that irresponsible drinks promotions are prohibited as a mandatory condition and therefore will be enforced as such. Arun District Council believes that irresponsible drinks promotions can take many different forms, not all of which are clearly defined in the statutory instrument. To assist the licensed trade further in determining an irresponsible drinks promotion, the licensing authority suggests a promotion that encourages customers to drink more, and/or more quickly, or in a way that the consumer cannot easily know how much they have drunk and is likely to cause significant risk of breaches of one or more of the four licensing objectives (see 3.3) may be considered irresponsible. In cases which do not clearly fit into the statutory instrument definition but do fit Arun's definition, the operator may be asked to cease that particular promotion. If the operator refuses to cease the promotion, or refuses to change it to a more responsible promotion, any enforcement would have to consider the latest guidance as issued under section 182 of the Licensing Act 2003, SI 2010 860, and any relevant Home Office guidance.
- 8.7 The licensing authority recognises that the majority of those responsible for licensed premises, clubs or events already attempt to act in a responsible way and to demonstrate their intention of being a good neighbour. Applicants are encouraged to maintain and improve this harmonious working relationship with the community in which they operate both within the licensing approval process and throughout the life of the licence.

9 The Licensing Objectives – Prevention of Crime and Disorder

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

10 The Licensing Objectives – Public Safety

- 10.1 The Health and Safety at Work Act 1974 and associated legislation placed thereunder is completely separate to the Licensing Act 2003. There is an expectation that health and safety legislation is complied with. To avoid duplication, failure to do so could result in enforcement action being taken by the appropriate authority.

- 10.2 Arun District Council will normally expect an applicant to specify a maximum occupancy figure derived from a fire safety risk assessment or advice from West Sussex Fire and Rescue Service. The purpose of imposing a maximum number of persons to be in the premises (or event) at any one time is to ensure the safety and comfort of those persons at the premises (or event) and to ensure overcrowding does not prohibit a safe means of escape from fire.
- 10.3 Where the licensed premises, club or event has a policy of restricted entry and/or experience shows that queuing for entry is a feature at certain times, applicants will, on the grounds of Public Safety, as a minimum, identify supervisory arrangements to manage the queues.

11 The Licensing Objectives – Prevention of Public Nuisance

- 11.1 In each individual case that arises following representation, Arun District Council will consider the potential for nuisance associated with the style, characteristics and activities of the business involved. The licensing authority will examine the potential steps which could be taken to reduce the risk of nuisance, particularly in areas of dense residential accommodation, and will consider restricting the hours of trading where other practical measures of control cannot be applied. In this scenario, the impact of artificially early closing times and the contribution to crime and disorder and anti-social behaviour as a result need to be taken into account.
- 11.2 Food vendors of both static and mobile premises, licensed for late night refreshment, should demonstrate in their operating schedule and other documentation how they intend to control noise, general nuisance and litter.
- 11.3 The licensing authority will take an objective view as to the potential for nuisance and, subject to sections 4.8 to 4.9 above seek to attach appropriate and proportionate conditions to licences and certificates where necessary in order to prevent it. Appendix 4 gives an indication as to the scope of such conditions. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.
- 11.4 Noise. If the Council receives relevant representations regarding noise escape from premises then it will consider imposing stricter conditions to authorisations (licences or certificates) in order to ensure the prevention of public nuisance or if appropriate, restrict the hours for licensable activities or limit opening hours.
- 11.5 The Council may require stricter conditions where the premises are situated in an area primarily of a residential nature.

12 The Licensing Objectives – Protection of Children from Harm

- 12.1 Arun District Council is committed to the principle that safeguarding children and protecting children in our community is everyone's responsibility. Arun

- Officers when visiting premises will consider the safeguarding and wellbeing of children and young person's attending the premises.
- 12.2 The protection of children from harm is a licensing objective and all those applying for and in receipt of a licence, certificate or other relevant authorisation will be expected to have made a thorough assessment of and, where necessary have in place, controls, rules, processes and appropriately trained staff that will ensure the protection of children. For this purpose the authority nominated in this policy for promoting the licensing objective of the protection of children from harm is West Sussex Local Safeguarding Children Board.
- 12.3 The licensing authority will not usually impose conditions on operators that require the admission of children. The licensing authority recognises this is a matter for individual licence holder's discretion. Nothing in this statement of policy limits the access of children to licensed premises unless it is necessary for the prevention of harm to children.
- 12.4 When entertainment is being provided specifically for children, the licence holder will take reasonable steps to ensure that the persons providing the entertainment are safe to work with children. Examples of what steps could be considered reasonable are detailed in Appendix 3.
- 12.5 The licensing authority may consider attaching conditions to licences and certificates to prevent harm to children where relevant representations have been made, and Appendix 3 gives an indication as to the scope of such conditions.
- 12.6 Licence applicants will be required to send a copy of their application to the West Sussex Local Children safeguarding Board as well as the other responsible authorities, details of which can be found in the list of responsible authorities on the Council's website.
- 12.7 Areas that will give rise to particular concern in respect of children include premises:
- Where there have been convictions or fixed penalty notices served for serving alcohol to minors or with a reputation for underage drinking,
 - Where there are reports of children obtaining alcohol by proxy,
 - With a known association with drug taking or dealing,
 - Where there is a strong element of gambling on the premises,
 - Where entertainment of an adult or sexual nature is commonly provided,
 - Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises e.g. a nightclub.
- 12.8 Where a large number of children are expected to attend regulated entertainment (e.g. theatre production, 'junior disco' etc or film shows), the Licensing Authority will expect applicants to have regard to the need for a

specified number of adults to be present at the places where regulated entertainment is taking place, to control the access and egress of children and to assure their safety. The number of adults required will need to be calculated on the basis of a risk assessment by the applicant and will need to take into consideration the size of the venue, the number and ages of the children present, the type of activity involved and any requirements included in the Children's Acts. As a guide, the Licensing Authority would normally expect at least one responsible adult for every 50 children present. For children under the age of seven, the ratio of adults needs to increase. The Education Welfare Office of West Sussex County Council should be consulted and appropriate permissions sought (03302 228200).

13 Sale of Alcohol to Children

- 13.1 The Authority views with disfavour offences related to the provision of alcohol to children. Therefore it is expected that licence holders set out measures in their operating schedule to demonstrate how sales of alcohol to minors will be prevented. Measures should include the adoption and implementation of a proof of age policy and the display of signage advertising the policy at the premises.
- 13.2 Convictions and fines issued to current staff members for sale of alcohol to children will give rise to concern by authorities.
- 13.3 The application of a proof of age policy such as 'Challenge 25' is considered an essential measure in preventing underage sales. The Council expects that signage relating to the application of the selected policy should be clearly displayed at the premises. All staff involved with the sale or supply of alcohol should be trained in the application of this policy and other related matters such as proxy sales.
- 13.4 Where the sale of alcohol to children gives rise to a licence review, it will be the responsibility of the licence holder to demonstrate that measures were in place to try and prevent issues arising. Where a licence holder fails to do so the committee will consider what action is appropriate to ensure promotion of the licensing objectives. This may include removal of the designated premises supervisor, suspension or revocation of the licence.

14 Adult Entertainment

- 14.1 Where regulated entertainment on the premises is of an adult or sexual nature the Council may upon receipt of relevant representations, give consideration to the grant of a licence in relation to premises in the vicinity of:
 - Schools
 - Libraries
 - Places of religious worship
 - Community facilities or public buildings or public areas

- Historic buildings
- Residences
- Children's play areas
- Youth clubs
- Other premises that may be attended by numbers of children

Each application will be considered on its own merits.

- 14.2 With a view to promoting the licensing objectives the Authority may determine the nature of any external signage for premises providing adult or sexual entertainment.
- 14.3 The Authority expect that no adult or sexual entertainment in any premises will be visible from outside the premise. Only persons who chose to enter the premises should be able to view the entertainment.
- 14.4 The Authority expect that those proposing to provide adult entertainment provide an adequate operating schedule as part of their application. This schedule should have a particular focus on the protection of children from harm objective and as a minimum include details of restriction of entry to premises, staff training, security measures, how views inside the premises will be restricted.
- 14.5 The Authority has resolved to adopt schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009, in relation to Sexual Entertainment Venues. The Licensing and Enforcement Committee will have regard to any policies regarding these venues as and when applications are made. For regular adult entertainment, a sexual entertainment venue licence may be required. Please contact the licensing team for advice.

15 Licensing Hours

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

16 Zoning

- 16.1 Zoning refers to the setting of fixed trading hours within designated areas. Arun District Council will not fix predetermined closing times for particular areas.

17 Shops, stores and supermarkets

- 17.1 Shops, stores and supermarkets should be free to provide sales of alcohol for consumption off the premises at any time when the retail outlet is lawfully open for shopping unless there are very good reasons for restricting those hours.
- 17.2 Good reasons for imposing a limitation on hours or imposing conditions may be appropriate, for example, following representations in the case of isolated shops known to be a focus of disorder or anti-social behaviour, including pressurising shop staff to make unlawful sales of alcohol or where the shop is known to be a source of alcohol for the habitually drunk and or for “street drinkers”.
- 17.3 Licence holders are expected to comply with best practise guidance and work with Trading Standards and the Police as well as the Licensing Authority to prevent or deter proxy sales.

18 Designated public place orders (DPPO)

- 18.1 Where a local authority occupies or manages premises (this includes parks and outdoor spaces), or where they are managed on behalf of the local authority and the authority licenses that place for alcohol sales, the DPPO shall not apply when the licence is being used for alcohol sales, or for 30 minutes after. The area will be subject to the DPPO at all other times. This seeks to achieve promotion of the licensing objectives whilst not interfering with community events.
- 18.2 When one part of the authority seeks a premises licence of this kind from the licensing authority, the licensing committee and officers must consider the application on an entirely neutral standpoint. Relevant representations that are made will be considered fairly by the committee. Any party making a relevant representation that is genuinely aggrieved by a decision positively in favour of the Council would be entitled to appeal to the magistrates’ court and therefore receive an independent view of that decision.

19 Enforcement

- 19.1 The enforcement of licensing law and the inspection of licensed premises are detailed in the Enforcement Protocol within the Sussex Police Alcohol and Licensing Policy which is ratified by Arun District Council and other agencies. This protocol reflects the need for more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement based on risk assessment. A policy of multi-agency inspections has been agreed where appropriate. The licensing authority will work collaboratively with Trading Standards on their work preventing underage sales.

- 19.2 Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in the protocol. Inspections of premises will be on a risk assessed basis, to be undertaken when and if judged appropriate.
- 19.3 When the licensing authority is acting in its enforcement role, it will comply with the Arun District Council environmental Health, private sector housing and environmental amenities enforcement policy.
- 19.4 The Council, Police and other responsible authorities will share information about licensees, licensed premises and associated activities. Such sharing of information will be in accordance with S185 of the Act. Information will be shared to allow authorities to exercise their functions under the Act.
- 19.5 The Council's licensing team is authorised to act as the responsible authority on behalf of the licensing authority. This includes responsibility for considering applications for new or varied authorisations and applications for reviews.

20 Administration, Exercise, Delegation of Functions and Committee Procedures

- 20.1 Under the Licensing Act 2003, Arun District Council has delegated functions to be carried out by the Licensing Committee or by one or more officers acting under delegated authority. The Licensing Committee can also delegate matters to one or more Sub-Committees.
- 20.2 The following table sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committees and Officers.

Matter to be dealt with	Licensing Committee	Sub Committee	Officers
Application for a personal licence	If a police objection is made	Usually delegated from full committee	If no objection
Application for personal licence with unspent convictions		All cases	
Application for premises licence/ club premises certificate	If a relevant representation is made	Usually delegated from full committee	If no relevant representation is made
Application for a provisional statement	If a relevant representation is made	Usually delegated from full committee	If no relevant representation is made
Application to vary premises licence/ club premises certificate		If a relevant representation is made	If no relevant representation is made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for minor variation			All cases (including decision on whether to consult other responsible authorities and determination)
Applications for interim authorities		If a police objection	All other cases
Decision on whether a complaint is irrelevant, frivolous or vexatious etc.			All cases

Decision to object when local authority is a consultee and not the relevant authority considering the application			All cases
Determination of a police/EH objection to a temporary event notice		All cases	Where objection is resolved by inclusion of existing premises licence conditions and applicant is in agreement
Attachment of conditions from existing premises licence to a TEN		Where applicant objects to conditions	If applicant is in agreement
Issuing of counter notice for a late TEN			All cases
Suspension of licence for non-payment of fees			All cases
Requests to change the film classification awarded by the BBFC	All cases		
Request for classification of films where none has been awarded by the BBFC	Where there is concern regarding content about proposed exhibition of film		Where appropriate procedure is followed and there are no concerns about content

20.3 The Act itself creates a presumption that applications for permissions will be granted unless an objection is raised. Where a function is delegated to an officer, that officer will be responsible for liaising with the applicant, any interested parties and the responsible authorities to ensure any licence granted meets with the criteria in this Statement of Licensing Policy.

20.4 Where Relevant Representations are made the licensing officer will liaise with the applicant, interested parties and the responsible authorities to see if a “settlement” is possible to overcome the representations without the need for the matter to go before the Licensing Committee or a Sub Committee. Only where representations are raised which cannot be settled will matters be referred through to either a Sub Committee or Licensing Committee for

- determination, as outlined above. Where an application for a Review is made, the licensing officer will try and resolve the issues raised, however in the instance of a review, even if a settlement is reached it must come before the Licensing Committee or Sub Committee for ratification.
- 20.5 Whilst contested licensing applications are quasi-judicial in nature, the Licensing Committee or a Sub-Committee will try to keep the proceedings as informal as possible. However, some degree of formality is needed to ensure that all parties receive a fair hearing. The published procedure is designed to ensure that all parties are able to express their views openly and fairly and it will be followed at hearings. The Licensing Committee or Sub-Committee procedure is inquisitorial rather than adversarial and, whilst applicants, interested parties, and responsible authorities are entitled to bring legal representation with them if they wish, this is by no means a requirement.
- 20.6 Advocates are, however, reminded that these are civil proceedings and inquisitorial rather than adversarial in nature. Aggressive advocacy is not encouraged and will not be tolerated.
- 20.7 In cases where a review is sought by either a Responsible Authority or an Interested Party the grounds of that review should be relevant to the Licensing Objectives. Evidence of the problems should be presented to the Licensing Authority with the application. Corroborating evidence from sources other than the applicant in a review is acceptable at any point in the 28 day consultation period.
- 20.8 Any party who intends to put written material before the Licensing Committee should provide at least 17 copies of that material (including plans) to the Licensing Officer at least 10 working days prior to the hearing (5 copies if the matter is before a Sub-Committee). Applicants should note that changes to application plans during the application process should be notified to the Licensing Officer as soon as possible and may result in a need for re-consultation and a delay in determining the application. The applicant is also responsible for ensuring that Responsible Authorities receive a copy of the material (including plans) at least 10 working days prior to the hearing. Arun District Council will have arrangements in place whereby any Applicant, Responsible Authority or Interested Party may arrange to view the various submissions received.
- 20.9 Any failure to adhere to requirements listed above may:
- result in a case having to be adjourned
 - result in delay/ rescheduling of the hearing
 - result in the Committee or a Sub-Committee refusing to allow a party to speak at the hearing
- 20.10 Please note that the time-scales referred to above will not apply in relation to temporary event notices, reviews or transfers of premises licences/club premises certificates, or applications for interim authorities where shorter

timescales may need to be met. The licensing officer will advise separately in cases of this type.

20.11 Published standard procedures will be followed at Licensing Committee or Sub-Committee hearings.

21 Appendix 1 – Glossary

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

CRB (Criminal Record Bureau) check - A formal interrogation of national databases containing information on criminal convictions and entries on national registers of other information. Now known as DBS check.

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

DBS Check - A formal interrogation of national databases containing information on criminal convictions and entries on national registers of other information.

Foreign Offences - Convictions that have been made abroad.

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

Interested Parties - An interested party can mean a person living in the vicinity of the premises, a body representing persons who live in that vicinity, a person involved in a Business in that vicinity or a body representing persons involved in such businesses.

Interim Authority - This permits the temporary replacement of a designated premises supervisor until such a permanent replacement can be arranged. It is an emergency authorisation to protect the business from being forced to operate illegally or being forced to close.

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

Personal licence - A licence authorising an individual that is suitably trained and responsible in the eyes of the law as appropriate to authorise the sale of alcohol by retail. A personal licence is valid for 10 years.

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

Premises User - A person aged over 18, in whose name a Temporary Event Notice has been given to the licensing authority. This individual is responsible for authorising the sale of alcohol by retail under the Temporary Event Notice if this activity is included as part of the notice. The individual may be a Personal Licence holder.

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

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

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

- Nobody can be admitted as a member without an interval of at least two days after their nomination or application for membership
- A person who is admitted as a member other than by prior nomination of application must wait at least two days before enjoying the privileges of membership
- The club is established in good faith as a club; this means there are restrictions on the club's freedom to purchase alcohol, how money or property belonging to the club is used, giving members information about the club's finances, the club's accounts, and the nature of its premises.
- The club has at least 25 members.
- No alcohol is supplied, or intended to be supplied otherwise than on behalf of the club.

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

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

Relevant Representations - Representations which are about the likely effect on the licensing objectives (see 3.3) and are made by an interested party, responsible authority (or by a chief officer of police where the representation concerns a premises supervisor) and which are not 'frivolous or vexatious'.

Responsible authorities in this District include:

Sussex Police

West Sussex Fire and Rescue Services

Arun District Council Health and Safety Team or Health and Safety Executive where not ADC

Arun District Council Pollution Team

Arun Planning and Building Control department

West Sussex Trading Standards

Where relating to a vessel, the British Waterways Board or the Environment Agency

Public Health

Local Safeguarding Children Board

Contact details for these authorities can be found in *the "Guidance for Applicants"* document.

Representation - Where applications are sent to responsible authorities and advertised, representation may be made to the Licensing Authority by either a responsible authority or from a resident or business in the vicinity of the premises. Where relevant representation is made against the licence application, this will trigger a hearing before the Licensing Committee or a Licensing sub-committee.

Sale of alcohol by retail - Where alcohol is sold to a member of the public, for consumption either on or off the premises, under the authorisation of a personal licence from a licensed premises or premises user in the context of a temporary event notice (TEN). This does not include the wholesale of alcohol such as the sale of alcohol to a trader for the purposes of his trade.

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

Temporary Event Notice - A notice given by an individual to the Licensing Authority of the intention to conduct licensable activities at a defined geographic location, for a defined duration of time, for less than 500 people. The notice is given by a "Premises User".

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

22 Appendix 2 – Best Practice and Guidance

The Licensing Committee and any of its Sub-Committees, when holding hearings, will use this section as guidelines when applying conditions. When the Licensing Committee imposes conditions on permits full reasons will be given. The actual wording of conditions should be a matter to be determined in the context of each individual application. The following information acts as guidance that applicants may wish to consider as the result of issues identified through a risk assessment.

Each licence and certificate includes an operating schedule. This is formulated of conditions that are attached to the licence or certificate with a view to promoting the licensing objectives.

Applicants are expected to conduct a risk assessment as part of the application process (for new licences or variations), in order to identify conditions that may need to be added to the operating schedule to ensure promotion of the licensing objectives. This section may assist applicants as a guide when considering their risk assessment. This is only intended as a guide and applicants may establish other risks and other remedies which they deem fit to include on their own operating schedules. This is not intended as a restrictive document, but as a guide to assist applicants and committees.

The Authority expects licence holders to make a pro-active commitment to prevent issues that may impact on the licensing objectives arising at a premise.

The Licensing Committee and any of its Sub-Committees, when holding hearings, will use this section as guidelines when applying conditions. The Licensing Committee reserves the right to amend and republish this section in light of operational experience and as a separate document to the statement of licensing policy. When the Licensing Committee imposes conditions on permits full reasons will be given.

The tables below identify possible risks associated with licensed premises, each premise risks will vary depending on the type of premises, the size, layout, location, management, policies implemented. It is accepted that every licensed premise is different and some of the suggested measures would need to be adapted to ensure they are fit for purpose.

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

General measures

Applicable to all four licensing objectives

Risk	Measure
Lack of knowledge	<ul style="list-style-type: none">The DPS or a personal licence holder will be present at the premises from a particular time until closing or at all times when the premises are open for licensable activities.

	<ul style="list-style-type: none"> • Staff training to include obligations under the Licensing Act 2003, offences under the Act, underage sales, proxy sales, sales of alcohol to drunks, awareness and application of policies particular to the premise. • Service of alcohol will be only by waiter/waitress service directly to customers seated at tables. • Substantial meals are to be available at all times • Alcohol may only be served ancillary to food.
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Prevention of crime and disorder

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

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

Conditions enforcing these arrangements are therefore unnecessary.

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

It is recommended you refer to the British Standards regarding the installation of CCTV. You should use an installer who can comply with these standards.

Risk	Measure
Security	<ul style="list-style-type: none"> • CCTV should be installed and operating inside and outside premises at all times the premise is open for licensable activities. Cameras should cover all internal areas and the immediate outside areas. The date and time settings on the system must be correct at all times. • Recording should be in real time and on hard drive with the availability to export to external media for other agencies such as police. • Recordings should be kept for a minimum period of 28 days. • Staff should be trained on how to operate the CCTV system installed. Records should be kept detailing the names of all staff trained to operate the system. • The system clock should be set correctly and kept accurate.

	<p>Changes of clocks due to GMT and BST should be taken into account.</p> <ul style="list-style-type: none">• A trained staff member should be on duty to operate the system whenever the premise is open for licensable activities.
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- Requests for recordings from the police should be made available within 72 hours.
- Areas dedicated to the display of alcohol should be covered by CCTV.
- The quality of the pictures recorded should be good enough that an individual may be identified.
- External lighting to provide safety for customers and as a deterrent to crime.
- An alarm should be installed so that the premises have a degree of protection after hours.
- The alarm system should be linked so that it notifies the police if it is activated.
- Areas not accessible to the public should be kept secured at all times the premise is open to the public.
- Emergency exits should be secured or alarmed so staff become aware of their use.
- SIA registered door staff should be employed to supervise admissions and patrons inside the venue.
- Any person performing the role of door supervisor should be Security Industry Authority licensed and their SIA badge must be clearly on display at all times.
- Door staff should be easily identifiable by their uniform, high visibility jackets or arm bands.
- Door staff should be readily identifiable apart from stewards.
- A record should be kept of door staff employed, with the contact details of that staff member and the date and time their duties commenced and concluded.
- The number of door staff required should be determined by a risk assessment taking into account activities at the premise and the size of the venue and the type of patron that the venue is likely to attract.
- The absolute minimum ratio of SIA licensed door staff should be one supervisor to every XXX customers.
- Consideration should be given to use of female door staff where required.
- These staff should be employed for the sole purpose of supervisor the door and for no other purpose.
- Searches should always be carried out in public areas covered by CCTV.
- Security reviews should be held every six months and notes of the meeting kept.

	<ul style="list-style-type: none"> • Staff briefings to enable licensees to ensure delivery of best practice at the premise.
Thefts	<ul style="list-style-type: none"> • Alcohol should not be displayed within a few metres of entrances and exits as this makes it very easy for thieves to reach alcohol and run. • Security tagging of high value items. • Use of mirrors in premises can make supervision easier and act as a deterrent to thieves. • Use of bag hooks in premises. • Use of managed cloakrooms to prevent thefts. • Premises layout should be designed to avoid secluded areas. • Adequate procedures for lost and found property to be integrated into staff training.
Drugs	<ul style="list-style-type: none"> • A zero tolerance policy should be implemented with regard to the carrying and use of drugs at premises. • Posters should be displayed at the premises reminding customers of the zero tolerance policy. • Signage should be displayed outside the premises stating 'no search, no entry'. • Search policies should be created in consultation with Sussex Police. • Staff training delivered and documented so that all staff are aware the police must be contacted if drugs are found or patrons are suspected of being in possession of drugs. • A process should be established for the seizing and handing over of drugs to the police. This should include details of how the drugs will be stored securely. • Details of any person who is ejected are kept in a log book. • Drug awareness training should be delivered to all staff. A record of the date and name of staff member should be kept and made available to the licensing authority and police. • Supervision of toilet areas may be an effective deterrent to drug use. • A toilet attendant may be appropriate for busy or event nights. • Regular toilet checks and swabbing should be documented with dates, times, findings and the staff member that made the checks. • Consideration should be given to the design of surfaces to minimise the number of flat surfaces available.
Violence	<ul style="list-style-type: none"> • Use of polycarbonate drinking vessels and decanting of drinks from glass bottles.

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

Consumption of alcohol on the street	<ul style="list-style-type: none"> • Display of posters at the exits of premises reminding customers there is a Designated Public Place Order (DPPO) in effect. • Restrict the sale of high strength lagers, ciders and beers in cans above 6.5%ABV and bottles with a volume greater than 750ml with an ABV in excess of 6.5%. • Staff training regarding proxy sales and implementing measures to prevent proxy sales. • Refusal of service of alcohol to those that have been identified as contributing to anti-social behaviour in the nearby area associated with the consumption of alcohol. • Use of lockable shutters to prevent shoplifting and to secure alcohol outside of permitted hours.
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Public Safety

This section is designed to assist those that are preparing risk assessments to establish the impact on the licensing objective of public safety that the proposed operation may have.

Licence holders should ensure that a proactive approach is taken to managing public safety at premises and that adequate documented policies and procedures are in place to address any issues resulting from risks identified.

All new applications should state measures that will be taken to promote the licensing objectives.

Risk	Measures
Capacity	<ul style="list-style-type: none"> • Risk assessment to be completed in accordance with guidance from West Sussex Fire and Rescue to identify safe capacity for premise. • Ticketing events that organisers anticipate will be well attended. • Counting persons into a venue using clickers if required.
Safety of staff and customers	<ul style="list-style-type: none"> • A first aid box that is well stocked and in date will be available for use at all times. • A recognised first aid qualification will be held by at least one member of staff at all times the premises is open for licensable activities. • A record should be kept of all staff that hold recognised first aid training and qualifications. • A quiet room will be made available to any person requiring first aid treatment.

	<ul style="list-style-type: none"> • Temperature levels in venues should be adequately controlled. • Perimeter checks outside the premises should be made for glassware which should be cleared away. • Spillages and broken glass should be cleared away immediately and all staff should be made aware of this policy. • Display of information for patrons to choose a safe method of transport home such as telephone numbers for licensed taxis. • Provide a safe waiting area inside the premises for patrons to wait for taxis. • No strobe lighting or lasers to be used at the premises without the prior consent of the licensing authority.
Overcrowding	<ul style="list-style-type: none"> • A policy should be implemented to ensure that localised overcrowding does not become an issue within venues. • Consideration to running below capacity for special events to give greater comfort for patrons and lead to less agitation from crowding. • Ticket sales to control entry and to control queues more adequately.
Drug use	<ul style="list-style-type: none"> • Entry to persons appearing to be under the influence of drugs should be refused. Refusal of entry should be entered into the premise incident log. • A duty of care policy should be implemented to ensure that patrons who are overly intoxicated or under the influence of alcohol and drugs and not left vulnerable. Staff should be aware of how to provide basic medical care if necessary. All staff should be made aware of the policy and this should be documented with training records. • If a customer suspects their drink has been spiked, staff must report this to police immediately. This should be incorporated and documented in staff training. • Where appropriate, a 'chill out' area should be provided to customers that is cooler and quieter than the rest of the venue. • Consideration to the provision of food and non-alcoholic drinks at the end of the evening.

Public Nuisance

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

Licence holders are expected to ensure proactive measures to prevent public nuisance are in place prior to conducting licensable activities. It is also accepted as

best practice that licence holders liaise with local businesses and residents where it is identified that issues may arise and provide them with means of contact to ensure a speedy resolution if problems do occur.

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

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

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

Protection of children from harm

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

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

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

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

23 Appendix 3 – Licence Review Guidelines

The Licensing Committee and any of its Sub-Committees, when holding licence review hearings, will follow these guidelines so as to maintain a degree of consistency and transparency when making decisions. The Committee reserves the right to amend and republish these guidelines in light of operational experience and as a separate document to the statement of licensing policy. In reaching a decision the committee will take into account any of the aggravating or mitigating factors below but may also consider other relevant evidence before them. Likewise, they can consider any other proportionate and appropriate action as allowed under the Licensing Act 2003. Section 182 guidance will also be considered in conjunction with this policy.

Relevant representation received regarding The Prevention of Public Nuisance	
Aggravating factors	Mitigating Factors
Noise late at night (especially if in breach of any condition) Previous warnings ignored Long and prolonged disturbance Poor procedures and controls for preventing (as far as is reasonably practicable) 'off premises' disturbance from customers leaving the premises/event Excessive nuisance emanating from premises during unsocial hours Litter problems (especially if in breach of any condition)	Noise limiting device installed Appropriate apology given to those disturbed by nuisance and nuisance subsequently ceased Complaints telephone/hotline available and communicated to complainants Short-term disturbance Undertaking/commitment not to repeat activity leading to disturbance Willingness to attend and cooperate during mediation steps Good controls, practices and training in place Voluntary acceptance/proposal of additional conditions by way of formal change to licence/certificate

Relevant representation received regarding The Prevention of Crime and Disorder	
Aggravating Factors	Mitigating Factors
Failure to cooperate with Police Encouraging or inciting criminal behaviour associated with licensed premises Serious injury results Encouraging or inciting Confidence in management ability to rectify defects Previous track record	Good controls, practices and training in place Willingness to attend and cooperate during mediation steps Previous track record

<p>Voluntary anti-social behaviour associated with licensed premises (this might also include incidents in the locality)</p> <p>Previous track record</p> <p>High rate of turnover of Licence holder/designated premises supervisor</p> <p>Incidents not reported to police</p>	
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Relevant representation received regarding Public Safety	
Aggravating Factors	Mitigating Factors
<p>Death or serious injury occurred</p> <p>Substantial risk to public safety, in the view of a responsible authority involved</p> <p>Previous warnings ignored</p> <p>Review arose out of wilful/deliberate disregard of licence conditions</p>	<p>Minor or technical breach of licence condition</p> <p>Confidence in management to rectify defects</p> <p>Confidence in management to avoid repetition of incident</p> <p>Good controls, practices and training in place</p> <p>Voluntary acceptance/proposal of additional conditions</p>

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

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

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

23 Appendix 4 – Consultation List

British Beer and Pub Association
 East Preston Parish Council
 Chief Officer of Police, Sussex Police
 West Sussex Fire and Rescue Service
 Butlins
 Arundel, Bognor Regis and Littlehampton
 Pubwatch
 Citizens Advice Bureau
 Director of Education, West Sussex County Council
 Chairman, West Sussex Secondary
 Headteachers Association
 Director of Social and Caring Services
 Arun Neighbourhood Watch Association
 The Arundel Festival
 Bognor Regis Police Sector Neighbourhood
 Watch Association

Arundel Brewery
Sussex Magistrates Courts
Stagecoach Coastline Buses
British Transport Police
Head of Sussex Ambulance Service
Sussex Probation Service
West Sussex Trading Standards
Bognor Regis Town Council
Felpham Parish Council
Kingston Parish Council
ROX
Littlehampton Traders Partnership
Sussex Police Authority
Manager of Highways, West Sussex County
Council
Manager of Accident and Emergency,
Worthing Hospital
Manager of Accident and Emergency, St
Richard's Hospital
Fontwell Park Racecourse
Mitchells & Butlers
British Beer and Pub Association
British Institute of Innkeeping
West Sussex PCT
Poppleston Allen
Association of Licensed Multiple Retailers
Cinema Exhibitors Association
Enterprise Inns plc.
Greene King plc
Hall and Woodhouse Retail
Spirit Group
Town and Parish Councils
Youth Offending Service
West Sussex Local Safeguarding Children Board
Stonepillow
CRi
CCG
Responsible Authorities
Public Health England
Club Vision
Coco Lounge
JD Wetherspoon