

# **STATEMENT OF LICENSING POLICY 2020-2022**

## **LICENSING ACT 2003**

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Statement of Licensing Policy 2020-2022 (v1)

**CHICHESTER DISTRICT COUNCIL**

**LICENSING ACT 2003**

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# CHICHESTER DISTRICT COUNCIL

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY 2020-2022

#### 1. INTRODUCTION

1.1 Chichester District Council is the *Licensing Authority* under the provisions of the Licensing Act 2003. *The Act* came into force on the 24<sup>th</sup> November 2005 and has been the subject of various subsequent amendments.

1.2 Where legislative terms relating to the Licensing Act 2003 are used in this statement they have been italicised and are explained in Appendix 1 – The Glossary.

1.3 The legislation focuses upon the promotion of four *Licensing Objectives* that are to be addressed when licensing functions are undertaken. The objectives therefore apply equally to applicants and the Council as Licensing Authority. These are:

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

Accordingly, the Licensing Authority is responsible for, amongst other things, granting the range of *Premises Licences ('licence')*, *Club Premises Certificates ('certificate')* and *Personal Licences and administering Temporary Event Notices* in relation to the sale and/or supply of alcohol, the provision of *regulated entertainment and late night refreshment*.

1.4 The *Licensable Activities* identified within the provisions of the Act (Part 1, Section 1) are:

- Retail sale of alcohol;
- Supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- Provision of late night refreshment (the supply of hot food and/or drink from any premises between 23:00 hours and 05:00 hours); and
- Provision of “regulated entertainment”.

Regulated Entertainment is defined within the Act (Schedule 1, Part 1, Section 1) and includes:

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

- Entertainment of a similar description to the performance of live music, playing of recorded music or a performance of dance.

where the entertainment takes place in the presence of an audience and is provided for the purpose, or for the purposes which include the purpose, of entertaining that audience.

- 1.5 The Act requires that the Licensing Authority publish a “Statement of Licensing Policy” that sets out the policies the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act. In addition, the Policy document seeks to provide clarity for applicants, residents, other occupiers of property and investors, enabling them to make plans to move to, remain or invest in the District with some measure of certainty.
- 1.6 This “Statement of Licensing Policy” has been prepared in accordance with the provisions of the Act and the *Guidance* issued under Section 182 of the Act by the Home Office (amended April 2018) and has been prepared after giving appropriate weight to the views of those who have been consulted. In addition, regard will be given to the Guidance when implementing the Policy. However, there may be departure from the Guidance when particular circumstances require it.
- 1.7 This Policy will take effect on the 24<sup>th</sup> November 2020 and will remain in force until 31<sup>st</sup> January 2022. However, during this period it will be kept under review and, if appropriate, it may continue beyond this period subject to future legislative change.

## **2. MAIN PRINCIPLES OF THE POLICY**

- 2.1 Chichester district is predominantly a rural area. It covers some 303 square miles and is the second largest district (in area) within Sussex. The Census conducted in 2011 reports a population of 113,794 in the district which is mainly concentrated in the cathedral city of Chichester, the towns of Midhurst, Petworth and Selsey together with the parishes of Tangmere and Southbourne.
- 2.2 The district includes a significant area which forms part of the South Downs National Park (SDNP). The SDNP came into being in 2010 and is England’s most recently created National Park. The South Downs National Park Authority (SDNPA) is the sole Planning Authority for all premises located within the area of the National Park and became fully operational on the 1<sup>st</sup> April 2011. In addition it is responsible for keeping the South Downs a special place.
- 2.3 This Licensing Authority is aware of and fully recognises the special and clearly defined role of the SDNPA, this includes the following ‘purposes’ and ‘duty’ for which they have been established:

*Purpose 1 - ‘To conserve and enhance the natural beauty, wildlife and cultural heritage of the area’.*

*Purpose 2 - ‘To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public’.*

*Duty - 'To seek to foster the social and economic well-being of the local communities within the National Park in pursuit of our purposes'.*

Where there is a conflict between the purposes and/or duty, then Purpose 1 must have priority.

The Licensing Authority is aware of the requirement under the National Parks and Access to the Countryside Act 1949, currently supported by paragraphs 26-27 of the English National Parks and the Broads UK Government Vision and Circular 2010, to have regard to the above 'Purposes' when undertaking its licensing functions. The Licensing Authority also recognises that the 'Duty' referred to above falls solely upon the SDNPA.

- 2.4 In view of the above and given the overriding duty to ensure the promotion of the licensing objectives, this Licensing Authority will actively encourage those currently or proposing to operate premises/events within the National Park to proactively engage with the SDNPA at the earliest opportunity. In respect of major events proposed to take place in the National Park, it is expected that applicants will give proper consideration to the content of any written or verbal guidance offered by the SDNPA. This is in relation to both the licensing application and any supporting documents e.g. an Event Management Plan.
- 2.5 The Licensing Authority will also, when undertaking its various licensing functions, remaining conscious of the effect that premises/events operating within the National Park can have, and will subsequently remain cognisant of the need to ensure that the special qualities and characteristics of the National Park are maintained and wherever possible, enhanced.
- 2.6 The district also contains the Chichester Harbour Area of Outstanding Natural Beauty, one of the south coast's finest recreational areas as well as being an important natural habitat for birds, flora and fauna.
- 2.7 Tourism is crucial to this thriving district. In 2018 tourism generated some 14% of the employment. At that time tourism related expenditure translated to £469.6 million worth of income for local businesses through direct, indirect and induced effects. Overall, an estimated 591,000 staying trips were spent in Chichester district, of which around 512,000 were made by domestic visitors (86%) and 79,000 by overseas visitors (14%); this generated over £141.9 million. In addition approximately 5.1 million tourism day trips were made to Chichester district (lasting more than 3 hours and taken on an irregular basis) generating a further £182.7 million expenditure. 28% of all staying or overnight trips to Chichester district were accommodated in commercial serviced accommodation, whilst 40% of all overnight trips involved staying in non-serviced accommodation such as self-catering and caravan/camping accommodation. Smaller volumes of overnight trips involved staying on boats, in hostels, on campus, in private lodgings and in more than one type of accommodation over the duration of the trip.
- 2.8 Presently in October 2020 there are in excess of 3,000 commercial premises of which approximately 1,557 are registered food premises, over 100 accommodation establishments, hotels and B&B's, and one of the largest caravan and campsites in Europe located in Selsey. There are many historic and cultural attractions in the region including Goodwood, with its renowned horse and motor car racing,

Fishbourne Roman Palace, the internationally recognised Chichester Festival Theatre, the Weald and Downland Museum and the award winning Pallant House Gallery. Throughout the Chichester district there are 578 premises operating under a Premises Licence, 43 clubs operating under a Club Premises Certificate and 2137 holders of a Personal Licence.

- 2.9 The Licensing Authority recognises that the entertainment industry in this district is a major contributor to the local economy. It attracts tourists and visitors, makes for vibrant communities and is a major employer.
- 2.10 The Licensing Authority, in adopting this policy, recognises both the needs of residents and visitors for a safe and healthy environment in which to live, work and enjoy their recreation.
- 2.11 The Licensing Authority in adopting this policy has set out the general approach that it will take when it considers applications under the Act. The Licensing Authority confirms that each application will be considered on its merits. In view of the wide ranging variety of premises and applications, the policy necessarily cannot set out all the factors which will result in the licensing objectives being achieved, nor all the necessary and appropriate control measures required for each premises.
- 2.12 In addressing licensing issues the Licensing Authority will have regard to wider considerations affecting the amenity of any area. These include littering and fouling, noise, crime and disorder and the capacity of the district's infrastructure and resources.
- 2.13 The Licensing Authority wishes to make it clear that the licensing function is not to be seen as a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned as other mechanisms outside the licensing regime are available to address such issues. However, the Licensing Authority expects every holder of a licence/certificate to take responsibility to minimise the impact of anti-social behaviour of their patrons within the vicinity of their premises and to reflect the measures that are to be taken to achieve this in their *Operating Schedule* and to demonstrate that these are applied in practice.
- 2.14 The Licensing Authority recognises the general principle that longer licensing hours for the sale of alcohol, with slower dispersal of people from licensed premises, may avoid large numbers of people leaving premises at the same time. This could reduce friction at late night fast food outlets, taxi ranks, minicab offices and other sources of transport that can lead to disorder and disturbance. This will be sought to be achieved through the promotion of the licensing objectives with the intention of avoiding arbitrary restrictions which would undermine the principle of flexibility. Each case, however will always be considered on its individual merits.
- 2.15 The Licensing Authority recognises there is no general presumption in favour of lengthening licensing hours and consideration of the four licensing objectives is precedent, as before each case will be considered on its own individual merits.
- 2.16 In the case of shops, stores and supermarkets selling alcohol it will normally be the case that the Licensing Authority will permit the hours during which alcohol is sold for consumption off the premises to correspond with the normal trading hours during

which others sales take place unless there are significant reasons based on the licensing objectives relating to disturbance or disorder when an appropriate limitation will be applied.

- 2.17 It is recognised that the licensing function is only one means of securing the delivery of the licensing objectives and should not therefore be seen as a panacea for solving all problems within the community. The Licensing Authority will therefore continue to work with its neighbouring authorities, the Police, the local Community Safety Partnership, local businesses, local people and others towards the promotion of the objectives as outlined below.
- 2.18 Chichester District Council in the future may consider on its merits applications for events in buildings, their curtilages and on land, owned, managed or promoted by the Chichester District Council. In addition, in the event of such grant, where appropriate, contractual conditions will also be put in place.

### **3. INTEGRATING STRATEGIES AND AVOIDING DUPLICATION**

- 3.1 There are many stakeholders in the leisure industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the licensing objectives. The Licensing Authority will seek to work with these stakeholders with the aim of achieving proper integration with others strategies, for example, local crime prevention, development control, transport, tourism and cultural strategies etc.
- 3.2 This integration will be achieved through liaison with the Planning Authority (Development Management or SDNPA), Housing and Communities, Police, Trading Standards, Fire Authority, Community Safety Partnership, local businesses, local people and other persons. Agreement about best practice will be achieved where possible.
- 3.3 The Licensing Authority will seek to secure integration of its policy with local crime prevention, planning, transport, tourism, race equality schemes and cultural strategies and any other plans introduced for the management of town centres and the night-time economy by having regard to those policies, strategies and local needs as far as they effect its licensing function and are consistent with the licensing objectives. The Licensing Authority recognises the Government's expectations in relation to the role of the Police referred to in the Guidance and will assist in its achievement wherever possible.
- 3.4 In particular, account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for disturbance in a particular neighbourhood the Licensing Authority's consideration of the cultural merits of the application will be balanced against the achievement of the licensing objectives.
- 3.5 The Licensing Authority will monitor the impact of licensing on the provision of regulated entertainment, in particular, live music and dancing, to ensure that only appropriate, proportionate and reasonable licensing *Conditions* impose any restrictions on such events.

- 3.6 The Alcohol and Entertainment Licensing Committee will receive reports, when appropriate, on the needs of the local tourist economy to ensure that these are appropriately reflected in their considerations. Where appropriate, the committee will also be appraised of the local employment situation and the need for new investment and employment.
- 3.7 In undertaking its licensing function and in determining applications, the Licensing Authority recognises and accepts the duty imposed on it to fulfil its obligations under other legislation, at the same time avoiding duplication as far as possible.
- 3.8 The Licensing Authority is mindful of all statutes which relate to issues which are relevant to the licensing objectives:

In particular, the Licensing Authority is mindful of statutes and related guidance on:

- Section 17 of the Crime and Disorder Act 1998 which requires a Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on and the need to do all that it reasonably can to prevent crime and disorder in the district;
  - The European Convention on Human Rights, which is given effect by the Human Rights Act 1998, places a duty on public authorities to protect the rights of individuals in a variety of circumstances. In particular, due consideration will be given to the rights under article 1 of the first protocol – protection of property, article 6 – right to a fair hearing and article 8 – respect for private and family life;
  - The Local Government (Miscellaneous Provisions) Act 1982
  - Health and Safety at Work etc. Act 1974 and its associated regulations;
  - Environmental Protection Act 1990, in relation to statutory nuisance;
  - The Anti-social Behaviour, Crime and Policing Act 2014 in relation to public nuisance;
  - Equality Act 2010 in relation to elimination of unlawful discrimination and promoting premises that show safe design for all users;
  - Immigration Act 2016;
  - The Violent Crime Reduction Act 2006;
  - Police Reform and Social Responsibility Act 2011;
  - The Clean Neighbourhoods and Environment Act 2005 including additional relevant statutory nuisances under s.102; and
  - The Health Act 2006.
- 3.9 The Licensing Authority recognises that there should be a clear separation of the planning and licensing regimes, and that licensing applications should not be a ‘re-run’ of the planning application. However some liaison will be maintained between the Licensing Authority, Development Management or SDNPA and the appropriate committees.
- 3.10 Whilst the Licensing Authority recognises the need to avoid so far as possible duplication with other regulatory regimes, their regulations may not cover the unique circumstances of some entertainment or premises. The Licensing Authority will therefore consider attaching tailored conditions to a licence/certificate where these are appropriate for the promotion of the licensing objectives.



- 3.11 In line with the Chichester Vision and supporting documents, as well as the Council's Events Strategy 2020 – 2025, this Licensing Authority recognises and aims to support, encourage and help facilitate the growth of the local evening, night time and visitor economy.

## **4. CONSULTATION**

- 4.1 There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcers, all of whom have views and concerns that require consideration as part of the licensing function. These statutory consultees include:

- The Chief Constable of Sussex Police;
- The Chief Officer, West Sussex Fire and Rescue Service (the 'Fire Authority');
- Persons/bodies representative of local holders of Premises Licences;
- Persons/bodies representative of local holders of Club Premises Certificates;
- Persons/bodies representative of local holders of Personal Licences;
- Persons/bodies representative of businesses and residents in the Chichester district; and
- Bodies representative of current licence holders.

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

- 4.2 The Licensing Authority ordinarily consults with other persons/bodies when determining or reviewing this policy; such other persons/bodies include:

- Chichester Community Safety Partnership (CSP);
- Chichester District Business against Crime (ChiBAC);
- The Chichester Business Improvement District (BID);
- Chichester Accident and Emergency Departments;
- Town and Parish Councils in the administrative area;
- Chichester Chamber of Commerce and Industry;
- Selsey Business Partnership; and
- Relevant departments of the West Sussex County Council (e.g. Youth Services, Highways).

- 4.3 As indicated at 1.7 above, this Policy will take effect on the 24<sup>th</sup> November 2020 and will remain in force until 31<sup>st</sup> January 2022. However, during this period it will be kept under review and, if appropriate, it may continue beyond this period subject to future legislative change.

## **5. LICENSING OBJECTIVES**

- 5.1 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the four licensing objectives. These are:

- The prevention of crime and disorder;
- Public safety;

- The prevention of public nuisance; and
- The protection of children from harm.

These objectives are of equal importance and apply to all licensable activities.

- 5.2 In the following sections each licensing objective is specifically dealt with and the Licensing Authority has defined and listed the influencing factors on how the objectives should be achieved. The individual style and characteristics of premises and events are best known to applicants who will be expected to address all aspects relevant to the licensing objectives. The Licensing Authority refers applicants, *Responsible Authorities* and other persons to the core principles set out at Paragraph 1.16 of Chapter 1 of the current Guidance in relation to conditions.
- 5.3 The Licensing Authority wish it to be clear that licensing is about the regulation of the carrying on of the licensable activities on licensed premises, by *qualifying clubs* and at temporary events within the terms of the Act. Accordingly conditions attached to various authorisations will be focused on matters within the control of individual licensees and others in possession of relevant authorisations under the Act. The extent of expected control is set out in paragraph 2.6 above.
- 5.4 In each section examples of possible control measures have been set out, but are not intended to be exhaustive. Applicants are expected to take a risk assessment based approach when identifying hazards and implementing appropriate control measures.
- 5.5 Further additional measures may be appropriate when specific special events or promotions are planned. These will inevitably attract larger or different audiences and thereby have a significant impact on the licensing objectives. The operating schedule should therefore make reference to the appropriate additional measures that are planned to achieve and comply with the licensing objectives.
- 5.6 The Licensing Authority will expect the issue of total occupancy capacity (i.e. staff, customers, others etc.) of the licensed area to be addressed and detailed in the operating schedule as it considers it to be an essential factor in the achievement of the four licensing objectives. In particular the design and layout of premises are important in determining the capacity along with a number of other factors such as; the nature of the premises or event and the licensed activities, number of supervisory staff, age of customers etc. (save for premises licensed for the consumption of food and/or alcohol off the premises). In appropriate cases a licence/certificate may have conditions attached setting a maximum occupancy.
- 5.7 Applicants will be expected to make themselves aware of the contents of this Statement of Licensing Policy. It is also strongly recommended that they seek the views of the appropriate Responsible Authorities about the steps appropriate to implement for the promotion of the licensing objectives, prior to formulating their operating schedule and submitting a formal application.

## **6. LICENSING OBJECTIVE – THE PREVENTION OF CRIME AND DISORDER**

- 6.1 In addition to the requirement for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 (as amended) of the Crime and Disorder Act 1998 to exercise its various functions with due regard to the likely

effect of the exercise of those functions on and the need to do all that it reasonably can to prevent crime and disorder in the district.

6.2 In order for the Licensing Authority, Responsible Authorities and other persons to assess whether the steps to be taken to promote the licensing objectives are satisfactory, applicants should demonstrate in their operating schedule, that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises. Examples of sources of crime and disorder may include but are not limited to:

- Underage drinking;
- Drunkenness on the premises;
- Public drunkenness;
- Drugs;
- Violent behaviour;
- Overcrowding/occupancy capacity; and
- Anti-social behaviour.

6.3 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and or activities. Please note that this list is not exhaustive:

- Effective and responsible management of the premises;
- Training and supervision of staff;
- Adoption of best practice guidance;
- Implementation of the Challenge 25 scheme;
- Acceptance only of identification cards that carry the Proof of Age Standards Scheme (PASS) hologram which is endorsed by the Home Office.
- Provision and maintenance of effective CCTV in and around premises;
- Provision of Door Supervisors licensed by the Security Industry Authority. The Licensing Authority may consider that certain premises may require strict supervision for the purpose of promoting the reduction of crime and disorder and where appropriate relevant conditions would be added;
- Use of Text/Radio pagers;
- Provision of toughened or plastic drinking vessels;
- Restriction on the taking of open drinks containers from premises;
- Restriction on drinking areas;
- Provision of litter bins and other security measures such as lighting outside premises;
- Membership of ChiBAC (Chichester District Business Against Crime) or a similar accredited scheme;
- Maximum occupancy capacity;
- Crime prevention notices (e.g. responsible drinking, drink-drive awareness);
- Drinks promotions; and
- Signage.

6.4 The Licensing Authority will consider attaching conditions to a licence/certificate that reflect crime prevention strategies. In particular those received from the Community Safety Partnership to deter and prevent crime and disorder both on the premises

and in the immediate vicinity as customers seek entry or exit. Conditions may only be attached to a licence/certificate which are relevant to representations and which the Licensing Authority considers appropriate in order to promote the licensing objectives.

- 6.5 In any application for a Premises Licence that includes the sale of alcohol, the applicant must specify the holder of a Personal Licence to be the *Designated Premises Supervisor* (DPS). The only exemption to this is where the applicant is a Management Committee of a community premises. In this case, the Management Committee is entitled to make an application seeking to disapply the condition requiring a DPS and replace with an alternative condition which states that every supply of alcohol under the Premises Licence must be made or authorised by the Management Committee. The Licensing Authority expects that the proposed DPS will normally be the person who has been, or will be, given day to day responsibility for running the premises by the applicant.

## **7. LICENSING OBJECTIVE - PUBLIC SAFETY**

- 7.1 The Act covers a wide range of premises that may require licensing, including cinemas, concert halls, theatres, villages halls, church halls, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways. Each of these types of premises presents a mixture of safety risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.

- 7.2 The Licensing Authority will have regard to the measures to be taken by applicants to ensure that the physical safety of any person visiting or working in licensed premises is not compromised. In order for the Licensing Authority, Responsible Authorities and other persons to assess whether the steps to be taken to promote the licensing objectives are satisfactory, applicants should demonstrate in their operating schedule that suitable regard has been given to ensuring public safety. Factors that may be considered include, but are not limited to:

- The total occupancy capacity (staff, customers, others) of the premises;
- Satisfactory means of escape in the event of fire in relation to the age, design and layout of the premises;
- The nature of the licensable activities to be provided, in particular the sale/supply of alcohol and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature;
- The hours of operation (distinguishing between the hours of opening and when licensable activities are provided, if different);
- The customer profile e.g. age, disability;
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc.;
- Temporary electrical installations;
- Access for emergency vehicles;
- Lighting both emergency and general;

and for Theatres, Cinemas, Concert Halls and similar places;

- Number of attendants with safety responsibility; and

- Seating.

7.3 The Licensing Authority recognises that the Regulatory Reform (Fire Safety) Order 2005 replaced the previous fire safety legislation. Accordingly the Authority will not seek to impose fire safety conditions on a licence/certificate where the Order applies.

7.4 The Licensing Authority accordingly reminds applicants of their responsibility for compliance and in particular the maintenance of safety records.

7.5 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and or activities. Please note that this list is not exhaustive:

- Suitable and sufficient risk assessments;
- Effective and responsible management of the premises including documented safety checks prior to the admittance of the public;
- Escape routes are maintained clear of obstructions, easily openable and are subject to regular checks;
- Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons;
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons;
- Adoption of Best Practice Guidance;
- Provision of effective CCTV in and around the premises;
- Provision of toughened or plastic drinking vessels;
- Implementation of crowd management measures;
- Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety;
- Maintenance of premises and equipment in good order.
- Adequate arrangements are in place to enable disabled people to safely evacuate premises in the event of an emergency;
- Safe installation and provision of curtains, hangings and temporary decorations;
- The total occupancy capacity (staff, customers, others) of the premises;
- Access for emergency vehicles;
- Adequate first aid provision e.g. equipment and if appropriate, personnel; and
- For indoor sports entertainment attendance of a qualified medical practitioner(s), inspection of ring by a competent person, public not occupying seats within 2.5m of a ring.

The following examples of areas to consider and control measures are given to assist where the premises subject of the application are a Theatre, Cinema, Concert Hall or similar premises. Please note that this list is not exhaustive:

- Attendants e.g. number of attendants with safety responsibility, attendants should be readily identifiable;

- Seating e.g. premises should only be used in accordance with a seating plan seatways must be kept from obstructions, a certificate in relation to the design and construction and loading of temporary seating must be kept
- Drinking vessels e.g. types and location(s) permitted;
- Balcony fronts e.g. no objects placed on or over;
- Special effects e.g. any special effect or mechanical installation (e.g. dry ice machines and cryogenic fog, smoke machines, pyrotechnics, real flame etc.) must be arranged and stored so as to minimise risk. In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the Licensing Authority; and
- Ceilings e.g. inspection by a competent person.

7.6 The Licensing Authority will consider attaching conditions to a licence/certificate to promote safety where appropriate. Conditions may only be attached to a licence/certificate which are relevant to representations and which the Licensing Authority considers appropriate to the promotion of the licensing objectives.

## **8. LICENSING OBJECTIVE – THE PREVENTION OF PUBLIC NUISANCE**

8.1 Licensed premises especially those operating late at night and early morning have a significant potential to adversely impact on communities from any public nuisance that may arise from their operations. The Licensing Authority wishes to maintain and protect the amenity of residents and businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance provided by such premises. Stricter *conditions* in respect of noise control will be imposed where for example premises are situated in denser residential areas or areas of mixed business and residential use.

8.2 Such adverse impact may relate to noise, anti-social behaviour, vibration, light pollution, noxious smells and litter. Due regard will be taken on the impact these examples and other sources of nuisance may have on those living, working or otherwise engaged in other activities in the area. In order for the Licensing Authority, Responsible Authorities and other persons to assess whether the steps to be taken to promote the licensing objectives are satisfactory, applicants in achieving the objectives, should demonstrate in their operating schedule that these concerns have been identified, suitable control measures will be implemented and maintained to prevent public nuisance. Factors giving rise to these concerns may include, but are not limited to;

- The location of premises and proximity to residential and other noise sensitive premises such as hospitals, hospices and educational establishments;
- The hours of opening, particularly between 23:00 hours and 07:00 hours;
- The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises;
- The design and layout of premises and in particular the presence of noise limiting features;
- The total occupancy capacity (staff, customers, others) of the premises;
- The availability of public transport;

- ‘Wind down period’ between the end of the licensable activities and closure of the premises;
- Last admission time; and
- The age and type of clientele being attracted to or likely to be attracted to the premises.

8.3 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and or activities. Please note that this list is not exhaustive;

- Effective and responsible management of premises;
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly;
- Control of operating hours for all parts (e.g. garden areas) of premises, including such matters as deliveries and collections;
- Adoption of best practice guidance;
- Installation of sound proofing, air conditioning, acoustic lobbies, sound limitation devices, acoustic curtains, rubber seals to doorways, installation of rubber speaker mounts;
- Management of people, including staff and traffic (and resulting queues) arriving and leaving premises;
- Liaison with public transport providers;
- Siting of external lighting including security lighting;
- Management arrangements for collection and disposal of litter;
- Effective ventilation systems to prevent nuisance from odour;
- Keeping doors and windows closed;
- Limiting music to a particular area of a premises;
- Locating and directing speakers away from external walls or walls that abut private premises;
- Identify and monitor noise levels from specific locations, records of monitoring should be kept; and
- When considering the provision of a smoking area and/or shelter consideration should be given to controls to help minimise the potential nuisance associated with its use from, for example, smoke, noise, litter and light pollution.

8.4 The Licensing Authority will consider attaching conditions to a licence/certificate to prevent public nuisance where appropriate. Conditions may only be attached to a licence/certificate which are relevant to representations and which the Licensing Authority considers appropriate to the promotion of the licensing objectives.

## **9. LICENSING OBJECTIVE – THE PROTECTION OF CHILDREN FROM HARM**

9.1 The risk of harm to children is one of the key licensing objectives when determining applications. It is hoped that family friendly premises will thrive.

9.2 The general relaxation in the Act gives accompanied children greater access to licensed premises which conversely places additional responsibilities upon licence holders, parents and others accompanying children.

- 9.3 Access by children to the variety of premises for which a licence/certificate may be sought will not be limited in any way unless it is considered appropriate by the Licensing Authority to do so in order to protect them from physical, moral or psychological harm.
- 9.4 Subject to the provisions of the Act and any licence or certificate conditions, admission of children will always be at the discretion of those managing the premises. Each application and the circumstances pertaining at each premises must be considered on their own merit.
- 9.5 In order for the Licensing Authority, Responsible Authorities and other persons to assess whether the steps to be taken to promote the licensing objectives are satisfactory, applicants should demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm.
- 9.6 Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that impact on harm to children have been considered. Areas that will give particular concern in respect of children include the following:
- Where there have been convictions for serving alcohol to minors or premises with a reputation for underage drinking;
  - 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 provided; and
  - Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 9.7 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule having regard to their particular type of premises and/or activities:
- Effective and responsible management of premises;
  - Provision of a sufficient number of people employed or engaged to secure the protection of children from harm;
  - Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm;
  - Limitation on the hours when children may be present, in all or parts of the premises;
  - Limitations or exclusions by age when certain activities are taking place;
  - Requiring an adult, not being a member of staff, to accompany a child or a number of children;
  - Implementation of the Challenge 25 scheme;
  - Acceptance only of identification cards that carry the Proof of Age Standards Scheme (PASS) hologram which is endorsed by the Home Office.



- Measures to ensure children do not purchase, acquire or consume alcohol. (The Licensing Authority commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks);
- Measures to ensure children are not exposed to incidences of violence or disorder; and
- Full exclusion of persons under 18 from the premises when any licensable activities are taking place.

9.8 Conditions may be imposed on a licence/certificate for premises where children will be present at places of entertainment to the effect that adult staff must be present to control the access and egress of children and to ensure their safety. The Licensing Authority will normally expect the premises to provide one member of staff allocated for every 50 children present specifically to ensure their safety and to control their access and egress at the premises. The Licensing Authority reserves the right to vary the ratio of staff to children when it considers it appropriate.

9.9 In the case of film exhibitions, the Licensing Authority will expect at any premises which has the benefit of a licence/certificate, effective measures to be implemented that restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or a classification issued by the Licensing Authority.

9.10 This Licensing Authority formally recognises the West Sussex Local Safeguarding Children Board at West Sussex County Council as competent to advise it on issues concerning the protection of children from harm. Therefore, applicants must, in relation to any new or full variation application for either a Premises Licence or Club Premises Certificate, send a copy of their application to this body in order for them to consider whether the application raises any concerns in respect of the protection of children from harm.

9.11 The Act sets out a number of offences designed to protect children in licensed premises and the Licensing Authority will work with the Police and other appropriate agencies to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

9.12 The Licensing Authority will consider attaching conditions to a licence/certificate for the protection of children from harm where appropriate. Conditions may only be attached to a licence/certificate which are relevant to representations and which the Licensing Authority considers appropriate to the promotion of the licensing objectives.

## **10. SEXUAL ENTERTAINMENT VENUES**

The Council has adopted a Sexual Entertainment Venues Policy and this policy shall be considered in the context of this statement as appropriate.

## **11. CUMULATIVE IMPACT/SPECIAL SATURATION POLICY**

11.1 The Licensing Authority will not take the “need” for an establishment into account when considering an application, as this is a matter for the market. The Licensing Authority however recognises that the cumulative impact of the number, type and

density of licensed premises in a given area, may lead to serious problems of nuisance and disorder in the vicinity of the premises.

- 11.2 If representations are received from a Responsible Authority or other persons suggesting that an area has become saturated with licensed premises, such degree of concentration making it a focal point for large groups of people to gather in surrounding areas, possibly away from the premises themselves, the Licensing Authority will consider on an evidential basis if this impact has an adverse effect on the promotion of the licensing objectives in addition to that created by the individual premises.

In these circumstances, the Licensing Authority will assess whether the imposition of conditions can address these problems or if the adoption of a special policy of refusing applications for new Premises Licences or Club Premises Certificates is needed because the area is saturated with licensed premises and that granting of any more would undermine at least one of the licensing objectives.

- 11.3 When considering whether to adopt a special saturation policy the Licensing Authority will consider a range of issues including the following:

- Evidence of identification of concern about crime and disorder or public nuisance;
- Where it can be demonstrated that nuisance and/or disorder is arising as a result of customers from licensed premises, identifying the area from which problems are arising and the boundaries of that area;
- Following consultation and subject to that consultation, inclusion of a special policy about future Premises Licence or Club Premises Certificate applications from that area; and
- Publication of the special policy.

- 11.4 If a special policy is adopted it creates a rebuttable presumption that licence and certificate applications or material variations will normally be refused if relevant representations are received. Accordingly applicants will need to address the special policy issues in their operating schedules in seeking to rebut the presumption. Applicants would need to demonstrate that the operation of the premises involved would not add to the cumulative impact already being experienced.

- 11.5 If implemented, the Licensing Authority would regularly review any special saturation policies to see whether they have had the intended effect and are still required.

- 11.6 The Licensing Authority will not normally use special saturation policies solely;

- As grounds for removing a licence when representations are received about problems with existing licensed premises, or;
- To refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits.

- 11.7 The Licensing Authority also recognises that, within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will

consider the circumstances of each individual application having regard to the licensing objectives.

11.8 The Licensing Authority, having regard to the evidence currently available, considers that at present there is no particular part of the district where a cumulative impact exists, leading to an adverse impact upon the fulfilment of the licensing objectives. However, the cumulative impact of licensed premises will be kept under review.

Other mechanisms, both within and outside the licensing regime that are available for controlling cumulative effect are:

- Planning controls;
- Positive measures to create a safe and clean environment in partnership with local businesses, transport operators and other Local Authority services;
- Application of the powers of the Council to designate parts of the area as places where alcohol may not be consumed publicly;
- Police enforcement of the normal law concerning disorder and anti-social behaviour, including the issue of fixed penalty notices;
- The prosecution of any holder of a Personal Licence or member of staff at such premises who is selling alcohol to people who are drunk;
- The confiscation of alcohol from adults and children in designated areas;
- Application of Police powers to close for up to 24 hours, any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder, or excessive noise emanating from the premises; and
- Application of Police powers, other Responsible Authorities, local residents or businesses to seek a formal review of a licence/certificate.

## **12. THE LICENSING PROCESS**

12.1 The powers of the Licensing Authority under the Act may be carried out by the Alcohol and Entertainment Licensing Committee, by sub-committees of three members or, by one or more officers acting under delegated authority.

12.2 A committee or sub-committee hearing can only be dispensed with, with the agreement of the Licensing Authority, the applicant and all parties that made relevant representations.

12.3 It is considered that many of the functions will be largely administrative with no relevant representations, and in the interests of efficiency and effectiveness these will ordinarily be carried out by officers. In cases of applications for Premises Licences and Club Premises Certificates, where there are no representations, it is the duty of the Licensing Authority to grant the licence/certificate subject only to conditions that are consistent with the operating schedule and any *Mandatory Conditions* described in the Act (see Appendix 2 delegated functions).

12.4 The Licensing Authority recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and characteristics and will have due regard to those differences and the differing impact these will have on the local community and therefore will tailor conditions accordingly.

- 12.5 Applications where there are relevant representations which cannot be mediated, will be dealt with at a hearing of a committee or sub-committee of the Licensing Authority, as noted above, as will any application for review of a licence/certificate. In the case of a Premises Licence or Club Premises Certificate, conditions will be imposed if the Committee/Sub-Committee is minded that these are appropriate due to the representations raised. Conditions will be imposed as are appropriate to promote the licensing objectives arising out of the consideration of the representations.
- 12.6 A District Council Ward Member who wishes to make representations about an application on behalf of other persons will not be eligible to be a Member of the Alcohol and Entertainment Licensing Committee or sub-committee that considers that application.
- 12.7 Generally the Licensing Authority will follow Guidance in relation to withholding the appropriate details of any person. However, and necessarily, each case will have to be determined on its own merits.
- 12.8 Applications for a Premises Licence, Personal Licence or Club Premises Certificates must be completed in accordance with any statutory or regulatory requirements and contain the information requested in this Policy. Where appropriate, incomplete or incorrectly completed applications will ordinarily be returned to the applicant, unless they contain obvious and minor errors which will result in the application being held until the applicant has supplied all of the required information. The Licensing Authority will undertake checks to ensure that where appropriate, applicants comply with statutory duties in terms of advertising their application and displaying a notice at the premises subject of the application. Action will be taken where applications are found to have been incorrectly advertised or where it is identified that the applicant has failed/is failing to display a correct notice(s) at the premises.
- 12.9 Where applications to vary Premises Licences and/or Club Premises Certificates are concerned, the Licensing Authority will have regard to Guidance and in particular the likely impact of the proposed variation on the licensing objectives. This will assist in determining whether a proposed variation is suitable for either a full or minor variation application or indeed whether the proposal is so substantial that a completely new application is required.

### **13. REVIEW OF LICENCES**

- 13.1 A Responsible Authority or any other person may request the Licensing Authority to review any Premises Licence or Club Premises Certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 13.2 A review of a Premises Licence or Club Premises Certificate will be undertaken by the Licensing Authority in accordance with the Licensing Act 2003 and the regulations where the Police have used their Violent Crime Reduction Act 2006 powers designating a premises as being related to serious crime (or other powers) to close any premises for up to 24 hours and where as a result of the consideration of the *Closure Order* by the Magistrates Court a Notice of its determination has been received by the Licensing Authority. The current guidance for summary

review and/or closure powers in any particular case shall be considered by the Licensing Authority.

- 13.3 Chichester District Council's Director of Growth and Place and Director of Planning and Environment may request the review of any Premises Licence or Club Premises Certificate, because of a matter arising at licensed premises in connection with any of the four licensing objectives.
- 13.4 Applications for review of Premises Licences or Club Premises Certificates will not normally be considered if a previous review on similar grounds has occurred within a period of 12 months, save in exceptional and compelling circumstances.
- 13.5 When considering an application for a review, the Licensing Authority will carefully consider the wide range of powers available to it under the Act that it may exercise when it considers it appropriate to promote and properly fulfil the licensing objectives. It being recognised that the review process is a key protection for the community where problems associated with the licensing objectives occur.
- 13.6 Where reviews arise and the Licensing Authority finds that the premises are being used to further serious crime(s), the Licensing Authority will normally consider revocation of the Premises Licence or Club Premises Certificate. A list of crimes that are likely to result in revocation of a licence is attached to this policy as Appendix 4. It should be noted that this list is not exhaustive.

#### **14. TEMPORARY EVENT NOTICES**

- 14.1 Temporary Event Notices relate to the carrying on of the sale or supply of alcohol, provision of regulated entertainment or provision of late night refreshment at premises that do not benefit from an appropriate Premises Licence or a Club Premises Certificate. Notification of such events is in triplicate to the Licensing Authority, the Police and the local authority exercising environmental health functions (the Environmental Protection Team at Chichester District Council) in accordance with certain criteria. Whilst the Act requires not less than 10 clear working days notice to be given for a 'standard' notice, and not less than 5 clear working days notice for a 'late' notice, the Licensing Authority recommends that wherever possible at least 28 days notice be given in order to allow for the proper consideration of the notice and for guidance to be given to organisers.

#### **15. VEHICLES**

- 15.1 Under the Act, alcohol may not be sold on or from a moving vehicle and therefore any application for such will be refused. However, applications for Premises Licences will be considered for the sale of alcohol from parked or stationary vehicles relating solely to the place where the vehicle is parked and the sale of alcohol will take place.

#### **16. ENFORCEMENT**

- 16.1 It is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act. The Licensing Authority will make arrangements to monitor premises and take appropriate action to ensure this.

- 16.2 The Licensing Authority will liaise with Sussex Police on issues of enforcement including crime prevention, public safety, public nuisance, transport, protection of children from harm and anti-social behaviour, with the view to establishing, where necessary, an enforcement protocol in order to ensure that resources are targeted at problem and high-risk premises.
- 16.3 Premises visits will be made on a targeted and risk-assessed basis, or as necessary e.g. following a complaint.
- 16.4 Wherever possible inspections will be co-ordinated with other inspection/ enforcement agencies.
- 16.5 When considering enforcement action, the Licensing Authority will consider each case on its own facts and merits and in accordance with its enforcement policy.

## GLOSSARY

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

### **The Act**

The Licensing Act 2003

### **Appeals**

Appeals against the decision of the Licensing Authority are to the Magistrates Courts for the area in which the licensed premises are situated. The appeal must be lodged within a period of 21 days of notification of the Licensing Authority's decision. On appeal a Magistrates Court may dismiss the appeal or substitute its own decision; remit the case to the Licensing Authority with directions; and make an order for costs.

### **Authorised Persons**

Are specified people who have statutory duties in relation to the inspection of premises e.g. Licensing, Police, Fire, Health & Safety and Environmental Protection Officers.

### **Closure Order**

Powers are provided for the Police and the Magistrates Courts to close premises for up to 24 hours. The 2003 Act significantly extended the existing powers of the Police to obtain a Court Order for a geographical location that is experiencing or likely to experience disorder. In addition, the Police may close down instantly, individual licensed premises that are disorderly or likely to become disorderly, in the interest of public safety or to prevent a public nuisance owing to noise emanating from the premises.

### **Club Premises Certificates**

A Club Premises Certificate is granted by the Licensing Authority in respect of premises occupied by a club and used for the purposes of a club. It certifies that the club may use the premises for at least one of the qualifying club activities specified in the certificate and that the club is a qualifying club for that purpose. It is the equivalent of a Premises Licence, however where the supply of alcohol is a qualifying club activity, there is no requirement for a member of the club or an employee to hold a Personal Licence and therefore no requirement to specify a Designated Premises Supervisor.

### **Conditions**

A Premises Licence or Club Premises Certificate may be granted subject to a number of conditions, and these may be in respect of different parts of the premises and different licensable/qualifying club activities. There is no power to impose conditions on a Personal Licence. The Guidance requires that licences and certificates must be granted subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions required by the Act itself.

### **Designated Premises Supervisor (DPS)**

A person specified in a Premises Licence application as the proposed premises supervisor. A Designated Premises Supervisor must hold a Personal Licence.

## **Guidance**

This refers to the statutory guidance issued to Licensing Authorities under Section 182 of the Licensing Act 2003 by the Home Office. The Guidance is provided for Licensing Authorities carrying out their functions, Magistrates hearing appeals against licensing decisions and for the benefit of operators of licensed premises, their legal advisors and the general public.

## **Late Night Refreshment**

The supply of hot food and/or drink to members of the public (whether for consumption on or off the premises) between 23:00 hours and 05:00 hours.

## **Licensable Activities**

- The sale of alcohol by retail;
- The supply of alcohol by or on behalf of a club, or to the order of a member of the club;
- The provision of regulated entertainment; and
- The provision of late night refreshment.

## **Licensing Authority**

In the Act 'Licensing Authority' means, the Council of a district in England, in this case Chichester District Council

## **Licensing Objectives**

The objectives of licensing set out in the Act:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- Protection of children from harm.

The Licensing Authority must carry out its functions under the Act, with the view to promoting the licensing objectives.

## **Mandatory Conditions**

Conditions that the Act requires are imposed on a Premises Licence or Club Premises Certificate in certain situations

## **Minor Variation**

Small variations that are considered not to impact adversely on the promotion of the licensing objectives. The minor variation process cannot be used in certain situations e.g. add the sale by retail/supply of alcohol to a licence/certificate, extend licensing hours for the sale or supply of alcohol at any time between 23:00 and 07:00, increase the amount of time on any day during which alcohol may be sold or supplied.

## **Objection Notice**

A procedure whereby the Police can lodge objections with the Licensing Authority on an application for the grant of a Personal Licence where the applicant has a relevant offence.

## **Operating Schedule**

A document containing a statement of the following matters (and others that may be prescribed)

- Steps to be taken by the licence holder to promote the four licensing objectives;
- The licensable activities to be conducted on the premises;



- The times during which the licensable activities are to take place and any other times when premises are open to the public;
- Where the licence is required only for a limited period, that period; and
- Where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the Designated Premises Supervisor.

### **Personal Licence**

A licence granted to an individual that authorises that person to make and/or authorise others to undertake the sale by retail of alcohol at a premises that benefits from an appropriate Premises Licence. The licence lasts indefinitely although ceases to have effect when revoked, forfeited, surrendered or suspended. The holder of a Personal Licence is not required where alcohol is not permitted to be sold at the premises concerned and in addition is also not required in relation to the supply of alcohol in a club that holds a Club Premises Certificate. The Police can object to the granting of a Personal Licence, but only where the applicant has a relevant offence as defined by the Licensing Act 2003.

### **Premises**

Premises means any place and includes a vehicle, vessel or moveable structure irrespective of its location.

### **Premises Licence**

A licence granted in respect of any premises, which authorises the premises to be used for one or more licensable activities, has effect until revoked, surrendered or on death, insolvency etc. of the holder. Applications are dealt with by the Local Authority Alcohol and Entertainment Licensing Committee or sub-committee or officers in the area where the premises are situated. There may be more than one Premises Licence in existence for a particular premises.

### **Provisional Statement**

A procedure by which a Licensing Authority can give an approval in respect of licensable activities intended to be carried on at premises which are being or are about to be constructed.

### **Qualifying Club**

Club Premises Certificates will be issued to qualifying clubs. Qualifying conditions are specified in Section 61 of the Act and the Licensing Authority must be satisfied that these conditions have been met, including evidence to support that the club is non-profit making and that there is a minimum of 48 hours delay between application and acceptance of new members. The club must be established and conducted in "good faith" (this involves consideration of details such as club finances),

### **Regulated Entertainment**

This includes:

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

- Entertainment of a similar description to the performance of live music, playing of recorded music or a performance of dance.

where the entertainment takes place in the presence of an audience and is provided for the purpose, or for the purposes which include the purpose, of entertaining that audience.

### **Representations**

The Licensing Act 2003 does not use the term “objections”. Instead Responsible Authorities and any other person may make representations about an application for a Premises Licence or a Club Premises Certificate where they believe the granting of a licence/certificate would have an adverse effect on the promotion of the licensing objectives. Where made by persons other than Responsible Authorities, they must not be frivolous or vexatious and in all cases must be considered by the Licensing Authority as relevant. Frivolous or vexatious representations would not be relevant representations.

The making of representations engages the Licensing Authorities discretion to attach conditions as appropriate to promote the licensing objectives, to exclude any of the licensable activities, to refuse to designate a DPS, or to refuse an application outright as it thinks fit to promote the licensing objectives.

### **Responsible Authorities**

For premises located within the Chichester district this includes the Licensing Authority, Chief Officer of Sussex Police, West Sussex Fire & Rescue Authority, either the Health Protection Team at Chichester DC or Health & Safety Executive (dependent on who the enforcing authority is for health and safety), Environmental Management Team at Chichester DC, Development Management at Chichester DC or South Downs National Park Authority (dependent on whether the premises subject of an application is inside or outside of the National Park), West Sussex Local Safeguarding Children Board, Director of Public Health at West Sussex Public Health, Trading Standards at West Sussex County Council).

### **Review of Licence/Certificate**

Where a Premises Licence/Club Premises Certificate is in force, a Responsible Authority or any other person may apply, subject to regulations, to the Licensing Authority for it to be formally reviewed. The Licensing Authority must hold a hearing to review the licence/certificate and as a result must take any steps appropriate to promote the licensing objectives, such as modification of conditions, exclusion of licensable activities, removal of the Designated Premises Supervisor (only in the case of a Premises Licence), suspension of the licence/certificate for up to 3 months or ultimately the revocation of the licence/certificate.

### **Sale by Retail of Alcohol**

Sale by retail means a sale of alcohol to any person but does not include a sale to a trader for the purposes of his trade, to a club holding a Club Premises Certificate for the purposes of the club, to a holder of a Personal Licence or Premises Licence for the purposes of making sales authorised by a Premises Licence, or to a premises user with a Temporary Event Notice for the purpose of making sales under that notice. Sales to members of the public in wholesale quantities are licensable and require a Premises Licence.

### **Temporary Event Notice**

A notice in a prescribed form must be served on the Licensing Authority, Sussex Police and the Environmental Management Team at Chichester District Council by the individual who proposes carrying on licensable activities. The person giving a notice is referred to as the 'premises user'. All sales of alcohol will be made by or under the authority of a premises user and certain prescribed information must be supplied within a notice. Upon receipt of a notice, Sussex Police and the Environmental Management Team will consider the notice and are entitled to object. Should an objection be received in relation to a 'standard' notice (this is a notice given with at least 10 clear working days notice) then a hearing must be arranged to determine the matter. Working day means any day other than a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971. However, should an objection be given in relation to a 'late' notice (this is a notice given with not less than 5 clear working days notice, then the proposed licensable activities at the event will simply not be permitted to take place.

- Duration – they are limited to events lasting for up to 168 hours;
- Scale – they cannot involve the presence of more than 499 people within the licensed area at any one time;
- Use of the same premises – the same premises cannot be used on more than 15 occasions in a calendar year, but are subject to an overall aggregate of 21 days use in a calendar year; and
- The number of notices given by one individual within a given period of time – the holder of a Personal Licence is limited to 50 notices in a calendar year, and any other person to 5 notices in a similar period. If these conditions are not fulfilled, the temporary event would require a Premises Licence if it were currently unlicensed for the activity involved.

### **Transfer**

A procedure where an application can be made to transfer a Premises Licence to another party e.g. if the holder sells the premises.

**DELEGATION OF FUNCTIONS BY THE ALCOHOL & ENTERTAINMENT  
LICENSING COMMITTEE**

<b>Matter to be dealt with</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for Personal Licence	If a Police objection	If no objection made
Application for Premises Licence/Club Premises Certificate	If relevant representation made	If no relevant representation made
Application for <i>Provisional Statement</i>	If relevant representation made	If no relevant representation made
Application to vary Premises Licence/Club Premises Certificate	If 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 <i>transfer</i> of Premises Licences	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 representation is relevant		All cases
Decision on whether a representation is frivolous or vexatious		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 a community premises to include alternative licence condition	If a 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

## LICENSING STATUTORY FEES

This is intended to be a general guide to the fees payable in respect of matters associated with the Licensing Act 2003. It is not however to be regarded as fully comprehensive as to the fees payable in all circumstances. In that respect the various regulations should be referred to for specific determination.

Table 1 - Fees payable for **Premises Licence** applications:

Non-domestic rateable value	Band				
	A (£0 – £4,300)	B (£4,301 – £33,000)	C (£33,001 – £87,000)	D (£87,001 – £125,000)	E (£125,001 +)
Application for <b>grant</b> of a Premises Licence	£100	£190	£315	£450*	£635*
Application for <b>variation</b> of a Premises Licence	£100	£190	£315	£450*	£635*
Application for <b>minor variation</b> of a Premises Licence	£89	£89	£89	£89	£89
<b>Annual fee</b> for a Premises Licence	£70	£180	£295	£320*	£350*

Table 1

\* In a case where the application under Section 17 (application for Premises Licence) or Section 34 (application to vary Premises Licence) relates to a premises in Band 'D' or Band 'E', and the use of the premises is **exclusively or primarily for the supply of alcohol for consumption on the premises**, the amount of fee shall be, in the case of Band 'D', two times the amount of the fee applicable for that Band, and in the case of Band 'E', three times the amount of the fee applicable for that Band.

The annual fee for Premises Licences in Band 'D' and Band 'E' are also subject to the additional multiplying fee as above where used **exclusively or primarily for the supply of alcohol for consumption on the premises**.

Table 2 - Fees payable for **Club Premises Certificate** applications:

Non-domestic rateable value	Band				
	A (£0 – £4,300)	B (£4,301 – £33,000)	C (£33,001 – £87,000)	D (£87,001 – £125,000)	E (£125,001 +)
Application for <b>grant</b> of a Club Premises Certificate	£100	£190	£315	£450	£635
Application for <b>variation</b> of a Club Premises Certificate	£100	£190	£315	£450	£635
Application for <b>minor variation</b> of a Club Premises Certificate	£89	£89	£89	£89	£89
<b>Annual fee</b> for a Club Premises Certificate	£70	£180	£295	£320	£350

**Table 2**

Table 3 – **Additional fee** to be paid in respect of either (a) an application for a **Premises Licence** authorising licensable activities to take place on a premises at which 5,000 or more people may be allowed on the premises at the same time, or (b) an application for variation of a Premises Licence where the existing licence has a capacity of 4,999 or less, and the variation seeks to increase the capacity to 5,000 or more.

Number of people	Additional Fee
5,000 – 9,999	£1,000
10,000 – 14,999	£2,000
15,000 – 19,999	£4,000
20,000 – 29,999	£8,000
30,000 – 39,999	£16,000
40,000 – 49,999	£24,000
50,000 – 59,999	£32,000
60,000 – 69,999	£40,000
70,000 – 79,999	£48,000
80,000 – 89,999	£56,000
90,000 and over	£64,000

**Table 3**

Table 4 – **Additional annual fee** to be paid in respect of a **Premises Licence** which authorises licensable activities to take place on a premises at which 5,000 or more people may be allowed on the premises at the same time:

<b>Number of people</b>	<b>Additional Fee</b>
5,000 – 9,999	£500
10,000 – 14,999	£1,000
15,000 – 19,999	£2,000
20,000 – 29,999	£4,000
30,000 – 39,999	£8,000
40,000 – 49,999	£12,000
50,000 – 59,999	£16,000
60,000 – 69,999	£20,000
70,000 – 79,999	£24,000
80,000 – 89,999	£28,000
90,000 and over	£32,000

**Table 4**

Table 5 – **Fixed fees** in relation to other applications made or notices given under the Licensing Act 2003:

<b>Occasion on which a fee will be payable</b>	<b>Fee</b>
<b>Premises Licences</b>	
Application for copy of a Premises Licence or Summary on theft, loss etc.	£10.50 in all cases
Notification of a change of name or address (e.g. holder of a Premises Licence)	£10.50 in all cases
Application to vary to specify an individual as a Designated Premises Supervisor	£23.00
Application to disapply the requirement for a Designated Premises Supervisor in a Community Hall or similar premises	£23 or no charge when submitted simultaneously with a new or full variation application seeking to authorise the sale of alcohol for the first time
Application to transfer a Premises Licence	£23.00
Application for interim authority notice following death etc. of licence holder	£23.00

<b>Club Premises Certificates</b>	
Application for a copy of a Club Premises Certificate or Summary on theft, loss etc.	£10.50 in all cases
Notification of change of name or alteration of rules of club	£10.50 in all cases
Change of relevant registered address of club	£10.50 in all cases
<b>Temporary Event Notice</b>	
Temporary Event Notice	£21.00
Application for a copy of Temporary Event Notice on theft, loss etc.	£10.50
<b>Personal Licences</b>	
Application for a grant of a Personal Licence	£37.00
Application for a copy of a Personal Licence on theft, loss etc.	£10.50
Notification of a change of name or address in relation to a Personal Licence	£10.50
<b>Miscellaneous</b>	
Supply of copies of information contained in the licensing register	Charge set by the Licensing Authority according to current best practice recommended by Information Commissioner
Application for making a provisional statement where a premises is being built, etc.	£315.00
Notice of interest in any premises by a freeholder etc. to be notified of licensing matters	£21.00

**Table 5**

**Note:** In certain circumstances, there are exemptions from paying fees that relate to the provision of regulated entertainment only. These relate to schools and colleges and to church halls, village halls and the like. For further details please contact the Licensing Authority.



**SERIOUS CRIMES WHICH ARE LIKELY TO LEAD TO REVOCATION OF A LICENCE**

**These are in respect of the use of the licensed premises:**

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

## CONTACT POINTS

## RESPONSIBLE AUTHORITIES

**Licensing Authority**

Licensing Team, Communications, Licensing and Events, Growth and Place, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY - Tel: 01243 534740 - Fax: 01243 776766 - Email: [licensing@chichester.gov.uk](mailto:licensing@chichester.gov.uk) - Website: [www.chichester.gov.uk](http://www.chichester.gov.uk)

**Sussex Police**

Chief Officer of Sussex Police, c/o Licensing Officer, Sussex Police, Centenary House, Durrington Lane, Worthing, West Sussex, BN13 2PQ - Tel: 0845 60 70 999 or 101 - Fax: 01243 843637 - Email: [WS\\_Licensing\\_WOR@sussex.pnn.police.uk](mailto:WS_Licensing_WOR@sussex.pnn.police.uk) - Website: [www.sussex.police.uk](http://www.sussex.police.uk)

**West Sussex Fire and Rescue Service**

Business Fire Safety, West Sussex Fire & Rescue Service, Centenary House, 1<sup>st</sup> Floor West Wing Rooms 236 & 245, Durrington Lane, Worthing, West Sussex, BN13 2QB - Tel: 0330 222 3333 - Email: [businessfiresafety@westsussex.gov.uk](mailto:businessfiresafety@westsussex.gov.uk) - Website: [www.westsussex.gov.uk](http://www.westsussex.gov.uk)

**Health and Safety Executive** (*for non-Local Authority enforced premises*)

Health and Safety Executive, The Council Offices, Station Road East, Oxted, Surrey, RH8 - Email: [formsadmin.oxted@hse.gsi.gov.uk](mailto:formsadmin.oxted@hse.gsi.gov.uk) - Website: [www.hse.gov.uk](http://www.hse.gov.uk)

**Health Protection Team** (*health & safety enforcing authority for Local Authority enforced premises*)

Health Protection Manager, Health Protection Team, Housing & Environment Services, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY - Tel: 01243 785166 ext. 4602 - Fax: 01243 776766 - Email: [healthprotection@chichester.gov.uk](mailto:healthprotection@chichester.gov.uk) - Website: [www.chichester.gov.uk](http://www.chichester.gov.uk)

**Development Management** (*premises outside of the South Downs National Park*)

Head of Planning Services, Development Management, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY - Tel: 01243 534734 - Fax: 01243 534563 - Email: [dcplanning@chichester.gov.uk](mailto:dcplanning@chichester.gov.uk) - Website: [www.chichester.gov.uk](http://www.chichester.gov.uk)

**South Downs National Park Authority** (*premises inside the South Downs National Park*)

South Downs National Park Authority, c/o Head of Planning Services, Development Management, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY - Tel: 01243 534734 - Fax: 01243 534563 - Email: [dcplanning@chichester.gov.uk](mailto:dcplanning@chichester.gov.uk) - Website: [www.chichester.gov.uk](http://www.chichester.gov.uk) and <http://www.southdowns.gov.uk/>

### **Environmental Protection Team**

Environment Manager, Environmental Management Team, Housing & Environment Services, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY - Tel: 01243 785166 ext. 4598 - Fax: 01243 776766 - Email: [environmentalprotect@chichester.gov.uk](mailto:environmentalprotect@chichester.gov.uk) - Website: [www.chichester.gov.uk](http://www.chichester.gov.uk)

### **West Sussex Local Safeguarding Children Board**

West Sussex Local Safeguarding Children Board, c/o Children's Safeguarding Unit, Room 24, Durban House, Bognor Regis, West Sussex, PO22 9RE - Tel: 03302 223337 - Email: [cpu.team@westsussex.gcsx.gov.uk](mailto:cpu.team@westsussex.gcsx.gov.uk) - Website: [www.westsussex.gov.uk](http://www.westsussex.gov.uk)

### **Trading Standards**

Trading Standards, West Sussex County Council, Centenary House, Durrington Lane, Worthing, West Sussex, BN13 2QB - Tel: 01243 642124 - Fax: 01903 839743 - Email: [tradingstandards@westsussex.gov.uk](mailto:tradingstandards@westsussex.gov.uk) - Website: [www.westsussex.gov.uk](http://www.westsussex.gov.uk)

### **West Sussex Public Health**

Director of Public Health, c/o Public Health Licensing, NHS Sussex, 44-45 West Street, Chichester, West Sussex, PO19 1RP – Tel: 01243 815393 - Email: [publichealth.licensing@westsussex.gov.uk](mailto:publichealth.licensing@westsussex.gov.uk)

## **OTHER**

### **Worthing Magistrates' Court** (*deals with all Appeals concerning licensing matters within the Chichester district*)

Court Address: The Law Courts, Christchurch Road, Worthing, West Sussex, BN11 1JE  
Postal Address: Edward Street, Brighton, East Sussex, BN2 0LG

More information is available from the following websites:

Chichester District Council - <http://www.chichester.gov.uk/article/25482/Alcohol-entertainment-and-late-night-refreshment-licences>

Gov.uk - <https://www.gov.uk/browse/business/licences/alcohol-licensing>