

## Appendix A

### Examples of Conditions in respect of General Management Controls on Crime and Disorder.

	Clause
Bearing in mind local priorities, these may include:	93
Proof of responsible management of customers at licensed premises by the appropriate use of security guards/door supervisors. (1)	94
The use of closed-circuit television (CCTV) cameras both inside and immediately outside the premises to actively deter disorder, nuisance and anti-social behaviour and crime generally. Can we be more specific/require certain types of input or funding?	95
THE LICENSING AUTHORITY may find it necessary to ensure that the precise location of cameras is set out on plans to ensure certain areas are properly covered and to ensure that there is no subsequent dispute over the terms of the condition.	96
This may include, for example CCTV cameras situated at entrance to toilets to identify those going to / from toilet, if there are concerns about drug use there. (1)	97
Ensuring applications which involve refurbishment of the premises ensure factors to prevent disorder are included. (1) (5)	98
Creating amnesty boxes for licensed premises for weapons and drugs. Licensees & Police (5)	99
Introduction of Toilet Attendants with radio communication to security staff. CCTV cameras situated at entrance to toilets to capture those going to / from toilet. (1)	100
Use of glasses on the premises for the sale of alcoholic drinks restricted to those made of plastic or toughened glass and bottles should not be passed across a bar	101
Capacity limits set to prevent overcrowding which can lead to disorder and violence (rather than the normal safety ground used to set such limits. In this type of case, consideration would also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.	102
Text and radio pagers enabling premises licence holders, designated premises supervisors and managers of premises and clubs to communicate instantly with the local police can provide for rapid response to situations of disorder which may be endangering the customers and staff on the premises.	104
A dispersal policy should be provided within each operational schedule.	91.1

## Appendix B

### Examples of practical actions to promote the licensing objective of the Prevention of Public Nuisance

Clause  
62.1

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

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

In terms of patrons leaving the premises particularly late at night or early in the morning THE LICENSING AUTHORITY will expect the applicant to have included in the operating plan such practical steps as: -

- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors.
- At appropriate times making loudspeaker announcements within the premises to the same effect.
- Instructing door supervisors to ask patrons leaving the premises to leave the area quietly.
- Having measures in place to prevent bottles and glasses being removed from the premises.
- Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down.
- Giving free lollipops to customers as they leave.
- Where appropriate considering car jockey schemes.
- Increasing the availability of licensed taxis or mini-cabs to take patrons from the premises.
- In appropriate cases door supervisors or a manager patrolling nearby streets to assess for themselves whether there is a problem and how best to deal with it.
- Banning from the premises people who regularly leave in a noisy fashion.
- Increasing outside lighting levels.
- Where there is a private forecourt, preventing patrons from using it for eating and drinking etc after 11 p.m.

Problems have also been experienced in Crawley in respect of use of Tables and Chairs outside Premises. In respect of any area on which the applicant has been given permission by the Local Authority to erect tables and chairs, THE LICENSING AUTHORITY will expect their removal at the conclusion of the operational hours for that area.

In the case of tables and chairs on private land THE LICENSING AUTHORITY will expect the applicant to agree to these hours as part of his operating plan. If an applicant is not prepared to accept these hours we will consider the likely affect of this refusal on the licensing objective of preventing nuisance.

## Appendix C

### Examples of key publications in the context of regulated entertainment.

Clause

The publications at the time of writing include:

132

.The Event Safety Guide .A guide to health, safety and welfare at music and similar events (HSE 1999)(The "Purple Book" ISBN 0 7176 2453 6)

.Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X

16 Guidance issued under section 182 of the Licensing Act 2003

.5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804

.The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (The Green Guide)  
ISBN 0 11 300095 2

.Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances  
published by the Independent Street Arts Network, copies of which may be obtained through {  
**HYPERLINK "[http://www.streetartsnetwork](http://www.streetartsnetwork.org/pages/publications)" }.org/pages/publications.**

The Safer Clubbing Guide produced Department of Health and the DCMS.

**Other codes of practice and industry guides.**

(K)

## Appendix D

### Examples of conditions designed to promote the licensing objective of Public Safety.

	Clause
In addition to the conditions found in Annexes E and F from the Statutory Guidance, the following conditions have received local support:	133 135
Safe capacities. These will only be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises (see above). For example, if a fire certificate for certain premises includes certain conditions, they will not be reproduced in a premises licence.	134 136
In considering safe capacities, THE LICENSING AUTHORITY will give particular weight to those made by the fire authority in such circumstances. Capacities attached to premises licences or club premises certificates may in certain circumstances be necessary in preventing disorder, as overcrowded venues can increase the risks of disorder as crowds become frustrated and hostile.	
Use toughened glass or plastic for glasses and bottles.	137

## Appendix E

### Examples of conditions designed to protect children from harm

	Clause
<p>THE LICENSING AUTHORITY will ensure that conditions, where they are necessary, will reflect the licensable activities taking place on the premises and may include:</p> <ul style="list-style-type: none"><li>.where alcohol is sold, requirements for the production of proof of age cards or other age identification before sales are made to individuals under 18 years (be the age limit 18 or 16 as in the case of the consumption of beer, wine and cider in the company of adults during a table meal);</li><li>.limitations on the hours when children may be present;</li><li>.limitations on the presence of children under certain ages when particular specified activities are taking place;</li><li>.limitations on the parts of the premises to which children may have access;</li><li>.age limitations (below 18);</li><li>.limitations or exclusions when certain activities are taking place;</li><li>.requirements for accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and</li><li>.full exclusion of people under 18 from the premises when any licensable activities are taking place.</li></ul>	174
<p>Licensees receiving convictions for an offence against children must inform THE LICENSING AUTHORITY and West Sussex Area Child Protection Committee as soon as is reasonably practicable.</p>	174a
<p>A licensee must ensure that the licensed activities operate within the “what to do if you’re worried a child is being abused” guidelines, which are available from the West Sussex Area Child Protection Committee</p>	174b

## Appendix F

### Authorised persons, interested parties and responsible authorities, as defined in Section 13 of the Licensing Act 2003

#### 13 Authorised persons, interested parties and responsible authorities

(1) In this Part in relation to any premises each of the following expressions has the meaning given to it by this section-

- "authorised person",
- "interested party",
- "responsible authority".

(2) "Authorised person" means any of the following-

- (a) an officer of a licensing authority in whose area the premises are situated who is authorised by that authority for the purposes of this Act,
- (b) an inspector appointed under section 18 of the Fire Precautions Act 1971 (c.40),
- (c) an inspector appointed under section 19 of the Health and Safety at Work etc. Act 1974 (c.37),
- (d) an officer of a local authority, in whose area the premises are situated, who is authorised by that authority for the purposes of exercising one or more of its statutory functions in relation to minimising or preventing the risk of pollution of the environment or of harm to human health,
- (e) in relation to a vessel, an inspector, or a surveyor of ships, appointed under section 256 of the Merchant Shipping Act 1995 (c.21),
- (f) a person prescribed for the purposes of this subsection.

(3) "Interested party" means any of the following-

- (a) a person living in the vicinity of the premises,
- (b) a body representing persons who live in that vicinity,
- (c) a person involved in a business in that vicinity,
- (d) a body representing persons involved in such businesses.

(4) "Responsible authority" means any of the following-

- (a) the chief officer of police for any police area in which the premises are situated,
- (b) the fire authority for any area in which the premises are situated,
- (c) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 for any area in which the premises are situated,
- (d) the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated,
- (e) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health,
- (f) a body which-
  - (i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
  - (ii) is recognised by THE LICENSING AUTHORITY for that area for the purposes of this section as being competent to advise it on such matters,
- (g) any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated,
- (h) in relation to a vessel-

(i) a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c.57) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities,

(ii) the Environment Agency,

(iii) the British Waterways Board, or

(iv) the Secretary of State,

(i) a person prescribed for the purposes of this subsection.

(5) For the purposes of this section, "statutory function" means a function conferred by or under any enactment.

## **Appendix G**

### **Licensing Committee Procedure, as described in the Crawley Borough Council Constitution on 20.10.04**

#### **LICENSING APPEAL PROCEDURE**

##### **Context for the Proposed Licensing Committee Procedure**

**In Outline, the procedure for the meeting itself would be:**

1. Introductions.
2. Presentation of report by Officer.
3. Presentation by Applicant.
4. Presentation by other consultees.
5. Questions asked by Members to all, through the Chair.
6. Questions asked by others, through the Chair.
7. Summing up by Applicant.
8. Committee leaves to determine application. Legal advice sought if necessary.
9. Committee returns to give decision.

##### **Detail**

###### **Preparation for the Meeting**

Prior to the meeting all consultees (for example, objectors) will have been contacted and advised put their observations in writing. Consultees will be informed that a maximum of 3 speakers, broadly in support of the application and a maximum of 3 speakers, broadly opposed to the application will be permitted to address the meeting. Also, that those speakers will be selected on a "first come, first served" basis, and that speaking time is limited to 3 minutes per person. Those who will be permitted to speak will be given a copy of the Order of the Meeting Procedure below. The speakers will be reminded that they must address only the issues which have been raised previously in writing, and that no additional information will be accepted at the time of the meeting, without the agreement of the Chair, prior to the meeting.

###### **Lay Out of the Meeting Room.**

The committee room will be laid out in such a manner that the "public gallery" is clearly separated from the consultees who have been selected to speak and from the Members of the Committee.

An usher will be provided. The usher's role will be to identify the individuals who are to speak and to escort them to the appropriate table. Each table (including that of the members) will bear name boards and a copy of the procedure.

The usher will monitor the speaking time of each designated speaker and will signal to that person and the Chair when the time has expired.

The usher will also speak with anyone who causes an undue disturbance, in accordance with Council Procedure Rule 21. The Chair may direct that a person who persists in causing disturbance leaves the meeting.

In all cases, the meeting is run at the discretion of the Chair.

## Licensing Committee Procedure

### Introduction

- A. A legally qualified person will act as Clerk to the Committee and a Committee Administrator will minute the Committee's proceedings.

The Chair may require an employee of the Council to give advice or information at any time during the proceedings.

- B. Parties who may be heard in respect of any licensing matter before the Committee:-
- a. The applicant for the grant, renewal or transfer of a licence, permit or registration
  - b. Any person who wishes to object to, or support, the grant, renewal or transfer of a licence who has given three days' notice in writing to the Head of Environmental Services of his objection. (These persons should arrive no later than 15 minutes before the start of the meeting and produce a written note of what they intend to say for record purposes)
  - c. The holder of any licence the revocation of which the Committee is to consider.
  - d. The representative of the Chief Officer of Police.
  - e. The representative of the Chief Fire Officer
  - f. Any employee of the Council
  - g. Any other person the Chairman of the Committee may permit to speak.

- **NB (1)** Parties may be heard in person (or their appointed representative).
- **NB (2)** Parties may call witnesses to support their case.

- C. Procedure in respect of each report:

1. Speakers on the Report will be identified by the usher and escorted to appropriate seats.
2. Chairperson will welcome attendees. The Chairperson will state that reports are taken as read and will ask employees reporting whether there are any updates or clarifications before continuing.
3. Introduction by the Chairperson of the title of the report, followed by invitation to those permitted to address the Committee to introduce themselves.
  - Introduction of Officers who will speak in respect of the report.
  - Introduction of Statutory Consultees who will speak in respect of the report.
  - Introduction of Other Consultees (such as objectors or supporters) who will be permitted to speak in respect of the report.
  - Introduction of Applicant.

4. Presentation of report by officer.

5. Presentation by Applicant. The Chair will identify the usher and confirm that s/he will signal to the Applicant and the Chair when the time has expired. The time allowed for the presentation will be a maximum of 5 minutes, unless previously agreed between the Applicant and the Chair. e.g. if plans need to be viewed.

6. Presentation by Consultees. The time allowed for the presentation will be a maximum of 5 minutes per Consultee, unless previously agreed between the Consultee and the Chair. e.g. if statistics need to be presented.

7. Presentation by Other speakers. The Chair will identify the usher and confirm that they will signal to the speaker and the Chair when the time has expired. The time allowed for the presentation will be a maximum of 3 minutes for an individual, or 5 minutes if speaking on behalf of a group, unless previously agreed by between the speaker and the Chair.

8. Question by members to all. These are to be questions (i.e. not statements or discussion) through the Chair.

9. Questions by

- Officers
- Consultees
- Other speakers
- Applicant.

Note that, these are questions (i.e. rather than statements or discussion) through the Chair. The person to whom the question is addressed will be clarified by the Chair and only that person will answer it.

10. Summing up by Applicant. The time allowed for the summing up will be a maximum of 5 minutes

11. The Committee will then consider written representations. The Committee may consider written representations only if a copy has been received by the Head of Environmental Services and forwarded to the applicant at least three days before the meeting unless the Chair rules that shorter notice may be given. Exceptionally, in the event of late and substantive submission of written material, the Licensing Committee reserves the right to defer consideration of the application to a later date in order for all parties to consider properly the issues raised.

12. Decision. The Members of the Licensing Committee will retire to consider their decision. Only the Clerk to the Committee and the Committee Administrator will retire with them.

13. The Members of the Licensing Committee will usually reach their decision and will advise the Applicant and attendees at the meeting and give their reasons for the decision. Exceptionally, the Committee may decide to defer consideration for presentation of further evidence or for receipt of further advice. In these cases Members would expect to convene as soon as possible once the necessary information comes to hand and will make their decision at the next available meeting date.

14. Speakers leave, if they wish.

15. Within 14 days of the Hearing, Applicants will receive written confirmation of the decision made, the reasons for it and details of any appeal rights open to them.

Appendix H

**TABLE OF DELEGATIONS OF LICENSING FUNCTIONS**

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COMMITTEE</b>	<b>SUB-COMMITTEE</b>	<b>OFFICERS</b>
Application for personal licence		If a representation made	If no representation made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises Certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application to vary premises licence/club registration Certificate		If a representation made	If no representation made
Application to vary designated personal licence holder	If a police representation		All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence	If a police representation		All other cases
Application for Interim Authorities	If a police representation		All other cases
Application to review premises licence/club premises Registration	All cases		
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when local authority is a consultee and not the lead authority			All cases
Determination of a police representation to a temporary event notices		All cases	

## Appendix I.

	Clause
<b>Practical aspects that will be considered in respect of “Planning” requirements.</b>	20.1
To avoid inoperative premises licence being granted THE LICENSING AUTHORITY will not normally determine an application unless the applicant can demonstrate that the premises have either an appropriate (in terms of activity and hours of use sought) planning consent, or that is otherwise lawful. Exceptions may be made where the applicant can demonstrate compelling reasons why the application should be considered although the planning status of the premise has not been finalised.	
This policy is simply to avoid unnecessary duplication and thus comply with DCMS guidance.	
Generally, any premises for which a licence is required must also have an appropriate authorised use under town planning legislation.	
In general, planning permissions authorise a type of use, whereas licences relate to a particular premises and operator and may only cover a part of the premises. A planning permission is attached to the premises and is usually permanent. Unlike a licence it cannot therefore be reviewed. Furthermore planning is only concerned with the use of land or premises and the hours proposed. It takes no account of the suitability or otherwise of the applicant.	
Within certain limits, the activity may change without a new planning permission. A planning permission for an entertainment use, for instance, may cover activities that can have a wide range of different impacts in the locality. The precise nature of the impacts of the specific activities proposed by a prospective licence holder needs to be considered when an application is made for a licence.	
In some cases where an application is made for a licence the town planning use will already be authorised by a previous planning permission or because the premises has long-standing lawful use.	
Therefore, a new application for planning permission is often not required.	
However, three points must be made:	
(i) The existing planning permission might, and if recently granted is very likely to, have conditions restricting the use of the premises in some way: e.g. the hours of operation. In that case, anybody seeking a licence to operate beyond those hours would first need to obtain a revised planning consent or a relaxation or removal of the condition.	
(ii) The existence of a planning permission (or lawful use) where there is no condition on the usage does not mean that a licence for late hours of operation or a particular entertainment would necessarily be appropriate. Similarly, if an existing planning permission has conditions on the hours of operation, it does not follow that a licence for a particular activity will be granted up to the hours specified in the planning permission.	
(iii) Where a long standing planning permission has no condition on hours, or where there is lawful use without planning permission, it is likely there has been no rigorous consideration of late night impact during the planning process.	
Experience has revealed the importance of these issues and planning permissions are no longer likely to be granted without such constraints.	

## **GLOSSARY OF TERMS**

In this Statement of Policy, the following definitions are included to provide an explanation of certain terms included in the Act and therefore in this policy. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms user the reader must refer to the Act. Reference to an Act of Parliament refers to the Act as it applies at the date of this licence or any later amendment or re-enactment of it.

### **Authorised Person**

Defined in Section 13 of the Licensing Act 2003, shown at Appendix F

### **Car Jockey Schemes**

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

### **Chief Officer of Police**

The Chief Constable of Sussex Police

### **Child Protection: Responsible Authority**

West Sussex Area Child Protection Committee

### **Children**

Individuals aged less than 16 years

### **Club Premises Certificate**

A certificate granted by THE LICENSING AUTHORITY in respect of premises occupied by and habitually used for the purposes of a club, specifying the qualifying club activities.

### **Conditions**

The conditions attached to the licence whether standard conditions or such additional special conditions as may be imposed by THE LICENSING AUTHORITY.

### **Entertainment –**

- i) a performance of a play
- ii) an exhibition of a film
- iii) an indoor sporting event
- iv) a boxing or wrestling entertainment
- v) a performance of live music
- vi) any playing of recorded music
- vii) a performance of dance
- viii) entertainment of a similar description to that falling within v),vi),vii) where the entertainment takes place in the presence or an audience (including spectators) and is provided for the purpose of entertaining that audience.

### **Fire Authority**

West Sussex County Council, i.e. West Sussex Fire and Rescue Service.

### **Interested Parties**

Defined in Section 13 of the Licensing Act 2003, shown at Appendix F

### **Late Night Refreshment**

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

### **Licensable activities**

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

### **Licensed Door Supervisors**

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

### **Licensee**

The person to whom the licence, to which these conditions apply, has been granted, renewed or transferred by THE LICENSING AUTHORITY. Whenever there is more than one person named as a Licensee the Conditions may be enforced against all of them jointly and against each individually.

**Licensing Authority**

Crawley Borough Council.

**Noise Sensitive Areas**

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

**Operating Schedule**

Document which includes a statement of the following matters –

- i) the relevant licensable activities
- ii) the times during which it is proposed that the relevant licensable activities are to take place
- iii) any other times during which it is proposed that the premises are to be open to the public
- iv) where the applicant wishes the licence to have effect for a limited period, that period
- v) where the relevant licensable activities include the supply of alcohol, prescribed information in respect of the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor
- vi) where the relevant licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises, or both
- vii) the steps which it is proposed to take to promote the licensing objectives
- viii) such other matters as may be prescribed

**Personal Licence**

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

**Premises**

Includes land and means the premises to which the licence relates.

**Premises Licence**

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

**Prescribed Form**

Any form issued by THE LICENSING AUTHORITY.

**Qualifying Club Activities**

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

**Regulated Entertainment**

Means any entertainment subject to the provisions of the licence. The entertainment or entertainment facilities are provided –

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

**Relevant Standard**

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

**Responsible Authorities**

Defined in Section 13 of the Licensing Act 2003, shown at Appendix F

**Stage**

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

**Temporary Event Notices**

A notice to THE LICENSING AUTHORITY of a proposed use of a premises for one or more licensable activities during a period not exceeding 96 hours.

**Zoning**

The setting of fixed trading hours within a designated area.