
4 July 2019

Dear Councillor,

A meeting of **SCRUTINY COMMITTEE FOR COMMUNITY, CUSTOMER SERVICES AND SERVICE DELIVERY** will be held in the **COUNCIL CHAMBER** at these offices on **WEDNESDAY, 10TH JULY, 2019 at 7.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

	Pages
1. To note Substitutes in Accordance with Council Procedure Rule 4 - Substitutes at Meetings of Committees etc.	
2. To receive apologies for absence.	
3. To receive Declaration of Interests from Members in respect of any matter on the Agenda.	
4. To confirm the Minutes of the meeting of the Committee held on 20 March 2019 and 22 May 2019.	3 - 8
5. Mid Sussex Partnership Annual Report	9 - 16
6. Mid Sussex Wellbeing Service	17 - 32
7. Review - Statement of Licensing Policy	33 - 76
8. Updated Policy on Licensing of Sex Establishments	77 - 118
9. Scrutiny Committee for Community, Customer Services and Service Delivery Work Programme	119 - 120
10. To consider any items that the Chairman agrees to take as urgent business.	

11. Questions pursuant to Council Procedure Rule 10 due notice of which has been given.

To: **Members of Scrutiny Committee for Community, Customer Services and Service Delivery:** Councillors A Boutrup (Chair), Anthea Lea (Vice-Chair), L Bennett, P Chapman, R Clarke, B Dempsey, S Ellis, I Gibson, J Henwood, T Hussain, J Mockford, M Pulfer, S Smith, A Sparasci and D Sweatman

**Minutes of a meeting of Scrutiny Committee for Customer Services
and Service Delivery
held on Wednesday, 20th March, 2019
from 7.00 pm - 7.45 pm**

Present: A Boutrup (Chairman)
M Belsey (Vice-Chair)

L Bennett	C Fussell	H Muddin
M Binks	S Ellis	K Page
P Bradbury	G Heard	
B Forbes	Anthea Lea	

Absent: Councillors J Belsey, C Catharine and D Sweatman

**1. TO NOTE SUBSTITUTES IN ACCORDANCE WITH COUNCIL PROCEDURE
RULE 4 - SUBSTITUTES AT MEETINGS OF COMMITTEES ETC.**

None.

2. TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies had been received from Councillors Catharine, Belsey and Sweatman.

**3. TO RECEIVE DECLARATION OF INTERESTS FROM MEMBERS IN RESPECT OF
ANY MATTER ON THE AGENDA.**

None.

**4. TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON
23 JANUARY 2019.**

The Minutes of the meeting of the Committee held on 23 January 2019 were agreed as a correct record and signed by the Chairman.

**5. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS
URGENT BUSINESS.**

None.

6. PARKING STRATEGY REFRESH 2019/20

Claire Onslow, Business Unit Leader for Parking Services, introduced the report which provided a summary of the key findings of the Burgess Hill and East Grinstead Road Space Audits as well as setting out the planned approach for taking forward the Parking Strategy refresh in 2019/20. The refresh work to the Parking Strategy will set the future strategic direction for the delivery of off-street parking provision by the Council and provides the Council with an opportunity to consider the future strategic direction of the District's car park portfolio, considering how it needs to respond to

growing demand and the future economic requirements of the town and parish centres. She drew attention Appendix A and Appendix B which detailed the respective Road Space Audit for Burgess Hill and East Grinstead.

A Member commended the collective work of Mid Sussex District Council and West Sussex County Council ambitions due to this being such a large piece of work and noted that the Council aims to carry this out by March 2020. She sought reassurances from officers that the strategy will be carried out by 2020 and requested information that could be used to inform her constituents to address their concerns over parking provision.

Judy Holmes, Assistant Chief Executive, reassured the Member and highlighted the need for the strategy to work effectively with the Mid Sussex Local Plan and Economic Development Strategy. The parking strategy aims to achieve more than identifying where parking can be provided, it aims to support sustainable housing and business growth in the District.

A Member welcomed the creation of a Member Working Group to guide and steer the work of the Parking Strategy and expressed that he looks forward with interest.

A Member raised concerns over the parking provision in East Grinstead, noting the development of a new hotel and a block of flats without the provision of parking. She believed the problem is huge and that a multi-storey car park seems to be the only solution.

The Assistant Chief Executive confirmed that the Parking Strategy will set the strategic direction of the service and will include identifying and exploring the feasibility of investment car parks or land that could be developed for car parking.

A Member drew attention to Item E, Paragraph 9 of the report and enquired how the Council works with businesses to update their transport plan.

The Business Unit Leader for Parking Services explained that WSCC lead on transport plans, however, the Parking Services Team will be proactively engaging with businesses to raise awareness of parking issues that affect them and to update their plans to accordingly.

The Chairman noted that no Member wished to speak so moved to the recommendation to note the contents of the report which was agreed unanimously.

RESOLVED

The Committee noted the contents of the report.

7. CASHLESS PARKING – SIX MONTH MONITORING REPORT.

Claire Onslow, Business Unit Leader for Parking Services, introduced the report which sought to provide the Committee with an overview of the first six months of the Cashless Parking project since its introduction in July 2018. The development, identified as a customer need, was delivered over a period of 3 weeks and has grown beyond expectations with up to 24% of transactions being made via a cashless platform. She noted a few minor issues with behavioural changes however this was expected. She also noted that an O₂ international network failure prevented card payments for a 24 hour period although this was experienced by other local authorities.

A Member noted Paragraph 23, P.18 of the report which outlined that there is less flexibility to offer special tariffs in car parks without incurring additional programming costs. She enquired whether there is any break-even point before costs are incurred.

The Business Unit Leader for Parking Services explained that there is no break-even point with changing the machines as there is a fixed cost associated with re-programming each machine however the acceptance of coins for a ticket to be issued can be easily changed.

A Member questioned what the council is doing to promote the App as it is the most cost-effective method of paying for a ticket.

The Cabinet Member for Service Delivery confirmed that the Council has promoted the App through the Mid Sussex Matters magazine as well as the Council's social media platforms.

The Cabinet Member for Customer Services added that the Council is currently carrying out a soft landing of this service which allows the service to bed in before carrying out a large scale promotion campaign. With the first review having been carried out, the Council can now look forward to promoting it further.

A Member sought clarification over whether problems with O₂ are experienced in future it will mean that customers will be able to park for free.

The Cabinet Member for Service Delivery clarified that customers do get parking for free in that eventuality however the Council would receive compensation from O₂.

A Member asked whether the Council is considering the inclusion of half hour payments in future.

The Cabinet Member for Service Delivery confirmed that this could be explored when the strategy is reviewed by the Member Working Group.

A Member sought reassurances that the option of paying by cash will still be made available.

The Cabinet Member for Service Delivery explained that the option of cash will always be made available as it important that the residents will have every possible payment method available to them.

The Chairman noted that no Member wished to speak so move to the recommendation to note the contents of the report which was agreed unanimously.

RESOLVED

The Committee noted the contents of the report.

8. MEMBER DEVELOPMENT WORKING GROUP ACHIEVEMENTS 2017-18.

Terry Stanley, Business Unit Leader for Democratic Services, introduced the report which sought to provide a summary of the Member Development Working Group's achievements in the period December 2017 - December 2018. He informed the Committee that the Member Development Working Group (MDWG) tasked him and Democratic Services to improve the training material and options available to

Members. Notably, this has resulted in the development of the Learning Pool to add to the options available to Members with in-person training material transferred into online material for those who could not attend the training session. Better promotion of Member learning opportunities had doubled average attendance levels and more effective evaluation methods had been noted and commended by the MDWG.

Councillor Ellis, Chairman of the Member Development Working Group, expressed how good it was to work with the Group and thanked every Member and Officer who contributed to the success of the Working Group which has provided a wide range of tools to help Members to more effectively serve their constituents.

Councillor Thomas-Atkin, Portfolio Holder for the Member Development Working Group, thanked all those that had input to the Group.

The Chairman thanked Councillor Ellis, Councillor Thomas-Atkin, Councillor Binks and Councillor Fussell and other for their contributions to the Committee and the Working Group.

The Chairman noted that no other Member wished to speak so moved to the recommendation to note the contents of the report which was agreed unanimously.

RESOLVED

The Committee noted the contents of the report.

9. NEW MEMBER INDUCTION ARRANGEMENTS 2019.

Terry Stanley, Business Unit Leader for Democratic Services, introduced the report which sought to inform the Scrutiny Committee of the arrangements that have been made for the new intake of Members following the district council elections scheduled for 2nd May 2019. The purpose of the arrangements was to redesign the approach for new Member induction training, with the model designed to show new Councillors who they are going to be working with; what they will be doing and how their work connects with council priorities to better meet the need of new members. All sessions will be video recorded so that the induction sessions and can be provided to those who could not attend the sessions or for those who are subsequently elected at by-elections.

The Chairman noted that no Member wished to speak so moved to the recommendation to note the contents of the report which was agreed unanimously.

RESOLVED

The Committee noted the contents of the report.

10. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10 DUE NOTICE OF WHICH HAS BEEN GIVEN.

None.

The meeting finished at 7.45 pm

Chairman

**Minutes of a meeting of Scrutiny Committee for Community,
Customer Services and Service Delivery
held on Wednesday, 22nd May, 2019
from 7.22 - 7.24 pm**

Present:

L Bennett	I Gibson	J Mockford
A Boutrup	J Henwood	M Pulfer
P Chapman	T Hussain	S Smith
B Dempsey	Anthea Lea	A Sparasci
S Ellis	G Marsh	D Sweatman

1 ELECTION OF CHAIRMAN.

Councillor Anthea Lea nominated Councillor Boutrup as Chairman of the Committee for the 2019/20 Council year. This was seconded by Councillor Marsh and with no further nominations put forward, this was agreed.

RESOLVED

That Councillor Boutrup be elected Chairman of the Committee for the 2019/20 Council year.

2 APPOINTMENT OF VICE CHAIRMAN.

Councillor Boutrup nominated Councillor Anthea Lea as Vice-Chairman of the Committee for the 2018/19 Council year. This was seconded by Councillor Liz Bennett and with no further nominations put forward, this was agreed.

RESOLVED

That Councillor Anthea Lea be appointed Vice-Chairman of the Committee for the 2019/20 Council year.

3 TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.

None.

The meeting finished at 7.24 pm

Chairman

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MID SUSSEX PARTNERSHIP ANNUAL REPORT

REPORT OF: HEAD OF CORPORATE RESOURCES
Contact Officer: Neal Barton, Policy, Performance and Partnerships Manager
Email: Neal.Barton@midsussex.gov.uk Tel: 01444 477588
Wards Affected: ALL
Key Decision: No
Report to: Scrutiny Committee for Community, Customer Services and Service Delivery
10th July 2019

Purpose of Report

1. This is the annual report of the Mid Sussex Partnership (MSP), which is an overarching partnership of organisations working to improve the quality of residents' lives across the District. It seeks to inform Members of progress in this area of work in 2018/19.

Summary

2. Partnership working between key agencies in Mid Sussex remains strong overall, with many key partners engaged in the MSP and its activities. An overview of the work of the MSP is outlined in the report. Despite a changing partnership environment and challenging funding position for some partner organisations, the MSP Board continues to focus on the most pressing issues requiring high level, multi-agency work. The MSP has been subject to a review to ensure that its work remains focused and relevant for all partners.

3. Recommendations

The Scrutiny Committee is recommended to consider the Mid Sussex Partnership's progress in 2018/19 and endorse the proposed approach to its future development.

Background

4. Local Strategic Partnership (LSPs) were introduced nationally over a decade ago to be the 'umbrella' local partnership for an area, helping public, private and voluntary organisations work together to improve the quality of life for their communities. Community Safety Partnerships (CSPs) were introduced in the late 1990s and are a statutory requirement to ensure that crime and anti-social behaviour are tackled and reduced in partnership in a given local authority area.
5. The Mid Sussex Partnership is the District's LSP, CSP and Health and Wellbeing Partnership. The Leader of Mid Sussex District Council is the Chair of the MSP Board. Other elected Members on the Board are the Cabinet Member for Community, a West Sussex County Councillor, representative from Mid Sussex Association of Local Councils and Mid Sussex Association of Town Councils. Officer members of the Board include representatives from Sussex Police; Office of the Sussex Police and Crime Commissioner; West Sussex County Council; NHS West Sussex; Horsham and Mid Sussex Clinical Commissioning Group; Clarion Housing Group; and Mid Sussex Voluntary Action.

6. The MSP has recently been subject to a review in order to ensure that its structure and operation remains appropriate. The review included the investigation of practice with other District and Borough Councils in West Sussex regarding their Strategic Partnerships. Also the conducting a survey of partners regarding what the functions of the Board should be. The review has led to the establishment of a new Terms of Reference for the Board and the realignment of task and finish sub-groups to be in line with the MSP's priorities.

Scrutinising the Partnership

7. As the democratically elected body for the area covered by the MSP, the Council provides scrutiny for the activities of the Partnership. There is also a statutory function conferred under the Police and Justice Act 2006 for the Council to carry out scrutiny of the District's Community Safety Partnership (CSP), which as stated earlier forms part of the MSP.
8. Scrutiny by this Committee allows the Council to judge the work and the value for money the MSP represents and to decide if involvement in the Partnership helps meet the Council's overall objectives. It also allows the Council to discharge its scrutiny duties as set out in the Police and Justice Act 2006.

Progress with Partnership Activities 2018/19

9. Each year the Partnership agrees priority areas for the following financial year and plans activities around these. The priorities are informed by the Strategic Intelligence Assessment (SIA), which is produced annually and provides an evidence base to inform the priorities of the MSP. The SIA brings together data about Mid Sussex from a number of sources relating to crime and anti-social behaviour; health; children and young people; and housing.
10. The MSP's priority themes for 2018/19 were agreed at the Partnership meeting in MSP in April 2018 and are shown below:

The priority themes are:

- Crime: Identifying vulnerable people and increasing their resilience
- Health: Improving mental wellbeing
- Communities: Responding to housing development and growing communities

Three thematic outcome focused sub-groups have been established, which report into the MSP Board:

- **Community Safety Task and Finish Group:** to consider community safety issues in relation to vulnerable people across the district where partnership work can add value and implement partnership action to tackle these. This is chaired by the Sussex Police District Inspector.
- **Health Task and Finish Group:** to consider mental wellbeing issues across the district where partnership work can add value and implement partnership action to tackle these.
- **Communities Task and Finish Group:** to consider community issues around housing development across the district where partnership work can add value and implement partnership action to tackle these.

Community Safety Task and Finish Group

11. Levels of crime per 1,000 residents remained low in Mid Sussex in 2018/19 at 45.63, which is the second lowest in the Sussex Police area behind Wealden and the lowest in West Sussex. This is an increase of 2.2% from 2017/18. Anti-Social Behaviour (ASB) reported to the Police in Mid Sussex reduced under all three categories of Personal (down 17%), Nuisance (down 19%) and Environmental (down 24%).
12. The Council's Anti-Social Behaviour Officer dealt with 203 reports of Anti-Social Behaviour (ASB) in 2018/19, down from 228 in the previous year – a reduction of 11%. Neighbour disputes continue to be the main cause of ASB (30%), followed by youth related ASB (20%).
13. Countering youth related anti-social behaviour in the District has been a particular focus for the partnership following incidents of ASB in Burgess Hill and Hassocks caused by a small number of youths creating a disproportionate amount of anti-social behaviour. Measures to address this have come under three strands of work:
 - Providing direct support with identified youths
 - Prevention work in schools
 - Support for parents of teenagers with challenging behaviour.
14. Work to provide direct support to identified youths is being addressed through the REBOOT programme, using Government funding secured by the Sussex Police and Crime Commissioner's Office. The programme is designed to identify young people at risk of being drawn into violent crime and to provide them with one to one support and is being delivered in partnership with YMCA Downslink Group.
15. Prevention work in schools includes the School Law Days initiative, run by the Council in partnership with Sussex Police, Magistrates and relevant charities. These follow educational sessions delivered to Year 8 children at Warden Park School, to be rolled out to secondary schools across the District. The workshops include talks from the Police and the ASB officer on knife crime, drugs and sexting as well as general ASB issues, sessions from Magistrates on what happens at a magistrates court and scenario sessions, plus a session from an ex-offender about making the right choices and consequences of getting involved in crime.
16. Work is planned to be developed on a project to provide support for parents of teenagers with challenging behaviour. The Council is currently gathering evidence on what support is currently available and identifying gaps.
17. Putting in place new and improved CCTV arrangements in the District has been a key community safety project in the year to upgrade existing cameras and provide additional cameras across the District. Replacement cameras are of high resolution allowing for crystal clear imaging, real time footage and enhanced zoom capabilities. Following consultation on their location, five new cameras are being installed at:
 - St Johns Park, Burgess Hill
 - Victoria Park, Haywards Heath
 - St George's Field, East Grinstead
 - Holtye Avenue, East Grinstead
 - Clair Park, Haywards Heath.
18. Hate crime in Mid Sussex has shown an increase in the year. Part of this is due to the greater reporting of such incidents. There were 163 hate crimes reported in Mid Sussex, 6% of the total for the Sussex Police area of (2,550), up from 93 in the previous year. This will be a subject for further consideration by the Community Safety Task and Finish Group.

Expansion of the use of powers contained within the Anti-Social Behaviour, Crime and Policing Act 2014

19. In response to increased levels of some types of persistent ASB in the District, Mid Sussex District Council, Sussex Police and other partners have adopted additional powers under the 2014 Act, including the use of Public Space Protection Orders (PSPOs) and Community Protection Notices (CPNs). The MSP's Community Safety Task and Finish Group allocated funding for delivery of two days training in the use of CPNs and PSPOs. This has been provided for Mid Sussex District Council staff and councillors and other relevant partners including the Police, British Transport Police; the local town warden and Registered Social Landlords. The training has been well received by staff and partners and is ensuring a consistent approach to enforcement.

Other projects supported by the Community Safety Task and Finish Group in 2018/19

20. The Safe Place pilot in East Grinstead launched in March 2019. A safe place is a designated public place that supports vulnerable people if they feel scared or at risk while they are out and about. Funding has been provided for Mid Sussex to sign up as a member on the Safe Place National Network and towards publicity material to be used across the district. There are 8 designated safe places in East Grinstead including statutory buildings, cafes and community buildings, and relevant staff have received safeguarding training. The next stage will be to promote the scheme to year 7 pupils in the Autumn term and for it to be rolled out across other areas of Mid Sussex later in the year.
21. Improved arrangements for dealing with safeguarding issues with schools have been put in place. Sussex Police now have an input at West Sussex County Council's meetings with secondary schools on relevant local safeguarding issues. Mid Sussex District Council and the Police are also meeting with secondary schools on a termly basis to discuss current community safety related issues.

Early Intervention Project

22. In support of the wider Troubled Families initiative the MSP set up the Early Intervention Project (EIP) in 2011. The project aims to prevent families from impacting on their communities and putting pressure on the public purse. The project employs a key worker at Mid Sussex District Council, funded by the Police and Crime Commissioner's Office, who provides practical, emotional and parenting support to the families worked with.
23. Interventions typically last between six months and a year. During 2018/19 the Early Intervention Officer provided intensive support to 15 families. In 80% of these cases the planned outcomes of the intervention were met or partially met. The main issues for the families were:
- Parenting support – related to capacity and ability of parents. Also linked to mental health and domestic violence.
 - Diagnosis, or waiting times thereof, of disability in children.
 - Access to suitable housing and ease of access to the system
 - Adults and children mental health
 - Young carer roles for children related to chronic disability.

Other MSP Funded Projects in 2018/19

24. In addition to the community safety and early intervention activities already referred to, the Mid Sussex Partnership has provided funding for a number of projects in 2018/19. These are summarised below:

- **YMCA Positive Placements** – this is a project to mentor young people in Mid Sussex who are not in employment, education or training (NEETs). 20 young people have been assisted to get into employment, education or training. 5 disengaged due to mental health issues and have been referred to other appropriate agencies;
- **Targeted Intervention Project** – this aims to support vulnerable families in Mid Sussex to access other support services where they do not have the means to pay. The project is run in partnership with West Sussex County Council's Integrated Prevention and Earliest Help (IPEH) service. 25 families were provided with support in 2018/19, including sessions for children on the autism spectrum, play therapy and relationship counselling;
- **Impact Tasty Team** - this project supports families to cook healthy meals on a budget, providing one-to-one sessions. Six families were supported in 2018/19.
- **Think Family Neighbourhoods**- funding for two projects was extended into 2018/19. The Safe in Sussex Freedom programme supports women experiencing domestic abuse and provides for a recovery toolkit. 57 women have been involved with the programme, 95% of whom reported a positive impact. Safe in Sussex has received Big Lottery Funding to continue the programme into 2019/20. Bentswood Community Partnership Volunteer Training provided for a workshop with Bentswood residents to lead on the delivery of their own local projects.

Health Task and Finish Group

25. Health and Wellbeing issues and updates are considered by the MSP Board. The November MSP meeting included a presentation from the West Sussex County Council Director of Public Health on the main health issues for Mid Sussex and the priorities to be included in the Joint Health and Wellbeing Strategy.

26. Since 2011/12 Mid Sussex District Council has been commissioned by NHS West Sussex and West Sussex County Council to provide a Wellbeing Service with the aim of preventing ill health through the promotion of healthy lifestyles. This is provided through a Wellbeing Hub, which supports and advises people who wish to make improvements to their lifestyle, such as losing weight, taking more exercise, improving their diet, reducing alcohol consumption or stopping smoking. To deliver these services the Council has a contract with West Sussex County Council, which has been renewed for the period 2019-22.

27. During 2018/19, the Wellbeing service delivered 2,046 interventions, with 92.6% of those who responded to requests for feedback reporting a health improvement. One of the service's innovations in the year has been to undertake a pilot outreach service through local GP practices. This has helped to free up time for GPs and nurses. Further information on the Mid Sussex Wellbeing Service is contained in the report elsewhere on the agenda for this meeting.

28. The MSP's Health Task and Finish Group includes a range of statutory and voluntary sector partners including the CCG, Public Health, Sussex Community NHS Trust and Healthwatch. Priority areas to be addressed are:

- Mental health and resilience in young people
- Living well in old age
- Workplace – key messages for working age people

- Targeting specific areas of need and protected groups.
29. Examples of activities provided include a Living Well with Dementia event held in October at the Dolphin Leisure Centre in partnership with the Alzheimer's Society. A Fit for Life Workplace Health Event is being planned for 28 September 2019 to take place at Sackville College in East Grinstead with the assistance of a number of organisations, including the Rotary Club and East Grinstead Town Council. The event will include free health checks and MOTs.

Communities Task and Finish Group

30. One of the themes identified by the Mid Sussex Partnership for 2018/19 is the impact of new housing development on communities in the District, considering the level of development set out in the District Plan. The focus for the Task and Finish Group was to be on the Northern Arc development at Burgess Hill.
31. The MSP Board has received a presentation on the Northern Arc development from the Council's Planning Team, Homes England, who have purchased the site, and their consultants AeCOM. Providing community infrastructure is integral to the scheme and is being addressed through the Northern Arc Project, so the Task and Finish Group is shifting its emphasis to dealing with other emerging issues.

Priorities for 2019/20

32. The MSP Board will be reviewing its priorities and projects for 2019/20 at its meeting on 23rd July 2019. These will be informed by the Strategic Intelligence Assessment (SIA), which is prepared annually and contains a combination of data sets and intelligence about Mid Sussex. This includes information on the District's community safety, health and housing.
33. Intelligence in the SIA includes reference to the cuts by West Sussex County Council to some of their services, which may have implications for the MSP. These include reductions to funding for the Integrated Prevention and Earliest Help Programme (IPEH) service which provides a co-ordinated service for children and their families, including support for care leavers and family support for young people affected by domestic and sexual abuse. In addition to IPEH funding reductions, the recent Ofsted Inspection report rating West Sussex County Council's Children's Services as inadequate has implications for services for vulnerable children and their families.
34. West Sussex County Council savings also include reductions to Housing Related Support, which provides specialist accommodation based schemes for residents at risk of homelessness and floating support for residents in community settings. Closely related to Housing Related Support are County Council reductions in funding for the Local Assistance Network (LAN) providing discretionary services to households facing hardship as a result of a crisis or emergency. The LAN includes support for foodbanks, Citizens Advice and Children and Family Centres.

Conclusions

35. The Mid Sussex Partnership continues to make good progress in identifying and addressing the issues for Mid Sussex that require high level, multi-agency work. This report includes many examples of projects that are making a real difference to the wellbeing of residents in the District.

Financial Implications

36. Funding for the MSP comes from a number of sources, including the Police and Crime Commissioner, Clarion Futures Communities and an annual revenue commitment of £50,000 from the Council.

37. The Police and Crime Commissioner has recently reviewed the Community Safety Funding for Sussex. From April 2019 for two years funding has been subject to a revised formula which equates to a 10% reduction, with funding for Mid Sussex in 2019/20 of £38,125.89.

Risk Management Implications

38. Whilst there have been organisational changes within Mid Sussex District Council and partner organisations during the past year, at the current time it is felt that Partnership working in the support and delivery of the statutory functions of the MSP is functioning well in the District. Partnership working has not been identified as a key strategic risk for 2019/20, although two of such risks refer to West Sussex County Council, specifically their budget cuts and their capacity to support Mid Sussex District Council's ambitions.

Equality and Customer Service Implications

39. Many of the projects and initiatives referred to above are specifically aimed at helping protected groups as set out in equalities legislation. Where applicable, these projects and initiatives have been subject to equality impact assessments themselves. Data from these projects and initiatives will feed into the annual Strategic Intelligence Assessment and will be used to help inform decisions on commissioning of projects going forward.

Background Papers

None.

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MID SUSSEX WELLBEING SERVICE

REPORT OF: Head of Corporate Resources
Contact Officer: Paul Turner, Community Services Manager
Email: paul.turner@midsussex.gov.uk Tel: 01444 477047
Wards Affected: All
Key Decision: None
Report to: Scrutiny Committee for Community, Customer Services and Service Delivery
Date: 10th July 2019

Purpose of Report

1. This report updates Members about the Mid Sussex Wellbeing Service.

Summary

2. Since 2011/12 the District Council has been commissioned by Public Health, West Sussex County Council (WSSCC) to provide a Wellbeing Service with the aim of preventing ill health through the promotion of healthy lifestyles. This is provided through a Wellbeing Hub, which provides signposting, advice and through a range of locally commissioned services. To deliver these services the Council has a contract with WSSCC for the period 2016-19. This partnership agreement between WSSCC and each District and Borough Council came to an end on the 31st March 2019.
 3. In 2018/19 Mid Sussex District Council was allocated £274,850 which represented a 5.6% (£15,289) reduction, following an 8% reduction in the previous financial year. Despite these reductions the Wellbeing Service is performing very well and delivering consistently against key performance targets. It continues to have an excellent reputation amongst health and social care professionals and its service users.
 4. In November 2018 the WSSCC Cabinet Member for Adults and Health endorsed the continuation and funding of the West Sussex Wellbeing programme for a further 3 years (2019-22). Funding for 2019/20 will remain the same for all Wellbeing Hubs across West Sussex.
 5. This report reflects on the successes and challenges of the Wellbeing service during 2018/19 and; sets out the proposed approach for delivery of services in Mid Sussex for 2019/20.
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Recommendations

6. **Members are recommended to:**
 - (i) **Note the performance of the Wellbeing service in 2018/19**
 - (ii) **Consider and endorse the proposed approach for the continued delivery of the Wellbeing Service for 2019/20**

Background

1. Since April 2013 the responsibility for Public Health has transferred from the NHS (NHS West Sussex) to local authorities (West Sussex County Council). In West Sussex the County Council has commissioned the District and Borough Councils across the County to provide Prevention and Wellbeing Services on their behalf. The District and Borough Councils work to a standard specification provided by WSCC, which includes the delivery of a Wellbeing Hub and additional commissioned services to meet local need. This standard specification ensures that the Wellbeing Services across the County are aligned with the healthy lifestyles aim in the WSCC Public Health Plan. It should be noted that WSCC has not set specific targets for the number of people engaging with the Service for each of the District and Borough Councils to meet. This ensures that Prevention and Wellbeing Services are provided at a local level responding to the needs of the local population.
2. Since 2011/12 Mid Sussex District Council has been commissioned by West Sussex Primary Care Trust (now West Sussex Public Health), to provide a Prevention and Wellbeing Programme (known locally as the Mid Sussex Wellbeing Service). The vast majority of the service is funded by Public Health with contributions for staff on-costs (£55,886) provided by MSDC. WSCC subsequently agreed to commission the service from the Council for a further three years covering the period 2019–22. The agreement does, however, include break clauses with a notice period of six months at any time, or three months before the start of each new financial year of the contract (January).

Mid Sussex Wellbeing Hub

3. Members will be aware that the Mid Sussex Wellbeing Hub is a “one-stop-shop” for Health and Wellbeing Services for adults and families. It provides signposting, guidance and advice to local residents. Furthermore, it is a source of information for people who refer into Health and Wellbeing Services as part of their work, be that in a paid or voluntary capacity. All of the members of the Wellbeing Team are highly qualified; they work one to one with clients to provide non-medical advice and use Motivational Interviewing techniques to support people with complex health and wellbeing issues to make long term lifestyle changes.
4. The Wellbeing Team works closely with other Council Services such as Environmental Health, Customer Services and Community Services; the Service is also available to support the Wellbeing needs of MSDC staff and elected members.
5. Over a period of time (normally 3 or 4 sessions over 2-3 months) the advisors support people to find their own solutions to their identified issues and put their plans into action. Members of the Wellbeing team capture the impact of the service through monthly evaluation and case studies. *(feedback and outcomes are included in Appendices 1 & 2)*
6. The Hub has an administrative base at the Council's office which can be accessed by telephone, email or through a dedicated website. Wellbeing Advisors provide weekly outreach services in Haywards Heath at the District Council, Burgess Hill Town Council Help Point and East Grinstead library. The Wellbeing Team also attend community events to ensure the Wellbeing Service is promoted and accessible to people living throughout the District.

7. The 2018/19 annual target for the number of local residents referred to the Wellbeing Hub was 1850. Actual target achieved in 2018/19 was 2046, which is nearly a 10% increase on the Service target. It is worth noting that 877 of these referrals have been directly or indirectly referred by their GP (a total of 42%). This highlights the Services excellent reputation with health professionals in Mid Sussex.
8. Gender break down of clients continue to show more females (69%) accessing the service with male access at 31% which was similar to last year's figure of 35%. This gender split is consistent with the six other Wellbeing Hub Services in West Sussex and reflects national statistics which show a smaller percentage of men accessing health support services. In light of this disparity, this year the service will be providing a regular men's only weight management programme, which will be rebranded and include an exercise programme. The service will also continue to support men's health campaigns by offering men only Wellbeing MOT's every November (Men's Health Month) and work with community organisations on joint projects targeting men. The service will also focus on engaging with men via its successful Workplace Health programme which has also improved the number of men accessing the Service.
9. The service will also continue to focus on residents living in more deprived areas to address health inequalities based on deprivation as it has this year delivering outreach, courses and events in Turners Hill, Crawley Down, Hassocks and Handcross. In 2019/20 programme will focus on improving reach and accessibility of the programme, particularly those in most need. Weekly outreach will be provided at Ouse Valley GP practice Handcross, weight management and falls prevention groups will be delivered at in community hubs in Hassocks and Court Bushes (Hurst). The services will also remain responsive to community need.
10. Performance of the Wellbeing Service is monitored by WSCC and is delivering consistently against its key performance targets. After a twelve-week period, clients who have engaged with the Hub are telephoned and asked for feedback about their experience. In the previous 12 months the Wellbeing team received responses from 354 people. Of those clients 92.6% had made positive changes to their lifestyles as a result of contact with the Wellbeing Service and are continuing to improve or maintain their health. The positive changes included; taking action to lose weight, starting a new form of physical activity, changing lifestyles and behaviour and reducing alcohol intake.

Examples of some Key Achievements in 2018/19

(Service numbers and outcomes in Appendix 2)

11. Falls Prevention

The Falls Prevention Programme 'Wellbalanced', delivered in partnership by Places Leisure and Active House Solutions, has had a very positive year, delivering more classes and achieving more successful interventions. The programme is part of the official referral pathway created by the Horsham & Mid Sussex Clinical Commissioning Group (CCG) and has received national recognition by the Centre for Ageing Better. This is captured in a report completed by the University of Manchester '[Raising the Bar on Strength and Balance](#)'. The Community Services Manager was also invited by Public Health to talk about the success of the programme at a national falls event for the south of England – The Strength and Balance Roadshow in Crawley. Owing to its on-going success and increasing demand, the programme was successful in a bid for additional funding from the WSCC 'Winter Pressure' grant scheme, allowing for the service to deliver a further 5 fully funded courses this financial year.

12. GP Pilot

In 2018 the Mid Sussex Wellbeing Service was approached by Mid Sussex, Horsham & Crawley Clinical Commissioning Group (CCG) to pilot a more specific, tailored approach to health social prescribing via regular outreach into three local GP practices. This was a Council corporate flagship activity in 2018/19. The pilot has proved successful delivering 313 appointments prompting all three participating practices to continue supporting this project for 2019. This further highlights the importance of prevention work in one of the most financially challenging times for the NHS and Local Authorities. This way of working is also reflected in the NHS long-term plan. The plan sends a welcome signal that NHS organisations need to work with local authorities and other partners to deliver improvements in the health of local populations.

13. Community Events

The Wellbeing team have supported a number of public & professional events organised in Mid Sussex for the benefit of the community. These events, often delivered in partnership and in key target areas, lead to good awareness of the service. Between April 2018 and April 2019 the service has supported and delivered 29 separate events with an estimated 1299 people attending. Examples of these events include; Work Place Health talks, Community Stress and Anxiety Workshops, Mid Sussex Health & Wellbeing Networks, Mindfulness talks and training advice for fellow professionals. Events take place in across Mid Sussex and are not just restricted to the three towns in the District.

Commissioned and Hub Lead Services

14. Once the Wellbeing Team has worked with an individual to the point of 'readiness to change', the next steps are to signpost or refer, to a service which can provide additional support. Currently Mid Sussex Wellbeing provides/ commissions;

- Weight off Workshops - An adult Weight Management scheme for people who are overweight or obese. (provided by Wellbeing hub)
- Wellbeing Coaches - to support people with low self-esteem, anxiety or caring responsibilities to access Health and Wellbeing Services. (provided by Albion in the Community)
- 'Wellbalanced' Falls Prevention Programme - An older people's physical activity programme promoting strength and balance. (provided by Places Leisure and Active House Solutions)
- Workplace Health – Promoting and providing Health and Wellbeing Services in the workplace. (provided by Wellbeing hub)
- GP Outreach Service - Tailored approach of Health Social Prescribing via regular Outreach in local GP Practices. (provided by Wellbeing Hub)
- Prediabetes workshops - The programme is a free half day course at GP Surgeries and Community venues where people have the opportunity to talk about what it means to be pre-diabetic and to understand what they can do to reduce the risk of developing diabetes. (provided by Wellbeing hub)

(Appendices 1 & 2 contain performance data and additional information about each of the above services)

Future Commissioning

15. The total provisional budget for 2019/20 for the overall West Sussex Wellbeing programme remains at £1,836m. Public Health has allocated the same funding to each District / Borough as last year. This is extremely positive news, given consecutive funding reductions over the past 3 years and the service reaching capacity.
16. Each Wellbeing Hub works with WSCC Public Health to develop annual business plans. The individual Hubs set out their proposals for the forthcoming year, based on their indicative funding and the needs of the local area using best available data from Public Health England (PHE) profiles and the Joint Strategic Needs Assessment (JSNA). The process is collaborative, with Public Health specialist input to ensure programmes are appropriate, follow best evidence, use validated tools (where available), have appropriate targets, and measures and can be robustly evaluated.
17. Funding confirmation allows the service to conduct business as usual for 2019- 20. The work programme remains largely similar to last year, albeit with some key adjustments;
 - Add additional resource to the Weight Management Programme to include an option of 'Back to Exercise Classes' for participants and to design 'Men-only' courses.
 - The GP Pilot Project to be endorsed as an official project within the business plan after successful placements at three Practices across the District.
 - To focus activities in geographic areas with the greatest prevalence of poor health and inequality

NHS Health Checks and Smoking Cessation

Public Health, approved by WSCC full Council in May, will invest extra resource into the Wellbeing Services across the County to provide Health Checks and Stop Smoking interventions. Using the standard funding allocation formula, Mid Sussex has been given a provisional total of £43k to allocate to these specific work streams. This will enable the service to recruit a full time advisor and purchase equipment and resources necessary to deliver these interventions. Before this work can begin, there are a number of Policy and Health and Safety implications to consider. Delivery is anticipated to begin during Q3.

Evaluation

18. There is a rigorous performance management process in place for all of the commissioned projects. The performance measures used are aligned with the Public Health indicators detailed in the Public Health Outcomes Framework. The Wellbeing Service is monitored by West Sussex Public Health on a quarterly basis.

Policy Context

19. The Wellbeing Service contributes to the 'strong and resilient communities' corporate objective through the promotion of Healthy Lifestyles. The Wellbeing Service works closely with other departments of the Council addressing wider Public Health issues such as Environmental Health, Leisure Services, Customer Contact Team and Housing Services.

Other Options Considered

20. There is no statutory obligation for the Council to provide a Wellbeing Service. However, all other Districts and Boroughs in West Sussex have agreed to provide this Service in partnership with WSCC. If the Council decided not to continue to provide the Service in the future, it would leave a gap in service provision in the Mid Sussex area and the Council would lose both the opportunity and funding to provide locally tailored Public Health Services.

Financial Implications

21. There are no specific financial implications for the Council arising from this report. There is no requirement for additional Council funding as the cost of the Wellbeing Service, including core staffing costs and the Commissioned projects, is covered by the funding provided by WSCC. Staff on costs for this Service comes from within the existing revenue budget of the Community Services, Policy & Performance Business Unit.
22. If WSCC decide to serve notice on the current partnership agreement (2019-22) funding for the Wellbeing Service, the Council will incur redundancy costs of £43,000 in 2019.
23. As there are limited guarantees in terms of the annual allocation of funding, all contracts for staff are temporary. The Commissioned Projects are contracted on a two-year term basis with an option of a third year, with the contracts including a clause relating to the availability of funding.

Risk Management Implications

24. A risk assessment has been undertaken as part of the Mid Sussex Wellbeing Service Business Plan 2019-20 and an updated risk log is a requirement of WSCC's quarterly monitoring process.

Equality and Customer Service Implications

25. An Equalities Impact Assessment has been undertaken for the Service. The key finding of the assessment is that the target groups for the Wellbeing Service are broadly aligned to those identified under the Equalities Act. The Wellbeing Service is monitored on a quarterly basis on how the Service targets and engages with people at risk of the poorest health.

Other Material Implications

26. All processes relating to both the Wellbeing Hub and commissioning function are in line with the Council's procurement procedures, legal procedures, Health & Safety procedures, Safeguarding and any other relevant legislation.

Background Papers

- [Endorsement of Future arrangements for District and Borough Wellbeing Hub Services](#)
- [WSCC Public Health Plan](#)
- [Improving Outcomes and Supporting Transparency; Part 1 A Public Health Outcomes Framework for England.](#)
- [NHS Long-Term Plan](#)
- [The Kings Fund and LGA 'Making the Case for public health interventions](#)
- [Raising the Bar on Strength and Balance](#)
- [Mid Sussex Wellbeing Equalities Impact Assessment](#)

Appendix Index

Appendix 1

Service outcomes

1. Weight off Workshops
2. Falls Prevention programme
3. Workplace Health
4. Prediabetes
5. GP Pilot
6. Wellbeing Coaches
7. Health outcomes value added example
8. Single intervention value added example

Appendix 2

Mid Sussex Wellbeing Service Feedback

1. Comments about the Wellbeing Advisor Service
2. Comments about the Weight Management Service
3. Comments from Work Place Health
4. Comments from Wellbeing Coaches
5. Comments from Wellbalanced – Falls Prevention
6. Comments from GP Pilot
7. Comments from Prediabetes Courses

Appendix 1

Project Outcomes 2018-19

All of the commissioned projects contribute to the National Public Health Outcomes Framework. The vision of this framework is to improve and protect the nation's health and wellbeing and to target the people at risk of the poorest health.

Below is a brief description of each of the Mid Sussex commissioned projects, along with the public health indicators to which they contribute. All of the commissioned projects are targeted at people at risk of the poorest health, for example people living in deprived areas, people from black and minority ethnic communities, people with long term health conditions or physical disability, people with caring responsibilities or with low self-esteem. This is a targeted rather than a universal service and is measured on health outcomes rather than absolute numbers. Members should be aware that all of the projects also have a range of more detailed performance measures which are used for the monitoring of each provider. A summary is provided below.

Weight off Workshops – MSDC

Cost for 2018-19 - £40,898

This project contributes to the following public health indicators

- Excess weight in adults
- Self-reported wellbeing

The Workshop runs over a 12-week period. The Course supports clients to take responsibility for their weight and to make small changes to their lifestyle with the aim of long term sustainable change. It is expected that people who have completed the Course will have reduced their body mass index and will be able to maintain weight loss 3, and 6 months after the course.

Outcomes

165	Referrals on to programme
80%	Have lost weight
83/104	
66%	Lost 3% of their body weight
92%	Improved mental wellbeing
75%	12 weeks post completion reported sustained weight loss
105	
93%	6 months post completion reported sustained weight loss
84	

Falls Prevention programme – Places for People Leisure & Active House Solutions
Cost for 2018-19 - £38,500

This programme contributes to the following public health indicators

- Proportion of physically active and inactive adults
- Self-reported wellbeing
- Falls and injuries in the over 65s
- Social connectedness

This Service is aimed at vulnerable adults aged over 65 years to improve their strength and mobility. The Programme provides strength and balance classes to reduce the risk of falls for people who have been discharged from the acute or community NHS falls teams and for those who are not eligible for the existing services.

Outcomes

161	Professionally referred on to the programme
86% 90/105	Maintained or improved strength & balance
80%	Increased their activity levels
79%	Improved mental wellbeing
73% 85/116	Maintained improvement 3 months after course

Workplace Health – MSDC
Cost for 2018-19 – £34,743

This project contributes to the following public health indicators

- Excess weight in adults
- Proportion of physically active and inactive adults
- Self-reported wellbeing
- Smoking prevalence – adult (over 18s)

The aim of the project is to provide a resource for local businesses to support sustained lifestyle changes amongst their employees to prevent future ill health. The Service aims to engage directly with a minimum of 25 local businesses (targeting small and medium sized enterprises that employ routine and manual workers and businesses in rural areas where possible).

Outcomes

44	Businesses supported with Staff Interventions
16	Businesses received additional talks on diet, mindfulness and exercise
506	Employees have had a Wellbeing MOT within their workplace
147	Employees receiving additional support from wellbeing advisor
94% (68/72)	Employees have fully or partially achieved their smart goals 3 months post intervention.

Prediabetes – MSDC
Costs for 2018-19 - £7,749

This project contributes to the following Public Health indicators

- Excess weight in adults
- Proportion of physically active and inactive adults
- Self-reported wellbeing

The aim of the Project is to assist local residents who are at risk of developing Type 2 Diabetes. In Mid Sussex alone 6,000 people have been diagnosed with Diabetes and it is estimated that a further 1,000 have the condition, but have not yet been formally diagnosed. The programme targets those at greatest risk, including residents with a family history of Type 2 Diabetes, a BMI over 25 and adults from ethnic minority backgrounds. The prevention programme shows people how they can take control for themselves and reduce the risk of developing the condition. This includes advice on changes to diet, activity levels and other lifestyle factors.

Outcomes

144	Have completed the course
33%	Have access further support
48	
86%	Continue to make positive lifestyle changes 3 months after the course
111/128	
80%	12 months later have reduced blood sugar levels to a normal level
24/30	

GP Pilot – MSDC
Cost for 2018-19 - £19,129

The Wellbeing Service has established three regular Outreach sessions at Ouse Valley, Handcross, The Dolphins Practice, Haywards Heath and Ship Street Practice, East Grinstead. The Outreach takes place once a week at each Practice apart from Ship Street where the Outreach day is every other week. Advisors can see a maximum of 4 one hour appointments which are booked in advance by the Practices. All participating practices have agreed to offer a Consultation Room free of charge to support the project.

Outcomes

313	Appointments
40-55	Average age range
414	Long term conditions disclosed
80%	Percentage of requests for weight and exercise support
263	Signposts
83%	Sustained behaviour change after intervention
133/160	

Wellbeing Coaches - Albion in the Community
Cost for 2018-19 - £40,000

This Project contributes to the following Public Health indicators

- Excess weight in adults
- Proportion of physically active and inactive adults
- Social connectedness
- Self-reported Wellbeing

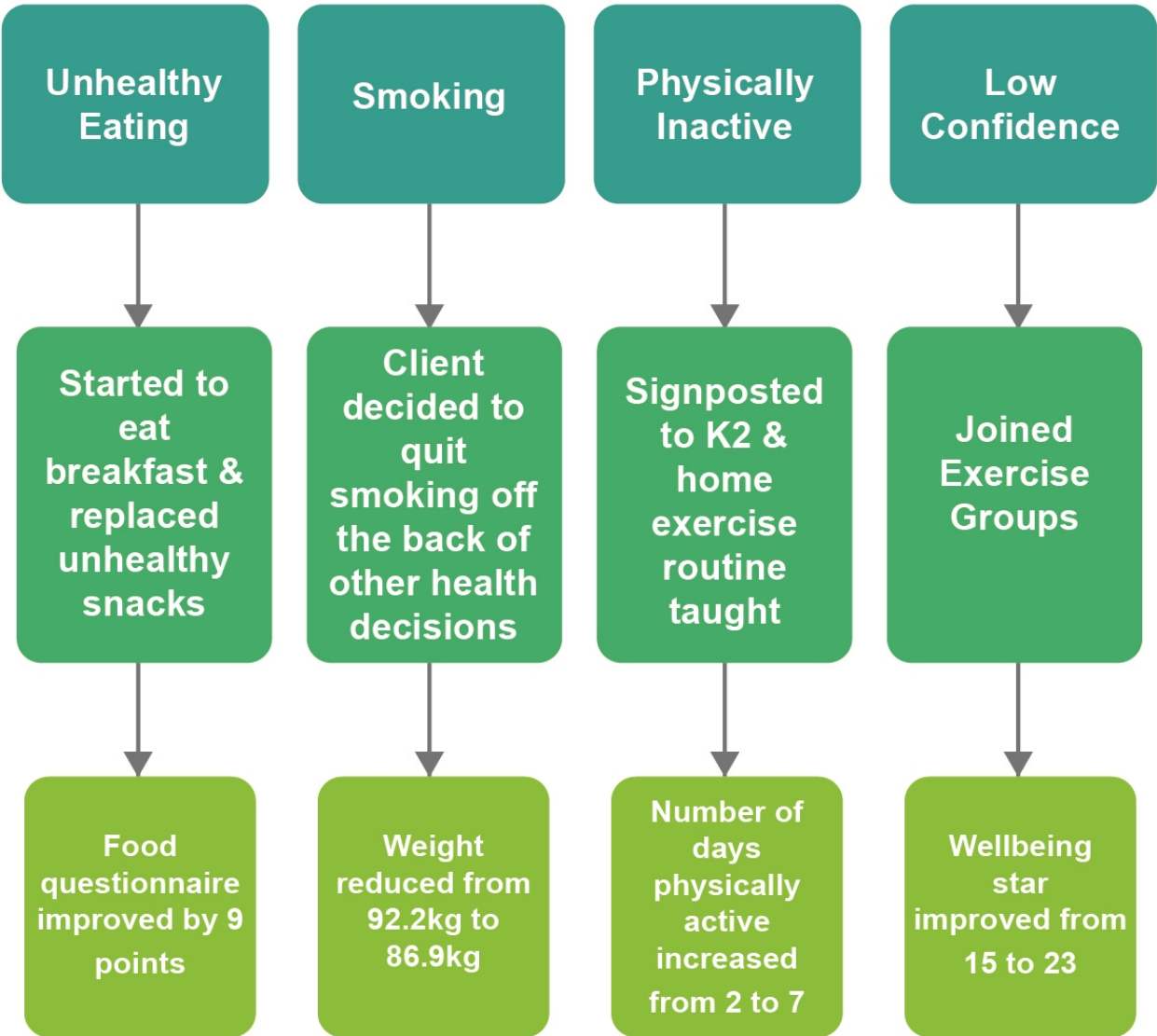
The Wellbeing Coaches provide one-to-one support for adults who need additional support to make changes to their lifestyle. This could be because they have caring responsibilities, have low self-esteem and are unable to participate in group sessions. Support is offered over a twelve week period. The Provider is expected to work with a minimum of 80 people per year and that 80% will improve their cardiovascular fitness and emotional wellbeing.

Outcomes

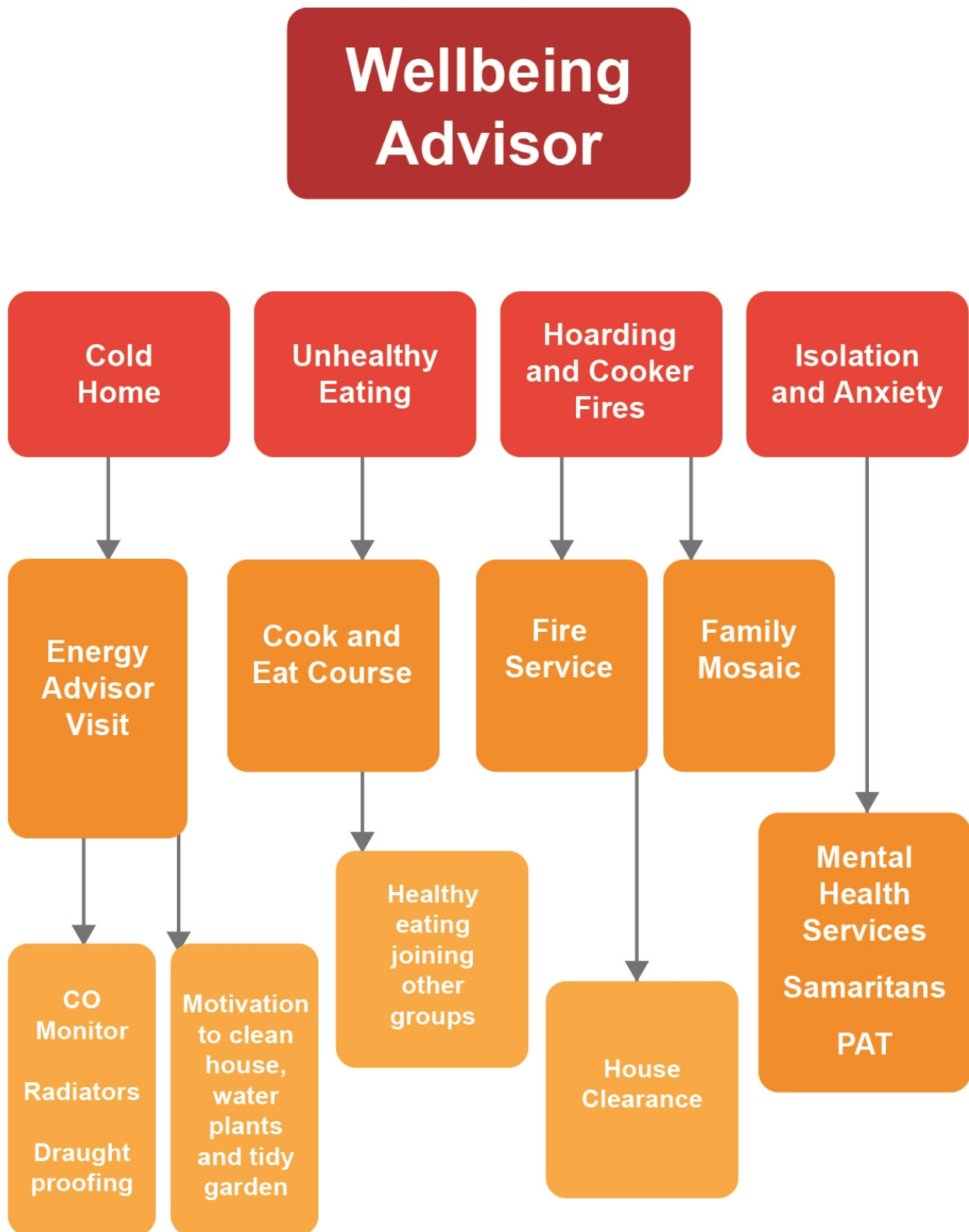
149	people have been recruited to the programme
87%	Improved mental wellbeing
54/62	
80%	Increased activity levels
100%	Improved eating habits
40/40	
93%	Have reduced or maintained their bodyweight by the their agreed goal
33/35	
86%	Sustained changes at 3months post completion

Health Outcomes

Wellbeing Coach



Value added - Signposting and Multiple Interventions



Appendix 2

Mid Sussex Wellbeing Service Feedback

Comments about the Wellbeing Advisor Service

A) “I felt quite overwhelmed by everything before my appointment, as I was struggling with my emotional and physical wellbeing and needing support with housing and financial advice, but since my appointment I am managing things better and found just talking things through and knowing there is help out there has allowed me to feel more positive about the future”.

B) “I found these appointments extremely useful and now realise I need to find purpose and meaning in my life again, rather than turning to alcohol. I am ready to make some positive changes and have been very proactive since my appointment engaging in new activities; as well as accessing the signposting information provided by the Advisor which includes an AA support programme. I feel confident that this support has helped me and my family on a long-term basis.”

Comments about the Weight Management Service

A) “I have really enjoyed Tuesday lunchtimes.... putting some time aside to think about ‘me’ – something I’ve not done for years, when work and children take priority! You have all been so great, sharing experiences and getting an insight into your life’s hurdles has helped me overcome mine. I have learned a lot, a huge lot and I aim to keep it up and not let ill health rule me. Hope you will too. Thank you”

B) “I feel much more informed as a result of doing the course and I feel equipped to lose weight on my own in the future. The discussions with the others in the group were very helpful and I learned a lot from them. Every session was delivered in a manner that was very respectful, empathetic towards every one of us in the room.

If it is not broken don’t fix it, and this course is no way broken.”

C) My mind-set is different now and I think more about what I am eating, throughout the day, since the beginning of the course I have lost 4 stone. It was a well presented course with lots of insight into food management, the tutor was really good at explaining everything and I learnt lots of helpful tools.

Comments from Work Place Health

A) Again the Health MOTs were a massive hit with our Staff, it is always very over booked, we also have booked in multiple talks through the Wellbeing Service so far they have been nutritional awareness to support staff around snack choices, eating habits and we have also booked in a relax and breathe session to aid staff with relaxation techniques.

B) There have been a number of Wellbeing initiatives implemented in the NHS Trust with the aim of bettering staff members' physical, mental and even financial wellbeing. Yoga and Pilates classes, swimming, meditation and hoop courses are just a few examples. We have also taken a stronger initiative in spreading awareness of Health and Lifestyle campaigns available locally and nationally among staff members such as Cycle to Work, rehydration for nurses, healthy eating, etc. As per the feedback reports from the MOT visits, nutritional awareness is definitely an area that we would like to implement more changes towards. Any additional comments The Wellbeing MOTs provided by Mid Sussex are incredibly useful

Comments from Wellbeing Coaches

A) “I feel a lot more confident, and now able to spend more time with my son in the evenings- while also getting more active. I feel as though I can now commit to this new healthier lifestyle, which is something I couldn’t say for previous diets. It’s been nice to realise that small changes can make a huge difference- you don’t have to spend a lot of money on equipment and gyms”

B) “I hit it off with Angie immediately, and were soon chatting away, and exploring options to help me build up stamina and confidence after a difficult winter with my asthma, COPD and arthritis...plus a few family issues that were occurring. Walking is something I love to do when able, and I’m lucky enough to be surrounded by lovely countryside, so we took advantage of that on a couple of occasions when I felt well enough, and even when I was struggling a bit. Having someone to talk to about my health & struggles gave me the confidence to approach my doctor again for more practical help, and he referred me for some hydrotherapy/swimming at The Triangle in Burgess Hill. Although I found it very hard and painful at first, with your encouragement, and a determination to feel better than I was, I stuck at it, and now go at least twice a week, finding it very therapeutic mentally as well as physically. It also helped me to get involved, along with a friend, in some voluntary work, which has given me an interest, and a reason to get out of the house more. The same friend also comes to the Health Suite to swim occasionally, although I’m now confident enough to go alone, which I never was before. Thank you so much for your help and support, it has been very welcome, and has helped me get out of a rather large rut, and spurred me on to find things I CAN do within my physical limitations, instead of wallowing in what I CAN’T do.”

Comments from Wellbalanced – Falls Prevention

A) “You have given me techniques which I can practice on a daily basis. Thought initially what am I doing this for but have found it informative, absolutely super and now I go to other classes and exercise at home daily. The classes have encouraged me to get out and get active. I feel really positive and would like to say thank you.”

B) I started the programme because I lacked confidence after my recent fall. The classes have helped me regain my confidence and I now feel ready to attend other community classes that are now a little more challenging. The classes were a tremendous help and I feel they have made such a difference”.

Comments from GP Pilot

A) I’m not alone in championing the Wellbeing sessions here at Ouse Valley Practice as the G.P’s are thrilled to have this Service. I have looked back at booked appointments from the last 5 months and you have seen 86 of our patients, some, not many, were a follow up. For a patient to discuss lifestyle or personal issues in 45 minutes is a wonderful opportunity for them to open up and for you guys to unpick the problem and advise or signpost. G.P’s only have 10 minute slots with patients. I know that G.P’s have advised patients to see you regarding lifestyle changes as it will be in their notes.

B) I have been diagnosed with high cholesterol, which was a bit of a shock. I wasn’t sure what I needed to do to help this, as I thought my diet was quite healthy. I now realise that some of the foods I regularly eat, such as hard cheese and crisps, are high in saturated fat and may be a contributory factor. I have reviewed my snacks and increased my vegetable and fruit intake. Also, I didn’t realise that activity could have a positive effect on cholesterol; I plan to increase my level of walking, as my job is sedentary.

Comments from Prediabetes Courses

A) General comments on lifestyle changes 3 months after receiving the course:

- Looking at unrefined carbs and checking labels, fitting in half hour exercise and drinking more water.
- Had blood test since talk and now blood glucose levels are back to normal now.
- Changed diet quite a bit- 50% less sugar.
- More aware of portion size, especially from doing WOW and now doing Pilates, Very happy.
- Cut down on sugar considerably, less carbs was 14 stone now 13 stone, Interesting talk.
- Looking at unrefined carbs and checking labels, fitting in half hour exercise and drinking more water.
- Making determined effort to walk a mile every day.
- Made small changes to my diet since talk and I am no longer pre-diabetic.
- Pleased to be back to normal and will work to stay there. Thanks for your help!
- Walks about 5 miles several times a week, cut out sugar in tea, looking at traffic lights on food labels.
- Eating more healthily, more salads, cut out crisps and biscuits- only rare treat now
- “Pulled back from the brink of diabetes. Walking more, modifying diet, and lost weight. Hugely impressed by session, it’s what government should spend money on”

REVIEW - STATEMENT OF LICENSING POLICY

REPORT OF: Tom Clark – Head of Regulatory Services
Contact Officer: Yvonne Leddy Business Unit Leader Environmental Health and Building Control
Email: yvonneleddy@midsussex.gov.uk Tel: 01444 477300
Wards Affected: ALL
Key Decision: No
Report to: Scrutiny Committee for Community, Customer Services and Service Delivery
10th July 2019

Purpose of Report

1. To seek the Committee's views on the content of the Draft Review Statement of Licensing Policy 2020 (Appendix 1) before it goes out to public consultation in July 2019. It is proposed that following consultation, if there are significant amendments required, it would be reviewed by this Committee on the 13th November 2019 before it is formally adopted by Council on the 11th December 2019.

Summary

2. The Statement of Licensing Policy 2020 has been produced in accordance with the provisions of Section 5 of the Licensing Act 2003 and the Guidance issued under Section 182 of the Act. It will be reviewed and republished, following consultation, every five years or as appropriate.

Recommendations

3. **The Committee are recommended to:**

Endorse the Draft policy of Licensing at Appendix 1 before it is issued for public consultation.

Background

4. Section 5 of the Licensing Act 2003 requires a Licensing Authority (Mid Sussex District Council) to prepare and publish a statement of its Licensing Policy every five years or as appropriate.
5. The purpose of the Policy is:
 - to provide guidance for Officers and Elected Members in their administration and adjudication of licence applications.
 - to inform the communities and applicants about the procedures the Licensing Authority will follow and the factors that it can legitimately take into account when reaching their decisions.
 - advise that the Policy may address issues relating to noise and anti-social behaviour but only where the problems take place in or on the premises, and not those problems that are taking place in the surrounding area. Other agencies including the Environmental Protection Team and Police, with whom we work closely, have the powers to deal with these issues.

6. The existing Policy was adopted in December 2015, although there was a minor amendment in July 2018 relating to revocation of personal alcohol licences.
7. In accordance with the Licensing Act 2003 and the Section 182 Guidance, the draft Policy contained in Appendix 1 will be published for a 6 week consultation period starting on the 17th July 2019. The list of consultees include the following;
 - Elected Members
 - Town and Parish Councils,
 - Sussex Police,
 - West Sussex Fire and Rescue Service,
 - West Sussex County Council
 - British Transport Police
 - Hospital Trusts

As well as the trade bodies representing premises licence holders, local businesses and Residents Associations, together with local bus and train operators.

8. The attached revised Policy has been reviewed in light of amendments to the Licensing 2003 Act and statutory guidance. The main changes are as follows:
 - At paragraph 13.6 it reiterates the Council's expectation that the Designated Premises Supervisor (DPS) has a day to day supervisory role and is preferably a manager at the site. This avoids issues with vacant DPS that are not readily available to deal with licensing matters at the premises.
 - At paragraph 14.9 we have clarified further the legal requirements to advertise new and variation applications for premises and club licences. It states that advertising for new and variation applications for premises and club licences must be in one of two local newspapers. Circulars, local leaflets or similar will not be accepted.

Policy Context

9. Licensing Authorities are required to review their Licensing Policy every five years. In accordance with Section 5(3) Licensing Act 2003, consultation will be carried out with all relevant parties.

Financial Implications

10. None

Risk Management Implications

11. In accordance with the Council's risk Management Strategy, consideration has been given to the potential risks associated with the recommendations set out in this report. It is suggested that the main risk is that if the Council fails to revise the Licensing Policy it may be open to legal challenge.

Equality and Customer Service Implications

12. An equality impact assessment was carried out in the development of this Statement and did not identify any negative impacts for customers and those protected by equalities legislation. The Statement is intended to protect the public and through our consultation with a range of stakeholders, including the Police, we will ensure that any relevant issues are identified.

Background Papers

Appendix 1 – Draft Statement of Licensing Policy

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MID SUSSEX DISTRICT COUNCIL

STATEMENT OF LICENSING POLICY

LICENSING ACT 2003

COMMENCES 5TH JANUARY 2020

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Section 1 Introduction

- 1.1 This document is the policy for the Licensing Act 2003 for Mid Sussex District Council. The policy will take effect on 5th January 2020.
- 1.2 Mid Sussex District Council's (the Council) statement of main purpose is: -

'Working together for a Better Mid Sussex'

- 1.3 Mid Sussex District Council is located within the County of West Sussex. More than half area is designated as an Area of Outstanding Natural Beauty. It lies on the eastern edge of the county and shares boundaries with East Sussex to the east, Surrey to the north and Brighton and Hove and the South Downs National Park to the south.

Mid Sussex covers an area of 128 square miles and includes the three main towns of East Grinstead, Burgess Hill and Haywards Heath. There are some 25 villages and many small hamlets in a predominantly rural area outside of the main towns.

The District has a population of approximately 147,000. Sixty percent of the population live in the three main towns with the remaining 40% living in the smaller villages and rural areas.

Section 2 Purpose and Scope of the Licensing Policy

- 2.1 This policy is published in accordance with the provisions of Section 5 of the Licensing Act 2003 and the Guidance issued under Section 182 of the Act and will be reviewed and republished, following consultation, at least every five years. It was last updated with a minor revision in July 2018. During each five year period the Policy will be kept under review and such revisions will be made as considered appropriate to ensure the statutory objectives of the Act are being met against any changes to the licensing legislation or amendments to the section 182 statutory guidance.

Attached to the policy, but not forming part of it, are 'Supplementary Guidance Documents'. These documents are provided to assist licence applicants and may be amended at any time without revision of the Licensing Policy.

- 2.2 The policy has been produced having due regard to the guidance on the Act issued by the Home Office. Whilst the Council will have full regard for both the Guidance and its own Statement of Licensing Policy, in determining individual licensing applications, it may depart from either if reason exists for doing so. Written statements of Licensing Panel decisions will be supplied to all parties to hearings.
- 2.3 The Licensing Act 2003 defines the following objectives that must be promoted by the Council as Licensing Authority and by licensees under the Act: -
- The prevention of crime and disorder.
 - Public safety.
 - The prevention of public nuisance.
 - The protection of children from harm.

2.4 These objectives will be achieved by regulation of the following activities, where the principal aim is to provide entertainment in the presence of an audience or alcohol is sold for consumption either on or off the premises:

- Retail sale of alcohol.
- Supply of alcohol to club members.
- Provision of regulated entertainment to the public, club members or with a view to making a profit.
- The performance of a play.
- Exhibition of a film.
- All indoor sporting events.
- Boxing and wrestling.
- A performance of live music.
- Any playing of recorded music.
- A performance of dance.
- Entertainment similar to the performance of live music, recorded music or dance.

The following activities will also be regulated irrespective of audience participation: -

- The supply of hot food & / or drink from any premises, except where exempted, (including stationary vehicles) between 11p.m. and 5 a.m.

As a result of deregulatory changes that have amended the Licensing Act 2003, no licence is required for some entertainment activities. Details can be found in the Home Office document; Revised Guidance issued under Section 182 Licensing Act 2003. This can be found on the Home Office web site at <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

2.6 Licensing decisions taken by the Council (The Licensing Authority) will be focused on matters within the control or influence of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. Therefore we will focus on the impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

2.7 In making its decisions we will take into account the fact that licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and beyond the control or influence of the individual club or business holding the licence, certificate or permission concerned. Each licence application will be considered on its merits in the context of the four Licensing Objectives.

2.8 There is no provision for us to impose conditions on a licence otherwise than in accordance with those proposed within an application, or when relevant representations are received from Responsible Authorities and Interested Parties.

2.9 Applicants for all licensed premises should read this policy and base their applications on the principles contained therein.

Section 3 Duplication

- 3.1 The Licensing Authority will avoid placing conditions on licences which involves duplication of regulations imposed by other regulatory authorities such as the Fire Authority and Health and Safety Agencies or where primary legislation exists. Conditions will only be placed upon licences in order to promote the Licensing Objectives if relevant representations are made or in accordance with the applicants operating schedule.

Section 4 Cultural Strategies

- 4.1 The Licensing Authority will support the aims of the Council's Leisure and Culture Strategy 2009-20 by providing information, advice and support to community premises about regulated entertainment and the general organisation of events.

Section 5 Live Music, Dancing and Theatre

- 5.1 The Authority recognises, in line with our Leisure and Cultural Strategy, the need to encourage and promote live music, dancing and theatre for the wider cultural benefit.
- 5.2 Only conditions that are necessary for the promotion of the Licensing Objectives will be attached to licences for activities of this nature. The Authority is aware of the need to avoid unnecessary or disproportionate measures that could deter live music, dancing and theatre by imposing indirect costs of a substantial nature.
- 5.3 There is a need to balance the support for live music and entertainment in licensed premises with the real concerns of local residents who may be affected by noise breakout from premises and subsequent increase in footfall to the venue.
- 5.4 The Live Music Bill 2012 deregulated the playing of amplified live music in alcohol licensed premises and workplaces between 0800-2300 hours before an audience of less than 500 people. For premises not licensed for alcohol, the deregulation extends only to unamplified music during the same times and before the same audience number.
- 5.5 Notwithstanding the deregulation, licensed premises that become the subject of review proceedings as a result of live music complaints can have conditions imposed upon them as if they were so licensed.
- 5.6 We strongly advise organisers of this type of entertainment to contact the Environmental Protection and Licensing Teams to discuss options and methods for mitigating noise disturbance.
- 5.7 The Council holds a number of Premises Licences for parks and open spaces. The Licensing Authority will continue to give advice about future events and the licensing of other publicly owned open spaces.

Section 6 Planning

- 6.1 Planning and Licensing processes are different and run separately from each other. It should be noted that the Planning Authority are a Statutory Consultee for applications and variations of current licences. They are entitled to make representations and seek reviews in their own right.

- 6.2 It is possible for licensing activities to be granted timings that conflict with planning permissions for premises. This does not imply that the grant of Licensing Act 2003 permission overrides any Planning Authority restriction. Mid Sussex District Council expects proprietors to comply with all legislation relevant to their premises.

Section 7 Temporary Event Notices

- 7.1 A Temporary Event Notice (TENS) is a simple way to stage regulated entertainment and sell alcohol at events such as fund raising and celebratory functions in otherwise unlicensed functions. It is a temporary licence. Applicants should note that they are bound to observe the Licensing Objectives.
There are two ways of notifying the Licensing Authority.
- a) Two copies of the notice plus the fee must be served on the Licensing Authority and one copy at the same time on Sussex Police.
 - b) Using an online form and card payment at www.midsussex.gov.uk . Notifications submitted this way do NOT require the applicant to inform police. The Licensing Authority will do this.
- 7.2 Minimum Notice - In accordance with the Licensing Act 2003, the minimum notice that may be given to the Licensing Authority of the intention to stage any event under the Temporary Event Notice provisions is 10 working days. This is called a Standard Notice TENS.
There is provision for two 'late' TENS per premises per annum to be accepted by the Authority. A 'late' TENS is one that is served on the licencing authority between 5-9 working days.

These periods do not include the day of the event or the day of notification.

The Licensing Authority has no discretion on either time scale and will not consider notices sent in breach of them.
- 7.3 To facilitate necessary consultation and liaison, wherever possible, a period of at least 28 days notice should be given in respect of all applications to the Licensing Authority and to the Police. The 28 day period is an expectation and is not stipulated in the legislation.
- 7.4 Maximum notice – Similarly applications should not be made in excess of twelve calendar months prior to the event, (in order that appropriate consideration may be given to circumstances likely to prevail at the time of the event).
- 7.5 Multiple applications may be made at any one time, subject to the foregoing constraints.
- 7.6 All TENS notifications are considered by Sussex Police and Mid Sussex District Council Environmental Protection Team who can object to the notice if they consider the TENS would undermine any of the licensing objectives.
- 7.7 Standard Notice TENS notifications where there is a Premises Licence in existence may, at the request of Police or Environmental Protection Team, have relevant conditions from their Premises Licence attached to the TENS. An objection to 'late' TENS will result in it not being acknowledged and the event cannot therefore be licensed.

- 7.8 The address for service to Sussex Police of Temporary Event Notices is:

Sussex Police
FAO Licensing Officer
Worthing Durrington Police Station
Centenary House
Durrington
Worthing
BN13 2PQ

Section 8 Cumulative Impact and Special Policies

- 8.1 Where the Licensing Authority considers that an area has become saturated with a certain type of licensed premises it may adopt a “Cumulative Impact Policy” for a particular area and thus refuse new licences in that area. However, all new licence applications will be considered on their individual merit and additional licences may be approved if it is considered that such an application is unlikely to add significantly to such saturation.
- 8.2 In determining whether to adopt a ‘Cumulative Impact Policy’ for an area the Licensing Authority will undertake to: -
- Identify concern about crime and disorder or public nuisance (within an area).
 - Consider whether there is good evidence that crime and disorder are happening and are caused by the customers of licensed premises or that the risk of cumulative impact is imminent.
 - Identify the boundaries of the area where problems are occurring.
 - Consult those specified in Section 5(3) of the Licensing Act 2003 and subject of the outcome of such consultation – Include and publish details of the Cumulative Impact Policy within the Licensing Policy Statement.
- 8.3 There are currently no Cumulative Impact Areas within the Mid Sussex District Council area.
- 8.4 The Late Night Levy and Early Morning Restriction Orders

The Council do not intend to introduce The Late Night Levy or Early Morning Restriction Orders at this time. The authority retains the right to review these decisions at a later date if it considers it to be necessary. Should the authority consider it necessary to revisit either, they will be subject to a consultation process in accordance with Government guidelines.

Section 9 Licensing Hours

- 9.1 All applications will be considered on their individual merits. It is recognised that flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. The Authority needs to create a balance between the aspirations of the businesses and the concerns of the local community.
- 9.2 Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises throughout the period they are open for general trading, unless there are good reasons, based on the licensing objectives, for restricting those hours. We do not anticipate granting permission to sell alcohol to such establishments outside the hours of

0600hrs to 2300hrs save in exceptional circumstances. We do not consider a record of good management or financial considerations to constitute exceptional circumstances.

- 9.3 We recognise that businesses may wish to open later and diversify the range of entertainment they offer. The Authority and other Responsible bodies will consider applications for late night regulated entertainment on their merits, but will seek safeguards through licence conditions to ensure the licensing objectives are upheld.
- 9.4 The town centre areas in Haywards Heath, East Grinstead and Burgess Hill have thriving night time economies. Problems in the town centres consist of noise breakout (music) from bars, particularly when patrons are entering and exiting, and noise disturbance generally from patrons on garden and outside patio areas. This is particularly so when the background ambient noise levels have dropped during the late evening.
- 9.5 Future applicants for licensable activities beyond 23:00 hours will be expected to specifically demonstrate how they intend to address the licensing objectives of Crime and Disorder and Public Nuisance.
- 9.6 The Licensing Authority is not prepared to grant permission for outside patio/garden areas to be used by the public beyond 2300 hours throughout the district other than in exceptional circumstances. We do not consider a record of good management or financial considerations to constitute exceptional circumstances.
- 9.7 The Licensing Authority believes that this measure is necessary to address the licensing objective of Public Nuisance.

Section 10 Children and Young Persons

Children - as defined by Licensing Act 2003 – means individuals under 16 years of age and also introduces additional restrictions on those under 18 years of age. (See also Guidance to the Act).

- 10.1 The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, take-aways, community halls and schools.
- 10.2 To prevent illegal purchases of alcohol by under age persons, there is a Mandatory Condition requiring a 'proof of age' scheme for their premises.
- 10.3 This condition requires appropriate identification to be produced before a sale of alcohol can take place. 'Appropriate identification' is identification bearing a photograph of the holder, date of birth and a holographic mark. The most common forms fulfilling these criteria are a passport, photo card driving licence or PASS card.
- 10.4 The Proof of Age Standards Scheme (PASS) is the UK's national proof of age accreditation scheme, endorsed by the Home Office, the Association of Chief Police Officers (ACPO), the Security Industry Authority (SIA) and the Trading Standards Institute (TSI).
- 10.5 PASS sets and maintains minimum criteria for proof of age card issuers to meet. All cards schemes are required to submit to periodic audits carried out by an independent audit team appointed by the Trading Standards Institute (TSI) to ensure that they meet and keep the standards required for PASS

accreditation.

The aim of PASS is to provide:

- Reliability
- Assurance
- Confidence for retailers, enforcers and young people.

The PASS hologram on a card is the hallmark indicating that the card issuer has passed a stringent audit carried out by Trading Standards Officers and that the card may be relied upon.

- 10.6 Mid Sussex District Council recommends that licensees familiarise themselves and their staff with PASS and use it to verify identity in their premises.

Section 11 Licensing Conditions

- 11.1 When attaching conditions to licences and certificates issued under the Act, the Council will have due regard to the fact that conditions are tailored to the individual style and characteristics of the venue and event for which a licence is sought.

- 11.2 The Authority cannot impose blanket standard conditions.

- 11.3 When attaching conditions the Licensing Authority will also be aware of the need to avoid measures which might unreasonably impose indirect costs of a substantial nature.

- 11.4 To assist licensees, we have published guidance as to how noise may be controlled in places of public entertainment and other venues. The guidance is available from the Council's Licensing Team on request and on the Council's website. It is also attached as Supplementary Guidance Document 7 to this Policy. Applicants are expected to address this guidance in their Operating Schedule when applying for Regulated entertainment.

- 11.5 The Authority will follow The Home Office Licensing Act Guidance, Chapter 10 to select appropriate conditions to suit each operation.

- 11.6 Mandatory Conditions

There are a number of mandatory conditions that apply to all premises licences and club premises certificates. Full details can be found using the link at Document 4 in the Supplementary Guidance at the end of this Policy.

- 11.7 Community Premises

Section 19 Licensing Act 2003 requires all premises licensed for the sale of alcohol to have a Designated Premises Supervisor (DPS) nominated and named on the licence. All sales of alcohol must be authorised by a personal licence holder.

- 11.8 Section 41D Licensing Act 2003 allows Community Premises to apply to have this standard mandatory condition removed from their premises licence. This will allow Community premises to operate without a DPS and for sales of alcohol to be made or authorised by the management committee.

Further information about the definition of Community Premises can be found in the Guidance to the Act at Section 4.37 et seq.

- 11.9 The Authority cannot impose blanket conditions upon Community Premises that apply to dis apply the Mandatory Condition. All applications to this Licensing Authority to dis apply the mandatory condition (Section 19) must address the following matters;
- a. How the premises is managed
 - b. Committee Structure
 - c. Arrangements for the supervision of alcohol sales
 - d. How is responsibility determined and reviewed within the Committee procedure in the event of any issues arising.
 - e. Applicants should consider their hiring agreements in order to satisfy themselves that the hirer is aware of their responsibilities under the Licensing Act 2003.
 - f. The Applicant will be expected to show that the hirer will be spoken to by representatives of the Committee and minutes of the meeting recorded.
 - g. Hirer agreements will be expected to show signatures of the hirers to demonstrate their awareness of their responsibilities and their attendance throughout the event in question.

It is suggested that Community Premises considering this course of action should consult with the Licensing Team for advice and guidance before making an application.

11.10 Adult entertainment

Sex Entertainment Venues.

The Council has adopted the Local Government Miscellaneous Provisions Act 1984 Schedule 3 (as amended by Section 27 Crime and Police Bill 2009) which regulates the licensing of Sexual Entertainment Venues.

New or current licensees wishing to have such entertainment in their premises should refer to the Mid Sussex District Council Statement of Principles for the Licensing of Sex Entertainment Venues.

Applications for new Premises Licences will be expected to indicate in the Operating Schedule whether they intend to have adult entertainment. If they do not indicate as such a condition will be placed on the licence preventing it from taking place.

Those who do intend to provide Adult Entertainment on the limited basis of exemptions available must demonstrate in the operating schedule how they intend to address the licensing objectives when this entertainment is taking place. The Council will seek to ensure that conditions are placed on the licence specifically addressing these events.

Section 12 Licence Reviews

- 12.1 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority or any other person may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

- 12.2 The Licensing Authority, as a Responsible Authority can initiate their own reviews of Premises Licences and Club Premises Certificates. It does not, however, expect to call for a review on behalf of other Responsible Authorities, all of whom have sufficient legislative power to ask for a review of a licence in their own right. It expects them to engage with premises that are viewed as problematic and to seek a review in their own right. It does not regard the review process as a first resort to solve a problem. It does expect some intervention and discussion by an enforcement agency in an effort to resolve and prevent problems escalating. It is accepted that the circumstances leading to some reviews may make this course of action impracticable.
- 12.3 The Licensing Authorities role in review proceedings will be to administer the process and determine its outcome at a hearing where an evidential basis for the allegations made will need to be submitted.
- 12.4 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right.
- 12.5 In the event of the Licensing Authority considering asking for a review, the final decision whether to proceed will be made by a manager at the level of at least a Business Unit Leader.
- 12.6 At review proceedings the Licensing Authority has the following powers:
- a. To modify the conditions of the licence which includes adding new conditions or altering existing ones.
 - b. To exclude a licensable activity from the scope of the licence e.g. exclude the performance of live music or recorded music.
 - c. To remove the designated premises supervisor
 - d. To suspend the licence for the period not exceeding three months.
 - e. To revoke the licence.

Personal Licence – Suspension or Revocation

- 12.7 Section 132A Licensing Act 2003 gives the Licensing Authority power to suspend or revoke Personal alcohol, Licences.

A decision to ask the Licensing Committee to determine such a matter will be undertaken in accordance with the Environmental Health Enforcement Policy

Section 13 Enforcement

- 13.1 Where necessary, enforcement action will be taken in accordance with the principles of the Environmental health and Building Control Enforcement Policy. To this end the key principles of consistency, transparency and proportionality will be maintained.
- 13.2 To promote the statutory licensing objectives the Licensing Authority will share information with other enforcement agencies such as Police, Fire, Trading Standards, Customs and Excise and The Health and Safety Executive. Information will also be shared with internal departments within the Council, such as Environmental Health and Planning.

13.3 Inspection of Licensed Premises will be undertaken at the discretion of the Licensing Authority in a targeted and risk-assessed basis, or as necessary e.g. following a complaint.

13.4 Link to enforcement concordat can be found by following the link at Document 4 in the Supplementary Guidance at the end of this Policy.

13.5 Suspension of Premises Licence and Club Premises Certificates

By Section 55a Licensing Act 2003, a Licensing Authority must suspend a premises licence if the holder of the licence has failed to pay the annual fee.

The Licensing Authority will invoice all premises that are due to pay an annual fee at least 21 days before the fee is due. In the event of the fee not being paid, the Licensing Authority will remind the holder about the overdue fee and will suspend the licence if the fee is not settled within 5 working days of the reminder letter.

13.6 Designated Premises Supervisor and Personal Licence Holders.

The Designed Premises Supervisor is responsible for all sales of alcohol and should therefore ensure that his /her staff are appropriately trained and or qualified. Whilst the Licensing Act 2003 does not require a Personal Licence Holder or Designed Premises Supervisor to be present at all times, the Licensing Authority will expect operating schedules to outline exactly how appropriate supervision and authority will be exercised in the absence of such persons.

We do expect the DPS to have an active interest in the premises and to be involved in its day to day business. We do not regard this to be fulfilled by remote supervision. Indeed we see no merit in attempting to supervise any licensed premises from afar. We encourage businesses to place responsibility as a DPS in staff who manage the business on site daily. He or she will have experience of engaging with customers and staff members on a regular basis. This will enable them to properly supervise the business and therefore be in a position to take appropriate action to promote the licensing objectives.

Section 14 Administration, Exercise and Delegations of Functions

14.0 If an application is not accompanied by the specified accompanying documents and fees, it will be the Council's policy to return it to the applicant as an incomplete application. Such applications will not be considered until all necessary support documentation is received. Fees received in respect of unsuccessful applications or in respect of applications withdrawn by the applicant will not generally be refunded.

14.1 When determining applications the Licensing Authority will have regard to any guidance issued by the Home Office, legislation, case law and this Policy.

14.2 The powers of the Council under the Act may be carried out by its Licensing Committee, a Sub-Committee, or by one or more properly authorised Officers acting in accordance with the Council's Constitution and Scheme of Delegation. A decision properly made by an Officer, in accordance with the Council's scheme of delegation, is a decision made by the Council.

- 14.3 The Council will ensure that Members and Officers having responsibility under the Licensing Act 2003 will receive appropriate training to administer and enforce the Act.
- 14.4 All Licensing records are computerised. The Council's website carries clear information about how to apply for Licences or Certificates under the Act.
- 14.5 In addition to this Policy Statement, the staff of the Environmental Health Section and in particular those of the Licensing Team, will provide clear information and guidance on all licensing matters, on request, to members of the public, applicants for licences, councillors and other interested parties.
- 14.6 It is considered that many licensing applications will not be contentious and in the interests of efficiency and effectiveness, will be determined under delegated authority by properly authorised Officers. Applications where there are relevant representations which cannot be mediated will be determined by the Licensing Committee or a sub-Committee, as will any applications for the review of a licence (as outlined previously).
- 14.7 Appeals in respect of a decision made by a Licensing Committee or Sub Committee about an application to grant or vary a licence will be heard by the Magistrates Court.

14.8 Advertising Applications for new and variations to Premises Licences and Club Certificates.

The Act requires applications for new Premises Licences and Club Certificates and variations to the same to be advertised in a local newspaper or if there is none in a local newsletter, circular or similar document.

- 14.9 The Mid Sussex District Council area has full newspaper coverage by two weekly publications namely;
- a) The Mid Sussex Times (covers south of the District including Haywards heath and Burgess Hill).
 - b) East Grinstead Courier (covers north of the District including East Grinstead).

The Licensing Authority considers that as newspapers cover the entirety of the district, such adverts will be placed with either of the above publications. It will not accept adverts placed in any other publication.

14.10 Personal Alcohol Licences

In addition to the statutory application requirements for Personal Alcohol Licences (see appendix 3), applicants will provide two photographs with their application. One must be suitably endorsed regarding identity. The endorser is additionally required to complete a photograph endorsement form.

14.11 Application for a Minor Variation to a premises licence/club premises certificate

The minor variation procedure provides a straightforward method by which conditions to a premises licence or club premises certificate may be added, amended or removed. Unlike a full variation it does not require a newspaper advert and the consultation period is shorter, at 10 working days.

14.12 The licensing authority, when determining the application, is able to consult any of the responsible authorities as it considers appropriate and take into account relevant representations from those responsible authorities and other persons. It's decision will be based upon whether the application could have an adverse effect on the licensing objectives.

14.13 We will always consult Sussex Police. Consultation with other bodies will depend upon the nature of the application.

14.14 This system cannot be used to increase the hours for sale of alcohol or to prolong a licence. Applicants should seek advice from the Licensing Team before submitting a Minor Variation

14.15 Licensing Committee

The Licensing Committee or a Sub Committee (known as a Liquor Licensing Panel) will determine matters in accordance with the table below. We will not appoint Councillors to determine applications for premises within their own constituency wards. This is subject to exceptional circumstances which may result in unforeseen changes to a panel.

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Table of Delegation of Licensing Functions

Matters to be dealt with	Full Licensing Committee	Sub-Committee	Officers
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 premises certificate		If a representation made	If no representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application			All cases
Determination of a police or Environmental Health objection to a temporary event notice		All cases	
Application made under Minor Variation Order			All cases
Decision to suspend or revoke a personal licence		All cases	

Section 15 Contact Details / Advice and Guidance

- 15.1 All application forms , including guidance for advertising for the Licensing Act 2003 are available to download from the Mid Sussex DC Web site: www.midsussex.gov.uk

15.2 Applications

Applications can be made in two ways

- Electronically via the Mid Sussex District Council Web site.
Note: Applications Submitted electronically should be submitted only to the Licensing Authority.
- Submitting a paper copy to the Licensing Authority and the Responsible Authorities (details below)

15.3 Contact details:

Licensing Team
Mid Sussex District Council
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

Telephone: 01444 477419
email: licensing@midsussex.gov.uk

Section 16 Equal Opportunities

Promotion of Racial Equality and Elimination of other forms of Discrimination

- 16.1 The equalities Act 2010, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons based on race, gender, disability, age, sexuality (lesbian, gay, bisexual), transgender, pregnancy, religion or belief
- 16.2 The Council is committed to ensuring that it is delivering services in a non-discriminating way and that equality is at the heart of service provision throughout the Authority. The Council recognises that discrimination and exclusion can occur for many reasons including but not confined to race, language, age, gender, disability and poverty and is fully committed to overcoming such exclusion and discrimination.
- 16.3 In carrying out its duties the Council will have due regard for the need: -
- To eliminate unlawful discrimination
 - To promote equality of opportunity and good relations between people, including those in the groups protected by the Equality Act 2010 and listed in 17.1.

Section 17 Review of this Policy

This licensing policy must be reviewed and published every five years (section 5 Licensing Act 2003). This review of the policy must be subject to the consultation process again. In addition section 5(4) of the Act provides that we must keep the policy under review during each five-year period and make appropriate revision, particularly in respect of legislative changes.

The following organisations have been consulted during preparation of this policy: -

- The Chief Constable, Sussex Police.
- The Chief Officer of Police for the area.
- The West Sussex Fire and Rescue Service.
- Bodies representing premises licence holders i.e. The Licensed Victuallers Association and local Pubwatch.
- Bodies representing local holders of club premises certificates
- Bodies representing business and residents in the area (business organizations, Town Chambers of Trade and Commerce, all Parish and Town Councils, local Members of Parliament and Mid Sussex Councilors).
- Western Sussex Hospitals NHS Foundation Trust (for accident and emergency – Princess Royal Hospital Haywards Heath, and the Queen Victoria Hospital East Grinstead).
- British Transport Police.
- The Mid Sussex District Hackney Plate Holders Association and Private Hire Operators within Mid Sussex.
- West Sussex County Council.

To encourage other interested parties to comment upon the policy, it was highlighted within the Mid Sussex Council newsletter – Mid Sussex Matters, and on the Council's web site - www.midsussex.gov.uk. Press releases were also placed in the Mid Sussex Newspapers encouraging the general public to either access the draft policy on the Council's website or at Council Help Points. Copies of the Policy were also placed in Public Libraries.

Appendices

MID SUSSEX COUNCIL

SUPPLEMENTARY GUIDANCE PACK

(To be read in conjunction with the Licensing Policy)

Appendix 1	Document 1: Glossary
Appendix 2	Document 2: Contact Details – Responsible Authorities
Appendix 3	Document 3: General Advice and Guidance
Appendix 4	Document 4: Internet Sources of Information
Appendix 5	Document 5: Advertising Applications
Appendix 6	Document 6: Prevention of crime and disorder and provision of public safety
Appendix 7	Document 7: Prevention of public nuisance
Appendix 8	Document 8: Protection of children from harm
Appendix 9	Document 9: Controlling noise from premises

Document 1**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 Health Officers.

Closure Order

New powers are provided for the Police and the Magistrates Courts to close premises for up to 24 hours. The 2003 Act significantly extends 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 accordingly.

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 Secretary of State Guidance provides that "the licence or certificate must be granted subject only to conditions as are consistent with the schedule accompanying the application and any 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.

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Guidance

This refers to the statutory guidance issued to Licensing Authorities under Section 182 of the Licensing Act 2003 by the Department for Culture, Media and Sport (DCMS). 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 the hours of 11.00pm and 5.00am.

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 Mid Sussex 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 licensing objectives. The minor variation process can not 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 anytime 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.

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 undertake the sale by retail of alcohol or to authorise the sale by retail of alcohol in accordance with an appropriate Premises Licence. The licence is valid indefinitely, although ceases to have effect when revoked, forfeited, surrendered or suspended. A

Personal Licence Holder is not required where alcohol is not permitted to be sold at the premises concerned. A Personal Licence Holder is also not required for 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.

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 Licensing and Enforcement Committee or Sub-Committee or Officers in the area where the premises are situated. There may be more than one Premises Licence for each 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 a 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 is divided into two types, 'entertainment' and 'entertainment facilities', both of which are explained below:

Entertainment:

- 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.

Entertainment Facilities

- Provision of facilities for making music;
- Provision of facilities for dancing; and
- Entertainment of a similar description to the provision of facilities for making music or dancing.

where the entertainment facilities enable persons to take part in entertainment for the purpose, or for purposes which include the purpose, of being entertained.

Relevant Representations

The Licensing Act 2003 does not use the term "objections". Instead Responsible Authorities and other persons may be able to make relevant representations about an application for a Premises Licence or a Club Premises Certificate on the effect of the grant on the promotion of the licensing objectives. They must not be frivolous or vexatious.

The making of relevant representations engages the Licensing Authorities discretion to attach conditions as necessary 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

Include the Police, Fire, enforcing authority for health and safety, Planning Authority, Environmental Health, bodies responsible for child protection and other specified authorities.

Review of Licence/Certificate

Where a Premises Licence/Club Premises Certificate is in force, an Interested Party or

Responsible Authority may apply, subject to Regulations, to the Licensing Authority for it to be Reviewed. The Licensing Authority must hold a hearing to review the licence/certificate and as a result must take any necessary steps 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 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 by the individual who proposes carrying out the licensable activities and is referred to as the premises user.

All sales of alcohol will be made by or under the authority of a premises user. Certain prescribed information must be supplied. The Police must consider the Notice, if they object a hearing must be arranged.

- Duration – they are limited to events lasting for up to 168 hours;
- Scale – they cannot involve the presence of more than 499 people 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; and
- The number of notices given by one individual within a given period of time – a Personal Licence Holder 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 into a new name, e.g. if a Premises Licence Holder sells his premises an application may be made to transfer the Premises Licence to the new owner.

RESPONSIBLE AUTHORITY	ADDRESS	CONTACT DETAILS
1. The Licensing Authority – Business Unit Leader Environmental Health	Mid Sussex District Council Oaklands Oaklands Road Haywards Heath RH16 1SS	Tel: 01444 458166 Email: licensing@midsussex.gov.uk
2. Chief Officer of Police – Sussex Police	F.A.O. Licensing Officer Worthing Police Station Centenary House Durrington Lane Worthing BN13 2PQ	Tel: 101 x North Downs Licensing Team – Horsham Email: ws_licensing_wor@sussex.pnn.police.uk
3. West Sussex Fire & Rescue Service	Northern (Fire Safety) Protection Office Fire Station Hurst Road Horsham RH12 2DN	Tel: 01403 213280 Email: Protection.NorthernTeam@westsussex.gov.uk
4. Team Leader – Food & Safety Team	Mid Sussex District Council Oaklands Road Haywards Heath RH16 1SS	Tel: 01444 458166 Email: healthandsafetyenforcement@midsussex.gov.uk
Or The Health & Safety Executive	Or The Council Offices Station Road East Oxted Surrey RH8 0BT	Or Email address needed
5. District Planner	Mid Sussex District Council Oaklands Oaklands Road Haywards Heath RH16 1SS	Tel: 01444 458166 Email: planninginfo@midsussex.gov.uk
6. Team Leader - Environmental Protection Team	Mid Sussex District Council Oaklands Oaklands Road Haywards Heath RH16 1SS	Tel: 01444 458166 Email: envhealth@midsussex.gov.uk
7. Trading Standards	WSCC Trading Standards Service 4th Floor, County Hall North Chart Way Horsham RH12 1XH	Tel: 01243 642124 Email: trading_standards@westsussex.gov.uk
8. The Director of Social & Caring Services	Child Protection ~ WSCC Children's Access Point 4th Floor, County Hall North Chart Way Horsham RH12 1XH	Tel : 01403 229900 Email: socialcare@westsussex.gov.uk
9. West Sussex Public Health	The Director of Public Health Public Health Licensing West Sussex County Council 1st Floor The Grange County Hall Campus Chichester PO19 1QT	Tel: 0330 22 28683 Email: PublicHealth.Licensing@westsussex.gov.uk

1. The following is general advice for applicants. It is not comprehensive. In cases of doubt please contact the Licensing Team or seek independent legal advice.
2. Applications for Premises Licences and Club Premises Certificates
Applications must be accompanied by various documents and fees. For example, an application for a Premises Licence or Club premises certificate must be accompanied by: -
 1. The required fee;
 2. An operating schedule;
 3. A plan of the premises;
 4. And if the application involves the supply of alcohol, consent form in relation to the designated premises supervisor.

If any application is not accompanied by the specified accompanying documents and fees, it will be the Council's policy to return it to the applicant as an incomplete application. Such applications will not be considered until all necessary support documentation is received.

Copies of an application for the grant or variation of a Premises Licence or Club Premises Certificate (other than a Minor variation) must be forwarded to the Responsible Authorities at the same time as service on the Licensing Authority. The exception to this is an application submitted by way of an online form. In these cases the Licensing Authority will forward copies to the Responsible Authorities.

3 The Operating Schedule

This forms part of the completed application for a premises licence. An operating schedule should include information that is necessary to enable any responsible authority or other person to assess whether the steps to be taken to promote licensing objectives are satisfactory. For example, it should include a description of the style and character of the business to be conducted on the premises (e.g. a supermarket, or a cinema with six screens and a bar, or a restaurant, or a public house with two bars, a dining area and a garden open to customers).

It should also indicate the type of activities available on the premises, whether licensable under the 2003 Act or not.

If music is to be provided, it is important that clear indication is given of the type of music to be provided.

Information in this section is essential so that responsible authorities and other persons can form a proper view as to what measures may be necessary to ensure public safety and prevent public nuisance. An operating schedule must also set out the following details: -

- a. The relevant licensable activities to be conducted on the premises;
- b. The times during which it is proposed that the relevant licensable activities are to take place (including the times during each day of the week, during particular holiday periods

and during particular seasons, if it is likely that the times would be different during different parts of the year);

- c. Any other times when the premises are to be open to the public;
- d. Where the licence is required only for a limited period, that period;
- e. Where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor;
- f. Where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both;
- g. The steps which the applicant proposes to take to promote the licensing objectives.

4 Capacities in premises.

The Licensing Authority will not, as a matter of course specify capacity numbers on premises licences or club premises certificates. The exception to this will only be after relevant representations from the Fire Authority or other Authority qualified to give advice on this subject.

It is the legal responsibility of the nominated person at the premises to assess safe capacities in accordance with the Regulatory Reform (Fire Safety Order) 2005.

5 Fire safety

Venue operators will be expected to comply with any existing Fire Safety requirement relevant to the building and to seek the advice of the Fire Authority where such fire safety advice does not extend to all/any licensable activity. Licensing Conditions, that duplicate requirements, under the Regulatory Reform (Fire Safety Order) 2005 will not be attached to premises Licences or Club Premises Certificates.

6 Copyright and Royalties

Venue proprietors are reminded of the necessity to obtain appropriate Performing Right Society Licences and Phonographic Performances Ltd. Licences and to observe other copyright arrangements.

7 Door Supervisors

Where a condition is included in a premises licence requiring the provision of Door Supervisors, or Door Supervisors are provided, such persons must be licensed by the Security Industry Authority.

8 Personal Licences (see also LA2003 Section 111 onwards)

In the case of new applicants for Personal Licences under Part 6 of the Licensing Act 2003, the applicant must:

- Be aged 18 years or older.
- Possess a licensing qualification accredited by the Secretary of State.

- Not have had forfeited a personal licence within 5 years of his or her application and
- The police have not given notice of objection following notification of any unspent relevant offence or foreign offence or
- The police have given an objection notice because of a conviction for an unspent relevant offence or a foreign offence but the Licensing Authority has not considered it necessary to reject the application on crime prevention grounds and
- The applicant has paid the appropriate fee to the Licensing Authority.

In addition, such applicants will be required to produce a Disclosure and Barring Service Certificate to the Licensing Authority to substantiate whether or not the applicant has a conviction for an unspent relevant offence. This Certificate must be dated within 30 days of the date of the licence application.

Applicants will also be expected to make a clear, written statement declaring whether or not they have been convicted of a foreign offence. This applies to both applicants originally resident in England and Wales as it does to any person from a foreign jurisdiction. 'Relevant Offence' for the purpose of the foregoing requirements is as defined in the Licensing Act 2003.

Applicants will provide two photographs with their application. One must be suitably endorsed regarding identity. The endorser is required to complete a photograph endorsement form.

9 Variation of Existing Premises Licence and Club Premises Certificate

There are two ways in which a Premises Licence or a Club Premises Certificate can be varied.

The Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009 allows on application the variation of a licence described above through a shorter process than a full variation.

The process involves an application form and fee to the Licensing Authority. The Licensing Authority decide which of the Responsible Authorities they will forward copies of the application to. This Authority will always send a copy to Sussex Police

There is a 10 working day consultation period during which the application must be advertised at the premises. The matter must be determined within 5 working days of the end of the consultation period by the Licensing Officer. If no decision is made the application is NOT granted. There is no Licensing Committee Hearing and no right of appeal against the decision.

This procedure cannot be used as follows:

- Extend the period for which the licence has effect
- Vary substantially the premises to which it relates
- Specify an individual as Designated Premises Supervisor
- Add the supply of alcohol as an activity authorised by the licence
- Authorise – 1. the supply of alcohol at any time between 2300 and 0700 or an increase in the amount of time on any day during which alcohol may be sold by retail or supplied or

- f. Include the alternative licence condition in Section 41D (3) Licensing Act 2003 (disapply Mandatory Condition for DPS)

All other applications for variation must be via the full variation system, which involves a 28 day consultation period, advertising in a local newspaper and copies of the application to all Responsible Authorities.

10 Major Events

Attracting thousands rather than hundreds of people may pose a risk to public safety and crime and disorder as well as public nuisance.

Organisers of such large scale events must give early notification to the Licensing Authority in order that responsible authorities and statutory agencies may discuss 'operating schedules' with the organisers well before a formal application is submitted.

Many large scale events will give rise to special consideration in respect of public safety. 'Operating schedules' should, therefore, reflect an awareness of these matters.

- 11 Applicants are encouraged to seek advice from the Licensing Team before submitting an application. Potential problems may be resolved before embarking upon a course of action that could prove to be expensive and time consuming for want of an informal discussion.

- 12 Where the Licensing Authority considers that action is necessary under its statutory powers it may take any of the following steps:

- f. To modify the conditions of the licence . which includes adding new conditions or altering existing ones.
- g. To exclude a licensable activity from the scope of the licence eg exclude the performance of live music or recorded music.
- h. To remove the designated premises supervisor
- i. To suspend the licence for the period not exceeding three months.
- j. To revoke the licence.

Further details about reviews including the relevant forms can be found at GOV.UK website, details in Appendix 4

DOCUMENT 4

INTERNET SOURCES OF INFORMATION ON THE LICENSING ACT 2003

- (a) The Licensing Act 2003 and associated Guidance may be viewed at www.gov.uk/alcohol-licensing
- (b) Regulations made under the Licensing Act 2003 may be viewed at www.gov.uk/alcohol-licensing
- (c) Mid Sussex Council's Licensing Policy may be viewed at www.midsussex.gov.uk -(Click on – Licensing and Business – Premises licence , How to apply)
- (d) Mid Sussex Council Licensing Pages including Application Forms , Guidance for Advertising applications and addresses for the Responsible Authorities may be viewed at www.midsussex.gov.uk -(Click on Licensing and Business – Premises Licence , How to apply)
- (e) Information about representations and seeking a review can be found at www.gov.uk/alcohol-licensing (click on Alcohol and Entertainment)
- (f) Information about Mandatory conditions, Minor Variation orders, Community Premises with no DPS can be found at www.gov.uk/alcohol-licensing
- (g) Mid Sussex Council's Sex Entertainment Venue Policy may be viewed at www.midsussex.gov.uk -(Click on Licensing and Business)
- (h) Mid Sussex Council's Environmental Health and Building Control Enforcement Policy can be viewed at www.midsussex.gov.uk (Click on Environment).

Advertising Applications

If you are applying for a new Premises Licence, a new Club Premises Certificate or to vary an existing Premises Licence/Club Premises Certificate the application must be advertised.

If a Premises is proposed to be built, is under construction, or being extended/altered for use for licensable activities then you will need to apply for a Provisional Statement, this type of application must also be advertised.

The application has to be advertised in the following ways:-

1. A Notice shall be displayed prominently at or on the premises to which the application relates where it can be conveniently read from the **exterior** of the premises for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant authority.
2. The notice must be placed so that it can be read without having to enter your property ie, without having to cross car parks, patio areas or other such areas between the public footway and your building. In these cases a notice should be displayed on the building AND on a perimeter fence, post, wall abutting the street/highway.
3. The notice shall be of a size equal or larger than A4 on a pale blue colour and printed legibly in black ink in a font size equal or larger than 16.
4. A Notice should be advertised in a local newspaper within 10 working days of the day after the day the application is given to the relevant authority.
5. Please contact the Licensing Team (01444 477419) before completing your advert to ensure the correct date is inserted or if you have any other query about the advertising process.
6. If the advert is incorrectly worded or sited you will have to re advertise. This will cost you extra money and the consultation time will have to restart.
7. You may want to consider sending a copy of the notice you intend to display, with your application.

To help you advertise your application the template below can be used.

**THIS NOTICE MUST BE IN FONT 16 OR LARGER
AND PRINTED ON PALE BLUE PAPER**

PUBLIC NOTICE

**Licensing Application
Licensing Act 2003**

An application has been made by (*insert name person(s), club or brewery*) to the Licensing Authority for the Mid Sussex District for the grant of a new/variation (*delete as applicable*) of a Premises Licence/Club Premises Certificate (*delete as applicable*) for (*insert name and full address of premises*).

The application includes proposals for the following licensable activities (***include relevant hours***) (*delete and amend as applicable*)

- i) sell alcohol by retail;
- ii) provide regulated entertainment (*specify the licensable activities*)
- iii) provide late night refreshment

The application may be viewed at the Main Reception, Mid Sussex District Council, Oaklands, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS. from 8:45am until 5:15pm Monday to Thursday and 8:45am to 4:15pm on Friday. Or alternatively on www.midsussex.gov.uk search for Licensing Applications received.

Responsible Authorities or any other persons may make representation on or before (*insert expiry date for representation(s)*).

All representations shall be made in writing to The Licensing Officer at Mid Sussex District Council.

It is an offence knowingly or recklessly to make a false statement in connection with an application, the maximum fine for which a person is liable is £5,000, on summary conviction for the offence.

DOCUMENT 6**GUIDANCE ON THE PREVENTION OF CRIME AND DISORDER
AND THE PROVISION OF PUBLIC SAFETY**

The below list will be seen as appropriate measures in support of the statutory crime prevention and public safety objectives as defined within the Act. The list should not be considered complete or exclusive and is only provided as guidance

Public Safety Measures / Crime Prevention

- Use of CCTV.
- Use of door supervisors who are properly trained and licensed by the Security Industry Authority.
- Search facilities and existence of a prevention of drugs policy.
- Provision of free and accessible drinking water.
- Use of non-breakable glasses.
- Measures to ensure frequent collection of used drinking vessels from public areas.
- Measures to prevent bottles and glasses being removed from the venue.
- Measures to prevent 'spiking' of drinks.
- Measures to ensure discounted drink prices or 'happy hours' are either not featured or abused.
- Membership of 'pub watch' or similar scheme.
- Membership of 'pass' age accreditation scheme or similar.
- Provision of appropriate staffing within venue.
- Staff training measures.
- Working with public transport providers to ensure efficient dispersal of customers from the venue.
- Appropriate customer dispersal policy.

DOCUMENT 7**GUIDANCE ON THE PREVENTION OF PUBLIC NUISANCE**

The below list will be seen as appropriate measures in support of the public nuisance objective as defined within the Act. The list should not be considered complete or exclusive and is only provided as guidance.

- Statement within operating schedules as to terminal licensing hour during which time alcohol may be purchased and a further statement outlining until what time patrons will be allowed to remain on premises.
- Provision of CCTV inside and immediately outside of the venue.
- Provision of lighting and litterbins in and around venue (after consultation with Planning Authorities).
- Provision of licensed door supervisors.
- Notices inside venue, clearly visible and adjacent to exits, advising that patrons are in a residential area (if appropriate) and requesting that noise be kept down.
- Fitment of a sound limitation device in respect of amplified entertainment and set, where appropriate, in accord with a professionally qualified sound consultant's recommendation.
- Fitment of an air conditioning system.
- Policy to require all windows and doors to be kept closed during periods of public entertainment.
- Policy of selling only soft drinks in the half hour preceding terminal hour.
- Provision of 'calming' or less energetic music in the period prior to the terminal hour.
- Policy to avoid 'binge drinking'.
- Measures to ensure discounted drink prices or 'happy hours' are either not featured or abused.
- Provision of private public transport for patrons at times when public transport is either not available or has ceased to operate.
- Membership of pub watch or similar scheme.
- Appropriate customer dispersal policy.

DOCUMENT 8**GUIDANCE ON THE PROTECTION OF CHILDREN FROM HARM**

The below list will be seen as appropriate measures in support of the protection of children from harm objective as defined within the Act. This list should not be considered complete or exclusive and is only provided as guidance.

- Adoption of any measures recommended by West Sussex Social and Caring Services.
- Existence of age exclusion policy when 'adult entertainment' is taking place.
- Membership of 'pass' or other age accreditation scheme.
- Membership of 'pub watch' or similar scheme.
- Appropriate provision of trained staff.
- Provision of CCTV.
- In premises where the consumption of alcohol is the exclusive or primary activity – the provision of facilities for accompanied children under 16 years set aside from the area where alcohol consumption is the primary activity.
- Situation of gaming machines or like devices in such a position to prevent abuse by children.

DOCUMENT 9

**Mid Sussex District Council
Environmental Health Section
Oaklands, Oaklands Road
Haywards Heath
West Sussex
RH16 1SS**

**GUIDANCE ON CONTROLLING NOISE FROM PREMISES SUCH AS
PUBS, CLUBS, VILLAGE HALLS AND OTHER COMMUNITY BUILDINGS,
AND OUTDOOR EVENT VENUES.**

Introduction

The Mid Sussex Council frequently receives complaints from residents about noise from premises, especially during the warmer weather. The Council has a statutory duty to investigate such complaints and to take action if the noise is considered to be a statutory noise nuisance. Such investigations can be very lengthy and may result in unwelcome restrictions on activities and entertainments, requirements for works to reduce noise and ultimately large fines being imposed upon the persons responsible. Therefore we believe that there are advantages to all concerned for noise problems to be resolved informally, or preferably avoided altogether.

The purpose of this leaflet is to give practical guidance to the people in control of premises on how to control noise from a wide range of potential sources and thus help them to avoid causing noise disturbance to their neighbours.

The leaflet covers matters such as: -

- Legal responsibilities of people in control of premises, such as managers and licensees.
- Common sources of noise and practical tips for controlling them (including amplified music, dispersal of patrons, deliveries of stock, beer gardens and children's play areas, cleaning and bottling out, fireworks, ventilation plant).
- Finding specialist consultants.
- How to contact the Council for further advice.

Legal Responsibilities

In addition to licensing controls, the Council has a duty under the Environmental Protection Act 1990 to investigate noise complaints concerning all types of premises and if a noise nuisance is found the Council must require the person responsible, by Notice, to take steps to ensure that the nuisance is abated. Failure to comply with the Notice is an offence punishable by a fine of up to £20,000 in the Magistrates Court.

Legally persons responsible for any noise nuisance or breach of entertainment licence conditions are most likely to be breweries, owners, tenants, managers, licensees, disc jockeys, club officials and performers.

A licensee convicted of breaches of the above mentioned legislation also risks revocation of their licence.

Where a complaint of noise is received regarding a premises, the matter will be brought to the attention of those responsible for the management of the premises and discussions will take place. At this stage, if the problem is resolved, there will be no need for further investigations. However, if the complaint continues and evidence is gathered which substantiates the complaint, formal action will be taken.

Noise Sources at Licensed Premises and Practical Tips for Controlling Them

Amplified music and entertainment

Even relatively modern purpose built premises have often not been designed and constructed so as to prevent problems arising due to the “breakout” of noise caused by the use of amplified music, public address systems and video juke-boxes etc.

Very often the noise from entertainment gives rise to disturbance due to low frequency bass notes that can easily pass through structures. Control of noise by simply reducing the volume can be effective, however if the noise is structure-borne this can be complex and expensive.

Many complaints about this type of noise occur in the summer months when windows & doors are left open for ventilation and people use their gardens more. To try & predict whether a particular type of entertainment noise is likely to give rise to noise nuisance, the noise levels are best judged at the boundary of neighbouring houses, or other noise sensitive positions, as opposed to within the entertainment venue itself. Another factor to bear in mind is that the more often noisy events occur and the later they finish, the more likely they are to give rise to complaints.

Tips to control entertainment noise:

1. Contact a specialist consultancy (see acoustic engineers/acoustic consultants/noise and vibration consultants in Yellow Pages/Thompson Local/Internet and arrange for a survey and the installation of a sound insulation scheme for the premises, to insulate the premises against the transmission of impact/airborne noise. Measures may include acoustic double/secondary glazed windows, with an air gap of at least 100 mm between glazed panels; sound insulation within ceiling voids to eliminate noise breakout through ceiling and roofs.
2. Install an acoustic lobby to the entrance of the entertainment room and ensure doors are closed at all times to ensure effective insulation.
3. Whenever possible avoid holding musical entertainment in rooms with windows and/or doors facing out onto nearby residential property.
4. Acoustic door seals should be fitted to doors to minimise sound escape from premises.
5. Windows should be kept closed at all times. If the windows are openable, they should be closed whilst music is played. Doors should be kept closed

as much as possible. They should be close fitting and constructed from dense, heavy materials.

6. Mechanical ventilation systems should be fitted to ensure that sufficient ventilation exists without opening windows and doors. All ventilation outlets should be fitted with acoustic baffles.
7. Control of entertainment sound levels should be under the direct control of the person responsible for the management of the premises and should never be left to the entertainers or disc jockey.
8. Later in the evening the background noise level in most areas reduces. Consequently, noise from premises that remain open at night becomes far more obvious and potentially annoying to residents.
9. A sound limiting/cut out device should be installed and the maximum sound level agreed and approved by the Council's Environmental Protection Team.
10. Exit doors/fire doors can be connected to a sound limiting/cut out device, so that if a door is opened during a performance, the device is activated and the music will instantly either stop or be reduced in volume. Obviously, doors must still be available for use as fire exits and must not be locked.
11. Structures such as conservatories, which offer very little resistance to noise, should never be used for the playing of music if the premises are located in a residential area.
12. A very effective way of controlling noise from premises providing entertainment, whether it be public or private (such as a wedding or birthday party at a village hall), is for there to be a responsible person present, who can ensure that DJs and/or musicians do not play music at an unreasonable volume. Generally this responsibility will fall to the licensee however, in the case of village halls and other community premises, which are often managed by a committee made up of volunteers, it may be necessary for the committee to arrange for such a person to be present. It is also good practice for another responsible person to "patrol" the boundary of the site from time to time, to ensure that noise escaping from the premises is not excessive. However, this person should not come from within the premises, as loud music will have caused a "temporary threshold shift" and dulled their hearing, making it difficult for them to make a realistic assessment of the impact of the noise. In some cases it can also be helpful if the occupiers of adjacent potentially noise sensitive properties are given the contact name and telephone number of this person, in order that they can report any problems as they occur and hopefully have them resolved immediately.

Patrons

The responsibility for the behaviour of noisy patrons must rest with the person responsible for the management of the premises, who should take all reasonable steps to ensure that they do not cause noise nuisance whilst on the premises or disturbance whilst dispersing from the premises. Another common cause of disturbance is taxis picking up people after the event has finished and cars screeching, sounding horns etc.

Tips to control noise from patrons:

1. Provide notices in conspicuous positions requesting the co-operation of patrons particularly when leaving the premises.
2. Employ experienced and trained door stewards to restrict entry at certain times and to control noisy patrons.
3. A reliable transport provider should be used for collecting customers, ensuring that the operators are aware that there should be no sounding of horns etc. that may disturb nearby residents.
4. For some types of event and venue it may be worth considering selling tickets that include the price of patrons being conveyed to and from the venue by private coach. If managed well this can result in patrons leaving the premises much more promptly and quietly.

Deliveries

Noise disturbance can occur if stock deliveries are made at unsociable hours i.e. late at night or early in the morning.

Tips to control noise from deliveries:

1. Ensure deliveries are not made late at night or early in the morning.
2. When loading or unloading takes place consideration should be given to working methods, which minimise noise.

Beer Gardens and Children's Play Areas

Premises that have beer gardens and children's play areas may cause noise nuisance if residential premises are nearby. This problem will be exacerbated in the summer months.

Tips to control noise from beer gardens and children's play areas:

1. Music should not be played in these areas. Doors leading onto the beer garden/play area should be kept closed, in order to contain the noise.
2. Management should control customer's behaviour in order to ensure it does not give rise to noise nuisance.
3. Access to these areas should be restricted, particularly at night, to ensure noise is controlled.
4. Place play equipment and plant such as air blowers for bouncy castles, away from any residential boundaries.

Cleaning and Bottling Out

Cleaning and bottling out especially, after the premises has closed, has the potential for causing noise nuisance. Staff emptying bottles into bins or moving bins to collection points can create considerable noise. If this is occurring after closing time or in the early hours of the morning; it will, if residential premises are nearby, cause noise nuisance.

Tips for controlling noise from cleaning and bottling out:

1. Refuse storage areas should be sited away from residential properties.
2. Cleaning and bottling out should not occur late at night or early in the morning; it should be carried out during the normal working day.
3. Provide a smooth pathway between the pub and store area.

Plant & Equipment

Noise from the operation of chiller units, extract ventilation systems and air conditioning systems can give rise to complaints of nuisance, particularly late at night. When buying or installing such plant and equipment consideration should always be given to the level of noise it is likely to produce. In some cases it may be necessary to obtain Planning Permission and/or Building Regulations approval prior to the installation of such plant and you should always seek advice on this from the Council's Development Control & Building Control Divisions.

Tips for controlling noise from plant & equipment:

1. Install, operate and maintain equipment in accordance with the manufacturer's instructions.
2. Where possible locate equipment and exhaust outlets away from (or screened from) dwellings.
3. Always obtain specialist advice when planning to install plant and equipment regarding the level of noise it is likely to generate and where appropriate ensure that properly designed acoustic silencers, screens and/or enclosures are used.

Communication Can Be The Key To Good Relations With Your Neighbours And The Council

Whatever entertainment you currently provide or are planning for your premises, you would be well advised to consider it from your neighbour's perspective. By thinking carefully about how entertainment held at your premises may impact upon your neighbours, by identifying elements of the entertainment that will need particularly careful management and then by discussing your plans with your neighbours, you are more likely to avoid causing a nuisance.

Contacting The Council For Further Advice

For further information concerning the legal & technical aspects of preventing statutory noise nuisance please contact:-

Mid Sussex District Council
Environmental Health Section
Environmental Protection Team
Oaklands
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

Telephone: 01444 477292

e-mail: envhealth@midusussex.gov.uk

For further information concerning the legal requirements for public entertainment licensing please contact:-

Contacting Specialist Consultants

You should be able to obtain details of acoustic consultants specialising in sound surveys and noise attenuation schemes for licensed premises, by looking under acoustic engineers/acoustic consultants/noise and vibration consultants in your local Yellow Pages/Thompson Local directory. Alternatively, the following organisations may be able to provide you with consultant's details:-

The Institute of Acoustics
77A St. Peters Street
St. Albans
Hertfordshire
AL1 3BN

Chartered Institute of Environmental Health
Chadwick Court
15 Hatfields
London
SE1 8DJ

Telephone: 01727 848195
or via e-mail at www.ioa.org.uk

Tel. 02079286006
or via e-mail at www.cieh.org

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UPDATED POLICY ON LICENSING OF SEX ESTABLISHMENTS

REPORT OF: Tom Clark , Head of Regulatory Services
Contact Officer: Yvonne Leddy, Business unit Leader Environmental Health and Building Control
Email: yvonne.leddy@midsussex.gov.uk Tel: 01444 477300
Wards Affected: All
Key Decision Yes/No
Report To: Scrutiny Committee for Community, Customer Services and Service Delivery
10th July 2019

Purpose Of Report

1. To seek the Committee's views on the content of the Draft Policy for Licensing of Sex Establishments (Appendix 1) before it goes out to public consultation in July 2019. It is proposed that following consultation, if there are significant amendments required, it would be reviewed by this Committee on the 18th September 2019 before it is formally adopted by Council on the 6th November 2019.

Summary

2. On the 6th April 2010, Section 27 of the Policing and Crime Act 2009 reclassified lap dancing clubs as sexual entertainment venues and gave local authorities the power to regulate such venues as sex establishments under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. Mid Sussex District Council adopted the new powers on the 21st April 2010. Good practice suggest the Policy is regularly reviewed.

3. **The Committee are recommended to:**

endorse the Policy on Licensing of Sex Establishments at Appendix 1 before it is issued for public consultation

Background

4. The Council's existing policy on the licensing of sex establishments came into effect on 1 September 2010. It was subsequently reviewed in 2013 and 2016. It is now time to review the policy again.
5. The policy enables the Council to regulate and control applications for:
 - sexual entertainment venues
 - sex cinemas
 - sex shopsas defined in the Local Government (Miscellaneous Provisions) Act 1982.
6. There are currently no such establishments in Mid Sussex

7. The Act allows local authorities to place a limit on the number of the Sex Establishment Venues it will licence. Our existing policy states the number of sex establishment venues it will licence is zero. The zero policy on sex entertainment venues does not prevent applications being made to the Council for such licences. Any applications must be considered by the Licensing Committee in accordance with the principles and guidelines contained in the policy.
8. Since the policy was approved there have been no legislative changes that affect our policy position. Officers have reviewed the current policy with a view to ensuring it provides clear guidance to future applicants and consider it is still fit for purpose..
9. Whilst there is no statutory requirement for a Policy it is considered good practice to implement a policy as it informs applicants and the Council regarding decision making. The current review period in the existing policy is three years and it is proposed to increase this to five years. This period is in line with similar policies such as the Licensing Act 2003
10. In the event of there being legislative changes that could materially impact the policy it can be brought back for review and updating as required.

Policy Context

11. Having appropriate controls around licensed sex establishments contributes to the Council's aim 'To be an effective council delivering value for money services and helping to create a strong economy, environment and community'

Other Options Considered

12. The council could consider having a less restrictive policy if such establishments were thought to be beneficial to the District.

Financial Implications

13. None.

Risk implications

14. None.

Equality and Customer Service implications

14. No equality implications have been identified. The policy aims to give customers i.e. those seeking a licence for a sex establishment, clear guidance on what is required, whilst protecting the public.

Background Papers

15. Appendix 1 –Draft Policy for Licensing of Sex Establishments



SEX ESTABLISHMENT VENUES

STATEMENT OF POLICY

To take effect on the:

28th November 2019

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1. INTRODUCTION

1.1 This document is Mid Sussex District Council's policy (The Policy) concerning the regulation of and procedures relating to applications for;

- sexual entertainment venues
- sex cinemas
- sex shops

Hereinafter referred to as Sex Establishments as defined in the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009.

The policy will take effect from 28th November 2019

1.2 On 6th April 2010, Section 27 of the Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982. It reclassified lap-dancing clubs as sexual entertainment venues and gives local authorities the power to regulate them as sex establishments.

Mid Sussex District Council adopted the new powers on 21st April 2010.

1.3 This policy is published in accordance of the provisions of the Policing and Crime Act 2009. The policy will be reviewed every five years and any revisions made to the policy will be considered appropriate to ensure the statutory objectives of the Act are being met.

Attached to the policy, are a number of documents. The documents relate to Standard Conditions and from part of the Policy.

The forms relating to applications and Licensing Hearings are provided to assist applicants and may be amended at any time without revision of the Licensing Policy.

Mid Sussex District Council's (the Council) statement of main purpose is: -

'To be an effective Council delivering value for money services and helping to create a strong economy, environment and community.'

The Licensing service is a key Council service, contributing to the Council's corporate priorities

2. GENERAL POLICY

2.1 Determining Applications

The Council has determined that the following principles will apply.

Applicants must address this policy in order for any grant of an application to be considered.

The Council can set the number of sex establishment licences it grants in a relevant locality.

An application for a licence can be refused if the Council considers that the number of sex establishments they consider appropriate in a relevant locality would be exceeded by the grant.

The term 'relevant locality' is not defined in the Act.

The Council has decided to identify areas in which they do not consider the granting of a Sex Establishment Licence to be appropriate.

Mid Sussex District Council covers an area which includes urban and rural communities.

2.2 East Grinstead, Haywards Heath, Burgess Hill

The three main towns, East Grinstead, Haywards Heath and Burgess Hill have busy and diverse shopping centres laid out as traditional 'High Streets', incorporating a mixture of national and independent traders. Included in these trading outlets are a large number of pubs, restaurants, cafes and takeaway outlets. There are community facilities in the form of libraries, community centres, schools and places of worship. There are a number of residential units within the town centres themselves, many above and adjoining retail units. Bordering these 'High Streets' are large residential areas. Access is equally viable on foot, public or private transport. Accordingly the footfall covers all age groups.

The Council considers the association that sex establishments have with the 'sex industry' and adult entertainment means that they are not suitable for these relevant localities in East Grinstead, Haywards Heath or Burgess Hill.

2.3 Villages and Rural Areas

Throughout the District are a number of smaller towns, villages and rural communities. Many of these have smaller shopping areas. The Council have identified the following areas:

Ansty *
Ardingly
Ashurst Wood
Balcombe
Bolney
Bolnere Village
Cophorne
Crawley Down
Cuckfield
Felbridge
Handcross
Hassocks
Horsted Keynes
Hurstpierpoint
Keymer
Lindfield
Sayers Common *
Scaynes Hill
Sharpthorne
Turners Hill

Warninglid *
West Hoathly
Whitemans Green

These areas are significantly quieter as they are more rural than the three main towns identified previously. These areas all have pubs restaurants and take away outlets. They are not therefore immune to entertainment venues. They too have residential areas bordering the main shopping street together with residential accommodation above and adjoining retail units. The footfall in these quieter areas still covers all age groups.

* *The Council recognises that the areas marked ** do not have a traditional retail area. They do have significant customer outlets so that they should be included in this category.

The Council considers the association that sex establishments have with the 'sex industry' and adult entertainment means that they are not suitable for these relevant localities.

There are a number of rural localities within the district that have small residential communities and businesses. These include agricultural businesses, businesses run from rented accommodation in farms and in some cases small, low-key, industrial units.

These communities have chosen to live and or work from these locations because of its tranquillity. Many of these areas are designated as Areas of Outstanding Natural Beauty. The Council wishes to maintain these standards both for residents and businesses in the area and for visitors to enjoy the countryside.

The areas are too numerous to list due to the size of the District.

The Council considers the association that sex establishments have with the 'sex industry' and adult entertainment means that they are not suitable for these relevant localities.

2.4 Business Parks and Industrial Estates

There are 17 Business Parks/Industrial Estates within the District.

1. Borers Arms Yard, Copthorne
2. Barns Court, Copthorne
3. Felbridge Centre, East Grinstead
4. Birches Industrial Estate, East Grinstead
5. Independent Business Park, East Grinstead
6. Imberhome Industrial Estate, East Grinstead
7. Wellington Town Road, East Grinstead
8. Charlwoods Road Industrial Estate, East Grinstead
9. Ivy Dene Lane, Ashurstwood
10. Rowfant Business Centre, Rowfant
11. Horsted Keynes Industrial Park, Cinder Hill, Horsted Keynes
12. Burrell Road Industrial Estate, Haywards Heath
13. Bridge Road Industrial Estate, Haywards Heath
14. Western Road Industrial Park, Haywards Heath
15. Lindfield Enterprise Park, Lewes Road, Lindfield
16. Sheddingdean Industrial Estate, Burgess Hill

17. Victoria Industrial Estate, Burgess Hill
18. Bolney Grange Industrial Estate, Stairbridge Lane, Bolney
19. King Business Centre, Sayers Common.

The size of these business parks varies, but they consist of anything from warehouses, retail outlets and distribution centres to car repair units.

The hours of operation are generally early morning to early evening.

The nature of this District is such that these are not sprawling areas. They are all bounded by residential streets. Whilst it is accepted that the business park themselves have no residences, consideration must be given to the business communities therein.

The siting of a sex establishment within the confines of such an area may give rise to concerns.

The issue of late night opening is a factor that must be taken into account. The area is likely to be ordinarily quiet after business hours in the retail area. Customers frequenting Sex Establishments may be vulnerable in these areas, particularly after dark. There is also the question of increased footfall during hitherto quiet times and the inherent risk of opportunist and organised crime against the business units.

The Council acknowledges that a Sex Establishment Venue in a business/industrial area does not carry the same risk to vulnerable groups as a residential or retail area. However it does conclude a different type of crime risk, due to the isolation of the operation and the subsequent risk to established business reputations and physical loss through crime.

The Council considers the association that sex establishments have with the 'sex industry' and adult entertainment means that they are not suitable for the relevant localities of the Business Parks and Industrial Estates.

2.5 Consultations, Representations and Decision making

The Council, in determining applications, will

- Consider each application on its merits.
- Consider all relevant representations.
- Make enquiries as it deems appropriate, including an interview with the prospective licensee, to ascertain the suitability of the style of operation and the applicant.
- Notify the following bodies about the application and invite representations:

Mid Sussex District Council's Environmental Protection Team.

Mid Sussex District Council's Development Management Section.

Mid Sussex District Council's Elected Ward Members.
Haywards Heath, Burgess Hill and East Grinstead Town Councils,
Parish Councils within the District.

Any other person or body deemed appropriate to the application by the Council.

- Have regard for the Statement of Policy objectives.

Sussex Police is a Statutory Consultee within the terms of the Act. The applicant must supply a copy of the application to them within 7 days of the original submission to the Council.

2.6 Representations

Any person in the relevant location may make a representation about an application.

Representations, including the name and full postal address of the person concerned, must be submitted in writing to the Licensing Officer before the expiry of the 28 day consultation period.

The Council will weigh up and balance the interests of the applicant with those of the local community in reaching a decision on a licence application. Representations made before the application is submitted can be taken into account.

The Council also has discretion to consider representations made after the 28 day consultation period although this will be assessed on a case by case basis.

The legislation dictates that, unless a person making representations consents, their name and address shall not be revealed to the applicant.

The grounds for any objection made on the application must be provided to the applicant prior to the determination of the application.

The report to the Licensing Sub-Committee may have full details of the objections, including any actions / undertakings proposed by the applicant to address matters raised.

The Council, in determining applications, will also consider the following factors:

- a) the proximity of residents to the premises, including any sheltered housing and accommodation for vulnerable persons,
- b) the proximity of educational establishments to the premises,
- c) the proximity of places of worship to the premises,
- d) access routes to and from schools, play areas, nurseries, children's centres or similar premises,
- e) the proximity to shopping centres,
- f) the proximity to community facilities/halls and public buildings such as swimming pools, leisure centres, public parks, youth centres/clubs (this list is not exhaustive),
- g) the potential impact of the licensed activity on crime and disorder and public nuisance,
- h) the potential cumulative impact of licensed premises in the area taking into account the days and hours of operation of the activity and the character of the locality where the premises are situated,

- i) the nature and concerns of any objections received from residents/establishments objecting to the licence application,
- j) any evidence of complaints about noise and/or disturbance caused by the premises,
- k) current planning permission/planning requirements on the premises,
- l) any current planning policy considerations,
- m) proximity of other sex establishments,
- n) whether there is planned regeneration of the area,
- o) any current licensing permissions related to the premises in relation to activities, uses and hours,
- p) comments/observations of the Police and Council personnel, including compliance with licensing conditions, relevant history (including noise complaints) together with details of previous convictions/prosecutions pending,
- q) The suitability and fitness of an applicant to hold a licence

2.7 Suitability and Fitness of applicant

In determining suitability for a licence, the Council shall normally take into account:

1. The operator is honest
2. The operator is qualified by experience to run the type of sex establishment in question
3. The operator understands the general conditions
4. The operator is proposing a management structure which will deliver compliance with operating conditions eg through :
 - a) Managerial competence
 - b) Presence
 - c) A credible management structure
 - d) Enforcement of rules internally eg through training and monitoring
 - e) A viable business plan eg sufficient to employ door staff and install CCTV
 - f) Policies for welfare of performers
5. That the operator can be relied upon to act in the best interests of the performers, eg in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored.
6. That the operator can be relied upon to protect the public e.g. transparent charging, freedom from solicitation.
7. That the operator can show a track record of management of compliant premises or that he/she will employ individuals who have such a track record.

The above factors are not an exhaustive list of considerations but are indicative of the types of factors which may be considered in dealing with an application.

The Council shall not normally grant a licence to operate as a sex establishment if the character of the surrounding area to the proposed licensed premises is such that granting a licence is considered inappropriate.

A Licensing Sub-Committee shall determine all applications for new licences for sex establishments.

2.8 Refusal of a Licence

Specific mandatory grounds for refusal of a licence are set out in the Act.

A licence cannot be granted:

- a) to anyone under 18 years of age
- b) to someone who has held a licence that was revoked in the last 12 months (from the date of revocation)
- c) to someone who has been refused a new or renewal of licence within the last 12 months (from the date of making the application)
- d) to an individual who is not resident in the United Kingdom or has not been resident for six months prior to the making of an application
- e) to a company not incorporated in the United Kingdom

The Council may also refuse a licence if:

- a) the applicant is unsuitable to hold a licence because they have been convicted of an offence or for any other reason
- b) were the licence to be granted, renewed or transferred, the business to which it relates would be managed or carried on for the benefit of a person other than the applicant, who would have been refused a licence if they had applied themselves
- c) the number of sex establishments or sex establishments of a particular kind in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality (see Sections 2.1- 2.4)
- d) the grant or renewal of licence would be inappropriate having regard to:
 - i) the character of the relevant locality
 - ii) the use to which any premises in the vicinity are put; or
 - iii) the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

2.9 Renewal Applications

Where a licence was in existence before the introduction of this Policy, this Policy will become a consideration when the licence is due for renewal.

When considering a renewal application the Council may take into account the criteria set out at Section 2.6 paragraphs (a) – (q) and Section 2.8 above.

- a) the type of activity to which the application relates
- b) the duration of the proposed licence
- c) the days and hours of operation of the activity
- d) the layout and condition of the premises
- e) the use to which other premises in the vicinity are put
- f) the character of the locality in which the proposed premises are situated
- g) the levels of crime and disorder in the area
- h) past demonstrable adverse impact from the activity
- i) whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts

It should be noted that the Council in applying its decision-making discretion may consider it appropriate to refuse the renewal of the licence even where there has been no change in the character of the relevant locality or in the use to which any premises in the locality are put.

A Licensing Sub-Committee shall determine all applications for renewal of licences for sex establishments.

2.10 Variation Applications

Where an application is made to vary any of the terms and conditions of an existing licence, whether on renewal or not, the Council will take into account the criteria as set out in Section 2.6 paragraphs (a) – (q) and Sections 2.7 and 2.8 above.

A Licensing Sub-Committee shall determine all applications to vary existing licences for sex establishments.

2.11 Transfers

Applications to transfer a licence will be determined by a Licensing Sub Committee.

The Council will make such enquiries as it deems appropriate, including an interview with the prospective licensee, to ascertain the suitability of the style of operation and the applicant.

3. THE APPLICATION PROCESS

3.1 Making an application

Applications should be made in writing on the Council approved form to the Licensing Officer, Mid Sussex District Council.

The form, must be accompanied by the following:

- five sets of floor plans, drawn to scale and showing all means of entry and exit, any parts used in common with any other building and indicating how the premises lie in relation to the street;
- five sets of plans showing the existing and front elevation of the premises depicting all signage;
- five sets of plans (scale 1:500) showing the sex establishment in relation to other premises within 100 metres;
- five sets of plans (scale 1:50) showing the layout of the sex establishment;
- the correct fee as set by the Council.

A copy of the application and supporting documents must also be sent to the Chief Officer, Sussex Police within 7 days of submission to the Council.

There will be a consultation period for 28 days starting the day after the Licensing Authority receives the application.

Applicants are required to post an A3 notice at the proposed site for 21 days from the date the application is lodged with the Council, setting out the application details. Guidance on these Notices is available from the Licensing Officer. The notice must be posted in a prominent position for the whole of that time and be easily read by passers-by.

Applicants are also required to place a public notice in a newspaper that is ordinarily available in the area in which the premises is situated. A specimen advertisement is available from the Licensing Officer. The newspaper notice should appear in the publication within 7 days of the application being lodged.

Applicants are told that any person who, in connection with an application for the grant renewal or transfer of a licence, makes a statement which s/he knows to be false in any material respect, or which s/he does not believe to be true, is guilty of an offence and liable to summary conviction to a fine not exceeding £20,000.

Any licence approved by the Council does not constitute any approval under other Acts (e.g. the Town and Country Planning Act 1990) or Byelaws. The applicant must ensure that all other necessary consents and approvals are obtained prior to operation.

The Council will not determine an application for grant of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.

3.2 Renewal of Licences

Licences are issued for any period of time subject to a maximum of 12 months.

Applications to renew licences must be submitted together with the appropriate fee at least 28 working days before expiry. Applications for renewal of licences are subject to the site and newspaper notice requirements set out above.

A copy of the renewal application and supporting documents must also be sent to the Chief Officer, Sussex Police at the same time of submission to the Council.

The Council will consult those it deems appropriate before determining the renewal. (See Section 2.5)

Applicants are required to post an A3 notice at the proposed site for 21 days from the date the application is lodged with the Council, setting out the application details. Guidance on these Notices is available from the Licensing Officer. The notice must be posted in a prominent position for the whole of that time and be easily read by passers-by.

There will be a consultation period for 28 days starting the day after the Licensing Authority receives the application.

A Licensing Sub-Committee shall determine all renewal applications. A Licensing Hearing to determine renewals can be held beyond the expiry date of a Licence. Under no circumstances will this be later than 35 working days after the scheduled expiry date. Licences will be valid until such determination.

3.3 Variation of Licence

The application form, with relevant plans and fee, should be sent to the Licensing Officer. Applications for variations of licence are subject to the site and newspaper notice requirements set out above.

The Council will consult those it deems appropriate before determining the variation (See Section 2.5)

Variation applications relate only to proposed changes to such matters as the hours and area of the premises covered by the licence. Any changes in Licensee must be the subject of a transfer application.

Applicants are required to post an A3 notice at the proposed site for 21 days from the date the application is lodged with the Council, setting out the application details. Guidance on these Notices is available from the Licensing Officer. The notice must be posted in a prominent position for the whole of that time and be easily read by passers-by.

There will be a consultation period for 28 days starting the day after the Licensing Authority receives the application.

All variation applications for sex establishment licences will be referred to a Licensing Sub-Committee for determination. Applicants must not operate any revised or varied arrangements until such an application has been approved and any revised or varied licence has been issued.

3.4 Transfer of Licence

Applications to transfer a licence will be determined by a Licensing Sub Committee.

The Council will make such enquiries as it deems appropriate, including an interview with the prospective licensee, to ascertain the suitability of the style of operation and the applicant. (See Section 2.7)

3.5 Hearings to determine applications

Any application requiring a determination by a Licensing Sub Committee will be heard in public on a date to be published by the Council.

A hearing to determine applications for new, renewal of existing, variation to an existing or transfer of an existing licence will take place within 30 working days from the day after the consultation period ends.

The Council will publish a determination before the end of 5 working days starting the day after the last day of the hearing.

The applicant and any persons who made relevant representations will have the opportunity to attend the hearing and address the Committee.

The Licensing Sub Committee, having heard all relevant evidence will determine the application. This decision does not have to be made at the hearing.

If a decision is delayed as above, the Licensing Sub Committee will inform all parties present at the hearing of the decision date.

On the grant of a licence, the licence document will have the agreed days and hours of operation set out, together with any other specific and/or standard conditions applied. Licence holders must comply with this.

The procedure for a Licensing Committee to determine all applications relevant to this policy is appended at Appendix H.

3.6 Licence Conditions

The Council will impose standard conditions with the grant of a Sex Establishment Licence.

The Council may also impose further conditions depending upon the individual circumstances of each premises.

The Standard Conditions are attached at Appendices B, C and D.

Fees will be reviewed annually.

APPENDICES

- A Definitions of terms used**
- B Standard Conditions Sex Entertainment Venue**
- C Standard Conditions Sex Shop**
- D Standard Conditions Sex Cinema**
- E Application Form Sex Establishment Licence**
- F Disclosure of Convictions**
- G Photo Endorsement Form**
- H Committee Hearings – Procedure**

DEFINITIONS

Character of the relevant locality

The character or characteristics of the locality where the premises are situated will be instrumental in determining whether or not the grant of a licence will be appropriate. This is a proper matter for the Council to consider based on local knowledge, factors and circumstances.

Display of nudity

This means:

- in the case of a woman: exposure of her nipples, pubic area, genitals or anus;
and
- in the case of a man: exposure of his pubic area, genitals or anus

Permitted hours

These are the hours of activity and operation that have been authorised under a sex establishment licence.

Relevant locality

This is the locality where premises are situated or where the vehicle, vessel or stall is going to be used. The locality and the area that this covers is a matter for the local authority to decide.

Sex Articles

A sex article is anything for use in connection with or for stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.

Sex Cinema

A sex cinema is any premises, vessel, vehicle or stall used to a significant degree for the exhibition of moving pictures however produced, which are concerned primarily with the portrayal of, or primarily deal with or relate to or intending to stimulate or encourage sexual activity or genital organs or urinary excretory functions.

Sexual Entertainment Venue

A sexual entertainment venue is any premises where any live performance or any live display of nudity is of such a nature that, regardless of financial gain, it must reasonably be assumed to have been provided solely or mainly for the purpose of sexually stimulating any member of the audience.

Sex Shop

A sex shop is any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in connection with or for stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.

The Act

This refers to Schedule 3 of the Local Government Miscellaneous Provisions Act 1982 (as amended by the Policing and Crime Act 2009).

The Council

This means Mid Sussex District Council.

The licensed premises

This is the premises, vessel, vehicle or stall which is subject to a sex establishment licence. The premises will be in possession of all appropriate consents and permissions required to operate.

The Organiser

This is any person who is responsible for the organisation or management of the relevant entertainment or the premises.

The Policy

This refers to the sex establishment licensing policy.

MID SUSSEX DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
CONTROL OF SEX ESTABLISHMENTS as amended by
POLICING AND CRIME ACT 2009

SEXUAL ENTERTAINMENT VENUE STANDARD LICENCE CONDITIONS

A. MANAGEMENT OF THE PREMISES

1. The licensee, or some responsible person nominated by him and approved in writing by the licensing authority for the purpose of managing the sex establishment ('the manager') shall have personal responsibility for and be present on the premises at all times when the premises are open to the public.
2. Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the licensing authority within 14 days of such change and such details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the licensing authority.
3. A copy of the licence and any conditions attached shall at all times be displayed in a conspicuous position on the premises, so as to be available for inspection by the police, the fire authority and authorised officers of the licensing authority.
4. The name of the person responsible for the management of the sex establishment, whether the licensee or manager, shall be displayed in a conspicuous position within the premises throughout the period he/she is responsible for conduct of the premises. A register shall be maintained by the licensee recording the name and address of any person who is responsible for managing the establishment in his/her absence and the respective dates.
5. The licensee shall retain control over all parts of the premises and shall not let, licence or part with possession of any part.
6. The licensee shall ensure that the public are not admitted to any part of the premises that has not been licensed.
7. No person under the age of 21 years shall be admitted to the premises and a notice to this effect, in accordance with condition 19, shall be displayed on the outside of the premises.
8. Neither the licensee nor any employee or agent shall solicit custom for the sex establishment outside or in the vicinity of the sex establishment.
9. The licensee shall ensure that during the hours that the premises are open for business every employee wears a badge of a type approved by the licensing authority indicating their name and that they are employed by the establishment.

B. OPENING OF THE PREMISES

10. The premises shall not, without the written consent of the licensing authority, be opened and used for the purposes for which the licence is granted except during the following hours:

Monday to Friday inclusive	ZZZZam to XXXpm
Saturday	XXXXam to XXXXpm
Sunday	XXXXam to XXXXpm

11. The premises shall not be opened and used for the purposes for which the licence is granted on Christmas Day, Boxing Day, Good Friday and Easter Sunday.

C. CONDUCT OF THE PREMISES

12. All printed matter offered for sale, hire, exchange or loan within a sex establishment shall be available for inspection prior to purchase and a notice to this effect shall be displayed in a conspicuous position within the premises.

13. No sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Entertainment Venue.

14. A code of conduct for dancers will be operated subject to approval by the Licensing Authority and Sussex Police.

15. A code of conduct for customers will be operated subject to approval by the Licensing Authority and Sussex Police.

16. Dancers will perform on a stage area only.

There will be a defined segregation area between the audience and performers.

No dancer will perform a 'private dance' to customer(s) who are standing up.

No photography is allowed in the premises during the hours the premises is open to the public.

There will be no audience participation in dancers' performances.

Sex articles will not be used as props during performances by dancers.

There will be no contact between performers and the audience. This also applies when the 'performance' has taken place and the dancers are 'off duty' in the premises.

There will be a 1 metre gap between the performer and any member of the audience.

Access to dressing rooms must be directly off the stage. Performers must not pass through the audience to access dressing rooms.

Performers must re dress immediately and not enter the audience area in a state of undress.

There will be no 'private' booths in the venues.

D. EXTERNAL APPEARANCE

17. The holder of a sex establishment licence may exhibit on the outside of the premise the name of the business and a notice, capable of being enclosed by a rectangle less than one square metre in area, consisting of the words 'Licensed Sexual Entertainment Venue.'

18. The holder of a sex establishment licence shall exhibit on the outside of the premises a notice capable of being enclosed by a rectangle less than one square metre in area, the times of opening and the words 'No person under the age of 21 years shall be admitted to the premises'.
The shop fascia may bear the trading name 'XXXXXX' No other words are permitted on the shop fascia.

The notices mentioned above, with conditions 17 and 18 shall be affixed to the door of the premises and shall not be displayed in or on the shop window.

19. No other signs or words, or any displays or advertisements, shall be displayed on the outside of the premises or in the vicinity of the premises, except those mentioned in Conditions 17 and 18.

Sex aids, toys, magazines, bondage or fetish equipment or clothing shall not be displayed in the shop window.

20. The backdrop to the windows and openings of the premises shall be of a material or covered with a material that will render the interior of the premises invisible to passers-by.

E. STATE, CONDITION AND LAYOUT OF THE PREMISES

21. External doors shall be closed at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.

22. The premises shall be fitted with an inner entrance door or screen so that no part of the interior of the premises shall be visible when persons are entering or leaving the premises.

23. No access shall be permitted through the premises to any other premises adjoining or adjacent, except in the case of emergency.

24. Alterations or additions, either internal or external, shall not be made to the licensed premises without written consent from the licensing authority.

F. SAFETY

25. The licensee shall take all reasonable precautions for the safety of the public and employees.

26. The licensee shall comply with any fire prevention and safety measures which may be required by the licensing authority.

ADDITIONAL CONDITIONS

- (A) A closed circuit television and video recording system shall be installed within the premises and cover all areas to which the public have access, both upstairs and down. The equipment must be of such a quality as to ensure facial recognition of subjects and must operate throughout all times when the premises are open. Video recordings so produced shall be consecutively numbered and shall be securely maintained for a period of 28 days after recording. All such recordings shall be made available to Police, Fire or Local Authority personnel on demand.

MID SUSSEX DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 CONTROL OF SEX ESTABLISHMENTS

SEX SHOP STANDARD LICENCE CONDITIONS

A. MANAGEMENT OF THE PREMISES

1. The licensee, or some responsible person nominated by him and approved in writing by the licensing authority for the purpose of managing the sex establishment ('the manager') shall have personal responsibility for and be present on the premises at all times when the premises are open to the public.
2. Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the licensing authority within 14 days of such change and such details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the licensing authority.
3. A copy of the licence and any conditions attached shall at all times be displayed in a conspicuous position on the premises, so as to be available for inspection by the police, the fire authority and authorised officers of the licensing authority.
4. The name of the person responsible for the management of the sex establishment, whether the licensee or manager, shall be displayed in a conspicuous position within the premises throughout the period he/she is responsible for conduct of the premises.
A register shall be maintained by the licensee recording the name and address of any person who is responsible for managing the establishment in his/her absence and the respective dates.
5. The licensee shall retain control over all parts of the premises and shall not let, licence or part with possession of any part.
6. The licensee shall ensure that the public are not admitted to any part of the premises that has not been licensed.
7. No person under the age of 18 years shall be admitted to the premises and a notice to this effect, in accordance with condition 19, shall be displayed on the outside of the premises.
8. Neither the licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the vicinity of the sex establishment.
9. The licensee shall ensure that during the hours that the premises are open for business every employee wears a badge of a type approved by the licensing authority indicating their name and that they are employed by the establishment.

B. OPENING OF THE PREMISES

10. The premises shall not, without the written consent of the licensing authority, be opened and used for the purposes for which the licence is granted except during the following hours:

Monday to Friday inclusive	10.00am to 8.00pm
Saturday	9.00am to 8.00pm
Sunday	11am to 5pm

11. The premises shall not, without the written consent of the licensing authority, be opened and used for the purposes for which the licence is granted on Christmas Day, Boxing Day, Good Friday or Easter Sunday.

C. CONDUCT OF THE PREMISES

12. A sex shop shall be conducted primarily for the purpose of the sale of goods by retail.
13. All sex articles and other things displayed for sale, hire, exchange or loan within a sex establishment shall be clearly marked to show the price being charged.
14. All printed matter offered for sale, hire, exchange or loan within a sex establishment shall be available for inspection prior to purchase and a notice to this effect shall be displayed in a conspicuous position within the premises.
15. No film or video recording or other form of recording shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect.
No such recording will be shown in its entirety and will not be shown at customers' request.
'Preview clips' shall not individually be shown for longer than one minute.
Any screen for such use shall not be visible to persons outside of the premises.
Such items, including R.18 videos, shall only be offered for sale and previewed on the First Floor of the premises.

D. EXTERNAL APPEARANCE

16. The holder of a sex establishment licence may exhibit on the outside of the premise the name of the business and a notice, capable of being enclosed by a rectangle less than one square metre in area, consisting of the words 'Licensed Sex Shop.'
17. The holder of a sex establishment licence shall exhibit on the outside of the premises a notice capable of being enclosed by a rectangle less than one square metre in area, the times of opening and the words 'No person under the age of 18 years shall be admitted to the premises'.
The shop fascia may bear the trading name 'XXX XXXX' and the words (in letters not exceeding two (2) inches in height) 'LINGERIE', 'FANTASY WEAR', 'UNIFORM', 'SEX TOYS', 'DVDs'. No other words are to be permitted on the shop fascia.
The notices mentioned above, with conditions 18 and 19 shall be affixed to the door of the premises and shall not be displayed in or on the shop window.

18. No other signs or words, or any displays or advertisements, shall be displayed on the outside of the premises or in the vicinity of the premises, except those mentioned in Conditions 16 & 17.
Any window display must consist of items of clothing or lingerie only. Such items must not be made of leather, rubber, vinyl or other similar plastics. Sex aids, toys, magazines, bondage or fetish equipment or clothing shall not be displayed.
19. The backdrop to the windows and openings of the premises shall be of a material or covered with a material that will render the interior of the premises invisible to passers-by.

E. STATE, CONDITION AND LAYOUT OF THE PREMISES

20. External doors shall be closed at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
21. The premises shall be fitted with an inner entrance door or screen so that no part of the interior of the premises shall be visible when persons are entering or leaving the premises.
22. No access shall be permitted through the premises to any other premises adjoining or adjacent, except in the case of emergency.
23. Alterations or additions, either internal or external, shall not be made to the licensed premises without written consent from the licensing authority.
24. Any facilities in sex shops for previewing films, video recordings, DVDs or other similar material shall be physically separated from the display area of the shop in such a manner that no material being displayed by way of preview shall be visible or audible outside the preview area.

F. SAFETY

25. The licensee shall take all reasonable precautions for the safety of the public and employees.
26. The licensee shall comply with any fire prevention and safety measures which may be required by the licensing authority.

ADDITIONAL CONDITIONS

- (B) A closed circuit television and video recording system shall be installed within the premises and cover all areas to which the public have access, both upstairs and down. The equipment must be of such a quality as to ensure facial recognition of subjects and must operate throughout all times when the premises are open. Video recordings so produced shall be consecutively numbered and shall be securely maintained for a period of 14 days after recording. All such recordings shall be made available to Police, Fire or Local Authority personnel on demand.

MID SUSSEX DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 CONTROL OF SEX ESTABLISHMENTS as amended by POLICING AND CRIME ACT 2009

SEX CINEMA STANDARD LICENCE CONDITIONS

A. MANAGEMENT OF THE PREMISES

1. The licensee, or some responsible person nominated by him and approved in writing by the licensing authority for the purpose of managing the sex establishment ('the manager') shall have personal responsibility for and be present on the premises at all times when the premises are open to the public.
2. Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the licensing authority within 14 days of such change and such details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the licensing authority.
3. A copy of the licence and any conditions attached shall at all times be displayed in a conspicuous position on the premises, so as to be available for inspection by the police, the fire authority and authorised officers of the licensing authority.
4. The name of the person responsible for the management of the sex establishment, whether the licensee or manager, shall be displayed in a conspicuous position within the premises throughout the period he/she is responsible for conduct of the premises.
A register shall be maintained by the licensee recording the name and address of any person who is responsible for managing the establishment in his/her absence and the respective dates.
5. The licensee shall retain control over all parts of the premises and shall not let, licence or part with possession of any part.
6. The licensee shall ensure that the public are not admitted to any part of the premises that has not been licensed.
7. No person under the age of 18/21 years shall be admitted to the premises and a notice to this effect, in accordance with condition 19, shall be displayed on the outside of the premises.
8. Neither the licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the vicinity of the sex establishment.
9. The licensee shall ensure that during the hours that the premises are open for business every employee wears a badge of a type approved by the licensing authority indicating their name and that they are employed by the establishment.

B. OPENING OF THE PREMISES

10. The premises shall not, without the written consent of the licensing authority, be opened and used for the purposes for which the licence is granted except during the following hours:

Monday to Friday inclusive	xxxxam to xxxxpm
Saturday	xxxxam to xxxxpm
Sunday	xxxxam to xxxxpm

11. The premises shall not be opened and used for the purposes for which the licence is granted on Christmas Day, Boxing Day, Good Friday or Easter Sunday.

C. CONDUCT OF THE PREMISES

12. No sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold hired, exchanged, loaned or demonstrated in a sex cinema.
13. A sex cinema shall be conducted primarily for the viewing of films.
14. No film or video recording or other form of recording shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect.

D. EXTERNAL APPEARANCE

15. The holder of a sex establishment licence may exhibit on the outside of the premise the name of the business and a notice, capable of being enclosed by a rectangle less than one square metre in area, consisting of the words 'Licensed Sex Cinema.'
16. The holder of a sex establishment licence shall exhibit on the outside of the premises a notice capable of being enclosed by a rectangle less than one square metre in area, the times of opening and the words 'No person under the age of 18 years shall be admitted to the premises'.
The shop fascia may bear the trading name 'XXXX XXXX ' and the words (in letters not exceeding two (2) inches in height) LICENSED SEX CINEMA. No other words are to be permitted on the shop fascia.
The notices mentioned above shall be affixed to the door of the premises and shall not be displayed in or on the shop window.
17. No other signs or words, or any displays or advertisements, shall be displayed on the outside of the premises or in the vicinity of the premises, except those mentioned in Conditions 16 and 17.
18. The backdrop to the windows and openings of the premises shall be of a material or covered with a material that will render the interior of the premises invisible to passers- by.

E. STATE, CONDITION AND LAYOUT OF THE PREMISES

19. External doors shall be closed at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a

device to provide for their automatic closure and such devices shall be maintained in good working order.

20. The premises shall be fitted with an inner entrance door or screen so that no part of the interior of the premises shall be visible when persons are entering or leaving the premises.
21. No access shall be permitted through the premises to any other premises adjoining or adjacent, except in the case of emergency.
22. Alterations or additions, either internal or external, shall not be made to the licensed premises without written consent from the licensing authority.

F. SAFETY

23. The licensee shall take all reasonable precautions for the safety of the public and employees.
24. The licensee shall comply with any fire prevention and safety measures which may be required by the licensing authority.

ADDITIONAL CONDITIONS

- (C) A closed circuit television and video recording system shall be installed within the premises and cover all areas to which the public have access, both upstairs and down. The equipment must be of such a quality as to ensure facial recognition of subjects and must operate throughout all times when the premises are open. Video recordings so produced shall be consecutively numbered and shall be securely maintained for a period of 14 days after recording. All such recordings shall be made available to Police, Fire or Local Authority personnel on demand.

**Application for a Sex Establishment Licence to be
Granted /Renewed/Varied
(Local Government Miscellaneous Provisions Act 1982, Sec 2 and Sch 3
as amended by Policing and Crime Act 2009, Sec 27, Sch 3 and Sch 7 para 3.)**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We apply for a Sex Establishment Licence for the premises described in Part 1 below.

Part 1 – Premises details including its name.

Postal address of premises or, if none, ordnance survey map reference or description	
Post town	Post code

Telephone number at premises:

Nature of Licence;

- Sex Shop
- Sex Cinema
- Sexual Entertainment Venue

Part 2 - Applicant details

Please state whether you are applying for a licence as

- a) an individual or individuals* please complete section (A)
- b) a person other than an individual*
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)

(A) INDIVIDUAL APPLICANTS

1. Your personal details				
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)				
Surname				
Forenames				
PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.				
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)				
Surname				
Forenames				
I am 18 years old or over. Please tick ✓	Yes	No	Date of Birth	Place of Birth
National Insurance No				
Passport Details (issued by, validity dates).				
ADDRESS WHERE ORDINARILY RESIDENT (Please provide full details of all addresses where ordinarily resident during the past 5 years)				
Post town	Post code			
TELEPHONE NUMBERS				
Daytime				
Evening				
Mobile				
FAX NUMBER				
EMAIL ADDRESS				

SECOND INDIVIDUAL APPLICANT (if applicable)

1. Your personal details				
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)				
Surname				
Forenames				
PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.				
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)				
Surname				
Forenames				
I am 18 years old or over. Please tick ✓	Yes	No	Date of Birth	Place of Birth
National Insurance No				
Passport Details (issued by, validity dates).				
ADDRESS WHERE ORDINARILY RESIDENT (Please provide full details of all addresses where ordinarily resident during the past 5 years)				
Post town		Post code		
TELEPHONE NUMBERS				
Daytime				
Evening				
Mobile				
FAX NUMBER				
EMAIL ADDRESS				

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned. Full details of all directors/partners must be given.

1.

Name
Address
Date of Birth
Place of Birth
National Insurance No
Company Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number (if any)
E-mail address (optional)

2.

Name
Address
Date of Birth
Place of Birth
National Insurance No
Passport Details
Company Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number (if any)
E-mail address (optional)

3.

Name
Address
Date of Birth
Place of Birth
National Insurance No
Passport Details
Company Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number (if any)
E-mail address (optional)

Part 3 Management of premises and style of operation

1. Who will be responsible for the day to day management of the premises? Please provide details of all managerial and supervisory staff involved in the running of the premises. Further sheets are available.

1. Personal details				
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)				
Surname				
Forenames				
PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.				
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)				
Surname				
Forenames				
I am 18 years old or over. Please tick ✓	Yes	No	Date of Birth	Place of Birth
National Insurance No				
Passport Details (issued by, validity dates).				
ADDRESS WHERE ORDINARILY RESIDENT (Please provide full details of all addresses where ordinarily resident during the past 5 years)				
Post town	Post code			
TELEPHONE NUMBERS				
Daytime				
Evening				
Mobile				
FAX NUMBER				
EMAIL ADDRESS				

Part 4 Operating Schedule

When do you want the licence to start?

If you wish the licence to be valid only for a limited period, when do you want it to end?

Hours Premises are open to the Public		
	Start	Finish
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

Please give a general description of the premises, including the following information.

Style of Operation

Management Structure

Experience of running similar establishments (full details to be provided)

Details of welfare provisions for performers

How you intend to address the conditions in Mid Sussex District Council's Policy for Sex Establishment Venues.

6. CHECKLIST:

I have

Please tick ✓ Yes

- | | |
|--|--|
| 1. Enclosed two photographs of myself (and for every person whose details have been included in this application) one of which is endorsed as a true likeness of us by a solicitor or notary, a person of standing in the community or any individual with a professional qualification. | |
| 2. Enclosed an enhanced criminal conviction certificate from Disclosure and Barring Service for every person whose details have been included in this application. | |
| 3. Enclosed a completed disclosure of criminal convictions and declaration form (Schedule 3) for every person whose details have been included in this application. | |
| 4. I will send a copy of this application to The Chief Officer, Sussex Police within 7 days of today's date. | |
| 5. Made or enclosed payment of the fee for the application | |

7. Declaration

The information contained in this form is correct to the best of my knowledge and belief.

It is an offence knowingly or recklessly to make a false statement in or in connection with an application for the grant, renewal or variation of Sex Establishment Licence. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding [£20000].

SIGNATURE

DATE



The information you have given on this form will only be used by Mid Sussex District Council and its employees in accordance with the Data Protection Act 1998. The information will not be given to any other organisation or individual except to the extent permitted by the Data Protection Act.
For further information, see under Data Protection Act on Mid Sussex District Council's web site
www.midsussex.gov.uk

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant.
2. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
6. The policy for Licensing Sex Establishments in Mid Sussex District Council Area must be read in conjunction with this application.

Disclosure of convictions and declaration

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

1. Your personal details	
TITLE Please tick Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)	
Surname	
Forenames	
PREVIOUS NAMES (if criminal) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.	
TITLE Please tick Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)	
Surname	
Forenames	

2. Criminal or foreign offences		
Read Note 1	Please tick	
Have you been convicted of any criminal offence or foreign offence?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If you have been convicted of any criminal offences you must provide details for each conviction of the date of conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:		
If you have been convicted of any foreign offences you must provide details for each conviction of the date of conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:		

3. Declaration			
I declare that I have not been convicted of any criminal offence or any foreign offence apart from those detailed above.			
SIGNATURE		DATE	

4. Declaration			
The information contained in this form is correct to the best of my knowledge and belief.			
It is an offence knowingly or recklessly to make a false statement in or in connection with an application for the grant or renewal of a personal licence. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.			
SIGNATURE		DATE	



Photograph Declaration for a Sex Establishment Licence Application

Mid Sussex District Council Licensing Policy requires that you submit two photographs with your Sex Establishment Licence application, one of which must be endorsed on the reverse with a statement verifying the likeness of the photograph to you by a *'person of a specified description'*. Those who are identified as a *'person of a specified description'* are:-

- (a) Solicitor.
- (b) Notary.
- (c) A person of standing in the community (Bank or Building Society official, a Police Officer, a Civil Servant or a Minister of Religion).
- (d) An individual with a professional qualification.

We would suggest that the text which is written by the individual who endorses one of your photographs is as follows:-

'I certify that this is a true likeness of Mr, Mrs, Miss, Ms or other (full name), followed by their signature, full name and details of their 'specified description' e.g. 'Solicitor'.

In order for the Licensing Authority to be satisfied that the person who has endorsed your photograph meets with these statutory requirements, and to deter fraudulent applications, it is necessary for the following declaration statements to be completed.



The information you have given on this form will only be used by Mid Sussex District Council and its employees in accordance with the Data Protection Act 1998. The information will not be given to any other organisation or individual except to the extent permitted by the Data Protection Act.

For further information, see under Data Protection Act on Mid Sussex District Council's web site www.midsussex.gov.uk

Statement by Endorser

Title: Mr/Mrs/Miss/Ms or Other (please specify):

Surname:

Forename(s):

**Occupation and/or
Professional qualification:**

Business Address (if applicable):

Home Address:

Daytime Telephone:

Mobile:

Email:

Name (please print):

Signature:

Date:

Statement by Applicant

I confirm that the person named above certified a photograph in support of my application for a Sex Establishment Licence.

Name (please print):

Signature:

Date:

Please return this form with your completed application to:

Licensing Team, Oaklands, Oaklands Road, Haywards Heath, West Sussex RH16 1SS

MID SUSSEX DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982,
as amended by THE POLICING AND CRIME ACT 2009.

SEX ESTABLISHMENTS

PROCEDURE AT THE HEARING BEFORE THE LICENSING SUB-COMMITTEE

1. The hearing shall take place in public unless the Sub-Committee determines that the public should be excluded.
2. The Sub-Committee shall consist of three Elected Members.
3. The Chairman of the Sub-Committee shall at the beginning of the hearing introduce the members of the Sub-Committee.
4. The Chairman shall invite the parties to identify themselves.
5. The Chairman shall then explain the procedure which will be followed at the hearing, that is, this procedure.
6. The Chairman shall ask the Sub-Committee to consider any request made by a party for permission for another named person to appear at the hearing.
7. The Chairman shall ask all parties if they agree that any documentation which has not been produced before the hearing, but which is now produced at the hearing, may be taken into account by the Sub-Committee.
8. The Chairman shall then start the discussion.
9. The Chairman shall invite each party, in turn, to address the Sub-Committee to present their case. Parties will be allowed an equal maximum period of time to do this.
10.
 - i) Members of the Sub-Committee may ask any questions of any party or other person appearing at the hearing.
 - ii) Parties may only question another party if given permission to do so by the Sub-Committee. If permission is given parties will be given an equal maximum period of time to do this.
11. The Chairman shall invite the parties to respond to a point or points of clarification and give further information in support of their application. Parties will be allowed an equal maximum period of time to do this.
12. The Sub-Committee is entitled to disregard irrelevant information given by a party or by any person who has been given permission to appear at the hearing, irrelevant means not relevant to the application, representations or notice.

13.
 - i) Any person attending the hearing who is behaving in a disruptive manner may be required to leave.
 - ii) permission to come back in may be refused.
 - iii) permission to come back in may be given but only on such conditions as the authority may specify.
 - iv) any person required to leave may put in writing to the authority before the end of the hearing any information which they would have been entitled to give orally.
 - v) Only parties, the parties' representatives (whether legally qualified or not), other named persons who have been given permission to appear at the hearing, Members of the Sub-Committee, and the Authority's Legal Adviser should speak at the hearing. There is no provision for Members of the public to address the Sub-Committee.
14. After hearing the representations of the parties, the Chairman will invite the Sub-Committee to withdraw from the room in order to make its determination.
15. The Sub-Committee will return to the hearing to give its determination, unless otherwise specified (see paragraph 17).
16. The Chairman shall inform the parties that the determination, with reasons, will be notified to parties in writing forthwith. The notification will also include information about the parties' right of appeal against the determination.
17. The Sub-Committee may defer determination. If such a course of action is taken the Chairman will inform all parties of the date on which determination is to be made and how it is to be published.

SCRUTINY COMMITTEE FOR COMMUNITY, CUSTOMER SERVICES AND SERVICE DELIVERY WORK PROGRAMME 2019/20

REPORT OF: Tom Clark, Head of Regulatory Services
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Tel: 01444 477062
Wards Affected: All
Key Decision: No

Purpose of Report

1. For the Scrutiny Committee for Community, Customer Services and Service Delivery to note its Work Programme for 2019/20.

Summary

2. Members are asked to note the attached Work Programme. The Work Programme will be reviewed as the final piece of business at each meeting, enabling additional business to be agreed as required.

Recommendations

3. **The Committee are recommended to note the Committee's Work Programme as set out at paragraph 5 of this report.**
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Background

4. It is usual for Committees to agree their Work Programme at the first meeting of a new Council year and review it at each subsequent meeting to allow for the scrutiny of emerging issues during the year.

The Work Programme

5. The Committee's Work Programme for 2019/20 is set out below:

Meeting Date	Item	Reason for Inclusion
18 Sept 2019	Leisure Management Contract	For information.
18 Sept 2019	Animal Welfare Policy	New policy – Prior to public consultation.
18 Sept 2019	Leisure Strategy	Prior to adoption by Council.
18 Sept 2019	Play Strategy	Prior to adoption by Council.

18 Sept 2019	Annual Waste Update	For information.
18 Sept 2019	Annual Landscape Update	For information.
13 Nov 2019	Annual Complaints Report	To provide Members with an update of the complaints the Council has received.
13 Nov 2019	Progress to the Sustainability Strategy 2018-23	Annual Report.
5 Feb 2020	Review of Customer Services across the Council	Action plan to maintain and improve Customer Service.
5 Feb 2020	Air Quality	Annual Report.
5 Feb 2020	Equalities and Diversity Scheme Annual Progress Report	To update members on the Council's Equality and Diversity Scheme.
TBC	Council Tax Reduction Scheme.	Meeting date for this item TBC

Policy Context

6. The Work Programme should ideally reflect the key priorities of the Council, as defined in the Corporate Plan and Budget.

Financial Implications

7. None.

Risk Management Implications

8. None.

Background Papers

None.