



## Crawley Borough Council

### Cabinet

Agenda for the **Cabinet** which will be held in **Committee Rooms A & B - Town Hall**, on **Wednesday, 31 January 2024** at **7.00 pm**

Nightline Telephone No. 07881 500 227

A handwritten signature in black ink, appearing to read 'J. A.', enclosed in a thin black rectangular border.

**Chief Executive**

**Membership:** Councillors

M G Jones (Chair)	Leader of the Council
I T Irvine	Cabinet Member for Housing
Y Khan	Cabinet Member for Public Protection
C J Mullins	Cabinet Member for Leisure and Wellbeing
S Mullins	Cabinet Member for Community Engagement and Culture
A Nawaz	Deputy Leader of the Council & Cabinet Member for Planning and Economic Development
B Noyce	Cabinet Member for Environment, Sustainability and Climate Change
T Rana	Cabinet Member for Resources

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Published 19 January 2024

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The order of business may change at the Chair's discretion

## Part A Business (Open to the Public)

	Pages
<b>1. Apologies for Absence</b>	
<b>2. Disclosures of Interest</b>	
In accordance with the Council's Code of Conduct, councillors are reminded that it is a requirement to declare interests where appropriate.	
<b>3. Minutes</b>	5 - 10
To approve as a correct record the minutes of the Cabinet held on 10 January 2024.	
<b>4. Public Question Time</b>	
To answer any questions asked by the public which are relevant to the functions of the Cabinet.	
Public Question Time will be concluded by the Chair when all questions have been answered or on the expiry of a period of 15 minutes, whichever is the earlier.	
<b>5. Further Notice of Intention to Conduct Business in Private and Notifications of any Representations</b>	
The Monitoring Officer will report on any responses to representations received in relation to why item(s) 16: <i>Crawley Town Centre Heat Network - Phase 2 Expansion</i> should not be held in Part B Business – (Closed to the Public).	
<b>6. Matters referred to the Cabinet and Report from the Chair of the Overview and Scrutiny Commission</b>	
To consider any matters referred to the Cabinet (whether by a scrutiny committee or by the Council) and those for reconsideration in accordance with the provisions contained in the Scrutiny Procedure Rules, the Budget Procedure Rules and the Policy Framework Procedure Rules set out in Part 4 of the Council's Constitution.	
<b>7. 2023/2024 Budget Monitoring - Quarter 3</b>	
The Leader's Portfolio	
To consider report FIN/643 of the Head of Corporate Finance, which was referred to the meeting of the Overview and Scrutiny Commission held on 29 January 2024.	
(Report to be circulated separately as agreed by the Leader).	

	<b>Pages</b>
<p><b>8. 2024-2025 Budget and Council Tax</b></p> <p>The Leader's Portfolio</p> <p>To consider report FIN/642 of the Head of Corporate Finance, which was referred to the meeting of the Overview and Scrutiny Commission on 29 January 2024.</p> <p>(Report to be circulated separately as agreed by the Leader).</p>	
<p><b>9. Treasury Management Strategy 2024-2025</b></p> <p>The Leader's Portfolio</p> <p>To consider report FIN/644 of the Head of Corporate Finance, which was referred to the meeting of the Overview and Scrutiny Commission held on 29 January 2024.</p>	11 - 38
<p><b>10. Review Of Crawley Borough Councils Statement Licensing Policy for 2024 - 2029</b></p> <p>Public Protection Portfolio</p> <p>To consider report HCS/073 of the Head of Community Services, which was referred to the meeting of the Overview and Scrutiny Commission held on 29 January 2024.</p>	39 - 128
<p><b>11. PSPO - Council Owned Multi-Storey Car Parks</b></p> <p>Public Protection Portfolio</p> <p>To consider report HCS/072 of the Head of Community Services, which was referred to the meeting of the Overview and Scrutiny Commission held on 29 January 2024.</p>	129 - 154
<p><b>12. Installation of Toilet Facilities – Cherry Lane and Millpond Unsupervised Adventure Playgrounds</b></p> <p>The Leader's Portfolio</p> <p>To consider report HCS/071 of the Head of Community Services.</p>	155 - 158
<p><b>13. Allocating Monies Collected Through CIL</b></p> <p>Planning and Economic Development Portfolio</p> <p>To consider report PES/452 of the Head of Economy and Planning.</p>	159 - 166
<p><b>14. Supplemental Agenda</b></p> <p>Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.</p>	

	<b>Pages</b>
<p><b>15. Exempt Information – Exclusion of the Public (Subject to Agenda Item 5)</b></p> <p>The Committee is asked to consider passing the following resolution:- That under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraphs specified against the item.</p> <p style="text-align: center;"><b>Part B Business (Closed to the Public)</b></p>	
<p><b>16. Crawley Town Centre Heat Network - Phase 2 Expansion</b></p> <p>Environment, Sustainability and Climate Change Portfolio</p> <p>Exempt Paragraph 3</p> <p>Information relating to financial and business affairs of any particular person (including the Authority holding that information)</p> <p>To consider report HPS/39 of the Head of Major Projects and Commercial Services, which was referred to the meeting of the Overview and Scrutiny Commission on 29 January 2024.</p>	167 - 174

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## Crawley Borough Council

### Minutes of Cabinet

Wednesday, 10 January 2024 at 7.00 pm

#### Councillors Present:

M G Jones (Chair)	Leader of the Council
I T Irvine	Cabinet Member for Housing
Y Khan	Cabinet Member for Public Protection
C J Mullins	Cabinet Member for Leisure and Wellbeing
A Nawaz	Deputy Leader of the Council & Cabinet Member for Planning and Economic Development
B Noyce	Cabinet Member for Environment, Sustainability and Climate Change
T Rana	Cabinet Member for Resources

#### Also in Attendance:

Councillor M L Ayling and D Crow

#### Officers Present:

Sarah Barnes	Parks and Business Development Manager
Vicki Basley	Chief Accountant
Georgina Bouette	Head of Community Services
Siraj Choudhury	Head of Governance, People & Performance
Ian Duke	Chief Executive
Amanda Kendall	Head of Crawley Homes
Carolin Martlew	Head of Corporate Finance
Chris Pedlow	Democracy & Data Manager

#### Apologies for Absence:

Councillor S Mullins

#### 1. Disclosures of Interest

No disclosures of interests were made.

## 2. Minutes

The minutes of the meeting of the Cabinet held on 29 November 2023 were approved as a correct record and signed by the Leader.

## 3. Public Question Time

There were no questions from the public.

## 4. Further Notice of Intention to Conduct Business in Private and Notifications of any Representations

It was reported that no representations had been received in respect of agenda item 10 and 11: *Crawley Homes Staffing Growth* and *Five-Year Business Plan for Tilgate Park & Nature Centre* respectively.

## 5. Matters referred to the Cabinet and Report from the Chair of the Overview and Scrutiny Commission

It was confirmed that no matters had been referred to the Cabinet for further consideration.

## 6. Crawley Borough Council Tree Planting Strategy

The Cabinet Member for Environment, Sustainability and Climate Change presented report [HCS/069](#) and associated appendices of the Head of Community Services. The report requested Cabinet endorse and adopt a strategy that sets out the Council's approach for tree planting across Crawley. The proposed strategy will outline the principles and standards for tree planting, young tree maintenance and woodland sustainability for all Crawley Borough Council trees across the Borough.

Councillor Ayling presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following consideration of the matter at its meeting on [8 January 2024](#), which included noting that the policy applies to Council trees planted on Council owned land. It did not apply to private developments or any other land that was not owned by the Council. Also that the Commission queried whether there was a reference to strategic planning documents to match the strategy, and in response it was mentioned that the Planning and Climate Change SPD did mention trees and tree planting.

Councillor Crow was invited to speak on the item commenting that he was broadly in support of the new policy especially over concept of the right types of trees in the right locations.

Councillors Mullins, Irvine and Jones all spoke in support of the proposal as part of the discussion on the report, including how pleased they were that many of the costs for the policy would be covered by Section 106 contributions, how the plan helps with the Council's commitment to Climate Change and improving air quality for its residents. It was also mentioned from the Cabinet Members, who attended the

# Agenda Item 3

Cabinet (33)  
10 January 2024

Overview and Scrutiny Commission, how pleased they were with the indepth debate the Commission held on the report.

## RESOLVED

That the Cabinet:

- a) approves the Crawley Borough Council Tree Planting Strategy as set out in Appendix A of report [HCS/069](#).
- b) delegates authority to the Head of Community Services, in consultation with the appropriate Cabinet Member, to review and make minor amendments to the Crawley Borough Council Tree Planting Strategy as further changes to legislation and statutory guidance are introduced or following any review.

*(Generic Delegation 7 will be used to enact this recommendation).*

## Reasons for the Recommendations

The proposed Crawley Borough Council Tree Planting Strategy (Appendix A) has been created to guide and inform the Council's decisions to deliver a coherent approach for its tree planting, clearly outlining the standards for all tree planting, young tree maintenance and woodland sustainability. It identifies a clear approach for selecting tree species, location and a process for providing tree planting on council land across the town.

Crawley Borough Council declared a [climate emergency in 2019](#) and the associated action plan identified the need for a sustainable tree planting strategy to help tackle the effects of climate change. This strategy fulfils the response to this requirement whilst also delivering other tangible benefits that will assist officers in taking an agreed and consistent strategic approach for future planting of council trees across the Borough.

## 7. Exempt Information – Exclusion of the Public (Subject to Agenda Item 5)

## RESOLVED

That in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

## 8. Crawley Homes Staffing Growth

*Exempt Paragraphs 1& 3 –  
Information Relating to an Individual; and  
Information relating to financial and business affairs of any particular person (including the Authority holding that information)*

# Agenda Item 3

Cabinet (34)  
10 January 2024

The Cabinet Member for Housing presented report CH/203 of the Head of Crawley Homes. The report outlined the rationale for growth proposals and requested approval for the proposed new structure.

Councillor Ayling presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following consideration of the matter at its meeting on [8 January 2024](#).

Councillor Jones spoke in support of the proposals contained within the report.

## RESOLVED

That the Cabinet:

- a) approves the growth, and structure for the Responsive and Planned Maintenance Teams (Appendix B of report CH/203)
- b) delegates authority to the Head of Crawley Homes to conduct the necessary consultation arrangements, fulfil the changes and decisions on all human resources matters, subject to the appropriate guidelines and procedures, as set out in the Constitution.  
*(Generic Delegation 11 will be used to enact this recommendation)*
- c) requests that Head of Corporate Finance to reflect the above decision within the 2024-2025 Budget and Council Tax report.

## Reasons for the Recommendations

A new structure for the repairs teams are proposed to reflect a change in demand arising from:

- Standards set by the Regulator of Social Housing and Housing Ombudsman
- Our residents, including in relation to legal challenge around disrepair claims
- A recognition of the age of our stock and a changing approach needed to planned maintenance

Appendix A of report CH/203 shows the existing structure in the Responsive Repairs and Asset Management Team.

Appendix B demonstrates the proposed structure for the team and is recommended in order to ensure the teams have inbuilt resilience and can manage the demands being placed on them through items listed in paragraph 3.1 of report CH/203.

In addition, and slightly separate to the to the above, it is proposed that a System Admin Support Officer is recruited on a fixed term basis to support maintenance of the Active H housing management system.

## 9. Five Year Business Plan for Tilgate Park & Nature Centre

*Exempt Paragraph 3 –  
Information relating to financial and business affairs of any particular person (including the Authority holding that information)*



# Agenda Item 3

Cabinet (35)  
10 January 2024

The Cabinet Member for Leisure and Wellbeing presented report HCS/068 of the Head of Community Services. The report explored proposals to further improve facilities available to visitors at Tilgate Park & Nature Centre over the next five years whilst maintaining the existing infrastructure and income targets.

Councillor Ayling presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following consideration of the matter at its meeting on [8 January 2024](#).

Councillor Crow was invited to speak on the item.

Councillors Irvine, Rana Nawaz and Jones all spoke as part of the discussion on the report.

## **RESOLVED**

That the Cabinet

- a) approves the Five-Year Business Plan for Tilgate Park and Nature Centre (Appendix A of HCS/068).
- b) approves that the current reserve together with any income over target be allocated to a Park Reserve and ring fenced to fund projects across Tilgate, the Nature Centre and other parks and open spaces.
- c) delegates authority to the Head of Community Services in consultation with the Cabinet Member for Leisure and Wellbeing to proceed with projects and proposals subject to budget availability and delegation limits.  
*(Generic Delegation 7 will be used to enact this recommendation).*

## **Reasons for the Recommendations**

A strategic approach to plan future opportunities and initiatives across the park is required to allow for inter-dependencies and prioritisation of projects.

Previous Business Plans for Tilgate Park have demonstrated the need to maintain the core infrastructure (toilets, car park, paths and access) to enable the park to retain its position as a top visitor attraction.

Continuing to develop the leisure facilities, Nature Centre and events will ensure regular visitors and income to the park throughout the year which enables the site to be self-financing and provide financial support for projects within the other parks and open spaces.

## **Closure of Meeting**

With the business of the Cabinet concluded, the Chair declared the meeting closed at 7.59 pm

**M G JONES**  
Chair

# Agenda Item 3

Cabinet (36)  
10 January 2024

# Agenda Item 9

## Crawley Borough Council

### Report to Overview & Scrutiny Commission 29 January 2024

### Report to Cabinet 31 January 2024

### Treasury Management Strategy 2024/2025

Report of the Head of Corporate Finance– FIN/644

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#### 1. Purpose

1.1 The Strategy for 2024/25 covers two main areas:

##### Capital

- the capital plans and the associated prudential indicators;
- the Minimum Revenue Provision (MRP) policy.

##### Treasury Management

- the current treasury position;
- treasury indicators which limit the treasury risk and activities of the Council;
- prospects for interest rates;
- the borrowing strategy;
- policy on borrowing in advance of need;
- debt rescheduling;
- the investment strategy;
- creditworthiness policy; and
- the policy on use of external service providers.

#### 2. Recommendations

2.1 To the Overview and Scrutiny Commission:

That the Commission considers the report and decides what comments, if any, it wishes to submit to the Cabinet.

2.2 To the Cabinet

The Cabinet is requested to recommend to Full Council the approval of:-

- a) the Treasury Prudential Indicators and the Minimum Revenue Provision (MRP) Statement contained within Section 5.4;
- b) the Treasury Management Strategy contained within Section 6;
- c) the Investment Strategy contained within Section 7;

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## 3. Reasons for the Recommendations

- 3.1 The Council's financial regulations, in accordance with the CIPFA Code of Practice for Treasury Management, requires a Treasury Management Strategy to be approved for the forthcoming financial year. This report complies with those requirements.

## 4. Background

- 4.1 The Council is required to operate balanced General Fund and Housing Revenue Account (HRA) revenue budgets, which broadly means that cash raised during the year will meet cash expenditure. Part of the treasury management operation is to ensure that this cash flow is adequately planned, with cash being available when it is needed. Surplus monies are invested in low-risk counterparties or instruments commensurate with the Council's low risk appetite, providing adequate liquidity initially before considering investment return.
- 4.2 The second main function of the treasury management service is the funding of the Council's capital plans. These capital plans provide a guide to the borrowing need of the Council, essentially the longer-term cash flow planning to ensure that the Council can meet its capital spending obligations. This management of longer-term cash may involve arranging long or short-term loans or using longer term cash flow surpluses. On occasion any debt previously drawn may be restructured to meet Council risk or cost objectives.
- 4.3 The contribution the treasury management function makes to the Council is critical, as the balance of debt and investment operations ensure liquidity or the ability to meet spending commitments as they fall due, either on day-to-day revenue or for larger capital projects. The treasury operations will see a balance of the interest costs of debt and the investment income arising from cash deposits affecting the available budget. Since cash balances generally result from reserves and balances, it is paramount to ensure adequate security of the sums invested as a loss of principal will, in effect, result in a loss to those balances.
- 4.4 Whilst any commercial initiatives or loans to third parties will impact on the treasury function, these activities are generally classed as non-treasury activities (arising usually from capital expenditure) and are separate from the day-to-day treasury management activities.
- 4.5 CIPFA defines treasury management as:  
  
*"The management of the local authority's borrowing, investments and cash flows, including its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."*
- 4.6 This report takes into account the revenue and capital implications arising in the 2024/25 Budget and Council Tax report (FIN/642).

# Agenda Item 9

## 5. The Capital Prudential Indicators 2024/25 – 2026/27

### 5.1 The Capital Expenditure Plans

5.1.1 The Council's capital expenditure plans are the key driver of treasury management activity. The output of the capital expenditure plans is reflected in the prudential indicators.

#### Capital Expenditure

5.1.2 This prudential indicator is a summary of the Council's capital expenditure plans, both those agreed previously, and those forming part of this budget cycle.

Capital Expenditure £'000	2022/23 Actual *	2023/24 Estimate	2024/25 Forecast	2025/26 Forecast	2026/27 Forecast
Joint responsibility inc. New Town Hall	7,442	2,012	3,565	0	0
Cabinet	428	333	339	300	0
Environment Services & Sustainability	489	3,521	365	210	85
Housing General Fund	1,353	4,799	6,505	15	15
Planning & Economic Development	1,225	6,690	14,479	15,724	1,955
Resources	141	626	1,809	0	0
Wellbeing	615	1,658	490	0	0
<b>General Fund</b>	<b>11,695</b>	<b>19,639</b>	<b>27,552</b>	<b>16,249</b>	<b>2,055</b>
<b>HRA</b>	<b>19,871</b>	<b>27,665</b>	<b>38,656</b>	<b>35,504</b>	<b>20,677</b>
Non-treasury investments **	0	0	0	0	0
<b>Total</b>	<b>31,566</b>	<b>47,304</b>	<b>66,208</b>	<b>51,753</b>	<b>22,732</b>

\* £44k of capital expenditure in 2022/23 arises from a change in the accounting for leases and does not represent cash expenditure

\*\* Non-treasury investments relate to areas such as capital expenditure on investment properties, loans to third parties, etc.

5.1.3 The table below shows how the above capital expenditure plans are being financed. Any shortfall of resources results in a borrowing need.

Financing of Capital Expenditure £'000	2022/23 Actual	2023/24 Estimate	2024/25 Forecast	2025/26 Forecast	2026/27 Forecast
Capital receipts	8,038	5,046	6,826	4,910	352
Capital reserves	0	1,577	252	0	0
1-4-1 receipts	2,627	2,603	7,321	8,097	8,271
Revenue	1,447	4,860	544	315	15
Capital grants	2,369	8,852	18,904	11,024	1,688
Major Repairs Reserve	8,387	19,568	20,409	27,407	12,406
<b>Net financing need for the year</b>	<b>8,698</b>	<b>4,798</b>	<b>11,952</b>	<b>0</b>	<b>0</b>

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## 5.2 Capital Financing Requirement (The Council's borrowing need)

5.2.1 The Council's Capital Financing Requirement (CFR) is the total historic outstanding capital expenditure which has not yet been paid for from either revenue or capital resources. It is essentially a measure of the Council's indebtedness and so it's underlying need to borrow. Any capital expenditure which has not been financed through a revenue or capital resource will increase the CFR.

5.2.2 The CFR does not increase indefinitely, as the Minimum Revenue Provision (MRP) is a statutory annual revenue charge which broadly reduces the indebtedness in line with each assets life, and so charges the economic consumption of capital assets as they are used.

5.2.3 The Council is asked to approve the CFR projections below:

£'000	2022/23 Actual	2023/24 Estimate	2024/25 Forecast	2025/26 Forecast	2026/27 Forecast
<b>Capital Financing Requirement</b>					
CFR – General Fund	18,029	19,730	25,053	24,344	23,621
CFR - HRA	249,325	240,410	233,925	220,925	205,925
CFR – Non-financial investments	0	0	0	0	0
<b>Total CFR</b>	<b>267,354</b>	<b>260,140</b>	<b>258,978</b>	<b>245,269</b>	<b>229,546</b>
<b>Movement in CFR</b>	<b>7,029</b>	<b>(7,214)</b>	<b>(1,162)</b>	<b>(13,709)</b>	<b>(15,723)</b>

<b>Movement in CFR represented by</b>					
Net financing need for the year (above)	0	4,798	11,952		
IFRS16 Leases	44				
Less MRP/VRP and other financing movements - GF	(791)	(12)	(114)	(709)	(723)
Less MRP/VRP and other financing movements - HRA	(11,000)	(12,000)	(13,000)	(13,000)	(15,000)
<b>Movement in CFR</b>	<b>(11,747)</b>	<b>(7,214)</b>	<b>(1,162)</b>	<b>(13,709)</b>	<b>(15,723)</b>

## 5.3 Core funds and expected investment balances

5.3.1 The application of resources (capital receipts, reserves etc.) to either finance capital expenditure or support the revenue budget will have an ongoing impact on investments unless resources are supplemented each year from new sources (asset sales etc.).

Detailed below are estimates of the year end balances for each resource stream which form the anticipated day to day cash flow balances. The external borrowing relates to the PWLB loans taken out for the HRA self-financing. The downward forecast reflects the repayment of those loans in line with the repayment schedule.

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Year End Resources £'000	2022/23 Actual	2023/24 Estimate	2024/25 Forecast	2025/26 Forecast	2026/27 Forecast
<b>Total CFR</b>	<b>267,354</b>	<b>260,140</b>	<b>258,978</b>	<b>245,269</b>	<b>229,546</b>
Less: External borrowing*	(249,356)	(237,344)	(227,338)	(220,331)	(208,325)
<b>Under/over borrowing</b>	<b>17,998</b>	<b>22,796</b>	<b>31,640</b>	<b>24,938</b>	<b>21,221</b>
Less: Usable reserves	(86,244)	(53,971)	(28,059)	(13,078)	(10,951)
Less: Working Capital**	(29,779)	(20,000)	(20,000)	(20,000)	(20,000)
<b>Expected investments</b>	<b>(98,025)</b>	<b>(51,175)</b>	<b>(16,419)</b>	<b>(8,140)</b>	<b>(9,730)</b>

\* shows only loans to which the Council is committed and excludes optional refinancing

\*\* Working capital balances shown are estimated year-end; these may be higher mid-year

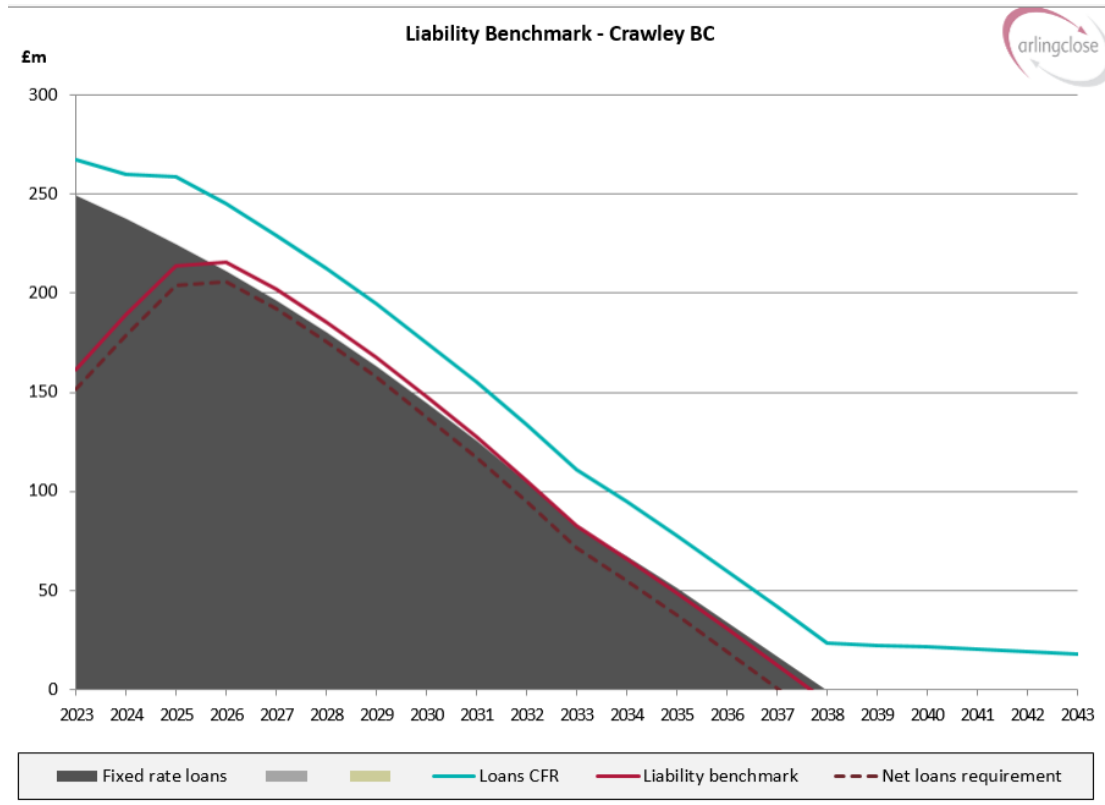
5.3.2 Liability benchmark: To compare the Council's actual borrowing against an alternative strategy, a liability benchmark has been calculated showing the lowest risk level of borrowing. This assumes the same forecasts as table in 5.3.1 above but that cash and investment balances are kept to a minimum level of £10m at each year-end to maintain sufficient liquidity but minimise credit risk.

5.3.3 The liability benchmark is an important tool to help establish whether the Council is likely to be a long-term borrower or long-term investor in the future, and so shape its strategic focus and decision making. The liability benchmark itself represents an estimate of the cumulative amount of external borrowing the Council must hold to fund its current capital and revenue plans while keeping treasury investments at the minimum level required to manage day-to-day cash flow.

£'000	2022/23 Actual	2023/24 Estimate	2024/25 Forecast	2025/26 Forecast	2026/27 Forecast
<b>Total CFR</b>	<b>267,354</b>	<b>260,140</b>	<b>258,978</b>	<b>245,269</b>	<b>229,546</b>
Less: Usable reserves	(86,244)	(53,971)	(28,059)	(13,078)	(10,951)
Less: Working Capital	(29,779)	(20,000)	(20,000)	(20,000)	(20,000)
<b>Net loans requirement</b>	<b>151,331</b>	<b>186,169</b>	<b>210,919</b>	<b>212,191</b>	<b>198,595</b>
Plus: Liquidity allowance	10,000	10,000	10,000	10,000	10,000
<b>Liability benchmark</b>	<b>161,331</b>	<b>196,169</b>	<b>220,919</b>	<b>222,191</b>	<b>208,595</b>

5.3.4 Following on from the medium-term forecasts in the table above, the long-term liability benchmark assumes capital expenditure funded by borrowing of £12m in 2024/25, minimum revenue provision on new capital expenditure based on a 40-year asset life and income, expenditure and reserves all increasing by inflation of 4.0% a year. This is shown in the chart below:

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## 5.4 Minimum Revenue Provision (MRP) Policy Statement

5.4.1 Where the Council finances capital expenditure by debt it must put aside resources to repay that debt in later years. The amount charged to the revenue budget for the repayment of debt is known as MRP.

5.4.2 The MHCLG Guidance requires the Council to approve a MRP Policy Statement each year and recommends a number of options for calculating a prudent amount of MRP. The following statement only incorporates options recommended in the Guidance.

5.4.3 The broad aim of the MHCLG Guidance is to ensure that capital expenditure is financed over a period that is either reasonably commensurate with that over which the capital expenditure provides benefits, or, in the case of borrowing supported by Government Revenue Support Grant, reasonably commensurate with the period implicit in the determination of that grant.

5.4.4 The Council is recommended to approve the following MRP Statements in 5.4.5 to 5.4.8.

5.4.5 MRP will be determined by charging the expenditure over the expected useful life of the relevant asset by either:

- equal instalments
- annuity method where the income stream of the asset increases over time

starting in the year after the asset becomes operational.

MRP will be charged as follows:

- purchases of freehold land will be charged over 50 years.



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- Other property (buildings, equipment etc) between 20 and 50 years as appropriate
- expenditure which has been capitalised by regulation or direction will be charged over 20 years.

5.4.6 Where former operating leases have been brought onto the balance sheet on 1 April 2022 due to the adoption of the *IFRS 16 Leases* accounting standard, and the asset values have been adjusted for accruals, prepayments, premiums and/or discounts, then the annual MRP charges will be adjusted so that the total charge to revenue remains unaffected by the new standard.

5.4.7 For capital expenditure loans to third parties, the Council will make nil MRP unless (a) the loan is an investment for commercial purposes and no repayment was received in year or (b) an expected credit loss was recognised or increased in-year, but will instead apply the capital receipts arising from principal repayments to reduce the capital financing requirement instead. In years where there is no principal repayment on loans that are investments for commercial purposes, MRP will be charged in accordance with the MRP policy for the assets funded by the loan, including where appropriate, delaying MRP until the year after the assets become operational. Sufficient MRP will be charged to ensure that the outstanding capital financing requirement (CFR) on the loan is no higher than the principal amount outstanding less the expected credit loss. This option was proposed by the government in its recent MRP consultation and in the Council's view is consistent with the current regulations.

5.4.8 No MRP will be charged in respect of assets held within the Housing Revenue Account.

5.4.9 Based on the Council's latest estimate of its CFR on 31 March 2024, the budget for MRP has been set as follows:

	<b>31.03.2023 Estimated CFR £'000</b>	<b>2023/24 Estimated MRP £'000</b>
Unsupported capital expenditure after 31.03.2008	0	(546)
Leases and Private Finance Initiative	19,711	(6)
Voluntary overpayment (or use of prior year overpayments)	19	<b>438</b>
<b>Total General Fund</b>	<b>0</b>	<b>(114)</b>
Assets in the Housing Revenue Account	0	0
HRA subsidy reform payment	<b>19,730</b>	<b>(13,000)</b>
<b>Total Housing Revenue Account</b>	<b>0</b>	<b>(13,000)</b>
<b>Total</b>	<b>240,410</b>	<b>(13,114)</b>

5.4.8 Overpayments: In earlier years, the Council has made a voluntary overpayment of MRP to the value of £922k which is available to reduce the revenue charges in later years. It is planned to use some of this 2024/25.

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<b>MRP Overpayments</b>	<b>£'000</b>
Actual balance 31.03.2023	922
Approved drawdown 2023/24	-484
Expected balance 31.03.2024	438
Planned drawdown 2024/25	-438
Forecast balance 31.03.2025	0

## 6. Treasury Management Strategy

6.1 The capital expenditure plans set out in Section 5 provide details of the service activity of the Council. The Council's main objectives when borrowing are to achieve a low but certain cost of finance while retaining flexibility should plans change in future. These objectives are often conflicting, and the Council therefore seeks to strike a balance between cheap short-term loans (currently available at around 5.40%) and long-term fixed rate loans where the future cost is known but higher (currently 4.71% to 5.53%).

### 6.2 Current portfolio position

6.2.1 The Council's treasury portfolio position at 31 March 2024, with forward projections are summarised below. The table shows the actual external debt against the underlying capital borrowing need (the CFR), highlighting any over or under borrowing.

<b>£'000</b>	<b>2022/23 Actual</b>	<b>2023/24 Estimate</b>	<b>2024/25 Forecast</b>	<b>2025/26 Forecast</b>	<b>2026/27 Forecast</b>
<b>External Debt</b>					
Debt at 1 April	260,325	249,325	237,325	227,325	220,325
Expected change in Debt	(11,000)	(12,000)	(10,000)	(7,000)	(12,000)
Other long-term liabilities (OLTL)	44	31	19	13	6
Expected change in OLTL	(13)	(12)	(6)	(7)	(6)
<b>Actual gross debt at 31 March</b>	<b>249,356</b>	<b>237,344</b>	<b>227,338</b>	<b>220,331</b>	<b>208,325</b>
The Capital Financing Requirement	267,354	260,140	258,978	245,269	229,546
(Under) / over borrowing	17,998	22,796	31,640	24,938	21,221

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6.2.2 Within the above figures there is no debt relating to commercial activities/non-financial investment as shown below:

	2022/23 Actual	2023/24 Estimate	2024/25 Forecast	2025/26 Forecast	2026/27 Forecast
<b>External Debt for commercial activities / non-financial investments</b>					
Actual debt at 31 March £m	0	0	0	0	0
Percentage of total external debt %	0	0	0	0	0

6.2.3 Within the range of prudential indicators there are a number of key indicators to ensure that the Council operates its activities within well-defined limits. One of these is that the Council needs to ensure that its gross debt does not, except in the short term, exceed the total of the CFR in the preceding year plus the estimates of any additional CFR for 2024/25 and the following two financial years. This allows some flexibility for limited early borrowing for future years but ensures that borrowing is not undertaken for revenue or speculative purposes.

## 6.3 Treasury Indicators

6.3.1 The Council measures and manages its exposures to treasury management risks using the following indicators.

### 6.3.1 Affordable borrowing limit

The Council is legally obliged to set an affordable borrowing limit (also termed the authorised limit for external debt) each year. In line with statutory guidance, a lower “operational boundary” is also set as a warning level should debt approach the limit.

Operational boundary £'000	2023/24 Estimate	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate
Debt	249,325	237,325	227,325	220,325
Other long term liabilities	19	13	6	0
Total	249,344	237,338	227,331	220,325

6.3.2 The Council is asked to approve the following Authorised Limit:

Authorised limit £'000	2023/24 Estimate	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate
Debt	269,325	257,325	247,325	240,325
Other long term liabilities	19	13	6	0
Total	269,344	257,338	247,331	240,325

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## 6.3.3 Security

The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit rating of its investment portfolio. This is calculated by applying a score to each investment (AAA=1, AA+=2, etc.) and taking the arithmetic average, weighted by the size of each investment. Unrated investments are assigned a score based on their perceived risk.

Credit risk indicator	Target
Portfolio average credit rating	A

## 6.3.4 Liquidity

The Council has adopted a voluntary measure of its exposure to liquidity risk by monitoring the amount of cash available to meet unexpected payments within a one week period, without additional borrowing.

Liquidity risk indicator	Target
Total cash available within 1 week	£3m

6.3.5 **Interest rate exposures:** This indicator is set to control the Council's exposure to interest rate risk. The upper limits on the one-year revenue impact of a 1% rise or fall in interest rates will be:

Interest rate risk indicator	Limit
Upper limit on one-year revenue impact of a 1% <u>rise</u> in interest rates	£1,200,000
Upper limit on one-year revenue impact of a 1% <u>fall</u> in interest rates	£1,200,000

The impact of a change in interest rates is calculated on the assumption that maturing loans and investments will be replaced at new market rates.

## 6.3.6 Maturity structure of borrowing

This indicator is set to control the Council's exposure to refinancing risk. The upper and lower limits on the maturity structure of borrowing will be:

Maturity Structure of fixed interest rate borrowing 2024/25		
	Lower	Upper
Under 12 months	0%	20%
12 months to 2 years	0%	20%
2 years to 5 years	0%	30%
5 years to 10 years	0%	50%
10 years to 20 years	0%	40%
20 years to 30 years	0%	10%
30 years to 40 years	0%	10%
40 years to 50 years	0%	10%

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Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment.

## 6.3.6 Principal sums invested for periods longer than a year.

The purpose of this indicator is to control the Council's exposure to the risk of incurring losses by seeking early repayment of its investments. The prudential limits on the long-term principal sum invested to final maturities greater than one year will be:

Price risk indicator	2024/25	2025/26	2026/27	No fixed date
Limit on principal invested greater than 1 year	£20m	£15m	£10m	£10m

6.3.7 Long-term investments with no fixed maturity date include strategic pooled funds and real estate investment trusts but exclude money market funds and bank accounts with no fixed maturity date as these are considered short-term.

## 6.4 Prospects for Interest Rates

6.4.1 The Council has appointed Arlingclose Limited as its treasury advisor and part of their service is to assist the Council to formulate a view on interest rates. A more detailed economic and interest rate forecast table provided by Arlingclose is attached below with assumptions and forecast detail at Appendix 1.

	Current	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25	Mar-26	Jun-26	Sep-26
<b>Official Bank Rate</b>													
Upside risk	0.00	0.25	0.50	0.50	0.75	0.75	0.75	0.75	0.75	0.75	0.75	1.00	1.00
Central Case	5.25	5.25	5.25	5.25	5.00	4.75	4.25	4.00	3.75	3.50	3.25	3.00	3.00
Downside risk	0.00	0.00	-0.25	-0.50	-0.75	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00
<b>3-month money market rate</b>													
Upside risk	0.00	0.25	0.50	0.50	0.75	0.75	0.75	0.75	0.75	0.75	0.75	1.00	1.00
Central Case	5.40	5.40	5.40	5.30	5.15	4.80	4.30	4.10	3.80	3.50	3.25	3.05	3.05
Downside risk	0.00	0.00	-0.25	-0.50	-0.75	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00
<b>5yr gilt yield</b>													
Upside risk	0.00	0.50	0.70	0.70	0.85	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Central Case	4.28	4.35	4.30	4.25	4.10	4.00	3.75	3.50	3.40	3.30	3.30	3.30	3.35
Downside risk	0.00	-0.55	-0.75	-0.85	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00
<b>10yr gilt yield</b>													
Upside risk	0.00	0.50	0.70	0.70	0.80	0.90	1.00	1.10	1.20	1.20	1.20	1.20	1.20
Central Case	4.32	4.40	4.35	4.30	4.25	4.15	4.00	3.80	3.75	3.65	3.60	3.65	3.70
Downside risk	0.00	-0.55	-0.75	-0.85	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00
<b>20yr gilt yield</b>													
Upside risk	0.00	0.50	0.70	0.70	0.80	0.90	1.00	1.10	1.20	1.20	1.20	1.20	1.20
Central Case	4.78	4.70	4.65	4.55	4.45	4.35	4.25	4.25	4.25	4.25	4.25	4.25	4.25
Downside risk	0.00	-0.55	-0.75	-0.85	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00
<b>50yr gilt yield</b>													
Upside risk	0.00	0.50	0.70	0.70	0.80	0.90	1.00	1.10	1.20	1.20	1.20	1.20	1.20
Central Case	4.38	4.30	4.25	4.20	4.15	4.15	4.10	4.10	4.10	4.10	4.10	4.10	4.10
Downside risk	0.00	-0.55	-0.75	-0.85	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00

PWLB Standard Rate = Gilt yield + 1.00%

PWLB Certainty Rate = Gilt yield + 0.80%

PWLB HRA Rate = Gilt yield + 0.40%

UK Infrastructure Bank Rate = Gilt yield + 0.40%

6.4.2 Arlingclose forecasts that Bank Rate will start to reduce in 2024 as the Bank of England attempts to prevent recession whilst reducing inflation which is significantly above its 2% target. Although UK inflation and wage growth

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remain elevated, they forecasts that Bank Rate has peaked at 5.25%. The Bank of England's Monetary Policy Committee will start reducing rates in 2024 to stimulate the UK economy but will be reluctant to do so until it is sure there will be no lingering second-round effects. Arlingclose predicts rate cuts from Q3 2024 to a low of around 3% by early-mid 2026.

- 6.4.3 Arlingclose expects long-term gilt yields to be broadly stable at current levels (amid continued volatility), following the decline in yields towards the end of 2023, which reflects the expected lower medium-term path for Bank Rate. Yields will remain relatively higher than in the past, due to quantitative tightening and significant bond supply. As ever, there will undoubtedly be short-term volatility due to economic and political uncertainty and events. Arlingclose sees rate cuts from Q3 2024 to a low of around 3% by early-mid 2026.
- 6.4.4 For the purpose of setting the budget, it has been assumed that new treasury investments will be made at an average rate/yield of 4.89%, and that new long-term loans will be borrowed at an average rate of 4.77%.

## **6.5 Borrowing Strategy**

- 6.5.1 The Council currently holds £249.325 million of loans, a decrease of £11m on the previous year, as part of HRA self-financing. The table in 5.1.3 shows that the Council expects to borrow up to £4.8m in 2024/25. The Council may also borrow additional sums to pre-fund future years' requirements, providing this does not exceed the authorised limit for borrowing of £257.338 million. This means that the capital borrowing need (the Capital Financing Requirement), has not been fully funded with loan debt as cash supporting the Council's reserves, balances and cash flow has been used as a temporary measure. This strategy is prudent as investment returns are low and counterparty risk is still an issue that needs to be considered.
- 6.5.2 The Council's chief objective when borrowing money is to strike an appropriately low risk balance between securing low interest costs and achieving certainty of those costs over the period for which funds are required. The flexibility to renegotiate loans should the Council's long-term plans change is a secondary objective.
- 6.5.3 Given the significant cuts to public expenditure, and in particular to local government funding, the Council's borrowing strategy continues to address the key issue of affordability without compromising the longer-term stability of the debt portfolio. Short-term interest rates are currently at a 15-year high but are expected to fall in the coming years and it is therefore likely to be more cost effective over the medium-term to either use internal resources, or to borrow short-term loans instead.
- 6.5.4 By doing so, the Council is able to reduce net borrowing costs (despite foregone investment income) and reduce overall treasury risk. The benefits of internal borrowing will be monitored regularly against the potential for incurring additional costs by deferring borrowing into future years when long-term borrowing rates are forecast to rise modestly. Arlingclose will assist the Council with this 'cost of carry' and breakeven analysis. Its output may determine whether the Council borrows additional sums at long-term fixed rates in

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2024/25 with a view to keeping future interest costs low, even if this causes additional cost in the short-term.

- 6.5.6 The Council has previously raised all of its long-term borrowing from the PWLB but will consider long-term loans from other sources including banks, pensions and local authorities, and will investigate the possibility of issuing bonds and similar instruments, in order to lower interest costs and reduce over-reliance on one source of funding in line with the CIPFA Code. PWLB loans are no longer available to local authorities planning to buy investment assets primarily for yield; the Council intends to avoid this activity in order to retain its access to PWLB loans.
- 6.5.7 Alternatively, the Council may arrange forward starting loans, where the interest rate is fixed in advance, but the cash is received in later years. This would enable certainty of cost to be achieved without suffering a cost of carry in the intervening period.
- 6.5.8 In addition, the Council may borrow short-term loans to cover unplanned cash flow shortages.

## **6.6 Related Matters**

### **6.6.1 Housing Revenue Account (HRA)**

On 1<sup>st</sup> April 2012, the Council notionally split each of its existing long-term loans into General Fund and HRA pools. In the future, new long-term loans borrowed will be assigned in their entirety to one pool or the other. Interest payable and other costs/income arising from long-term loans (e.g. premiums and discounts on early redemption) will be charged/ credited to the respective revenue account. Differences between the value of the HRA loans pool and the HRA's underlying need to borrow (adjusted for HRA balance sheet resources available for investment) will result in a notional cash balance which may be positive or negative. This balance will be measured as an average over year and interest transferred between the General Fund and HRA at the Council's average interest rate on investments, adjusted for credit risk

### **6.6.3 Markets in Financial Instruments Directive**

The Council has opted up to professional client status with its providers of financial services, including advisers, banks, brokers and fund managers, allowing it access to a greater range of services but without the greater regulatory protections afforded to individuals and small companies. Given the size and range of the Council's treasury management activities, the Head of Corporate Finance (S151 officer and Chief Executive believe this to be the most appropriate status.

## **6.7 Debt rescheduling**

- 6.7.1 The PWLB allows authorities to repay loans before maturity and either pay a premium or receive a discount according to a set formula based on current interest rates. Other lenders may also be prepared to negotiate premature redemption terms. The Council may take advantage of this and replace some loans with new loans, or repay loans without replacement, where this is expected to lead to an overall cost saving or a reduction in risk. The recent rise

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in interest rates means that more favourable debt rescheduling opportunities should arise than in previous years.

6.7.2 Any rescheduling will be reported to the Cabinet.

## **6.8 Other sources of debt finance**

6.8.1 In addition, capital finance may be raised by the following methods that are not borrowing, but may be classed as other debt liabilities:

- leasing
- hire purchase
- Private Finance Initiative
- sale and leaseback

## **6.9 Municipal Bonds Agency**

UK Municipal Bonds Agency plc was established in 2014 by the Local Government Association as an alternative to the PWLB. It issues bonds on the capital markets and lends the proceeds to local authorities. This is a more complicated source of finance than the PWLB for two reasons: borrowing authorities will be required to provide bond investors with a guarantee to refund their investment in the event that the agency is unable to for any reason; and there will be a lead time of several months between committing to borrow and knowing the interest rate payable. Any decision to borrow from the Agency will therefore be the subject of a separate report to Full Council.

## **6.10 Approved Sources of Long and Short Term Borrowing**

- HM Treasury's PWLB lending facility (formerly the Public Works Loan Board)
- UK Infrastructure Bank Ltd
- any institution approved for investments (see below)
- any other bank or building society authorised to operate in the UK
- any other UK public sector body
- UK public and private sector pension funds (except West Sussex Pension Fund)
- capital market bond investors
- retail investors via a regulated peer-to-peer platform
- UK Municipal Bonds Agency plc and other special purpose companies created to enable local authority bond issues

## **7. Treasury Investment Strategy**

7.1 The Council holds significant invested funds, representing income received in advance of expenditure plus balances and reserves held. In the past 12 months, the Council's treasury investment balance has ranged between £97.408 and £153.281 million, and lower levels are expected in the forthcoming year due to planned expenditure in the capital programme.

### **7.1.1 Objectives**

The CIPFA Code requires the Council to invest its treasury funds prudently, and to have regard to the security and liquidity of its investments before seeking



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the highest rate of return, or yield. The Council's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income. Where balances are expected to be invested for more than one year, the Council will aim to achieve a total return that is equal or higher than the prevailing rate of inflation, in order to maintain the spending power of the sum invested.

## 7.1.2 Strategy

The Council currently has £10m invested with Royal London's Short Term Fixed Income Enhanced Fund to provide an improved yield: there are no plans to change this investment. The Council plans to keep investments short-term whilst interest rates rise. Available cash reserves will continue to reduce with the ongoing Capital Programme expenditure.

## 7.1.3 Environmental, social and governance (ESG)

ESG considerations are increasingly a factor in global investors' decision making, but the framework for evaluating investment opportunities is still developing and therefore the Authority's ESG policy does not currently include ESG scoring or other real-time ESG criteria at an individual investment level. When investing in banks and funds, the Council will prioritise banks that are signatories to the UN Principles for Responsible Banking and funds operated by managers that are signatories to the UN Principles for Responsible Investment, the Net Zero Asset Managers Alliance and/or the UK Stewardship Code.

## 7.1.4 Approved counterparties

The Council may invest its surplus funds with any of the counterparty types in the table below, subject to the limits shown.

Sector	Time limit	Counterparty limit	Sector limit
The UK Government	50 years	Unlimited	n/a
Local authorities & other government entities	25 years	£15m	Unlimited
Secured investments *	25 years	£10m	Unlimited
Banks (unsecured) *	13 months	£10m	Unlimited
Building societies (unsecured) *	13 months	£5m	£10m
Registered providers (unsecured) *	5 years	£5m	£10m
Money market funds *	n/a	£10m	Unlimited
Strategic pooled funds	n/a	£10m	£20m
Real estate investment trusts	n/a	£10m	£20m
Other investments *	5 years	£5m	£10m

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\* **Minimum credit rating:** Treasury investments in the sectors marked with an asterisk will only be made with entities whose lowest published long-term credit rating is no lower than A-. Where available, the credit rating relevant to the specific investment or class of investment is used, otherwise the counterparty credit rating is used. However, investment decisions are never made solely based on credit ratings, and all other relevant factors including external advice will be taken into account.

For entities without published credit ratings, investments may be made where external advice indicates the entity to be of similar credit quality.

## 7.1.6 **Government**

Loans to, and bonds and bills issued or guaranteed by, national governments, regional and local authorities and multilateral development banks. These investments are not subject to bail-in, and there is generally a lower risk of insolvency, although they are not zero risk. Investments with the UK Government are deemed to be zero credit risk due to its ability to create additional currency and therefore may be made in unlimited amounts for up to 50 years.

## 7.1.7 **Secured investments**

Investments secured on the borrower's assets, which limits the potential losses in the event of insolvency. The amount and quality of the security will be a key factor in the investment decision. Covered bonds and reverse repurchase agreements with banks and building societies are exempt from bail-in. Where there is no investment specific credit rating, but the collateral upon which the investment is secured has a credit rating, the higher of the collateral credit rating and the counterparty credit rating will be used. The combined secured and unsecured investments with any one counterparty will not exceed the cash limit for secured investments.

## 7.1.8 **Banks and building societies (unsecured)**

Accounts, deposits, certificates of deposit and senior unsecured bonds with banks and building societies, other than multilateral development banks. These investments are subject to the risk of credit loss via a bail-in should the regulator determine that the bank is failing or likely to fail. See below for arrangements relating to operational bank accounts.

## 7.1.9 **Registered providers (unsecured)**

Loans to, and bonds issued or guaranteed by, registered providers of social housing or registered social landlords, formerly known as housing associations. These bodies are regulated by the Regulator of Social Housing (in England), the Scottish Housing Regulator, the Welsh Government and the Department for Communities (in Northern Ireland). As providers of public services, they retain the likelihood of receiving government support if needed.

## 7.1.10 **Money market funds**

Pooled funds that offer same-day or short notice liquidity and very low or no price volatility by investing in short-term money markets. They have the advantage over bank accounts of providing wide diversification of investment

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risks, coupled with the services of a professional fund manager in return for a small fee. Although no sector limit applies to money market funds, the Council will take care to diversify its liquid investments over a variety of providers to ensure access to cash at all times.

## 7.1.11 Strategic pooled funds

Bond, equity and property funds that offer enhanced returns over the longer term but are more volatile in the short term. These allow the Council to diversify into asset classes other than cash without the need to own and manage the underlying investments. Because these funds have no defined maturity date, but are available for withdrawal after a notice period, their performance and continued suitability in meeting the Council's investment objectives will be monitored regularly.

## 7.1.12 Real estate investment trusts (REIT's)

Shares in companies that invest mainly in real estate and pay the majority of their rental income to investors in a similar manner to pooled property funds. As with property funds, REITs offer enhanced returns over the longer term, but are more volatile especially as the share price reflects changing demand for the shares as well as changes in the value of the underlying properties.

## 7.1.13 Other investments

This category covers treasury investments not listed above, for example unsecured corporate bonds and company loans. Non-bank companies cannot be bailed-in but can become insolvent placing the Council's investment at risk.

## 7.1.14 Operational bank accounts

The Council may incur operational exposures, for example through current accounts, collection accounts and merchant acquiring services, to any UK bank with credit ratings no lower than BBB- and with assets greater than £25 billion. These are not classed as investments but are still subject to the risk of a bank bail-in, and balances will therefore aimed to be kept below £1,000,000 per bank. The Bank of England has stated that in the event of failure, banks with assets greater than £25 billion are more likely to be bailed-in than made insolvent, increasing the chance of the Council maintaining operational continuity.

## 7.1.15 Risk assessment and credit ratings

Credit ratings are obtained and monitored by the Council's treasury advisers, who will notify changes in ratings as they occur. The credit rating agencies in current use are listed in the Treasury Management Practices document. Where an entity has its credit rating downgraded so that it fails to meet the approved investment criteria then:

- no new investments will be made,
- any existing investments that can be recalled or sold at no cost will be, and
- full consideration will be given to the recall or sale of all other existing investments with the affected counterparty.

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Where a credit rating agency announces that a credit rating is on review for possible downgrade (also known as “negative watch”) so that it may fall below the approved rating criteria, then only investments that can be withdrawn will be made with that organisation until the outcome of the review is announced. This policy will not apply to negative outlooks, which indicate a long-term direction of travel rather than an imminent change of rating.

## 7.1.16 Other information on the security of investments

The Council understands that credit ratings are good, but not perfect, predictors of investment default. Full regard will therefore be given to other available information on the credit quality of the organisations in which it invests, including credit default swap prices, financial statements, information on potential government support, reports in the quality financial press and analysis and advice from the Council’s treasury management adviser. No investments will be made with an organisation if there are substantive doubts about its credit quality, even though it may otherwise meet the above criteria.

When deteriorating financial market conditions affect the creditworthiness of all organisations, as happened in 2008 and 2020, this is not generally reflected in credit ratings, but can be seen in other market measures. In these circumstances, the Council will restrict its investments to those organisations of higher credit quality and reduce the maximum duration of its investments to maintain the required level of security. The extent of these restrictions will be in line with prevailing financial market conditions. If these restrictions mean that insufficient commercial organisations of high credit quality are available to invest the Council’s cash balances, then the surplus will be deposited with the UK Government, or with other local authorities. This will cause investment returns to fall but will protect the principal sum invested.

## 7.1.17 Reputational aspects

The Authority is aware that investment with certain counterparties, while considered secure from a purely financial perspective, may leave it open to criticism, valid or otherwise, that may affect its public reputation, and this risk will therefore be taken into account when making investment decisions.

## 7.1.17 Investment limits

The Council’s revenue reserves available to cover investment losses are forecast to be £10.5 million on 31<sup>st</sup> March 2024 and £5.8 million on 31<sup>st</sup> March 2025. In order that no more than 45% of available reserves will be put at risk in the case of a single default, the maximum that will be lent to any one organisation (other than the UK Government) will be £10 million. A group of entities under the same ownership will be treated as a single organisation for limit purposes.

Credit risk exposures arising from non-treasury investments and balances greater than £1,000,000 in operational bank accounts count against the relevant investment limits.

Limits are also placed on fund managers, investments in brokers’ nominee accounts and foreign countries as below. Investments in pooled funds and multilateral development banks do not count against the limit for any single foreign country, since the risk is diversified over many countries.

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## *Additional investment limits*

	<b>Cash limit</b>
Any group of pooled funds under the same management	£25 m per manager
Negotiable instruments held in a broker's nominee account	£25m per broker
Foreign countries	£10m per country

### **7.1.18 Liquidity management**

The Council uses purpose-built cash flow forecasting software to determine the maximum period for which funds may prudently be committed. The forecast is compiled on a prudent basis to minimise the risk of the Council being forced to borrow on unfavourable terms to meet its financial commitments. Limits on long-term investments are set by reference to the Council's medium-term financial plan and cash flow forecast.

The Council will spread its liquid cash over at least two providers (e.g. bank accounts and money market funds) to ensure that access to cash is maintained in the event of operational difficulties at any one provider.

### **7.2 Ethical Investment Policy**

7.2.1 The Council will not undertake direct investment or borrowing activities with organisations whose core activities include:

- Armaments – weapon systems
- Gambling
- Pornography
- Tobacco
- Pay-day loans
- Companies that generate more than 10% of their revenue from the extraction of coal, oil or gas.

7.2.2 In order to comply with treasury management guidance, the Council's investments will prioritise security, liquidity and yield in that order. The Ethical Investment Policy thereby becomes a fourth consideration in the decision making process.

7.2.3 The core activities in the Ethical Investment Policy have been chosen after careful consideration of the Policy direction of the administration, the officer time in implementing the policy, the cost of external resources, and the timeliness of investment decisions.

### **7.3 Non-treasury Investment strategy**

7.3.1 The Council invests its money for three broad purposes:

- because it has surplus cash as a result of its day-to-day activities, for example when income is received in advance of expenditure (known as treasury management investments),
- to support local public services by lending to or buying shares in other organisations (service investments), and

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- to earn investment income (known as commercial investments where this is the main purpose).

The statutory guidance defines investments as “all of the financial assets of a local authority as well as other non-financial assets that the organisation holds primarily or partially to generate a profit; for example, investment property portfolios.” The Council interprets this to exclude (a) trade receivables which meet the accounting definition of financial assets but are not investments in the everyday sense of the word and (b) property held partially to generate a profit but primarily for the provision of local public services. This aligns the Council’s definition of an investment with that in the CIPFA Prudential Code.

The Council typically receives its income in cash (e.g. from taxes and grants) before it pays for its expenditure in cash (e.g. through payroll and invoices). It also holds reserves for future expenditure and collects local taxes on behalf of other local authorities and central government. These activities, plus the timing of borrowing decisions, lead to a cash surplus which is invested in accordance with guidance from the Chartered Institute of Public Finance and Accountancy.

The contribution that these investments make to the objectives of the Council is to support effective treasury management activities.

## 7.3.2 Commercial Investments: Property

The Council has invested in local commercial property with the intention of making a profit that will be spent on local public services.

### CURRENT INVESTMENT PROPERTIES

Investment property	Actual	31/03/2023 actual		31.03.2024
	Purchase cost £000	Gains or (losses) £000	Fair value £000	Forecast £000
Ashdown House	7,915	170	8,085	8,085
49-51 High Street	1,576	(431)	1,145	1,145
Atlantic House	4,633	(1,059)	3,574	3,574
The Create Building	29,582	(2,441)	27,141	27,141
Voluntary Organisations	1,033	220	1,253	1,253
Other	966	391	1,357	1,357
<b>Total</b>	<b>45,705</b>	<b>(3,150)</b>	<b>42,555</b>	<b>42,555</b>

- 7.3.3 **Security:** In accordance with government guidance, the Council considers a property investment to be secure if its accounting valuation, fair value, is at or higher than its purchase cost including taxes and transaction costs.

A fair value assessment of the Council’s investment property portfolio is undertaken annually. Where the fair value of an investment property is no longer sufficient to provide security against loss, the Council will consider mitigating actions to protect the capital invested.

- 7.3.4 **Risk assessment:** The Council does not intend to acquire any new investment properties in order to retain its access to PWLB loans. The Council may invest

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in its current portfolio subject to the investment securing best value for the asset.

A key aspect of the regulatory and professional guidance is that commercial activity is proportionate to the Council's other activity and in relation to the Council's overall financial position.

7.3.5 **Liquidity:** Compared with other investment types, property is relatively difficult to convert to cash at short notice.

## 7.3.6 Investment Indicators

The Council has set quantitative indicators to show the Council's total risk exposure as a result of its investment decisions.

## 7.3.7 Total risk exposure

The first indicator shows the Council's total exposure to potential investment losses. This includes amounts the Council is contractually committed to lend but have yet to be drawn down and guarantees the Council has issued over third party loans.

<b>Total investment exposure</b>	<b>31.03.2023 Actual £000</b>	<b>31.03.2024 Forecast £000</b>	<b>31.03.2025 Forecast £000</b>
Treasury management investments	98,025	51,175	16,419
Commercial investments: Property*	42,555	42,555	42,555
<b>TOTAL INVESTMENTS</b>	<b>140,580</b>	<b>93,730</b>	<b>58,974</b>
Commitments to lend	0	0	0
<b>TOTAL EXPOSURE</b>	<b>140,580</b>	<b>93,730</b>	<b>58,974</b>

## 7.3.8 How investments are funded

The Council does not normally associate particular assets with particular liabilities but funds its investments in total from usable reserves and income received in advance of expenditure. No investments are being funded by borrowing.

## 7.3.9 Rate of return received

This indicator shows the investment income received less the associated costs, including the cost of borrowing where appropriate, as a proportion of the sum initially invested.

### *Investment rate of return (net of all costs)*

<b>Investments net rate of return</b>	<b>2022/23 Actual</b>	<b>2023/24 Forecast</b>	<b>2024/25 Forecast</b>
Treasury management investments	1.85%	4.84%	4.92%
Commercial investments: Property	1.12%	2.71%	3.39%
<b>ALL INVESTMENTS</b>	<b>1.92%</b>	<b>4.16%</b>	<b>4.27%</b>

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## 8. Implications

- 8.1 The budget for investment income in 2024/25 is £2.856m (£1.878m General Fund; £0.978m HRA), based on an average investment portfolio of £58 million at an interest rate of 4.92%. The budget for debt interest to be paid in 2024/25 is £7.7 million, based on an average debt portfolio of £237.325 million at an average interest rate of 3.19%. These are forecasts and actual performance will be reported during 2024/25.
- 8.2 There are no significant legal implications as a result of the recommendations in this report. Compliance with the CIPFA Code of Practice for Treasury Management in the public services, the Local Government Investment Guidance provides that the council's investments are and will continue to be, within its legal powers conferred under the Local Government Act 2003.

## 9. Background Papers

[Treasury Management Strategy for 2023/2024 – Cabinet, 1 February 2023 \[report FIN/608 refers\].](#)

[Treasury Management Mid-Year Review 2023/2024 – Cabinet, 29 November 2023 \[report FIN/637 refers\].](#)

2024/2025 Budget and Council Tax – Cabinet, 31 January 2024 [report FIN/642 refers].

“Treasury Management in the Public Services – Code of Practice and Cross-Sectoral Guidance Notes”, 2021 Edition – Chartered Institute of Public Finance and Accountancy.

“The Prudential Code for Capital Finance in Local Authorities”, 2021 Edition – Chartered Institute of Public Finance and Accountancy.

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### Interest Rate Forecasts December 2023

#### Underlying assumptions:

- UK inflation and wage growth remain elevated but have eased over the past two months fuelling rate cuts expectations. Near-term rate cuts remain unlikely, although downside risks will increase as the UK economy likely slides into recession.
- The MPC's message remains unchanged as the Committee seeks to maintain tighter financial conditions. Monetary policy will remain tight as inflation is expected to moderate to target slowly, although some wage and inflation measures are below the Bank's last forecasts.
- Despite some deterioration in activity data, the UK economy remains resilient in the face of tighter monetary policy. Recent data has been soft but mixed; the more timely PMI figures suggest that the services sector is recovering from a weak Q3. Tighter policy will however bear down on domestic and external activity as interest rates bite.
- Employment demand is easing. Anecdotal evidence suggests slowing recruitment and pay growth, and we expect unemployment to rise further. As unemployment rises and interest rates remain high, consumer sentiment will deteriorate. Household and business spending will therefore be weak.
- Inflation will fall over the next 12 months. The path to the target will not be smooth, with higher energy prices and base effects interrupting the downtrend at times. The MPC's attention will remain on underlying inflation measures and wage data. We believe policy rates will remain at the peak for another 10 months, or until the MPC is comfortable the risk of further 'second-round' effects has diminished.
- Maintaining monetary policy in restrictive territory for so long, when the economy is already struggling, will require significant loosening in the future to boost activity.
- Global bond yields will remain volatile. Markets are currently running with expectations of near-term US rate cuts, fuelled somewhat unexpectedly by US policymakers themselves. Term premia and bond yields have experienced a marked decline. It would not be a surprise to see a reversal if data points do not support the narrative, but the current 10-year yield appears broadly reflective of a lower medium-term level for Bank Rate.

#### Forecast:

- The MPC held Bank Rate at 5.25% in December. We believe this is the peak for Bank Rate.
- The MPC will cut rates in the medium term to stimulate the UK economy but will be reluctant to do so until it is sure there will be no lingering second-round effects. We see rate cuts from Q3 2024 to a low of around 3% by early-mid 2026.
- The immediate risks around Bank Rate have become more balanced, due to the weakening UK economy and dampening effects on inflation. This shifts to the downside in the short term as the economy weakens.
- Long-term gilt yields are now substantially lower. Arlingclose expects yields to be flat from here over the short-term reflecting medium term Bank Rate forecasts. Periodic volatility is likely.

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## APPENDIX 2

### Economic Background

The impact on the UK from higher interest rates and inflation, a weakening economic outlook, together with war in Ukraine and the Middle East, will be major influences on the Authority's treasury management strategy for 2024/25.

The Bank of England (BoE) increased Bank Rate to 5.25% in August 2023, before maintaining this level for the rest of 2023. In December 2023, members of the BoE's Monetary Policy Committee voted 6-3 in favour of keeping Bank Rate at 5.25%. The three dissenters wanted to increase rates by another 0.25%.

The November quarterly Monetary Policy Report (MPR) forecast a prolonged period of weak Gross Domestic Product (GDP) growth with the potential for a mild contraction due to ongoing weak economic activity. The outlook for CPI inflation was deemed to be highly uncertain, with upside risks to CPI falling to the 2% target coming from potential energy price increases, strong domestic wage growth and persistence in price-setting.

Office for National Statistics (ONS) figures showed CPI inflation was 3.9% in November 2023, down from a 4.6% rate in the previous month and, in line with the recent trend, lower than expected. The core CPI inflation rate declined to 5.1% from the previous month's 5.7%, again lower than predictions. Looking ahead, using the interest rate path implied by financial markets the BoE expects CPI inflation to continue falling slowly, but taking until early 2025 to reach the 2% target before dropping below target during the second half 2025 and into 2026.

ONS figures showed the UK economy contracted by 0.1% between July and September 2023. The BoE forecasts GDP will likely stagnate through 2024. The BoE forecasts that higher interest rates will constrain GDP growth, which will remain weak over the entire forecast horizon.

The labour market appears to be loosening, but only very slowly. The unemployment rate rose slightly to 4.2% between June and August 2023, from 4.0% in the previous 3-month period, but the lack of consistency in the data between the two periods made comparisons difficult. Earnings growth has remained strong, but has showed some signs of easing; regular pay (excluding bonuses) was up 7.3% over the period and total pay (including bonuses) up 7.2%. Adjusted for inflation, regular pay was 1.4% and total pay 1.3%. Looking forward, the MPR showed the unemployment rate is expected to be around 4.25% in the second half of calendar 2023, but then rising steadily over the forecast horizon to around 5% in late 2025/early 2026.

Having increased its key interest rate to a target range of 5.25-5.50% in August 2023, the US Federal Reserve appears now to have concluded the hiking cycle. It is likely this level represents the peak in US rates following a more dovish meeting outcome in December 2023. US GDP grew at an annualised rate of 4.9% between July and September 2023, ahead of expectations for a 4.3% expansion and the 2.1% reading for Q2. But the impact from higher rates has started to feed into economic activity and growth will weaken in 2024. Annual CPI inflation was 3.1% in November.

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Eurozone inflation has declined steadily since the start of 2023, falling to an annual rate of 2.4% in November 2023. Economic growth has been weak and GDP contracted by 0.1% in the three months to September 2023. In line with other central banks, the European Central Bank has increased rates, taking its deposit facility, fixed rate tender, and marginal lending rates to 3.75%, 4.25% and 4.50% respectively..

## **Credit outlook**

Credit Default Swap (CDS) prices were volatile during 2023, spiking in March on the back of banking sector contagion concerns following the major events of Silicon Valley Bank becoming insolvent and the takeover of Credit Suisse by UBS. After then falling back in Q2 of calendar 2023, in the second half of the year, higher interest rates and inflation, the ongoing war in Ukraine, and now the Middle East, have led to CDS prices increasing steadily.

On an annual basis, CDS price volatility has so far been lower in 2023 compared to 2022, but this year has seen more of a divergence in prices between ringfenced (retail) and non-ringfenced (investment) banking entities once again.

Moody's revised its outlook on the UK sovereign to stable from negative to reflect its view of restored political predictability following the volatility after the 2022 mini-budget. Moody's also affirmed the Aa3 rating in recognition of the UK's economic resilience and strong institutional framework.

Following its rating action on the UK sovereign, Moody's revised the outlook on five UK banks to stable from negative and then followed this by the same action on five rated local authorities. However, within the same update the long-term ratings of those five local authorities were downgraded.

There remain competing tensions in the banking sector, on one side from higher interest rates boosting net income and profitability against another of a weakening economic outlook and likely recessions that increase the possibility of a deterioration in the quality of banks' assets.

However, the institutions on our adviser Arlingclose's counterparty list remain well-capitalised and their counterparty advice on both recommended institutions and maximum duration remain under constant review and will continue to reflect economic conditions and the credit outlook.

## Treasury Management Scheme of Delegation

### (i) Full Council

- receiving and reviewing reports on treasury management policies, practices and activities;
- approval of annual strategy.

### (ii) Cabinet

- approval of/amendments to the organisation's adopted clauses, treasury management policy statement and treasury management practices;
- budget consideration and approval;
- approval of the division of responsibilities;
- receiving and reviewing regular monitoring reports and acting on recommendations;
- approving the selection of external service providers and agreeing terms of appointment.

### (iii) Overview and Scrutiny Commission

- reviewing the treasury management policy and procedures and making recommendations to the responsible body.

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## APPENDIX 4

### The Treasury Management Role of the Section 151 Officer

#### The S151 (responsible) officer

- recommending clauses, treasury management policy/practices for approval, reviewing the same regularly, and monitoring compliance;
- submitting regular treasury management policy reports;
- submitting budgets and budget variations;
- receiving and reviewing management information reports;
- reviewing the performance of the treasury management function;
- ensuring the adequacy of treasury management resources and skills, and the effective division of responsibilities within the treasury management function;
- ensuring the adequacy of internal audit, and liaising with external audit;
- recommending the appointment of external service providers.
- preparation of a capital strategy to include capital expenditure, capital financing, non-financial investments and treasury management, with a long term timeframe.
- ensuring that the capital strategy is prudent, sustainable, affordable and prudent in the long term and provides value for money
- ensuring that due diligence has been carried out on all treasury and non-financial investments and is in accordance with the risk appetite of the Council
- ensure that the Council has appropriate legal powers to undertake expenditure on non-financial assets and their financing
- ensuring the proportionality of all investments so that the Council does not undertake a level of investing which exposes the Council to an excessive level of risk compared to its financial resources
- ensuring that an adequate governance process is in place for the approval, monitoring and ongoing risk management of all non-financial investments and long term liabilities
- provision to members of a schedule of all non-treasury investments including material investments in subsidiaries, joint ventures, loans and financial guarantees.
- ensuring that members are adequately informed and understand the risk exposures taken on by an authority
- ensuring that the Council has adequate expertise, either in house or externally provided, to carry out the above
- creation of Treasury Management Practices which specifically deal with how non treasury investments will be carried out and managed, to include the following :-
  - *Risk management (TMP1 and schedules), including investment and risk management criteria for any material non-treasury investment portfolios;*
  - *Performance measurement and management (TMP2 and schedules), including methodology and criteria for assessing the performance and success of non-treasury investments;*

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- *Decision making, governance and organisation (TMP5 and schedules), including a statement of the governance requirements for decision making in relation to non-treasury investments; and arrangements to ensure that appropriate professional due diligence is carried out to support decision making;*
- *Reporting and management information (TMP6 and schedules), including where and how often monitoring reports are taken;*
- *Training and qualifications (TMP10 and schedules), including how the relevant knowledge and skills in relation to non-treasury investments will be arranged.*

## Crawley Borough Council

**Report to Overview and Scrutiny Commission  
29 January 2024**

**Report to Cabinet  
31 January 2024**

### **Review of the Crawley Borough Council's Statement Licensing Policy for 2024 – 2029**

Report of the Head of Community Services, **HCS/073**

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#### **1. Purpose**

- 1.1. The Council in its role as the Licensing Authority for the borough of Crawley under the Licensing Act 2003 ('the Act') is required to publish and keep under review a Statement of Licensing Policy. This report encloses the Council's draft Statement of Licensing Policy for the period 2024–2029 which has being consulted upon and feedback incorporated.
- 1.2. To make Members summarily aware of the draft Statement of Licensing Policy for 2024–2029 which provides the framework for all licensing decisions taken by the Council as the Licensing Authority.
- 1.3. To provide an update and seek any further views of the Commission and Cabinet in relation to the draft Statement of Licensing Policy for 2024–2029 and to agree the inclusion of relevant feedback post consultation.

#### **2. Recommendations**

- 2.1. To Overview and Scrutiny Commission:

That the Commission consider the report and decide what comments, if any, it wishes to submit to the Cabinet.

- 2.2. To the Cabinet:

That the Cabinet is recommended to:

- (a) Review the responses received as part of and following the consultation, and consider if the matters those comments raised are already dealt with in the proposed revised Statement of Licensing Policy 2024-2029, made under the Licensing Act 2003 and included at **Appendix B**, or if additional amendment is required, and,

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- (b) Request that Full Council approves and adopts the proposed revised Statement of Licensing Policy 2024 -2029 made under the Licensing Act 2003 (**Appendix B**) with a view to implementation on 1<sup>st</sup> March 2024.

### 3. Reasons for the Recommendation

- 3.1. It is a legal requirement that the Council publish a Statement of Licensing Policy under the Licensing Act 2003, with the Policy providing the decision-making framework for all matters under the Act. Consideration of the proposed revised Statement of Licensing Policy 2024— 2029 following inclusion of consultation feedback as appropriate, is sought from Members, and following this, that the matter proceeds to Overview and Scrutiny Commission as a Policy Framework Document , thereafter Cabinet as a key decision and Full Council, with a view to adoption and implementation from 1<sup>st</sup> March 2024.

### 4. Background

- 4.1. The Licensing Act 2003 came into effect on 24 November 2005. It covers the following licensable activities:
- Sale or supply of alcohol
  - Provision of regulated entertainment
  - Provision of late night refreshment
- 4.2. Section 5(1) of the 2003 Act states: “Each Licensing Authority must in respect of each five year period:
- (a) Determine its policy with respect to the exercise of its licensing functions, and
- (b) Publish a statement of that policy before the beginning of the period.”
- 4.2. The current Statement of Licensing Policy was published in March 2019. Therefore, a new Statement of Licensing Policy must be adopted and published no later than 1<sup>st</sup> March 2024 to ensure that the Council as Licensing Authority meets this requirement.
- 4.3. As part of the review of its Statement of Licensing Policy, the Council as Licensing Authority undertook a consultation process which commenced on 1<sup>st</sup> November 2023, and concluded on 20<sup>th</sup> December 2023.
- 4.4. The Statement of Licensing Policy sets out the way in which the Council as Licensing Authority deals with applications made under the Act, enforcement and how the Council will work with partner agencies to ensure the Licensing Objectives under the Licensing Act 2003 are promoted and upheld, namely:
- The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance; and
  - The protection of children from harm.



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## 5. Policy Overview

- 5.1. The proposed revised draft Statement of Licensing Policy 2024 - 2029 aims to recognise and highlight local issues where possible. Equally, the Policy aims to promote a vibrant and diverse licensed economy with a range and balance of different venues. The intended benefits of this approach are to broaden the appeal of the borough's licensed economy to support growth, widen the range of participants, and promote sustainable development and growth. It is intended to be flexible and enable applications to be assessed on their own merit.
- 5.2. It also seeks to ensure regulatory compliance, promotion of the Licensing Objectives as listed at 4.4 as well as providing protections to local residents and people frequenting licensed venues. There are a number of relevant issues that have emerged and changes to the way the social economy operates since the Council last published its Statement of Licensing Policy in 2019. The level of risk associated with any licensed premises is influenced by various intersecting factors and many businesses now operate much more flexibly with a variety of offerings following the COVID-19 Pandemic. This has seen businesses diversify into food delivery services, applications for later hours of opening, increased availability of alcohol and food 24 hours a day, 4 days a week, as well as the emergence of outside drinking areas and increased off sales of alcohol brought about by the Business and Planning Act 2020.
- 5.3. As such, the proposed revised draft Statement of Licensing Policy 2024 - 2029 seeks to acknowledge the changing nature of the town's licensed economy and moves away from more traditional categorisation of venues; instead, it seeks to understand the primary nature of the venue, encouraging applicants to clearly, and transparently, set out how the business intends to operate throughout the day and night alongside measures to ensure the promotion of the Licensing Objectives (For example, licence conditions, hours of operation, activities taking place.)
- 5.4. It also aims to provide clearer guidance to applicants, responsible authorities and decisions makers in relation to how applications should be considered as well as the obligations of licence holders. Martyn's Law (still being scoped) but it is referenced in the Statutory Section 182 Guidance issued in connection with the Licensing Act 2003.
- 5.5. An executive summary of the proposed main revisions when compared with the Councils current Statement of Licensing Policy is included at **Appendix F**. The proposed main revisions/changes are included in italics and context provided.

## 6. Consultation Strategy

- 6.1. The proposed revised Statement of Licensing Policy 2024 – 2029 was published on the Council's website for consultation for a period of 8 weeks, commencing on 1<sup>st</sup> November 2023. The consultation concluded on 20<sup>th</sup> December 2023.
- 6.2. In accordance with Section 5(3) of the Licensing Act 2003, the following are being consulted with:

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- The Chief Officer of Police for Sussex Police
  - West Sussex Fire and Rescue Service
  - Director of Public Health for West Sussex County Council
  - Persons/bodies representative of local premises licence holders and premises certificates
- 6.3 The consultation was also publicised on the Council's website, social media channels and the following individuals/groups with a particular interest or role in supporting the delivery of the Policy directly including:
- All Responsible Authorities in accordance with the Licensing Act 2003
  - All personal and premises licence holders under the Licensing Act 2003
  - Business Crime Reduction Partnership
  - Trade Bodies
  - Licensing Representatives and Bodies
  - Pub Watch
  - The Business Improvement District
  - The Community Safety Partnership
  - Ward Members
- 6.4 A copy of the current [Crawley Licensing Policy Statement 2019–February 2024](#) can be found at **Appendix A**, and the proposed draft Statement of Licensing Policy, updated post consultation 2024–2029 and further consideration by the Licensing Committee on 15<sup>th</sup> January 2024, is included at **Appendix B**. This is scheduled to come into effect from 1<sup>st</sup> March
- 6.5 As part of the consultation process, Members of the Licensing Committee were invited to make comments in relation to the proposed revised Statement of Licensing Policy 2024 - 2029 at the Licensing Committee on [12<sup>th</sup> December 2023](#). Member feedback focussed on the below, which has been updated and incorporated following the conclusion of the consultation.
- 6.6 On 15<sup>th</sup> January 2024, the Licensing Committee further considered the proposed revised Statement of Licensing Policy 2024 – 2029, and, subject to some typographical errors, unanimously approved the Policy and recommendations [Licensing Committee 15 January 2024](#)

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## 7. Consultation Feedback

- 7.1 The formal consultation feedback concluded on 20<sup>th</sup> December 2023, after this report was prepared. In summary feedback was received from:
- West Sussex County Council Trading Standards.
  - West Sussex County Council Public Health Body
  - West Sussex County Council – Serious and Organised Crime, Community Safety Team
- 7.2 The feedback from these organisations was incorporated into the draft Statement of Licensing Policy prior to the commencement of formal consultation and formed part of the draft statement when consulted upon more widely.
- 7.3 In addition, feedback was submitted to the Council via the Consultation portal and the online questionnaire. 2 Crawley residents and 1 owner/manager of a premises responded. (3 respondents) The summary report detailing consultation responses is included at **Appendix C**
- 7.4 A body known as the Portman Group also responded to the consultation and their feedback is included as **Appendix D**. This has been incorporated into the proposed draft Statement of Licensing Policy 2024 – 2029.
- 7.4 Chief Inspector Ben Starns on behalf of Sussex Police also provided feedback from a crime and disorder perspective. This feedback is included at **Appendix E**. This has been incorporated into the proposed draft Statement of Licensing Policy 2024 – 2029
- 7.5 The consultation process has now concluded and, where appropriate, all feedback referred to has been included within the proposed draft Statement of Licensing Policy 2024 - 2029, Cabinet feedback is now invited on this latest version.
- 7.6 As previously stated, an executive summary of the proposed revisions and inclusions in respect of the proposed draft Statement of Licensing Policy 2024 – 2029 is included at **Appendix F**. For ease of reference, the summary of changes and inclusions have been highlighted in italics to show the proposed revisions and inclusions when compared with the current Statement of Licensing Policy 2019 – 2024.**(Appendix A)** This table of changes, as well as the Equality Impact Assessment will be included as an appendices in the final document.
- 7.7 It is important to note that the proposed draft Statement of Licensing Policy 2024 – 2029 is significantly different from the current Statement of Policy covering the period 2019- 2024 and has been re-written to reflect this. This is due to the significant changes in the licensing landscape over the past 5 years, particularly as a result of the COVID-19 Pandemic, alongside new obligations placed on the Licensing Service, alongside changes to legislation, compliance requirements and regulatory practice.
- 7.8 Procedurally, matter was presented to the Licensing Committee for further consideration and approval on January 15<sup>th</sup> 2024, minor typographical errors amended and referred to Overview and Scrutiny Commission on 29<sup>th</sup> January 2024 and Cabinet on 31<sup>st</sup> January 2024. As a key decision, the matter will be considered by Full Council on 21<sup>st</sup> February 2024 for adoption, and implementation on 1<sup>st</sup> March 2024. The Policy will be kept under review to ensure its kept current.

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## 8. Implications

- 8.1 There are no staffing or financial implications for the Council arising from this report other than the fact that the Service is self-financing, and activities should be cost neutral. Fees associated with activities covered by the Licensing Act 2003 are set by statute.
- 8.2 Article 1 of the First Protocol of the Human Rights Act 1998 entitles every person to the right to peaceful enjoyment of their possessions, which includes their livelihood.
- 8.3 An Equality Impact Assessment has also been undertaken in respect of this Policy is included at **Appendix G**

## 9. Background Papers and Appendices

[Licensing Act 2003 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

[Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](https://www.gov.uk) (December 2023)

[Draft Statement of Licensing Policy 2024 - 2029 Pre-Consultation October 2023](#)

Appendix A Current [Crawley Licensing Policy Statement 2019–February 2024](#)

Appendix B Draft Proposed Statement of Licensing Policy 2024 – 2029 Post Consultation

Appendix C Licensing Survey Summary

Appendix D Portman Group Feedback

Appendix E Police Feedback

Appendix F Table of Revisions to Statement of Licensing Policy when comparing current policy with draft proposed policy

Appendix G Equality Impact Assessment

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**CRAWLEY BOROUGH COUNCIL**  
**2024 – 2029**

**Statement of Licensing Policy**



Effective: 1<sup>st</sup> March 2023

Version 3 – Post Consultation & Licensing Committee Jan 2024

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Section 2	Background <i>New Section to reflect local area demographics, balancing the desire to develop and promote a strong, sustainable local economy with a diverse range of licensed premises operating at different times, combined with the Councils legal duties, and the commitment with partners to reduce the fear of and actual crime, disorder so that residents, visitors and businesses can enjoy what Crawley has to offer and seeks to acknowledge the impact of COVID-19 Pandemic. This Section also details how the Council as Licensing Authority will exercise its functions to ensure that the Licensing Objectives under the Licensing Act 2003 are promoted and sets out the aims of the Statement of Licensing Policy in line with the Licensing Objectives, as well as the obligations placed on the Council by other legislation</i>	5-7
Section 2.1	Scope of Statement of Licensing Policy <i>Expands on the Statement of Licensing Policy 2019- 2024, adding in links to websites, details the activities covered and references the Section 182 Guidance under the Licensing Act 2003.</i>	7-8
Section 3	Policy Consultation <i>New Section covering how the Statement of Licensing Policy is consulted upon and views sought of a range of parties including those defined as Responsible Authorities under the Licensing Act 2003, licence holders, Trade organizations when preparing the Statement of Licensing Policy.</i>	9
Section 4	Fundamental Principles <i>Incorporates the Section within the 2019 – 2024 Policy referred to as “How Decisions Are Made” and recognises the role of the different partnerships in place alongside other regulatory regimes in shaping the local area, general information regarding the decision-making process, representations and appeals.</i>	9-11
Section 5	Public Health <i>New Section recognizing Public Health as a Responsible Authority since 2013 and the links between public health and the licensing regime.</i>	11
Section 6	Premises Licences & Club Premises Certificates <i>Noted as Section 3 in the 2019 – 2024 Statement of Licensing Policy</i> <i>Revision to wording in this Section to make it more accessible and easier to understand. Sets out key matters in relation to licensable activities, application processes,</i>	12-13

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	<i>consultation and making representations. Information in relation to “Producing the Operating Schedule” has been removed and is covered in the Sections 11 and 12.</i>	
Section 6.1	Application Consultation <i>As above</i>	13
Section 6.2	Making Representation <i>As above</i>	13-14
Section 7	Personal Licences <i>Revision and simplification to text and inclusion of Government link to the relevant considerations in relation to personal licences</i>	15
Section 8	Fees, Charges & Advice <i>New Section with links to fees and charges, and charging for advice</i>	16
Section 9	Variations (Full & Minor) <i>New Section with details relating to variations to premises licences, both full and minor variations as well as links to sources of assistance</i>	17
Section 10	Temporary Event Notices (TENs) <i>Section 4 of 2019-2014 Statement of Licensing Policy Revision to wording and additional text providing clarification on TENs as well as links to sources of assistance.</i>	18
Section 11	Licensing Hours <i>Section 2 of 2014 – 2019 Statement of Licensing Policy Revision to wording and clarification of considerations as well as Sussex Police submissions. Removal of references to zoning.</i>	19-20
Section 12	Promoting the Four Licensing Objectives <i>Parts included in different areas across the Statement of Licensing Policy 2019 – 2024, including Section 2. Revisions to wording, content and expansion of explanations and inclusion of reference to off licences and off sales</i>	21-22
Section 12.1	Prevention of Crime & Disorder <i>Section 2 of 2014- 2019 Statement of Licensing Policy 2019- 2024 Revision to wording and expansion of to improve accessibility and aid understanding regarding the promotion of this Licensing Objectives alongside relevant considerations.</i>	23-26
Section 12.2	Public Safety <i>Section 2 of 2014- 2019 Statement of Licensing Policy 2019- 2024 Revision to wording and content to improve accessibility and aid understanding regarding the promotion of this. Licensing Objectives alongside relevant considerations.</i>	27
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	<i>Licensing Objective alongside relevant considerations. Inclusion of information relating to the Live Music Act 2012 and Business and Planning Act 2020</i>	
Section 12.4	<i>Protection of Children from Harm Section 2 of 2014- 2019 Statement of Licensing Policy Revisions to expand on explanations, content and to improve accessibility and aid understanding regarding the promotion of this Licensing Objectives alongside relevant considerations. Inclusion of information on safeguarding, the role of Trading Standards and other matters regarding age restricted products and activities. Inclusion of information relating to the Portman Group and associated Code of Practice.</i>	31-34
Section 13	<i>Large Scale Events, Premises operations &amp; Martyns Law Section 3 of 2014- 2019 Statement of Licensing Policy Revisions to expand on explanations, content and to improve accessibility and aid understanding New Section. Overview of the key matters to consider and Martyns Law and Counter Terrorism actions and considerations by licensed operators and premises to promote the Licensing Objectives.</i>	35-36
Section 14	<i>Films Revisions to wording and further explanations offered in relation to the exhibition of films as a licensable activity under the Licensing Act 2003</i>	36-38
Section 15	<i>Safeguarding New Section setting out safeguarding considerations and responsibilities</i>	38-39
Section 16	<i>Agent of Change Principle New Section, explanation of principle and promotion of the Licensing Objectives.</i>	40
Section 17	<i>Licence Conditions Section 7 2019 – 2024 Licensing Policy Statement Revision to wording and further information provided to aid accessibility, understanding and links with the use of conditions to assist in the promotion of the Licensing Objectives, as well as the control and supervision of licensed premises, competent staff and suitable controls</i>	41
Section 18	<i>Administration &amp; Delegation Revision to wording, expansion of content to explain the Committee process and includes the scheme of delegations in terms of decision making and the role of Ward Councilors</i>	42-44
Section 19	<i>Enforcement Section 5 2019 – 2024 Licensing Policy Statement Revision to wording and further information provided to aid accessibility, understanding and links with the use of lins to signpost to guidance and when reviews may be used</i>	44
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	<i>Revision to wording and further information provided to aid accessibility, understanding and links with the use of links to signpost to guidance and when reviews may be used</i>	
Section 21	Diversity & Equality <i>Section 7 2019– 2024 Licensing Policy Statement Further information relating to equality and diversity matters and duties contained therein. Includes reference to the Equality Impact Assessment undertaken</i>	45- 46
Appendix A	Responsible Authority Contact List <i>Includes email contact details</i>	Appended
Appendix B	Delegation of functions	Appended
Appendix C	Useful Links <i>Includes helpful sources of information for those included in the licensed trade and/or who may have an interest</i>	Appended
Appendix D	Public Health Information <i>New information in relation to alcohol related harms, statistics and the role of Public Health in Licensing Act 2003 matters.</i>	Appended
Appendix E	West Sussex Trading Standards Overview <i>New – Overview of the role of Trading Standards and regulatory practices</i>	Appended
Appendix F	Modern Slavery, Child Sexual Exploitation, Safeguarding and the licensed trade West Sussex County Council <i>New – Relevance of Modern Slavery, Child Sexual Exploitation, Safeguarding within the licensed trade</i>	Appended
Appendix G	Equality Impact Assessment <i>New EIA arising from the Licensing Policy Statement 2024 - 2029</i>	Appended

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## Section 1 – Introduction

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

## Section 2 – Background

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

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

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

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

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

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

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

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

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

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

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

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

## **Section 2.1 Scope of the Statement of Licensing Policy**

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

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

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

## **Section 3 - Policy Consultation**

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

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

## **Section 4 - Fundamental Principles**

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



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

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

## **Section 5 – Public Health**

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

### **Public Health & Alcohol Licensing**

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

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## Section 6 - Premises Licences & Club Premises Certificates

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

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

## **Section 6.1 - Application Consultation**

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

## **Section 6.2 - Making Representations**

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

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- 6.2.5. The Licensing Authority will not normally act as a Responsible Authority on behalf of other parties (for example, local residents, local Councilors or community groups). Such parties can make relevant representations to the Licensing Authority in their own right, and it is reasonable for the Licensing Authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the Licensing Authority is aware of relevant grounds to make a representation, a choice may be made to act in its capacity as Responsible Authority.
- 6.2.6. A representation would be 'irrelevant' if it is not about the likely effect of the grant of the application on the promotion of the licensing objectives. Irrelevant representations cannot be accepted.
- 6.2.7. A representation made by a person other than a Responsible Authority will not be accepted if the Licensing Authority decides that it is frivolous or vexatious.
- 6.2.8. Vexation may arise where, for example, there is a dispute between rival businesses, or a repetitive complaint from another person which has already been subject of investigation and no new evidence provided.
- 6.2.9. Frivolous representations would be categorized by a lack of seriousness.
- 6.2.10. Such judgments will be made by Authorised Officers following such enquiries as may be necessary.
- 6.2.11. Where a representation is found to be irrelevant, vexatious or frivolous, the person making it will be informed in writing that the representation will be disregarded. All valid representations will form part of a Sub Committee report that will become a public document. It will be provided to the applicant, their agent and persons who have made representations as well as the Licensing Sub-committee at least 10 days prior to the hearing.
- 6.2.12. Whilst representations may not be made anonymously, in exceptional circumstances, such as when the objector has a genuine and well-founded fear of intimidation or violence, some or all of the persons personal details may be removed from the representation before it is given to the applicant.

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## Section 7 - Personal Licences

- 7.1. To sell alcohol in licensed premises at least one person needs to hold a 'Personal Licence' which has been granted by the Licensing Authority where they live. This requirement does not apply to 'qualifying clubs'.
- 7.2. Holders of a 'Personal Licence' must hold a recognised licensing qualification, be over 18 years of age and not have certain types of criminal conviction. Proof of a licensing qualification together with a Basic Disclosure certificate less than two months old and endorsed photographs of the holder are required as part of an application for a Personal Licence.
- 7.3. Where an applicant is found to have an unspent conviction for a relevant offence as defined in the Act or for a foreign offence, the Licensing Authority will notify the police. Where the police do not object and the application otherwise meet the requirements the Licensing Authority must grant it. If the police do object, a hearing will be held before the Licensing Sub-Committee to determine the application.
- 7.4. The Policing and Crime Act 2017 gave licensing authorities the power to revoke or suspend personal licences, with effect from 6 April 2017. This is a discretionary power; licensing authorities are not obliged to give consideration to all personal licence holders subject to convictions for relevant offences, foreign offences or civil penalties for immigration matters.
- 7.5. When a Licensing Authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. In exercising its duties, the Council as Licensing Authority will normally seek to suspend or revoke a Personal licence when it is made aware that a licence holder has received a relevant offence, foreign offence or civil penalty for immigration matters.
- 7.6. Full details relating to personal licence applications can be found on the Government website by following this [link](#).

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## Section 8 - Fees & Charges

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

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## Section 9 - Variations (Full & Minor)

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



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## Section 10 - Temporary Event Notices (TENs)

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

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## Section 11 - Licensing Hours

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

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- 11.5. Where representations are received, the application will be referred to a Licensing Sub Committee in accordance with the scheme of delegation included in this Statement of Licensing Policy. Each application will be considered on its merits.
- 11.6. When hearing an application, the Sub-Committee will seek information and assurances from the applicant that the four Licensing Objectives will not be undermined by the grant of the application and any steps taken to promote the licensing objectives and any conditions offered. Where the Sub Committee considers it appropriate to do so it may apply licensing conditions, including limiting the hours of operation.
- 11.7. Fixed trading hours within designated areas will not be considered as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, with the attendant concentration of disturbance and noise.
- 11.8. Not all regulated entertainment will be associated with the sale of alcohol. There may be licence applications when alcohol is not provided for many reasons or in other circumstances it would be unnecessary or unlawful to have alcohol available, for example, events exclusively for children. In other circumstances regulated entertainment may finish earlier or later than the sale of alcohol.
- 11.9. The provision of Late Night Refreshment covers the supply of hot food or hot drink to members of the public at any time between the hours of 11pm and 5am. This includes takeaway food premises but also applies to restaurants and mobile vehicles.
- 11.10. In each case, the hours being sought for regulated entertainment or late night refreshment must be set out in the application and the Operating Schedule must contain how the applicant will promote the licensing objectives. Where representations are received the Licensing Sub-Committee will consider each application, determining the hours of operation on its own merits taking into account the licensing objectives.
- 11.11. Sussex Police have provided feedback to the Council as follows and have indicated that any applications where a premises seeks to operate beyond 0330 hours will be considered on its merits, but subject to further scrutiny and additional steps to promote the Licensing Objectives.

*The Council will appreciate that if we (Sussex Police) have multiple premises, all competing, with each other to extend their opening times past 0330, then from a policing perspective we will potentially be in difficulty providing policing cover at that time of the morning. There is also the risk to their customers dispersing at 0400-0500 in the morning re their personal safety and a shortage of taxis and other public transport at that time, as well as potential problems with noise nuisance and disorder.*

*There are increasing numbers of residential units being created in vacant properties in High Street and surrounding areas as they are converted from commercial to flats. Another risk of course is that late night kebab and burger bars will also be keen to extend their hours too to cater for customers leaving premises 04:00-05:00, thus potentially adding to dispersal problems.*

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## **Section 12 - Promoting the Four Licensing Objectives**

- 12.1. The promotion of the four objectives is fundamental to the Licensing Act 2003. Every applicant for a premises licence must provide a fully completed and detailed operating schedule. This schedule must be in the prescribed format.
- 12.2. The most effective means for an applicant to assess what measures are needed to promote the licensing objectives is by recognising the various obligations under the Licensing Act 2003 and via risk assessment.
- 12.3. The operating schedule forms the basis of any conditions placed on a licence other than those which are mandatory. It provides valuable information to interested parties and responsible authorities assisting their assessment of the impact of the licensed activity on the licensing objectives and provides information about how the applicant will address these issues. It is likely to form the basis of any decision to submit a representation against the application.
- 12.4. Providing as much information as possible in the operating schedule demonstrates that the applicant has seriously considered the issues, is aware of their duty to promote the licensing objectives at all times and is aware of how this may be best achieved.
- 12.5. The Council as Licensing Authority considers the effective and responsible management of the premises, including instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of the licensing objectives. For this reason, these measures should be specifically considered, detailed and addressed within an applicant's operating schedule

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## **Supermarkets and other 'Off' licensed premises selling alcohol**

- 12.6. The Council as Licensing Authority will generally consider licensing, shops, stores and supermarkets to sell alcohol for consumption off the premises throughout opening times. However, where there are reasons for restricting or amending hours, for example, where premises become the focus of disorder and/or disturbance, such restrictions or amendments will be considered where relevant representations have been made.
- 12.7. All 'Off' licensed premises must comply with the Licensing Act 2003 Mandatory Conditions Order in relation to age related sales. The Licensing Authority also expects such premises to implement additional measures to prevent and deter proxy sales on behalf of under 18's.
- 12.8. Licensees should also carefully consider alcohol sales to customers who have or appear to have alcohol related health issues, and whether those customers appear to be under the influence of alcohol when attempting to make purchases.
- 12.9. The Licensing Authority expects adequate checks to be made and all reasonable steps taken to ensure alcohol delivered by way of online shopping services (as provided by most large supermarket chains) is not delivered to minors to prevent a risk of underage consumption. Therefore, the authority requests that as part of the application the Operating Schedule should include the procedures the applicant is intending to operate to ensure the following:
- The person they are selling alcohol to is over the age of 18
  - That alcohol is only delivered to a person over the age of 18
  - That a clear document trail of the order process from order, dispatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer.
  - The time that the alcohol deliveries/dispatch takes place. This is to assist with the prevention of public nuisance to the neighbouring properties.
- 12.4.1. 12.10 Where self-pay till points are made available in stores selling alcohol, provision must be included for alcohol sales to be identified and approved by a suitable person over the age of 18 prior to completion of the purchase.

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## 12.1 - Prevention of Crime and Disorder

- 12.1.1. Under the 2003 Act the Council as Licensing Authority has a duty to promote the licensing objectives, and a further duty under the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.
- 12.1.2. Licensed premises of any description, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people can be a source of crime and disorder. The Council as Licensing Authority expect operating schedules to satisfactorily address these and any other potential issues, from the design of the premises through to the daily operation of the business. All persons carrying out a role at a premises are expected to hold suitable qualifications and be trained as to their obligations under the Licensing Act 2003 as well as any obligations under other legislation, including that the relevant “right to work” permissions are in place.
- 12.1.3. Applicants are recommended to engage with and seek advice from the Police and other Responsible Authorities taking into account, as appropriate, local planning and transport policies in addition to tourism and crime prevention strategies when preparing their operating plans and schedules prior to submission.
- 12.1.4. When addressing crime and disorder, the applicant should identify any particular issues that are likely to adversely affect the promotion of the crime and disorder objective before including in the operating schedule how they propose to mitigate those matters.
- 12.1.5. Where objections are received and the Licensing Sub Committee considers it appropriate to do so, conditions may be attached to licences to prevent crime and disorder both inside and in the vicinity of the premises.
- 12.1.6. The Council as Licensing Authority considers the orderly dispersal of customers from licensed premises to be an important factor in promoting the licensing objectives. In considering applications for the grant or variation of a licence, serious consideration will be given to the dispersal arrangements, the potential effect that granting the licence might have on dispersal arrangements from other licensed premises or the cumulative impact in the area. (See 11.11 above)
- 12.1.7. Recognising that drug misuse is not an issue in all licensed premises, the Council as Licensing Authority is committed to the reduction and eradication of drugs from licensed premises as part of its role promoting the Crime and Disorder licensing objective. All licence holders are expected to actively support this objective by the way they plan, manage and operate their premises and how they address issues that present.

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

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

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



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

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## Section 12.2 - Public Safety

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

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## Section 12.3 - Prevention of Public Nuisance

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

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

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

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

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

12.3.17. No licence is needed:

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

## **Section 12.4 - Protection of Children from Harm**

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

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

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

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

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

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- Limitations on the hours when children may be present
- Limitations on the presence of children under certain ages when particular specified activities are taking place
- Limitations on the parts of premises to which children might be given access
- Limitations on ages below 18
- Requirements for an accompanying adult
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

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



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- 12.4.17. Section 15 of this Policy covers this in more detail within the context of safeguarding responsibilities and protection from harm.
- 12.4.18. The Council as Licensing Authority is committed to protecting children from harm and supports the use of underage test purchases arranged by the West Sussex County Council Trading Standards Service, the Councils Licensing Team and Police. Where underage sales are found, the Council as Licensing Authority supports the appropriate and proportionate use of warnings, fixed penalty notices, reviews and prosecution as a means of promoting the licensing objectives and enforcing the Licensing Act 2003 proportionately.
- 12.4.19. In keeping with Section.182 Guidance (as amended) issued under the Licensing Act 2003, the Licensing Sub-Committee will treat underage sales as serious criminal activity and will give consideration to the suspension or revocation of a licence if a review is brought in respect of underage sales.
- 12.4.20. Another key aspect in relation to the sale and supply of age restricted products such as alcohol, is the importance marketing and promotion of such. To this end, the Council as Licensing Authority recognises the Portman Group as the regulatory body for alcohol marketing in the UK through their Code of Practice.
- 12.4.21. The initial Section 182 Guidance issued under the Licensing Act 2003 commended the Portman Group Code: *“The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors.”*
- 12.4.22. *The Portman Group operates on behalf of the alcohol industry, a Code of Practice on the naming, packaging and promotion of alcoholic drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or over. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel’s decisions are published. If a product’s packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with.*
- 12.4.23. The Council as Licensing Authority considers that the Code is an important tool in protecting children and vulnerable consumers from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may particularly appeal to these groups. I would also highlight the latest edition of the Code of Practice <https://www.portmangroup.org.uk/codes-of-practice/>
- 12.4.24. This contains several new important updates including action to target irresponsible or inappropriate marketing and associations with illegal behaviour.

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## **Section 13 - Large Scale Events & Operations**

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

### **Martyn's Law**

- 13.4. The Council as Licensing Authority, having regard to the Section 182 Guidance issued under the Licensing Act 2003 and the Governments anticipated implementation of 'Martyn's Law to improve safety and security at venues and public spaces in light of the terrorist attacks in Manchester and London in 2017.
- 13.5. The paradigm shift in the nature of terrorism means that the security agencies primary responsibility of protecting its citizens is no longer achievable through the existing, and very limited, provision of state-owned protective security resources. The spaces and places in which people live, work and enjoy democratic freedoms are the very places that terrorists wish to attack.

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- 13.6. Crawley has its own history and experiences of terrorist attacks, and the Licensing Authority supports Martyn's Law. As such, the Authority would expect that those who operate the places and spaces in which people live, work and socialise must take greater steps to ensure the security of their users.
- 13.7. However, the solution is not just about tangible materials, it is also about being prepared. Consequently, the Council as Licensing Authority would expect large capacity venues and organisers of large events to consider the following measures including:
- Risk assessments in place to address risks and any mitigation/control measures.
  - Access and identification verification systems to be in place, to include searching prior to admission, the use of knife arches
  - A requirement that spaces and places to which the public have access engage with freely available counter-terrorism advice and training
  - A requirement for those places to conduct vulnerability assessments of their operating places and spaces
  - A requirement for those places to mitigate the risks created by the vulnerabilities
  - A requirement for those places to have a counter-terrorism plan.

## **Section 14 - Films**

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

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

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

## **Section 15 – Safeguarding**

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

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

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

- 15.3. Alcohol and underage sales can be a factor in child sexual exploitation (CSE), where young people may be encouraged or coerced to drink, or alcohol may be a factor in risk-taking behaviour by young people who drink irresponsibly and then get involved in activities that otherwise they would not. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises and licensed premises being used for the purposes of grooming and enticement.
- 15.4. The Council as Licensing Authority is also aware children may be attracted to takeaway and fast food restaurants and there is evidence nationally that this type of licensed premises has been used for the purpose of grooming and enticement. The accessibility and attraction to children of other age restricted products such as cigarettes and vapes is also noted, and it is expected that these will be placed behind a counter and screened so as to deter purchasing by children.
- 15.5. The Council as Licensing Authority encourages premises licence holders to make sure they are fully aware of the signs of CSE and to understand that the sexual exploitation of a child is sexual abuse and a crime. Licence holders and operators are expected to raise the awareness of their staff about CSE, modern slavery, human trafficking and County Lines with a view to providing intelligence for the appropriate authorities about concerns, including perpetrators who may be operating in their area. Business licence holders should be mindful of the indicators of modern slavery and human trafficking, safeguarding and other forms of exploitation in and around licensed premises. (See also Appendix F)
- 15.6. The Council as Licensing Authority works in partnership with West Sussex County Council (WSCC) Trading Standards, with a view to protecting consumers and the operation of legitimate businesses.

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## Section 16 - Agent of Change Principle

- 16.1. The 'Agent of Change' principle encapsulates the position that a person or business (i.e., the agent) introducing a new land use is responsible for managing the impact of that change. The practical issue that has arisen on occasion is that in circumstances where residents move into an area where noise is emanating from, for example, a long-standing music venue, this may have resulted in the Council as Licensing Authority imposing additional licensing restrictions on the established licensed venue. Campaigners on behalf of licensed premises have long advocated support for implementation of an 'agent of change' principle to place the responsibility for noise management measures on the incoming 'agent of change'.
- 16.2. The House of Lords Select Committee in 2017 recommend that a full 'Agent of Change' principle be adopted in both planning and licensing guidance to help protect both licensed premises and local residents from consequences arising from any new built development in their nearby vicinity.
- 16.3. National Planning Guidance has been updated to include reference to the agent of change principle in NPPF. The new paragraph 182 of NPPF now states that both planning policies and planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (e.g., places of worship, pubs, music venues and sports clubs). "Unreasonable restrictions" should not be placed on existing businesses as a result of development permitted after they were established.  
  
*"Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."*
- 16.4. Whilst National Planning Policy has been updated to incorporate the 'Agent of Change' principle, the Section 182 Guidance under the Licensing Act 2003 makes no reference to it.
- 16.5. Having considered the recommendations of the House of Lords Select Committee, Crawley Borough Council, acting in its role as the Licensing Authority has adopted 'Agent of Change' principles in its Licensing Policy.
- 16.6. Upon a review, the Council as Licensing Authority is normally required to take any steps it considers necessary to promote the licensing objectives, however the implications of adoption of 'Agent of Change' are that should a premises licence be subject of a review application as a result of complaints from local residents who are experiencing nuisance arising from a change of use and moving into the area, the Council as Licensing Authority will not place 'unreasonable restrictions' on that premises, if it were operating legally beforehand.

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## Section 17 - Licence Conditions

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



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## Section 18 - Administration & Delegation

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

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

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

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

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

## **Section 19 - Enforcement**

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

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## Section 20 - Reviews

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

## Section 21 - Diversity & Equality

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

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

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## Appendix A

### Licensing Act 2003 – Responsible Authority Contacts

#### Contact Details for Responsible Authorities

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

[alcohol@homeoffice.gov.uk](mailto:alcohol@homeoffice.gov.uk)

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

[ws\\_licensing\\_wor@sussex.police.uk](mailto:ws_licensing_wor@sussex.police.uk)

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

[Licensing@crawley.gov.uk](mailto:Licensing@crawley.gov.uk)

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

[firesafety@westsussex.gov.uk](mailto:firesafety@westsussex.gov.uk)

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

[Trading.standards@westsussex.gov.uk](mailto:Trading.standards@westsussex.gov.uk)

Development Control <Development.Control@crawley.gov.uk>

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

[publichealth.licensing@westsussex.gov.uk](mailto:publichealth.licensing@westsussex.gov.uk)

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

[environmentalservices@crawley.gov.uk](mailto:environmentalservices@crawley.gov.uk)

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

[Development.Control@crawley.gov.uk](mailto:Development.Control@crawley.gov.uk)

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

[environmentalservices@crawley.gov.uk](mailto:environmentalservices@crawley.gov.uk)

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

[cputeam@westsussex.gov.uk](mailto:cputeam@westsussex.gov.uk)



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## Appendix B

### **Scheme of Delegations & Decision Making in relation to Licensing Act 2003**

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

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## **Appendix C**

### **USEFUL LINKS**

Licensing Act 2003 [Licensing Act 2003 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2003/17)

Section 182 Guidance (December  
2023) [Revised](#)

[guidance issued under section 182 of](#)

[Licensing Act 2003 - GOV.UK](#)

[\(www.gov.uk\)](https://www.gov.uk)

Live Music Act 2012 [Live Music Act 2012](https://www.legislation.gov.uk/ukpga/2012/17)

[\(legislation.gov.uk\)](https://www.legislation.gov.uk)

Business and Planning Act 2020 – Off Sales, Pavement Licensing and Policies – see  
website) [Business and Planning Act 2020 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2020/17)

Regulatory Reform (Fire Safety) Order 2005 [The Regulatory Reform \(Fire Safety\) Order  
2005 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukreg/2005/1750)

Retail Alcohol Standards - Challenge 25

[info@rasg.co.uk](mailto:info@rasg.co.uk)

Portman Group [portmangroup.org.uk](https://portmangroup.org.uk)

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## Appendix D

### **Public Health & Alcohol Licensing**

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

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

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

### **Public Health Information**

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

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

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

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

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

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

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

Alcohol misuse is a major risk factor for early death in England and contributes to over 200 health conditions such as mouth cancer & stroke, heart disease that can lead to illness and disability<sup>1</sup>. The associated social consequences of alcohol misuse can also adversely affect families, relationships, crime and unemployment.

- The health and social harms of alcohol are not spread evenly across society. Alcohol can lead to inequalities which are often avoidable, unfair, and systemic differences in health amongst different groups of people<sup>2</sup>.
- Whilst there is no definitively 'safe' lower limit of drinking, the UK Chief Medical Officers (CMOs) advise that adults should not regularly drink more than 14 units of alcohol per week. People regularly drinking at these levels should spread units over 3 or more days with at least a few alcohol free days<sup>3</sup>.

In 2009, the Chief Medical Officer of England published official guidance on alcohol focusing specifically on children and young people<sup>4</sup>. It recommends that an alcohol-free childhood is the healthiest and best option. Alcohol use in the teenage years is associated with a range of health and social harms. Evidence also suggests that young people who begin drinking before the age of 15 are more likely to experience problems related to their alcohol use<sup>4</sup>

Drinking alcohol during pregnancy increases the risk of miscarriage, premature birth and of the baby having a low birthweight. Pregnant women are advised that the safest approach is not to drink alcohol at all to reduce risk to the baby<sup>2</sup>.

## Alcohol Harm in Crawley

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

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

2. For West Sussex the data shows that:

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

3. For Crawley the data shows that:

---

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

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

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

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

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

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

\*\* Conditions caused wholly by the use of alcohol

## **Appendix E**

### **WSSCC Trading Standards Overview – Enforcement and Regulation**

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

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

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

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

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

## Appendix F

### West Sussex County Council – Licensing, Safeguarding and Modern Slavery

#### **Licensing and Modern Slavery**

Local Authority Licensing teams and the business licence holders they support and monitor, can be key partners in local anti-slavery responses. West Sussex County Council's Modern Slavery pledge is shared with all the District and Borough authorities across the County. Local council licensing teams can update local licensing policies to directly address modern slavery. Licensing teams can also build their internal capacity to practically address modern slavery.

Whilst it is hoped that, on a national, Governmental level, guidance can be improved to reflect Modern Slavery concerns (such as the inclusion of "Modern Slavery" as part of section 182 Guidance (Licensing Act 2003) around prevention of crime and disorder) There is much that can be achieved at a local level. This includes:

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

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

***"Understanding the Potential of Licensing Frameworks and Teams to Tackle Modern Slavery in the UK"*** ... published by the **Shiva Foundation** and created in partnership with West Sussex County Council and other local authorities. This Guidance provides a clear framework for both licensing teams and committees and offers several recommendations regarding policy and practice in administering the licensing process for local businesses, with due regard to all aspects of Modern Slavery. The link for this document is:

[SF-Licensing-Report-sec3.pdf \(shivafoundation.org.uk\)](https://www.shivafoundation.org.uk/SF-Licensing-Report-sec3.pdf)

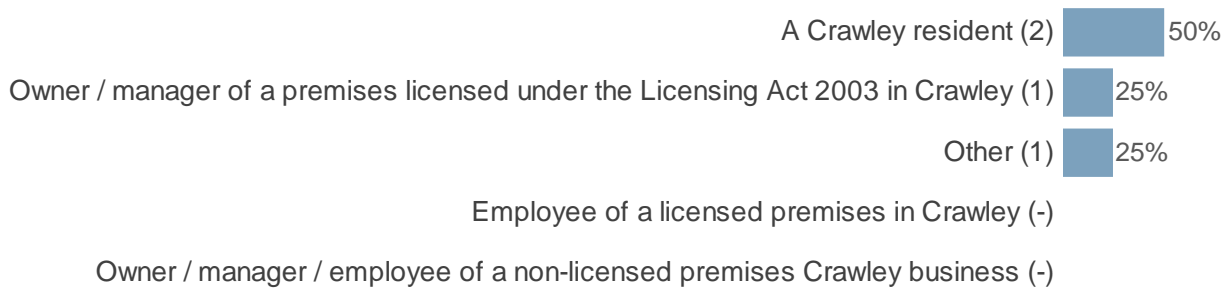


## Licensing survey

This report was generated on 19/12/23. Overall 4 respondents completed this questionnaire. The report has been filtered to show the responses for 'All Respondents'. A total of 4 cases fall into this category.

The following charts are restricted to the top 12 codes. Lists are restricted to the most recent 100 rows.

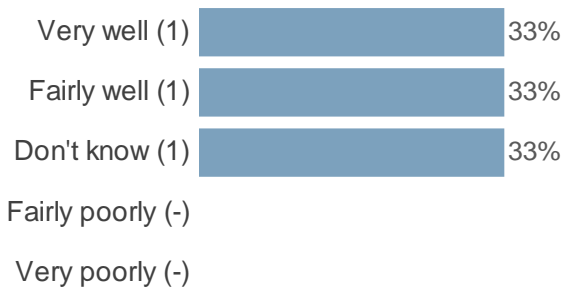
### Are you completing this survey as...? (Select all that apply)



### If 'Other' please specify

UK alcohol marketing regulator and social responsibility body

### How well do you think the proposed revisions to the Statement of Licensing Policy can help to promote the licensing objectives?

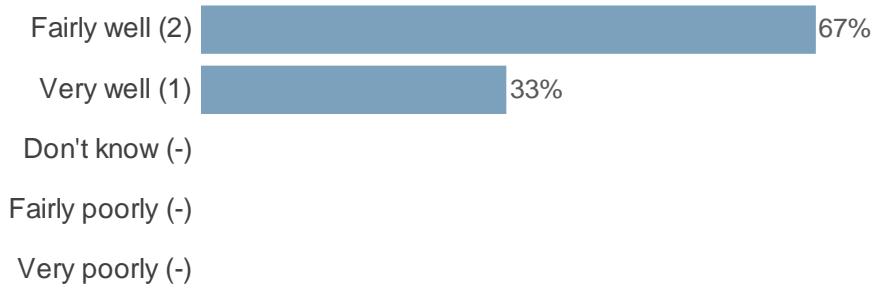


Please use the free text box below to provide any additional comments to your response:

Keep in informed

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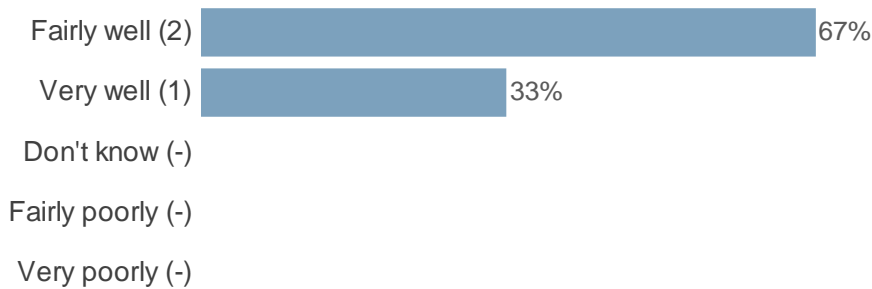
How well do you think the proposed Statement of Licensing Policy can help to promote the licensing objectives whilst supporting a diverse range of businesses?



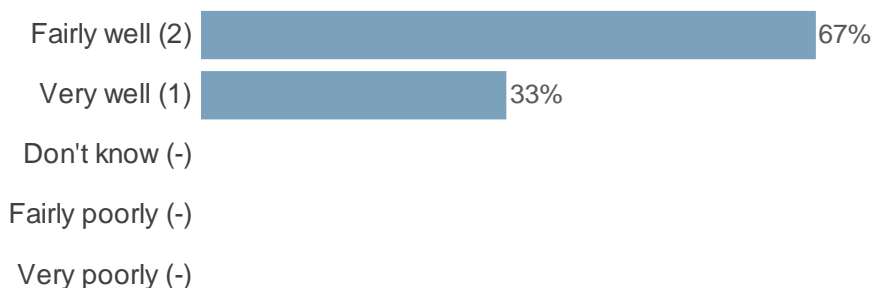
Please use the free text box below to provide any additional comments to your response:

Diversity and use of carbon free equipment

How well do you think the proposed Statement of Licensing Policy addresses the balance between promoting the licensing objectives and supporting a diverse range of businesses?



How well do you think the proposed Statement of Licensing Policy addresses the issue of age restricted products and underage sales?

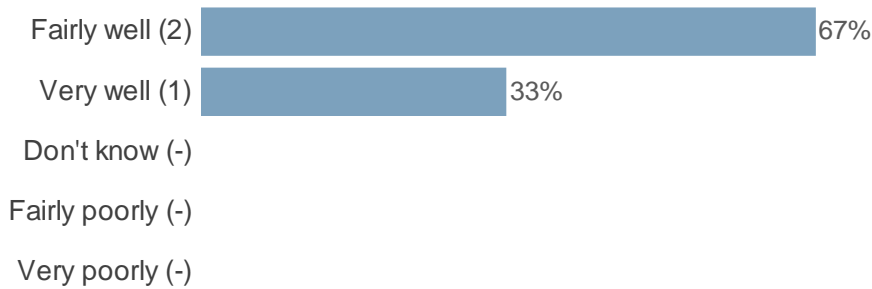


Please use the free text box below to provide any additional comments to your response:

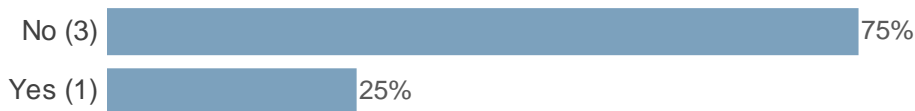
All restricted products should not be sold ailder certain times

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How well do you think the proposed Statement of Licensing Policy covers public health matters connected to the Licensing Act 2003?



Are there any other areas that you think need to be included in the proposed Statement of Licensing Policy?



Please use the free text box below to provide any additional comments to your response:

Thank you for the opportunity to contribute to the consultation on your licensing policy. We know that several other authorities have included a brief reference and description of the Portman Group as the regulatory body for alcohol marketing in the UK through our Code of Practice in the main body of the text as well as contact details in their document annexes. This builds on the UK Secretary of State's initial Guidance on the Licensing Act in 2004 which commended the Portman Group Code: "The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors. The Secretary of State commends the Code to licensing authorities and recommends that they should commend it in their statements of licensing policy" - which was subsequently adopted by many local authorities across the UK in their licensing policies. If you were to consider such a text to encourage retailers in your area to abide by Retailer Alert Bulletins to remove irresponsible products and promotions, we might suggest including the following: The Portman Group Code of Practice The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the naming, packaging and promotion of alcoholic drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or over. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important tool in protecting children and vulnerable consumers from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may particularly appeal to these groups. I would also highlight the latest edition of the Code of Practice (<https://www.portmangroup.org.uk/codes-of-practice/>), which contains several new important updates including action to target offensive marketing and associations with illegal behaviour.

Do you have any additional comments, concerns, or suggestions regarding the proposed Statement of Licensing Policy?

No

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## APPENDIX D

### PORTMAN GROUP FEEDBACK TO CONSULTATION

*“The Portman Group is the social responsibility body and regulator for alcohol labelling, packaging and promotion in the UK. Founded in 1989, it has over 160 code signatories from producers, retailers and membership bodies and it is funded by 19 industry leading member companies. The Portman Group aims to consistently challenge the industry to deliver high standards of best practice and fulfil the essential self-regulatory role of ensuring the responsible marketing and promotion of alcoholic products to UK consumers under our Codes of Practice.*

*Thank you for the opportunity to contribute to the consultation on your licensing policy. We know that several other authorities have included a brief reference and description of the Portman Group as the regulatory body for alcohol marketing in the UK through our Code of Practice in the main body of the text as well as contact details in their document annexes. This builds on the UK Secretary of State’s initial Guidance on the Licensing Act in 2004 which commended the Portman Group Code: “The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors. The Secretary of State commends the Code to licensing authorities and recommends that they should commend it in their statements of licensing policy” - which was subsequently adopted by many local authorities across the UK in their licensing policies. If you were to consider such a text to encourage retailers in your area to abide by Retailer Alert Bulletins to remove irresponsible products and promotions, we might suggest including the following: The Portman Group Code of Practice The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the naming, packaging and promotion of alcoholic drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or over. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel’s decisions are published. If a product’s packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important tool in protecting children and vulnerable consumers from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may particularly appeal to these groups. I would also highlight the latest edition of the Code of Practice (<https://www.portmangroup.org.uk/codes-of-practice/>), which contains several new important updates including action to target offensive marketing and associations with illegal behaviour.”*

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## APPENDIX E

### POLICE FEEDBACK TO STATEMENT OF LICENSING POLICY FEEDBACK

#### CHIEF INSPECTOR BEN STARNS

*“You will appreciate that if we have multiple premises, all competing, with each other to extend their opening times past 0330, then from a policing perspective we will potentially be in difficulty providing policing cover at that time of the morning. There is also the risk to their customers dispersing at 0400-0500 in the morning re their personal safety and a shortage of taxis and other public transport at that time, as well as potential problems with noise nuisance and disorder. As you often correctly point out, there are increasing numbers of residential units being created in vacant properties in High Street and surrounding areas as they are converted from commercial to flats. Another risk of course is that late night kebab and burger bars will also be keen to extend their hours too to cater for customers leaving premises 04:00-05:00, thus potentially adding to dispersal problems.*

*We are conscious that legally you cannot simply state “no variation applications past 03:30 will be accepted” in a new statement of licensing policy as it is likely to attract legal challenge.*

*Whilst we appreciate there is legally and politically no easy solution to the above, we request that the above is considered when you debate your Crawley Statement of licensing policy renewal, please.”*

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Appendix F

## TABLE OF REVISIONS TO THE STATEMENT OF LICENSING POLICY (Proposed Revisions To Statement of Licensing Policy 2024 – 2029 in italics)

		Page
Section 1	Introduction <i>Re-worded to make the Statement of Licensing Policy more accessible and easier to understand</i>	4
Section 2	Background <i>New Section to reflect local area demographics, balancing the desire to develop and promote a strong, sustainable local economy with a diverse range of licensed premises operating at different times, combined with the Councils legal duties, and the commitment with partners to reduce the fear of and actual crime, disorder so that residents, visitors and businesses can enjoy what Crawley has to offer and seeks to acknowledge the impact of COVID-19 Pandemic. This Section also details how the Council as Licensing Authority will exercise its functions to ensure that the Licensing Objectives under the Licensing Act 2003 are promoted and sets out the aims of the Statement of Licensing Policy in line with the Licensing Objectives, as well as the obligations placed on the Council by other legislation</i>	5-7
Section 2.1	Scope of Statement of Licensing Policy <i>Expands on the Statement of Licensing Policy 2019- 2024 , adding in links to websites, details the activities covered and references the Section 182 Guidance under the Licensing Act 2003.</i>	7-8
Section 3	Policy Consultation <i>New Section covering how the Statement of Licensing Policy is consulted upon and views sought of a range of parties including those defined as Responsible Authorities under the Licensing Act 2003, licence holders, Trade organizations when preparing the Statement of Licensing Policy.</i>	9
Section 4	Fundamental Principles <i>Incorporates the Section within the 2019 – 2024 Policy referred to as “How Decisions Are Made” and recognizes the role of the different partnerships in place alongside other regulatory regimes in shaping the local area, general information regarding the decision making process, representations and appeals.</i>	9-11
Section 5	Public Health <i>New Section recognizing Public Health as a Responsible Authority since 2013 and the links between public health and the licensing regime.</i>	11
Section 6	Premises Licences & Club Premises Certificates <i>Noted as Section 3 in the 2019 – 2024 Statement of Licensing Policy</i> <i>Revision to wording in this Section to make it more accessible and easier to understand. Sets out key matters in relation to licensable activities, application processes,</i>	12-13

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	<i>consultation and making representations. Information in relation to “Producing the Operating Schedule” has been removed and is covered in the Sections 11 and 12.</i>	
Section 6.1	Application Consultation <i>As above</i>	13
Section 6.2	Making Representation <i>As above</i>	13-14
Section 7	Personal Licences <i>Revision and simplification to text and inclusion of Government link to the relevant considerations in relation to personal licences</i>	15
Section 8	Fees, Charges & Advice <i>New Section with links to fees and charges, and charging for advice</i>	16
Section 9	Variations (Full & Minor) <i>New Section with details relating to variations to premises licences, both full and minor variations as well as links to sources of assistance</i>	17
Section 10	Temporary Event Notices (TENs) <i>Section 4 of 2019-2014 Statement of Licensing Policy Revision to wording and additional text providing clarification on TENs as well as links to sources of assistance.</i>	18
Section 11	Licensing Hours <i>Section 2 of 2014 – 2019 Statement of Licensing Policy Revision to wording and clarification of considerations as well as Sussex Police submissions. Removal of references to zoning.</i>	19-20
Section 12	Promoting the Four Licensing Objectives <i>Parts included in different areas across the Statement of Licensing Policy 2019 – 2024, including Section 2. Revisions to wording, content and expansion of explanations and inclusion of reference to off licences and off sales</i>	21-22
Section 12.1	Prevention of Crime & Disorder <i>Section 2 of 2014- 2019 Statement of Licensing Policy 2019- 2024 Revision to wording and expansion of to improve accessibility and aid understanding regarding the promotion of this Licensing Objectives alongside relevant considerations.</i>	23-26
Section 12.2	Public Safety <i>Section 2 of 2014- 2019 Statement of Licensing Policy 2019- 2024 Revision to wording and content to improve accessibility and aid understanding regarding the promotion of this Licensing Objectives alongside relevant considerations.</i>	27
Section 12.3	Prevention of Public Nuisance <i>Section 2 of 2014- 2019 Statement of Licensing Policy 2019- 2024 Revision to wording and content to improve accessibility and aid understanding regarding the promotion of this</i>	28-31

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	<i>Licensing Objective alongside relevant considerations. Inclusion of information relating to the Live Music Act 2012 and Business and Planning Act 2020</i>	
Section 12.4	<i>Protection of Children from Harm Section 2 of 2014- 2019 Statement of Licensing Policy Revisions to expand on explanations, content and to improve accessibility and aid understanding regarding the promotion of this Licensing Objectives alongside relevant considerations. Inclusion of information on safeguarding, the role of Trading Standards and other matters regarding age restricted products and activities. Inclusion of information relating to the Portman Group and associated Code of Practice.</i>	31-34
Section 13	<i>Large Scale Events, Premises operations &amp; Martyns Law Section 3 of 2014- 2019 Statement of Licensing Policy Revisions to expand on explanations, content and to improve accessibility and aid understanding New Section. Overview of the key matters to consider and Martyns Law and Counter Terrorism actions and considerations by licensed operators and premises to promote the Licensing Objectives.</i>	35-36
Section 14	<i>Films Revisions to wording and further explanations offered in relation to the exhibition of films as a licensable activity under the Licensing Act 2003</i>	36-38
Section 15	<i>Safeguarding New Section setting out safeguarding considerations and responsibilities</i>	38-39
Section 16	<i>Agent of Change Principle New Section, explanation of principle and promotion of the Licensing Objectives.</i>	40
Section 17	<i>Licence Conditions Section 7 2019 – 2024 Licensing Policy Statement Revision to wording and further information provided to aid accessibility, understanding and links with the use of conditions to assist in the promotion of the Licensing Objectives, as well as the control and supervision of licensed premises, competent staff and suitable controls</i>	41
Section 18	<i>Administration &amp; Delegation Revision to wording, expansion of content to explain the Committee process and includes the scheme of delegations in terms of decision making and the role of Ward Councilors</i>	42-44
Section 19	<i>Enforcement Section 5 2019 – 2024 Licensing Policy Statement Revision to wording and further information provided to aid accessibility, understanding and links with the use of links to signpost to guidance and when reviews may be used</i>	44
Section 20	<i>Reviews Section 7 2019 – 2024 Licensing Policy Statement</i>	45



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	<i>Revision to wording and further information provided to aid accessibility, understanding and links with the use of links to signpost to guidance and when reviews may be used</i>	
Section 21	Diversity & Equality <i>Section 7 2019 – 2024 Licensing Policy Statement Further information relating to equality and diversity matters and duties contained therein. Includes reference to the Equality Impact Assessment undertaken</i>	45- 46
Appendix A	Responsible Authority Contact List <i>Includes email contact details</i>	Appended
Appendix B	Delegation of functions	Appended
Appendix C	Useful Links <i>Includes helpful sources of information for those included in the licensed trade and/or who may have an interest</i>	Appended
Appendix D	Public Health Information <i>New information in relation to alcohol related harms, statistics and the role of Public Health in Licensing Act 2003 matters.</i>	Appended
Appendix E	West Sussex Trading Standards Overview <i>New – Overview of the role of Trading Standards and regulatory practices</i>	Appended
Appendix F	Modern Slavery, Child Sexual Exploitation, Safeguarding and the licensed trade West Sussex County Council <i>New – Relevance of Modern Slavery, Child Sexual Exploitation, Safeguarding within the licensed trade</i>	Appended
Appendix G	Equality Impact Assessment <i>New EIA arising from the Licensing Policy Statement 2024 - 2029</i>	Appended

## EQUALITY IMPACT ASSESSMENT CRAWLEY BOROUGH COUNCIL

A. Summary Details		
1	Title of EIA:	Statement of Licensing Policy 2024-2029
2	Person responsible for the assessment:	Kareen Plympton
3	Contact details:	<a href="mailto:Kareen.plympton@crawlley.gov.uk">Kareen.plympton@crawlley.gov.uk</a>
4	Section & Directorate:	Community Services, Public Protection
5	Name and roles of other officers involved in the EIA, if applicable:	NA

B. Policy or Function		
1	Is this EIA for a policy or function?	Policy <input checked="" type="checkbox"/> Function <input type="checkbox"/>
2	Is this EIA for a new or existing policy or function?	New <input type="checkbox"/> Existing <input type="checkbox"/> Change to an existing policy or function <input checked="" type="checkbox"/>

3	What is the main purpose of the policy/function?	<p>Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its Licensing Policy, reviewed 5 yearly. Such a policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the Licensing Act 2003. The policy sets out the general approach to make licensing decisions whilst remaining consistent with the provisions of the Licensing Act 2003.</p> <p>The licensing objectives are set out in the Act and are:</p> <ul style="list-style-type: none"><li>• The prevention of crime and disorder</li><li>• Public safety</li><li>• The prevention of public nuisance</li><li>• The protection of children from harm</li></ul>
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4	Is the policy/function associated with any other policies of the Authority?	<p><b>Community Safety Partnership Priorities</b></p> <p><b>Youth-related ASB, VAWG, cost-of-living related crime, drug-related harm, protecting vulnerable individuals.</b></p> <ul style="list-style-type: none"> <li>◆ Children and Young People - Licensed premises must be safe for all users and staff - public safety, the protection of children from harm and the prevention of crime and disorder are key objectives.</li> <li>◆ Health and Wellbeing – Promotion of safer socializing and responsible drinking, Licensed premises and their clientele should not cause undue noise and nuisance to neighbors - prevention of public nuisance is a key objective</li> <li>◆ The licensing regime has led to an increase in licensed premises which will help to boost the local economy which will bring new jobs and more prosperity to the Borough</li> </ul> <p>The revised policy is intended to address issues in relation to living well, and is intended to help strike the right balance between the development of the nighttime economy and its potential adverse impact on local residents, alongside a requirement to comply with the Licensing Act 2003</p>
5	Do any written procedures exist to enable delivery of this policy/function?	Section 182 Guidance issued in conjunction with the Licensing Act 2003
6	Are there elements of common practice not clearly defined within the written. procedures? If yes, please state.	No

7	Who are the main stakeholders of the policy? How are they expected to benefit?	<p>Licence holders • Potential Licence holders • Residents or their representatives • Local businesses or their representatives • Government bodies and other external agencies, such as Police, Fire &amp; Rescue Service • Council departments, such as Planning Control and the Safeguarding Children Board, Pollution Control Team, Health and safety and Food Safety teams. • Councilors as the decision makers and representatives of residents.</p> <p>The benefits of the Licensing Policy Statement are that it provides: a fair and consistent approach to licensing enforcement administration for any service user; easy to understand information regarding Licence application and decision-making processes to anybody who wants it; and enables any service user to understand and comply with current legislation.</p>
8	How will the policy/function (or change/improvement), be implemented?	<p>The Statement of Licensing Policy if agreed formally by the Full Council on 22/02/24 will become effective on the 1<sup>st</sup> March 2024</p> <p>The Policy then has to be reviewed and renewed at least every 5 years.</p>

		<p>Once implemented guidance and information will be available for businesses.</p> <p>Guidance and advice will also be available to individuals who wish to make representations (objections) to an application.</p> <p>Unlicensed activity and compliance will be monitored by enforcement.</p>
9	What factors could contribute or detract from achieving these outcomes for service users?	No barriers identified
10	Is the responsibility for the proposed policy or function shared with another department or authority or organization? If so, please state?	No

### C. Data Collection on People Impacted by Policy or Function

1	Do you have monitoring data on the number of people (from different equality groups) who are using or are potentially impacted upon by your policy/ function?	<p>There is very little data regarding existing licensees available to inform this process.</p> <p>All local authorities have to use prescribed processes and forms. produced by Central Government. The forms used do not include equalities issues.</p>
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		<p>The Government have not permitted application forms to contain anything except that which is specified in the regulations. This has had implications not just for previous equalities impact assessments for licensing consultation but also monitoring all Council interventions under the act.</p> <p>The Council will not be in a position where it can proactively affect the profile of Licence holders. The policy we adopt though will ensure that the process of obtaining a Licence will be fair and free of discrimination.</p>
2	Please specify monitoring information you have available and attach relevant information*.	The information required from applicants is set down in Regulations and does not include any form of profile monitoring. In essence the same is true of any residents who object to any application.
3	If monitoring has NOT been undertaken, will it be done in the future or do you have access to relevant monitoring data?	<p>There is no information currently available that adequately profiles users or beneficiaries.</p> <p>An action point from this assessment will be to consider what meaningful profiling can be done of service users that will inform future initiatives and policy to ensure there is no unequal impact on the relevant target groups.</p>

D. Consultation & Involvement		
1	<p>Are you using information from any previous consultations and/or local/national consultations, research or practical guidance that will assist you in completing this EIA?</p>	<p>The policy is in the main developed with due regard to the statutory guidelines laid down by the Central Government; due regard to responses made to the consultation process carried out to a wide range of stakeholders ; and in part sets out how applicants should conduct themselves with regard to a wide range of issues which include equalities.</p> <p>A range of businesses, organizations and others were consulted, including:</p> <ul style="list-style-type: none"> <li>◆ Local Businesses</li> <li>◆ Religious bodies and organization's</li> <li>◆ Relevant and associated business organization's</li> <li>◆ Police,</li> <li>◆ Fire Authority, Local holders of on &amp; off licensees,</li> <li>◆ Certificate Holders</li> <li>◆ Community Safety Partnerships</li> <li>◆ Trade Organization's</li> <li>◆ Local councilors,</li> </ul>
2	<p>Please list any consultations planned, methods used and groups you plan to</p>	<p>No further consultation is planned before the Policy becomes effective.</p>



	target. (If applicable)	
3	**What barriers, if any, exist to effective consultation with these groups and how will you overcome them?	No barriers identified

*\*\*It is important to consider all available information that could help determine whether the policy/ function could have any potential adverse impact. Please attach examples of available research and consultation reports*

**E: The Impact – Identify the potential impact of the policy/function on different equality target groups**

*The potential impact could be negative, positive or neutral. If you have assessed negative potential impact for any of the target groups you will also need to assess whether that negative potential impact is high, medium or low*

	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason
<b>Sex</b>			x	No adverse impact identified
Pregnant women & women on maternity leave				The Licensing regime plays an important part in the regulation of alcohol sales in Crawley– and the schemes and conditions proposed in the Policy re supportive of the aim of reducing.

				alcohol consumption during
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				pregnancy.
Gender Reassignment				No adverse impact identified
Marriage & Civil Partnership				No adverse impact identified
<b>Race-</b> include race, nationality & ethnicity (NB: the experiences may be different for different groups)				No adverse impact identified
<b>Disability</b> – physical, sensory & mental impairments	✓			A responsible and transparent licensing policy, both for the premises and the personal licensee, contribute to ensuring that venues and staff of those venues are aware of vulnerable groups.

<p><b>Age Group</b> - specify e.g. older, younger etc.</p>	<p>✓</p>			<p>The statutory guidelines highlight the protection of children as a key objective of the policy. As a result the policy addresses issues relating to children in the following way</p> <ul style="list-style-type: none"> <li>◆ Applicants will have to consult with the Area Child Protection Committee</li> </ul>
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			<p>The Council may impose conditions limiting access to children ♦ where there have been convictions for serving alcohol to minors or with a reputation for underage drinking. ♦ with a known association with drug taking or dealing ♦ where there is a strong element of gambling on the premises ♦ where entertainment of an adult or sexual nature is commonly provided</p> <p>The Licensing Authority will consider any of the following options when dealing with a Licence application where limiting the access of children is considered necessary to prevent harm to children:</p> <ul style="list-style-type: none"><li>♦ Limitations on the hours when children may be present ♦</li><li>Limitations on ages below 18 ♦</li><li>Limitations or exclusion when certain activities are taking place.</li><li>♦ Requirements for an</li></ul>
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				accompanying adult ♦ Full exclusion of people under 18 from the premises when any licensable activities are taking place
<b>Sexual Orientation</b> – Heterosexual, Lesbian, Gay Men, Bisexual people				No adverse impact identified
<b>Religious/Faith groups</b> (specify)				No adverse impact identified

**As a result of completing the above what is the potential negative impact of your policy?**  
**High**       **Medium**       **Low**       **Neutral**

<b>F. Could you minimize or remove any negative potential impact? If yes, explain how.</b>	
Race:	N/A
Sex & Gender, including pregnancy & maternity, gender reassignment, marriage & civil partnership	N/A
Disability:	N/A
Age:	N/A
Sexual Orientation:	N/A
Religious/Faith groups:	N/A

Also consider the following:		
1	If there is an adverse impact, can it be justified on the grounds of promoting equality of opportunity for a particular equality group or for another legitimate reason?	N/A
2	Could the policy have an adverse impact on relations between different groups?	No

3	If there is no evidence that the policy <i>promotes</i> equal opportunity, could it be adapted so that it does? If yes, how?	The aims of the policy are: <ol style="list-style-type: none"><li>1. Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises.</li><li>2. Giving the police, licensing officers and responsible authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems.</li><li>3. Recognizing the important role which licensed premises play in our local communities and economy by minimizing the regulatory burden on business, encouraging innovation and supporting responsible premises.</li><li>4. Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and</li><li>5. Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon</li></ol>
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		them.  The policy itself is therefore intended to have an overall positive impact on the area and its residents, supporting the safe operation of licensed premises in the Crawley
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**G. EIA Action Plan**

<b>Recommendation</b>	<b>Key activity</b>	<b>When</b>	<b>Officer Responsible</b>	<b>Progress milestones</b>
The policy has a statutory review process. The policy has to be updated at least every 5 years.	Keep the policy under review	On-going	Kareen Plympton	



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## Crawley Borough Council

**Report to Overview and Scrutiny Commission  
29 January 2024**

**Report to Cabinet  
31 January 2024**

### **Public Spaces Protection Order – Council owned multi-storey car parks**

Report of the Head of Community Services, **HCS/072**

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#### **1. Purpose**

- 1.1 To consider a proposal for the making of a Public Spaces Protection Order (PSPO) to prohibit activities that are having a detrimental effect on the amenity, residents and visitors to the town centre that use the Council's town centre multi-storey car parks.

#### **2. Recommendations**

- 2.1 To the Overview and Scrutiny Commission:

That the Commission consider the report and decide what comments, if any, it wishes to submit to the Cabinet.

- 2.2 To the Cabinet

The Cabinet is recommended to:

- a) Request that Full Council make a PSPO in the form set out in Appendix A with the restricted area being Orchard Street multi-storey car park, Town Hall multi-storey car park and Kingsgate multi-storey car park which should come into force on 26<sup>th</sup> February 2024 for a period of three years
- b) Resolve that the level for Fixed Penalty Notices which may be issued for a breach of the PSPO (in the event that Full Council makes the PSPO in the form of the draft at Appendix A of this Report, HCS/072NOo) be set at £100.

#### **3. Reasons for the Recommendations**

- 3.1 There have been complaints about anti-social behaviour the Council's town centre multi-storey car parks. The anti-social behaviour is mainly caused by congregating/sleeping in access areas such as stairwells and lift lobbies, drug taking and access for the purpose of criminal activity.
- 3.2 As a publicly accessible space there are limited powers to prevent individuals accessing the car parks for non-parking related activities.

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- 3.3 The anti-social behaviour can be managed by introducing a Public Spaces Protection Order restricting activity that is not connected to the parking of a vehicle or bicycle, without preventing the lawful use of the car park for all members of the public.

## 4. Background

- 4.1 PSPOs were introduced under the Anti-social Behaviour Crime and Policing Act 2014 and are designed to address unreasonable and persistent behaviour that affects the quality of life of a local authority's residents. PSPOs last for up to three years unless extended before they expire or discharged (revoked). PSPOs can only be made where the Council is satisfied on reasonable grounds (i.e. there is evidence demonstrating) the following two conditions:
- (1) that there has been (or it is likely to be) activities carried on in a public place which have had (or are likely to have) a detrimental effect on the quality of life of those in the locality,
  - (2) the effect (or likely effect) of the activities:
    - is (or is likely to be) of a persistent or continuing nature,
    - is (or is likely to be) such as to make the activities unreasonable.
    - justifies the restrictions imposed.
- 4.2 Breach of a PSPO is a criminal offence and can be dealt with by way of a fixed penalty notice (FPN) (currently set at £100) or a fine up to level 3 (£1000) on prosecution. Authorised officers are able to issue a FPN immediately upon witnessing a breach of PSPO.
- 4.3 Over the last 18 months there has been a considerable increase in anti-social behaviour within Orchard Street multi-storey car park, Town Hall multi-storey car park and Kingsgate multi-storey car park. Parking Services staff and the cleaning contractor have had to deal with both individuals loitering or sleeping in the car park and the litter and waste left behind and groups of individuals inside the carpark who are suspected of carrying out criminal activities.
- 4.4 Between July 2022 and June 2023, there were 206 reports regarding misuse of the council's multi-storey car parks from Parking Services staff and the cleaning contractor. The majority of these (173 reports) related to Orchard Street multi-storey car park. There were fewer reports for Kingsgate multi-storey car park (27 reports) and the Town Hall multi-storey car park (6 reports).
- 4.5 The main issues relating to Orchard Street multi-storey car park were rough sleeping, discarded bedding/belongings, human waste, individuals or groups loitering/being asked to leave, drug paraphernalia and smell of drugs.
- 4.6 For Kingsgate multi-storey car park the reports related to stickering, evidence of gatherings (cans, takeaway litter etc), human waste, rough sleeper and/or bedding, youths and smoking/smell of drugs in the car park. For the Town Hall multi-storey car park reports related to bedding being found or evidence of drinking and smoking.
- 4.7 Residents and local businesses whose staff regularly use these car parks have raised concerns regarding safety and anti-social behaviour listed in 4.5 within the car parks and have requested that the council takes action to address this as the impact of these issues is detrimental to their quality of life.
- 4.8 A security company was contracted August 2022 for a period of four weeks to provide two visits per day between 17:00 – 19:00 and 00:00 – 02:00 to disrupt any activity taking place in Orchard Street multi-storey car park. This was repeated in September 2022 for four

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weeks and November 2022 for three months until February 2023. The patrols had some success in reducing the incidents of anti-social behaviour. In September 2023 the twice daily patrols were reinstated following an increase anti-social activity in the car park.

- 4.9 It is proposed the PSPO, if made, would be enforced by Council's Civil Enforcement Officers and Community Protection Team under Section 67 of the Anti-social Behaviour, and Policing Act 2014; the power to give a lawful instruction, however only the Community Protection Team and the police will have the power to issue Fixed Penalty Notices under Section 68 of the Anti-Social Behaviour, Crime and Policing Act 2014.

## 5. Information & Analysis Supporting Recommendation

- 5.1 A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.

The first condition is that—

- activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
- it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect, or likely effect, of the activities—

- is, or is likely to be, of a persistent or continuing nature,
- is, or is likely to be, such as to make the activities unreasonable, and
- justifies the restrictions imposed by the notice.

- 5.2. Prior to public consultation, data was collected across Crawley Town Centre to evidence that the above conditions had been met. This included data collected by the Council and Sussex Police through reports, complaints and observations made by Officers patrolling within the Town Centre which are contained in Appendix C.

- 5.3 Before making or renewing a PSPO the Council must publicise the text of the proposed order and:
- consult with the chief police officer and the local policing body.
  - consult with such community representatives as the Council thinks appropriate.
  - consult (as reasonably practicable) the owners or occupiers of land in the area of the proposed order.
  - notify West Sussex County Council.
  - consider any representations made.

- 5.4 Letters were sent via email to Sussex Police, via the local District Commander, the Police and Crime Commissioner and WSCC.

WSCC and Sussex Police and Crime Commissioner raised no objections regarding the proposed PSPO. Sussex Police fully support the proposed PSPO.

- 5.4 Crawley & Gatwick Business Watch, Crawley Town Centre Business Improvement District and Crawley Open House were all made aware of the consultation.

- 5.5 When deciding whether to make a PSPO, the Council must have regard to the Human Rights Act, with particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention.

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When enforcing this PSPO, authorised officers will have regard for these rights in that should an individual(s) be exercising these rights safely within the area to which the order applies, Officers will not restrict these rights.

## 5.6 Public Consultation

- Consultation took place from 1<sup>st</sup> November to 30<sup>th</sup> November 2023. A copy of the consultation questions is included in Appendix B. The consultation was made available online. A copy of the draft order including maps of the restricted areas was made available on the Council's website.
- The consultation was promoted via press release and online through the Council's website and social media channels. In addition, posters were displayed with all three Council multi-storey car parks and in neighbourhood noticeboards.
- In addition, the managing agent of Sussex House multi-storey car park, located in the town centre and local businesses who were permit holders in the Council's multi-storey car parks were also sent letters via email regarding the consultation.
- A total of 62 respondents completed the questionnaire. 90% of respondents were Crawley residents, 7% were visitors to Crawley, 2% completed on behalf of a business and 2% other.

5.7 A written response was received from the managing agent for Sussex House Car Park. The response outlined the anti-social behaviour and criminal activity that they have experienced over the last 8 years which included, thefts, drugs, drug dealing, prostitution, graffiti, criminal damage, nuisance, car-racers and skateboarders. The response stated that the council safeguarding their own car parks with a PSPO would 'shift and intensify the issues onto private car parks'. The response requested the inclusion of all town centre multi-storey car parks within the PSPO and stated that without extending the PSPO they would strongly oppose its implementation.

5.8 The primary responsibility of tackling anti-social behaviour on private land is that of the landowner. Inclusion of this site for the PSPO was not considered due to a lack of reports to suggest that anti-social behaviour in this location meets the legal test required. Prior to the public consultation, the Council approached the managing agent of Sussex House to request data. The information provided was anecdotal in nature and was considered to be inadequate evidence to meet the legal test.

5.9 Should the landowner report issues directly to us or to the police when anti-social behaviour takes place, and this can be evidenced, the PSPO could be varied to include additional sites to support the work the landowner is expected to do to address the behaviour.

## 5.10 Analysis of the Consultation responses:

*Question: Overall, do you support the introduction of this PSPO?*

There were 62 responses to this question, with the majority in support.

- 76% (47) of respondents supported the introduction of a PSPO.
- 16% (10) of respondents were undecided.
- 8% (5) of respondents did not support the introduction of a PSPO.

Comments from those in support of the PSPO included:

- *The behaviour has to be dealt with. We need to feel safe in our own town.*
- *No reason to be in a car park unless you're parked there.*
- *the car parks should be a safe place for the elderly, the disabled and single females*
- *I think it would give the public comfort knowing that there is more protection against*

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*anti social behaviour.*

- *If implemented will help towards making me feel safer*
- *Anything which makes Crawley safer and more pleasant is a plus*
- *To many people think they can do what ever they wish, so this helps to stop that attitude.*
- *The Orchard Street car park has become so unsafe and concerning that two of my female staff no longer to wish to have permits in the car park and have moved to parking in Asda. I am continually concerned about damage to my vehicle.*
- *I use this carpark as it's well situated, good value and I feel my car is safe with the gates. I feel unsafe especially in the dark using the carpark and having a PSPO would be a great way of keeping people safe and happier to use the carpark any time of the day and night.*
- *Car parks should be safe for all people. Antisocial behaviour makes people fearful, especially women.*

Those responding as not in support made the following comments.

- *I cant see what your trying to suggest, the only thing i have experienced is the council making car parks less accessible to all by not allowing coins to be used and having to use telephone apps and using huge gates like prisons.*
- *I'll complete the questionnaire but am Interested to know the drivers behind the proposal. Rarely is an issue straightforward so are you joining up services to ensure appropriate and accessible alternatives are in place? If it's youth hanging out are there youth places to go at that time that they want to go to that they can access support? If it's the unhoused are you sure that the services are there - Open House is often full. If people there are in addiction are there services there that support them with housing with addiction? Are there sufficient places for those with addiction to get access to help at (say) night?*
- *Its a police matter not Council issue the council shouldnt put theyre staff at risk*
- *There are no resources to implement the fines. Who works nights to keep an eye on all of the multi storey car parks mentioned?*

Open House Outreach Team have access to all the multi storey car parks and regularly visit to engage with individuals that are homeless or part of the street community, encouraging engagement with Crawley Open House services and signposting to other support services as needed.

Audio Active (music project working with young people) have delivered outreach sessions in the Memorial Gardens to engage with young people congregating at Kingsgate car park, Memorial Gardens and the High Street.

*Question: Do you use Orchard Street multi-storey car park?*

22 respondents said yes and 36 respondents said no. The reasons for not using Orchard Street car park included its location not being convenient for the town centre (9 comments) and not safe/safety concerns (5 comments). One comment of note was 'I've never felt particularly safe as a lone woman using it'.

*Question: Do you use Kingsgate multi-storey car park?*

42 respondents said yes and 19 said no. The reasons given for not using the car park included use an alternative car park (3), don't feel safe (1), no cash pay facility/payment confusing (2) and no need to park in the town centre (3).

*Question: Do you use the Town Hall multi-storey car park?*

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18 respondents said yes and 40 respondents said no. The reasons given for not using the car park included use an alternative car park (6), not convenient (4), area unsafe (1), spaces too narrow (2) and no need to park in the town centre (5).

Question: *How safe do you feel using this car park?*

	Orchard Street	Kingsgate	Town Hall
Very safe	0	4	2
Fairly safe	5	24	12
Neither safe nor unsafe	7	7	0
Fairy unsafe	7	4	3
Very unsafe	3	3	1

The majority of those using Kingsgate and the Town Hall car parks said they very safe or fairly safe, however for Orchard Street car park more said they felt very unsafe or fairly unsafe (10) compared to very safe or fairly safe (5).

The consultation asked if anti-social behaviour had been witnessed in the last 12 months in each car park, 19% (8) of those using Orchard Street car park responded yes, 19% (8) of those using Kingsgate car park said yes and 11% (2) of those using the Town Hall car park said yes.

The types of anti-social behaviour seen were drug use (12 comments), drinking alcohol (4 comments) groups hanging around (both adults and youths) (4 comments), drug dealing (2 comments), rough sleeping (2 comments), urination (2 comments) and youths on skateboards (1 comment).

Question: *Are there other multi-storey car parks, if any, within Crawley, that you would like to highlight to us in relation to anti-social behaviour?*

Sussex House (Morrisons) car park was mentioned by three respondents, one referenced groups of youth hanging around and also homeless people which made them feel vulnerable. This car park was also mentioned in the comments section for the 'Do you support the introduction of this PSPO?' question, the comment referenced children and adult skateboards, cars racing around the car park and homeless people.

## 6. Implications

### *Financial*

- 6.1 There would be no additional resource implications to enforce the policy because this work will be absorbed within existing resources. In-house training will be provided to Parking Services staff in relation to giving a lawful instruction in relation to the PSPO.
- 6.2 Revenue – signage would be required to be displayed within the restricted areas at a cost of under £1,000 for initial installation and up to £200 per year for maintenance/replacement.
- 6.3 There would be legal costs associated with enforcement policy related prosecutions although full costs would be sought from the courts in the case of a successful prosecution.

### *Legal*

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- 6.4 Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 gives local authorities the powers to make, vary or renew a PSPO. The procedure is set out in section 72 of the 2014 Act and in the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 made under that Act.
- 6.5 If Cabinet decides to recommend to Full Council to make a PSPO, a draft of it including a map of the restricted area will need to be published on the Council's website in advance of Full Council to comply with Section 72 of the Anti-social Behaviour Crime and Policing Act 2014.
- 6.6 Section 66 of the Act gives the right to any an individual who lives in the restricted area or who regularly works in or visits that area to challenge the validity of the PSPO in the High Court within six weeks of it being made. There are 2 grounds on which the validity of a PSPO can be challenged: (1) that the Council did not have the power to make the PSPO or to include particular prohibitions or requirements within it; or (2) that the Council did not comply with a legal requirement in making the PSPO.
- 6.7 There are no adverse equalities impacts as part of these proposals.

**Report author and contact officer:**

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**CRAWLEY BOROUGH COUNCIL**  
**ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, SECTION 59**

## **Draft Multi-Storey Car Parks Public Spaces Protection Order No. 1 of 2024 (“Order”)**

### **PUBLIC SPACES PROTECTION ORDER**

This order is made by Crawley Borough Council (the “Council”) and shall be known as the Multi-Storey Car Parks Public Spaces Order No. 1 of 2024.

### **PRELIMINARY**

1. The Council, in making this Order is satisfied on reasonable grounds that:
  - 1.1 The activity identified below has been carried out in public places within the Council’s area and has had a detrimental effect on the quality of life of those in the locality, and
  - 1.2 That the effect, or likely effect, of the activity:
    - (a) is, or is likely to be, of a persistent or continuing nature,
    - (b) is, or is likely to be, such as to make the activities unreasonable, and
    - (c) justifies the restrictions imposed by the notice.
2. The Council is satisfied that the prohibitions and requirements imposed by this Order are reasonable to impose in order to prevent the detrimental effect of the activity from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
3. The Council has had regard to the rights and freedoms set out in the European Convention on Human Rights. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

## **RESTRICTED AREA**

4. The Restricted Area means these multi-storey car parks:
  - 4.1 Orchard Street multi-storey car park, Orchard Street;
  - 4.2 Town Hall multi-story car park, Exchange Road; and
  - 4.3 Kingsgate multi-storey car park, Queensway;being the land shown edged blue on each of the plans in the Schedule to this Order.

## **THE ACTIVITY**

5. The Activity prohibited by the Order is:
  - 5.1 Entering the Restricted Area for purposes which are not connected to the parking of a vehicle or bicycle therein or the lawful access to a vehicle or bicycle parked therein.

## **THE PROHIBITIONS**

6. Subject to the exceptions stated below, a person shall not engage in the Activity within the Restricted Area.

## **THE REQUIREMENTS**

7. A person who is believed to have engaged in a breach of this Order, is required to give their name and address to an Authorised Officer when asked.
8. A person is required to immediately leave and remain outside the Restricted Area for 48 hours, if so directed by an Authorised Officer.

## **THE EXCEPTIONS**

9. The prohibition in paragraph 6 does not apply to any person entering the Restricted Area who is authorised to carry out surveys, repairs or works to the building, equipment or utilities within the Restricted Area.
10. The prohibition in paragraph 6 does not apply to any person who is a member of the emergency services or who is an Authorised Officer and enters the Restricted Area in that capacity.

## **DEFINITIONS**

11. In this Order:

11.1 “Authorised Officer” means a police officer, a police community support officer (PSCO), a Council officer and any person authorised by the Council to enforce this Order.

11.2 “public place” means any place to which the public or any section of the public has access.

11.3 “The Restricted Area” has the meaning given by paragraph 4 of this Order.

## **PERIOD FOR WHICH THIS ORDER HAS EFFECT**

12. This Order will come into force at midnight on [DATE] and will expire at midnight on [DATE].

## **WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?**

Section 67 of the Anti-Social Behaviour Crime and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse –

(a) to do anything that the person is prohibited from doing by a public spaces protection order, or

(b) to fail to comply with a requirement to which the person is subject under a public spaces protection order

A person guilty of an offence under section 67 is liable on conviction in the Magistrates’ Court to a fine not exceeding level 3 on the standard scale.

## **FIXED PENALTY**

A constable, police community support officer or authorised Council officer may issue a fixed penalty notice to anyone they believe has committed an offence under section 67 of the Anti- Social Behaviour, Crime and Policing Act. You will have 14 days to pay the fixed penalty of £100. If you pay the fixed penalty within the 14 days you will not be prosecuted.

## APPEALS

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation has not been complied with.

When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the order, quash it, or vary it.

### Section 67 Anti-Social Behaviour Crime and Policing Act 2014

- (1) It is an offence for a person without reasonable excuse-
  - (a) To do anything that the person is prohibited from doing by a public spaces protection order, or
  - (b) To fail to comply with a requirement to which a person is subject under a public spaces protection order.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

The COMMON SEAL of CRAWLEY )  
BOROUGH COUNCIL was hereunto )  
affixed the        day of        )  
in the presence of:        )

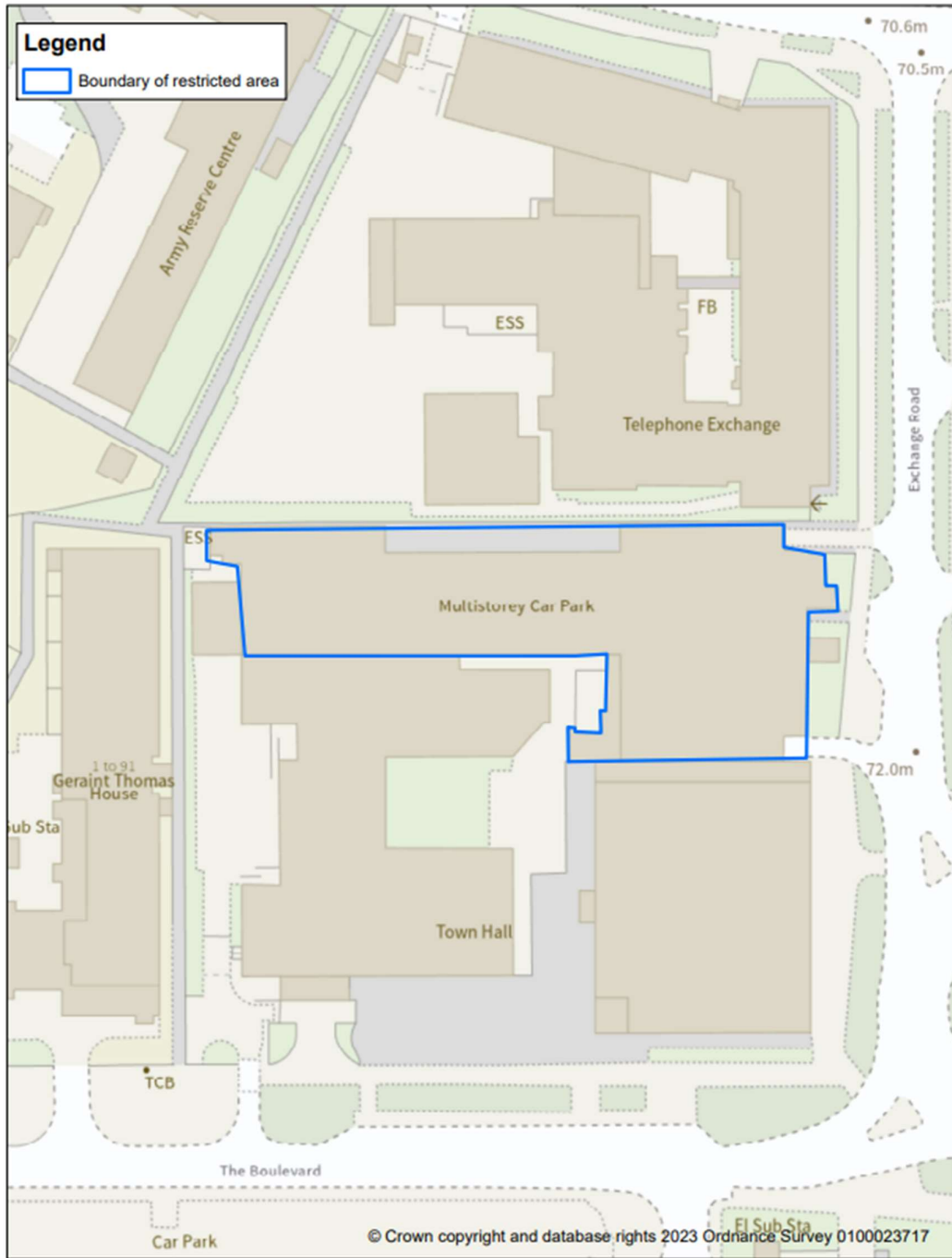
# Schedule

## Orchard Street Carpark



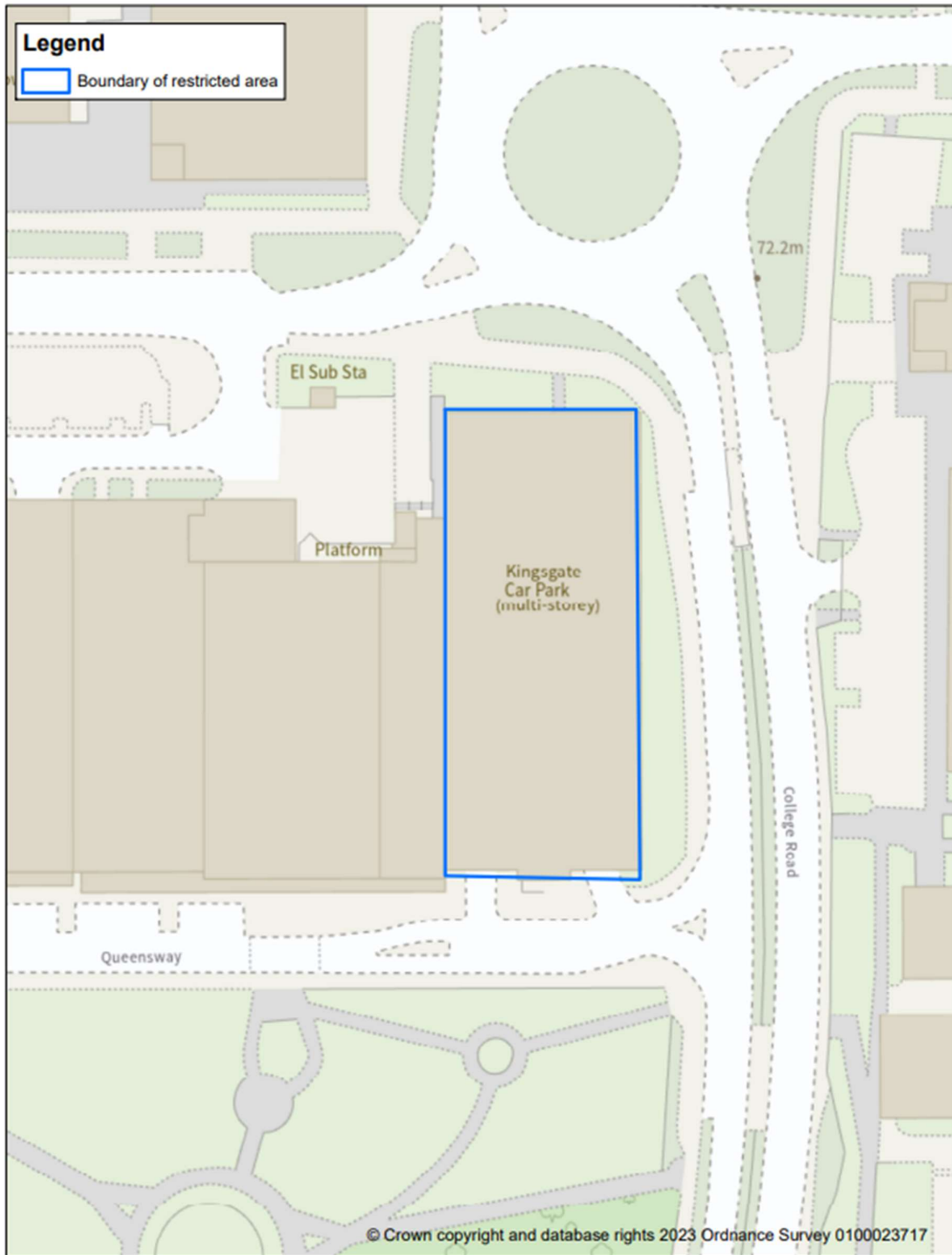


# Town Hall Carpark





# Kingsgate Carpark



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Crawley Borough Council is seeking your views to determine the level of support for a new Public Spaces Protection Order (PSPO) under Section 59 Anti-Social Behaviour, Crime and Policing Act 2014 to address anti-social behaviour in its town centre multi-storey car parks (Orchard Street, Kingsgate and Town Hall multi-storey car parks).

The purpose of this survey is to gather your opinions and insights on this proposed PSPO. Your feedback is crucial in helping us make an informed decision that best reflects the needs and concerns of car park users and the local community.

A copy of the proposed PSPO can be viewed [here](#)

Please take a few minutes to answer the following questions. Your responses will remain anonymous and confidential.

1.

Are you completing this survey as...?

- A Crawley resident
- A visitor to Crawley
- On behalf of a business
- On behalf of a voluntary or community organisation
- Other

(Optional) Please tell us the name of your business, organisation or community group

## Orchard Street multi-storey car park

2. Do you use the Orchard Street multi-storey car park?

- Yes
- No

(Optional) If you answered "No", please specify the reason(s) why:

3. How often do you use this car park?

- Daily
- Weekly
- Monthly
- Every few months
- Once or twice a year

4. How safe do you feel using this car park?

- Very safe
- Fairly safe
- Neither safe nor unsafe
- Fairly unsafe
- Very unsafe

5. Have you witnessed any anti-social behaviour at the Orchard Street multi-storey car park in the last 12 months?

- Yes
- No

6. If you answered "Yes", please specify the types of anti-social behavior you have witnessed in this car park:

7. Roughly how frequently would these occur when using this car park?

- Very frequently
- Frequently
- Occasionally
- Rarely
- Very rarely

## Kingsgate multi-storey car park

8. Do you use the Kingsgate multi-storey car park?

Yes

No

(Optional) If you answered "No", please specify the reason(s) why:

9. If you answered "yes", how often do you use this car park?

Daily

Weekly

Monthly

Every few months

Once or twice a year

10. How safe do you feel using this car park?

Very safe

Fairly safe

Neither safe nor unsafe

Fairly unsafe

Very unsafe

11. Have you witnessed any anti-social behaviour at this car park in the last 12 months?

Yes

No

12. If you answered "Yes", please specify the types of anti-social behavior you have witnessed in this car park:

13. Roughly how frequently would these occur when using this car park?

Very frequently

Frequently

Occasionally

Rarely

Very rarely

## Town Hall multi-storey car park

14. Do you use the Town Hall multi-storey car park?

Yes

No

(Optional) If you answered "No", please specify the reason(s) why:

15. If you answered "yes", how often do you use this car park?

Daily

Weekly

Monthly

Every few months

Once or twice a year

16. How safe do you feel using this car park?

Very safe

Fairly safe

Neither safe nor unsafe

Fairly unsafe

Very unsafe

17. Have you witnessed any anti-social behaviour at the Town Hall multi-storey car park in the last 12 months?

Yes

No

18. If you answered "Yes", please specify the types of anti-social behavior you have witnessed in this car park:

19. Roughly how frequently would these occur when using this car park?

Very frequently

Frequently

Occasionally

Rarely

Very rarely

20. Do you think that the anti-social behaviour you have witnessed should be addressed by a PSPO?

Yes

No

If you answered "No", please briefly explain the reason(s) for your choice:

21. Are there other multi-storey car parks, if any, within Crawley, that you would like to highlight to us in relation to anti-social behaviour?

Yes

No

If you answered "Yes", please give details below:

22. Overall, do you support the introduction of this PSPO?

Yes, I support it

No, I do not support it

Undecided/Not sure

Please briefly explain the reason(s) for your choice:

23. Do you have any additional information in support of the proposed PSPO? If so, please provide brief details and location below:

24. Do you have any other comments, concerns, or suggestions regarding the proposed misuse of car parks PSPO?

Thank you for participating in this survey. Your feedback is valuable to us, and your responses will contribute to the decision-making process. The results of this survey will be used for research purposes only and to shape the potential implementation of the PSPO.

If you have any questions or need further information, please contact [pspo@crawley.gov.uk](mailto:pspo@crawley.gov.uk)

Please click 'Submit' below to finish.

Date	Car Park	Time discovered	Reported By	Issue	On site location	Other Info	Human Waste	Drug paraphernalia	Rough Sleepers	Bedding/ belonging s	Asked to leave	Damage to building	Evidence of gathering (cans/litter)	Loitering	graffiti/stickers	youths	smell of drugs	other	Orchard st	Kingsgate	Town Hall
18/07/23	Orchard Street	09:12	CEO	Human waste x 2 / white substance in bags & needle	middle door level 2 & level 8 parking floor / surface end level 8		1	1											1		
16/07/23	Orchard Street	11:35	Community Warden	Known male sleeper asked to leave, left bedding	level 9 stairwell / surface car park end					1	1								1		
15/07/23	Orchard Street	11:59	CEO	group of men attempting to enter via intercom, not associated with car	west green doors														1		
12/07/23	Orchard Street		CEO / CW	CPW issued to known M&F from previous day	level 6 parking floors															1	
12/07/23	Orchard Street		COH	confirm known M&F sleeping on level 6	level 6 parking floors				1												1
11/07/23	Orchard Street		COH	Confirm F&M seen exiting car park with bedding					1												1
11/07/23	Orchard Street	11:37	CEO	Known F&M (from another location), bedding and possessions asked to leave	level 6 parking floors							1									1
10/07/23	Orchard Street	10:27	CEO	External cladding lifted to gain visual sight of VRM / cardboard bedding located	asda end / level 8 stairwell							1									1
10/07/23	Kingsgate	09:20	CEO	Evidence of gathering - takeaway wrappers and empty alcohol containers	level 8								1								1
07/07/23	Kingsgate	08:50	MOP	Sleepers x 3M / F drug taker, removing clothes	The Boulevard stair well levels 4/5 / Queensway stairwell level 2				1												1
05/07/23	Orchard Street	12:28	CEO	Evidence of drug paraphernalia & litter	Middle Stairwell - top floor	photo			1				1								1
05/07/23	Orchard Street	12:28	CEO	Urine	Asda Stairwell - bottom of stairwell	photo	1														1
01/07/23	Kingsgate	08:29	CEO	Human faeces in a bag in stairwell	The Boulevard stairwell - level 1		1														1
01/07/23	Orchard Street	12:06	CEO	External cladding lifted to gain visual sight of VRM	Peglar way	photo						1									1
30/06/23	Orchard Street	09:37	CEO	Known Male sleeper with belongings - asked to move. Belongings still there at 11:25	(not sure)	photo			1	1											1
30/06/23	Orchard Street	09:38	CEO	3 males in middle stairwell loitering, one worse for wear - asked to leave	Middle Stairwell									1							1
28/06/23	Orchard Street		COH	Identified male AT confirmed to sleep in OSMSCP. His CPN expires on 21/02/24																	1
26/06/23	Orchard Street	09:35	CEO	Fire Door propped open with cone	Surface car park end stairwell GF	photo							1								1
23/06/23	Orchard Street	15:38	CEO	External cladding lifted to gain visual sight of VRM	Asda end	photo						1									1
22/06/23	Town Hall	14:10	CEO	7 beer cans - evidence of gathering	level 7 stairwell exchange rd.	photo							1								1
22/06/23	Orchard Street	11:35	CEO	External cladding lifted to gain visual sight of VRM	pedestrian ramp, surface end	photo						1									1
21/06/23	Orchard Street	15:21	CEO	Soiled underwear discarded	roof	photo	1														1
20/06/23	Orchard Street	10:32	CEO	Graffiti	stair well tbc	photo									1						1
16/06/23	Orchard Street	15:34	CEO	2 males suspected to be loitering asked to leave	level 8 (no cars parked)									1							1
15/06/23	Orchard Street	10:08	CEO	Bedding found	level 8 stairwell, surface cp end					1											1
15/06/23	Orchard Street	06:30	COH	Identified male and female found sleeping, alcohol, bedding, urine and substance smells	level 8 middle stairwell		1		1									1			1
14/06/23	Orchard Street	10:32	CEO	Bedding and food bags	level 8, surface end	photo				1											1
11/06/2023	Kingsgate	10:15	CEO	cardboard and sleeping gear found	Level 6	photo				1											1
10/06/23	Kingsgate	09:20	CEO	Litter... looks like a gathering took place	level 8, surface end	photo							1								1
13/06/23	Kingsgate	08:54	CEO	White rose sticker on door (possibly old)	level 3 stairwell door Queensway end	photo									1						1
13/06/23	Orchard Street	09:12	CEO	half naked couple, bedding and possessions - asked to move on (09:36 not moving on)	level8, surface end stairwell	photo				1	1	1									1
08/06/23	Orchard Street	10:34	CEO	Loitering Male & Female asked to leave	Asda Stairwell - bottom of stairwell									1							1
05/06/23	Kingsgate	15:53	Parking Manager	White Rose sticker on CCTV camera	Queensway stairwell, level 1	photo									1						1
07/06/23	Kingsgate	08:46	Parking Manager	3 M sleepers found	Level 5	photo			1												1
04/06/23	Orchard Street	12:11	CEO	Multiple Human faeces	parking floor level 7	photo	1														1
02/06/23	Orchard Street	10:18	CEO	Known female sleeper seen exiting	Asda Stairwell - bottom of stairwell					1											1
31/05/23	Orchard street	09:31	CEO	graffiti/ discarded syringe/ litter and leaves	lift/ level 8 middle/ level 6-10 asda end				1							1					1
25/05/23	Orchard street	09:17	CEO	discarded bike	level 2																1
24/05/23	Orchard street	09:34	CEO	water cupboard found open	level 7 surface end							1									1
19/05/23	Kingsgate	11:54	CEO	Needle	level 7 stairwell				1												1
17/05/23	Orchard street	09:47	CEO	1 F -asked to leave/ litter left /human faeces	level 4 stairwell surface end/ level 2 surface end / level 2		1					1									1
15/05/23	Orchard street	09:11	CEO	1 F sleeper - asked to leave/ stolen CCTV camera left	level 4/ asda end exit					1									1		1
13/05/23	Orchard street	10:04	CEO	1 M - asked to leave	level 7							1									1
12/05/23	Orchard street	07:57	CEO	sleepers	Peglar way entrance					1											1
10/05/23	Orchard street	09:39	CEO	1 M and 1 F asleep - told to clean litter	level 8 middle				1												1
09/05/23	Orchard street	09:22	CEO	fire door lock removed	level 7 asda end							1									1
02/05/23	Orchard street	08:38	CEO	discarded clothes	level 2 asda end					1											1
29/04/23	Orchard street	08:37	CEO	human faeces/ 2 M asked to leave	level 8 asda end/ level 8 middle		1					1									1
28/04/23	Kingsgate	11:05	CEO	Strong smell of weed and evidences of multiple 'cigarettes'	Queensway stairwell - level 9													1			1
28/04/23	Orchard street	12:37	CEO	sleeper tent and possessions - no evidence of person / bedding	level 8 / level 1 asda end					1											1
27/04/23	Orchard street	10:42	CEO	Sleeper tent - no evidence of person	level 8					1											1
23/04/23	Kingsgate	11:20	CEO	White Rose sticker (may be from previous visit) / evidence and detritus from substance abuse	various levels - Queensway stairwell																1
18/04/23	Kingsgate	09:33	CEO	evidence of takeaway litter, vape accessories and signs of a gathering	level 6								1								1
17/04/23	Kingsgate	12:17	CEO	Heard fireworks exploding in car park (no evidence found)/ (17:12) 2 M found loitering in stairwell asked to leave	Queensway stairwell									1							1
12/04/23	Kingsgate	10:13	CEO	White Rose sticker (may be from previous visit) / evidence and detritus from substance abuse	Queensway stairwell / Boulevard stairwell											1					1
12/04/23	Orchard street	11:21	CEO	2 M asked to leave	middle stairwell						1				1						1
11/04/23	Orchard street	08:34	CEO	Strong urine aroma	level1		1														1
10/04/23	Orchard street	11:35	CEO	rubbish left by unwanted guests/human faeces	fire exit level 1		1						1								1
08/04/23	Orchard street	15:15	CEO	2 M enter stairwell and loiter- asked to leave								1									1
22/03/23	Orchard Street	09:10	CEO	Human faeces	Level 7		1														1
17/03/23	Orchard Street	09:29	CEO	Human faeces/ 2 sleeping bags	Level 7 morrison stairway		1			1											1
15/03/23	Orchard Street	13:36	CEO	8 Youths found smell strong drugs	Morrison end stairwell													1	1		1
14/03/23	Orchard Street	09:56	CEO	Litter/bedding/human waste		Photo	1			1			1								1
13/03/23	Orchard Street	09:20	CEO	Bedding found	Dry raiser cupboard	Photo				1											1
13/03/23	Orchard Street	09:09	CEO	Man found in lift sleeping	LIFT					1											1
12/03/23	Orchard Street	11:53	CEO	2 sleepers	ASDA ends stairwell					1											1
10/03/23	Orchard Street	11:53	CEO	Exit Barrier inside the bushes	Exit							1									1
06/03/23	Kingsgate	09:13	CEO	White Rose stickers left on exit machine and doorway	exit lane 2 / Queensway stairwell											1					1
06/03/23	Orchard Street	10:56	CEO	Human waste left with bedding /used wipes and pool of urine in the lift	level 6	Photo	1			1											1
05/03/23	Orchard Street	11:31	CEO	Bedding left all over stairwell	Stairwell	Photo				1											1
02/03/23	Orchard Street	10:13	CEO	Graffiti on wall	level 3 ASDA end											1					1
02/03/23	Orchard Street	10:09	CEO	2 M Sleepers with bedding	Level 7 Middle					1											1
01/03/23	Kingsgate	09:02	CEO	Human waste and litter	level 8		1						1								1
01/03/23	Orchard Street	08:57	CEO	1 M /1 F sleepers with bedding left	ASDA ends stairwell	photo				1	1										1





09/09/22	Orchard Street	16:22	CEO	needles, detritus, clothing, alcohol containers, vomit	multiple locations			1	1		1								1						
08/09/22	Orchard Street	10:37	CEO	needles, detritus, possessions	middle stairway - multiple floors	photos			1		1								1						
07/09/22	Orchard Street	12:29	CEO	clothing left	level 8 middle stairwell					1									1						
06/09/22	Orchard Street	17:23	CEO	large quantities of human waste and urine	level 1 asda end stairwell			1											1						
06/09/22	Orchard Street	09:26	CEO	unwelcome visitor asked to leave - became difficult	central stairwell						1								1						
04/09/22	Town Hall	16:27	CEO	evidence of a gathering drinking and smoking	(old) central stairwell														1						1
04/09/22	Orchard Street	12:41	CEO	Evidence of litter and detritus associated with sleepers	level 6 central stairwell														1						1
03/09/22	Town Hall	11:50	CEO	Lift full of litter and alcohol	Exchange Road lift														1						1
01/09/22	Kingsgate	09:44	CEO	Evidence of gathering beer and cider cans left	level 8														1						1
31/08/22	Orchard Street	10:03	CEO	clothing and cardboard	level 9 roof parking bays						1								1						1
31/08/22	Orchard Street	09:19	CEO	bag of clothing	level 2 parking floor						1								1						1
23/08/22	Orchard Street	11:25	CEO	Stashed KFC cardboard associated with trespassers	roof - morrison's end														1						1
22/08/22	Orchard Street	03:42	Security Delta	Cardboard found as bedding but no sleeper	6 floor						1								1						1
21/08/22	Orchard Street	03:23	Security Delta	1 M sleeper found- ask to leave- and said he will be back when the officer has gone	6 floor	Photo					1								1						1
20/08/22	Orchard Street	04:28	Security Delta	3 M Sleepers found- took 20-30 mins to get one the last sleeper to leave.	7 floor	Photo					1								1						1
19/08/22	Orchard Street	09:50	CEO	clothing & drug paraphernalia / 1 x M sleeper	parking bays (not sure which level ' level 7 asda end						1	1	1						1						1
14/08/2023	Orchard Street	05:16	Security Delta	2 male/1 female found sitting on stairs	Level 5	Photo													1						1
18/08/22	Orchard Street	03:17	Security Delta	2 M loitering was planning to spend the night but left when asked	Level 7	Photo													1						1
18/08/22	Orchard Street	12:00	CEO	Stashed cardboard associated with trespassers	level 6 surface end							1							1						1
17/08/22	Orchard Street	06:31	Security Delta	1 M Sleeper made some treats and abuse language- asked to leave, then on the way out the officer notice he was entering a reg number on the entry panel( he spotted the officer again, started was abusive)	Level 6							1							1						1
13/08/22	Orchard Street	04:23	Security Delta	1 M sleeper did not want to be waken up (intoxicated)	Level 6							1							1						1
12/08/22	Orchard Street	09:04	CEO	Used needle / hidden cardboard (usually associated with sleepers)	level 4 stairwell / level 6					1			1						1						1
12/08/22	Orchard Street	09:04	CEO	1 M sleeper, full bedding	level 7 surface end stairwell							1	1						1						1
09/08/2022	Orchard Street	04:42	Delta Security	1 M sleeper was woken up by officer	Level 2							1							1						1
11/08/22	Orchard Street	08:42	CEO	1 M sleeper and detritus	level 6 stairwell, surface end							1							1						1
08/08/22	Orchard Street	12:29	CEO	Male sleeper - also using socket to charge phone	level 6 middle stairwell							1							1						1
07/08/22	Orchard Street	05:27	Delta Security	1 M/1 F Sleeping in lobby, also 1 M loitering at central door way	Level 6							1							1						1
06/08/22	Orchard Street	02:26	Delta Security	1F sitting in staircase doorway rolling a cigarette	level 2														1						1
04/08/22	Orchard Street	12:11	Delta Security	2 persons found sleeping in 2 vehicles								1							1						1
05/08/22	Orchard Street	09:39	CEO	1 M sleeping with possessions	level 2							1							1						1
04/08/22	Orchard Street	10:01	CEO	Needle found	level 8 surface end stairwell					1									1						1
03/08/22	Orchard Street	09:43	CEO	1 F & 1 M - aggressive behaviour when asked to leave	level 2 hiding behind car														1						1
02/08/23	Orchard Street	14:53	CEO	2 loitering males asked to leave	morrison's end														1						1
02/08/22	Orchard Street	09:27	CEO	F sleeper and bike, detritus , vomit	level 6 stairwell (not sure which one)					1			1						1						1
02/08/22	Orchard Street	08:17	Maydean	Fire exit propped open with cone	surface end														1						1
01/08/22	Orchard Street	15:21	CEO	Urine and human faeces	level 6 central stairwell						1								1						1
31/07/22	Orchard Street	11:34	CEO	evidence of sleepers, detritus left	level 7 - asda end								1						1						1
30/07/22	Orchard Street	14:26	CEO	2 M & 2 F asked to leave - smoking something	Morrison's end														1						1
30/07/22	Orchard Street	09:18	CEO	female sleeper - refused to leave, police called; male sleeper in different location and rubbish left	asda end stairwell and central stairwell							1							1						1
29/07/22	Orchard Street	09:27	CEO	mattress left	asda end foyer								1						1						1
26/07/22	Orchard Street	09:04	CEO	mattress left	roof - asda end								1						1						1
14/07/22	Orchard Street	15:34	CEO	strong aroma of drugs	surface cp stairwell level 1														1						1
13/07/22	Orchard Street	13:58	CEO	strong aroma of drugs	asda stairwell														1						1
08/08/22	Orchard Street	02:49	Delta Security	1 M sleeper ,same reported before	Eastern stairwell							1							1						1
11/07/22	Orchard Street	15:42	CEO	group of youths smoking weed - asked to leave	surface stairwell level 1														1		1				1
08/07/22	Orchard Street	09:19	CEO	2 sleepers M & F and a dog, urine. Possessions	central stairwell						1		1	1					1						1
07/07/22	Orchard Street	11:02	Monitor	sleepers reported									1						1						1
30/06/22	Orchard Street	16:06	CEO	2 males found drinking & smoking in stairwell - asked to leave and they did	level 7 surface end														1						1
16/06/22	Orchard Street	01:30	CEO	Strong alcohol smell	asda stairwell														1						1
13/06/23	Kingsgate	10:55	CEO	Graffiti on level 8 and on lift doors	level 8 parking floors														1						1
08/06/22	Orchard Street	08:47	CEO	Used needles placed in door locks (hazard)and found in multiple locations								1							1						1
08/06/22	Orchard Street	08:24	Monitor	Sleepers									1						1						1
07/06/22	Kingsgate	12:38	CEO	3 youths caught smoking weed - asked to leave / verbal abuse	level 8, Queensway end														1					1	1
01/06/23	Kingsgate	08:29	CEO	bag of human waste found	Boulevard end	Photo							1						1						1
06/06/22	Orchard Street	11:50	CEO	Needle found	level 7 in parking bay								1						1						1
04/06/22	Orchard Street	09:30	CEO	Burnt clothing	level 2 asda end														1						1

42    19    62    46    33    12    23    19    11    7    20    12    173    27    6  
39    18    60    44    32    11    13    18    4    4    16

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## Crawley Borough Council

**Report to Cabinet**  
**31<sup>st</sup> January 2024**

### **Installation of Toilet Facilities – Cherry Lane and Millpond Unsupervised Adventure Playgrounds**

Report of the Head of Community Services **HCS/071**

#### **1. Purpose**

- 1.1 The purpose of this report is to consider approval of the installation of permanent toilet facilities at Cherry Lane and Millpond Unsupervised Adventure Playgrounds (UAP) and the associated growth annual revenue requirement.

#### **2. Recommendations**

- 2.1 To the Cabinet:

The Cabinet is recommended to:

- a) Install permanent toilet facilities at both Cherry Lane and Millpond unsupervised adventure playgrounds.
- b) Approve the virement of £107,827 existing capital budget to support the delivery of the project.
- c) Approve a virement of £25,000 to fund the revenue implications of the scheme from within Community Services budgets.
- d) Subject to approval to proceed, delegate to the Head of Community Services the undertaking all necessary processes as required for the installation of the toilets, including (and not limited to), any negotiation and approval of tenders and other documentation, subject to consultation with the Statutory Officers (Generic Delegations 2 & 3 will be used to enact this recommendation).

#### **3. Reasons for the Recommendations**

- 3.1 To ensure compliance with the council's constitution and associated decision-making processes to approve the allocation of capital funds and annual revenue budget for installation of permanent toilets at Millpond and Cherry Lane unsupervised adventure playground sites.
- 3.2 The Council is not under a legal duty to provide public conveniences. It does however have the discretionary power to provide them pursuant to section 87 of the Public Health Act 1936 (as amended)

# Agenda Item 12

## 4. Background

- 4.1 Full Council on 20<sup>th</sup> October 2021 ratified the Cabinet decision to convert Cherry Lane and Millpond adventure playground sites into unsupervised adventure playground sites and to “mothball” Creasys Drive and Waterlea sites, pending a further options appraisal.
- 4.2 A capital budget allocation of £400,000 was earmarked to undertake the necessary works. This included;
  - Adaptations and / or investment in Cherry Lane and Millpond Adventure Playground to make the sites suitable for unsupervised play.
  - Removal of equipment / make the sites safe at Creasys Drive and Waterlea sites.
- 4.3 The adaptations at Cherry Lane adventure playground were completed in 2022 with the site opening during Easter 2022. This was reasonably straightforward since the facility had undergone major investment in 2016/17, with the site requiring adaptations rather than wholesale refurbishment.
- 4.4 The equipment at Creasys Drive UAP site has been removed and the site made safe. Much of the equipment had reached the end of its life.
- 4.5 The equipment at Waterlea UAP has been removed and the site made safe. The site currently has a pre-school hiring the building during term time, no other activity takes place at the site which remains closed to the public.
- 4.6 Millpond UAP has recently been fully re-developed into an unsupervised play area, the site opened to the public on 31<sup>st</sup> May 2023.
- 4.7 Portaloo’s have been in place at both sites since their re-opening thus providing a temporary solution at a cost of £11,151 to date however this is funded from a temporary budget available until the 31 March 2024. However, the portaloo’s at Cherry Lane UAP site have been vandalised on numerous occasions.
- 4.8 Work to install toilet provision at both sites was scheduled to commence in November 2023, this is currently on hold pending approval from Cabinet as outlined in this paper.

## 5. Description of Issue to be Resolved

- 5.1 The Cabinet Member for Leisure and Wellbeing has requested that members of the public have access to permanent toilet provision at Cherry Lane and Millpond UAP sites.
- 5.2 The buildings at Cherry Lane and Millpond play areas are no longer used to deliver council services and there are lease agreements in place which do not permit public use of these building including their toilet facilities.
- 5.3 Toilet provision at Cherry Lane UAP would be achieved through the re-design of the existing vacant building on site. This currently has two toilet facilities which require additional work to create a new, standalone entrance whilst partitioning them from the main building. The toilets will also need upgrading to meet the required standard.

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5.4 Toilet provision at Millpond UAP would be achieved through a bespoke new standalone facility next to the main building. Separate services would be installed to ensure utilities are charged correctly and not as part of the main building charges.

5.5 Proposed Budget requirement

5.5.1 £107,827 remains from the original £400,000 capital budget for the re-development of the UAP sites.

5.5.2 The total capital budget required for the installation of toilet facilities at both sites is outlined in the table below, thereby utilising all the remaining funds:

	Budget
Cherry Lane	£47,695
Millpond	£47,513
Contingency	£12,619
<b>TOTAL</b>	<b>£107,827</b>

5.5.3 The capital budget includes provision at both sites for one accessible and one unisex toilet.

5.5.4 In addition to the installation costs there would be an annual revenue cost of approximately £25,000 for cleaning and maintenance at both sites.

## 6. Information & Analysis Supporting Recommendation

6.1 Following the transition to unsupervised adventure playground sites, the service no longer collates visitor information and therefore is unable to provide data regarding access and usage of both sites including the portaloo's.

6.2 Of the £400k capital available:  
£67,425 has been spent on alterations at Cherry Lane prior to opening as an unsupervised play area. £224,748 has been spent on the redevelopment of Millpond Adventure Playground (installation of play equipment and associated groundworks). This leaves an unallocated balance of £107,827.

6.3 Options for allocation of the remaining capital budget are:

- a Allocate for permanent toilet provision at Millpond and Cherry Lane sites as outline in this report.
- b Reallocate to another activity within the portfolio e.g. Unsupervised Play Improvement Programme to bring forward additional schemes earlier
- c Deletion of the remaining £107,827 budget (saving)

6.4 Options to meet the required growth revenue budget of £25,000 per annum are:

- a Fund from revenue savings within Community Services portfolio.
- b Request a supplementary estimate from Full Council and include in budget for 2024/25.

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## 7. Implications

- 7.1 Financial: £107,823 capital requirement and £25,000 per annum revenue for permanent toilets at Millpond and Cherry Lane UAP sites (as contained within the report).
- 7.2 The budget implications are set out in the report. However, it should be noted that the Council is facing significant financial pressure and non-essential revenue growth should be avoided. The Council's usable capital receipts have also reduced significantly due to the slow down of Right to Buy Receipts and there is currently a review of the capital programme with view to affordability and alignment with the Council's priorities.
- 7.3 Legal and Procurement: the procurement process will be adhered to prior to commencement of any work contracts being undertaken in accordance with the Council's Procurement Code and The Public Contracts Regulations 2015. Delivery timescales are contingent upon contractor availability.
- 7.4 Environmental: no impact / risks identified.
- 7.5 Staffing: there are no known implications. This will be delivered through existing council officer capacity.
- 7.6 Equality Impact Assessment

*The Council must have regard to section 149 of the Equality Act 2010. The public sector equality duty requires public authorities to have due regard to the need to:*

- *eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited under that Act;*
- *advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it; and,*
- *foster good relations between those who share a protected characteristic and those who do not share it, which involves having due regard, in particular, to the need to:-*
  - *(i) tackle prejudice; and,*
  - *(ii) promote understanding.*

## 8. Background papers

### [Meeting of Full Council 20 October 2021](#)

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## Crawley Borough Council

### Report to Cabinet 31 January 2024

#### Allocating Monies Collected Through CIL

Report of the Head of Economy and Planning – PES/426

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#### 1. Purpose

- 1.1. To provide Cabinet with an update on the collection and administration of Community Infrastructure Levy (CIL) monies.
- 1.2. To provide Cabinet with an update as to the outcome of the public engagement exercise for the governance and allocation of the Neighbourhood Improvement Strand. To seek Cabinet approval for further allocations of monies from the Neighbourhood Improvement Strand.

#### 2. Recommendations

The Cabinet is recommended to:

- a) Endorse the CIL funds received to date and the outcome of the public engagement exercise on the amendments to the allocation and governance of the CIL Neighbourhood Improvement Strand monies, agreed by Cabinet in November 2022 [PES/420](#).
- b) Approve that up to £100,000 of CIL Neighbourhood Improvement Strand be allocated and committed to the Three Bridges 3G Synthetic Turf Pitch 3G project, subject to the outcome of a public engagement exercise and subject to submission of sufficient evidence supplied to the Head of Corporate Finance to demonstrate a funding gap.
- c) Delegate the negotiation, approval, and completion of all relevant documentation, including legal paperwork, regarding the Three Bridges 3G Synthetic Turf Pitch 3G project, to the Head of Major Projects and Commercial Services, Head of Governance, People and Performance and the Head of Corporate Finance. (Generic Delegations 2 & 3 will be used to enact this recommendation).
- d) Approve the proposed amendments to the allocation and governance of the CIL Neighbourhood Improvement Strand monies set out in sections 9 and 10 of this report, subject to the outcome of a public engagement exercise.
- e) Delegate authority to Head of Economy and Planning, in consultation with the Cabinet Member for Planning and Economic Development to undertake a public engagement exercise on the proposed amendments to the allocation and governance of CIL Neighbourhood Improvement Strand monies, as set out in sections 9 and 10 of this report.

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- f) Delegate authority to the Head of Economy and Planning, in consultation with the Cabinet Member for Planning and Economic Development, to implement any procedural modifications to the CIL Neighbourhood Improvement Strand, including in response to the public engagement exercise.  
(Generic Delegation 7 will be used to enact this recommendation).

### **3. Reasons for the Recommendations.**

- 3.1. To ensure best practice for the ongoing distribution of the Neighbourhood Improvement Strand CIL monies, in line with government regulations.
- 3.2. To unlock CIL Neighbourhood Improvement Strand monies to enable delivery of a synthetic 3G pitch facility at Three Bridges FC as significant new amenity infrastructure for Three Bridges neighbourhood.

### **4. Background – CIL Neighbourhood Improvement Strand**

- 4.1. The Community Infrastructure Levy (CIL) is a charge which can be levied by local authorities on new development in their area. It is an important tool for local authorities to help them deliver the infrastructure needed to support development in their area. The CIL charge is based on a calculation related to £'s per m2 of net additional floorspace and is payable on 'buildings that people normally go into'. The charge applies to development of 100m2 or more, or the creation of a single dwelling, even if under 100m2. There are a number of exemptions to this, including affordable housing, self-build housing. CIL was introduced by the Planning Act 2008 and is governed by the Community Infrastructure Levy Regulations 2010 (as amended). It took effect in Crawley on 17th August 2016, for current £'s per m2 information see: [Annual 20CIL Rate Summary 2024](#).
- 4.2. The CIL Regulations 2010 as amended, part 7 state that 15% of the total CIL contributions collected are to be allocated for spending in agreement with local communities – the Neighbourhood Improvement Strand. The remaining 85% of CIL contributions is for the Strategic Infrastructure Strand.
- 4.3. In October 2017, Cabinet approved a crowdfunding model as the preferred option for the future governance of the CIL Neighbourhood Improvement Strand, and also the implementation of a one year Crowdfunding pilot - report [PES/257](#) refers. Since its inception, community groups using the site have raised a total of £124,501 from 397 backers (incl. CBC contribution £25,395). The Crowdfunding pilot has enabled delivery of 22 community led neighbourhood improvement projects including an accessible swing, outdoor gym, sensory garden, and several COVID recovery related projects.
- 4.4. In March 2022, Cabinet approved the proposed CIL strategic infrastructure spend priorities presented in the Infrastructure Business Plan as a priority for delivery and the funding programme for the period 2021/22 to 2024/25 – report [PES/388](#) refers.
- 4.5. In Nov 2022, Cabinet approved the proposed amendments to the allocation and governance of the CIL Neighbourhood Improvement Strand monies set out in sections 6 and 7 of report [PES/420](#), subject to the outcome of a public engagement exercise.



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## 5. CIL – Current Overall Financial Position.

- 5.1. Total CIL received as of Dec 2023: £3,959,697.59 which must be split between the Strategic Strand (85%) and the Neighbourhood Improvement Strand (15%). The table below provides a more detailed breakdown:

	<b>Strategic Infrastructure Strand (SIS)</b>	<b>Neighbourhood Improvement Strand (NIS)</b>	<b>Combined CIL Contributions</b>
CIL Contributions Received Prior to 2023/24	£2,845,086.70	£492,448.01	<b>£3,337,534.71</b>
CIL Contributions Received 2023/24	£529,752.05	£92,410.83	<b>£622,162.88</b>
<b>Total CIL Contributions Received to Date</b>	<b>£3,374,838.75</b>	<b>£584,858.84</b>	<b>£3,959,697.59</b>
Pre 2023/24 Admin Charge	<b>-£166,876.74</b>	£0.00	<b>-£166,876.74</b>
Admin Charge (5% Total CIL Received 2023/24)	<b>-£31,108.14</b>	£0.00	<b>-£31,108.14</b>
Projects Funded Through Crowdfund Crawley	£0.00	<b>-£25,395.00</b>	<b>-£25,395.00</b>
<b>Total CIL Contributions Held after Spend to Date</b>	<b>£3,176,853.87</b>	<b>£559,463.84</b>	<b>£3,736,317.71</b>
Ringfenced for Neighbourhood Improvement Fund, annual contribution of £25,000 to March 2025 (section 10)	£0.00	<b>-£50,000.00</b>	<b>-£50,000.00</b>
Ringfenced - Unsupervised Play Programme	£0.00	<b>-£409,463.84</b>	<b>-£409,463.84</b>
Three Bridges 3G Synthetic Turf Pitch project (section 9)	£0.00	<b>-£100,000.00</b>	<b>-£100,000.00</b>
<b>Balance Available</b>	<b>£3,176,853.87</b>	<b>£0.00</b>	<b>£3,176,853.87</b>

## 6. CIL Strategic Infrastructure Strand

- 6.1. To date the Council has received £3,374,838.75 of Strategic CIL contributions and from 2018 has attributed £166,876.74 to administration costs in line with the CIL regulations 5% ceiling for the use of CIL funds for administration costs.
- 6.2. A further £31,108.14 will be allocated to administration costs incurred through 2023/24, which equates to 5% of the total funds collected in 2023/24.
- 6.3. The balance available after deducting the above admin charges is £3,176,853.87 of Strategic CIL contributions.
- 6.4. CIL spend priorities for strategic infrastructure are based upon Crawley's Infrastructure Delivery Schedule (IDS) and these priorities have been approved by Cabinet following each CIL report published since CIL became operational. The first of these reports was presented to and approved by Cabinet in October 2017. These priorities were last updated / approved by Cabinet in March 2022.
- 6.5. The IDS identifies the critical, essential, and desirable strategic infrastructure required for Crawley to accommodate sustainably the population, housing and

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employment growth forecasts indicated in the Local Plan. The IDS is currently being reviewed due to the Local Plan review - a key reason why there was no report to Cabinet on the CIL Strategic Infrastructure Strand priorities in 2023. The draft Submission Local Plan 2024/25 to 2039/40 was approved at Full Council, 22 February 2023, to go out to Regulation 19 consultation and following submission to the Secretary of State in July, it has been examined in public by government Planning Inspectors in December 2023 and January 2024.

- 6.6. Once written feedback from the independent examiners has been received, a report will be presented to Cabinet during 2024 which maps out the strategic infrastructure priorities required to enable Crawley's sustainable growth and the corresponding CIL funding requirements. That report will seek Cabinet approval for these refreshed strategic infrastructure priorities.

## **7. CIL Neighbourhood Improvement Strand.**

- 7.1. CIL regulations state that 15% of the total CIL contributions collected are to be allocated for spending in agreement with local communities where development is taking place.
- 7.2. To date the Council has received £584,858.84 in CIL for the Neighbourhood Improvement Strand less £25,395 spent by the Neighbourhood Improvement Fund crowdfunding platform. The balance available remaining is therefore £559,463.84.

## **8. Amendments Previously Approved by Cabinet to Governance of Neighbourhood Improvement Strand (NIS).**

- 8.1. In November 2022, Cabinet approved the implementation of a new "hybrid" model, which retained CIL NIS to maintain the Neighbourhood Improvement Fund with an annual contribution of £25,000, from the CIL NIS, until March 2025. The remaining NIS contributions not committed to the Neighbourhood Improvement Fund were agreed to be used as a contribution to the delivery of a programme of neighbourhood improvement works identified as a priority by Crawley Borough Council, in the first instance Unsupervised Play, subject to public engagement.
- 8.2. A 4-week public engagement exercise has now been carried out, including contacting key stakeholder, Crawley Community Action and allowing members of the community to comment on the proposal, through the Have Your Say site. Crawley Community Action support the amendments to the governance of the CIL Neighbourhood Improvement Strand, no comments were received from the wider community.
- 8.3. Therefore, the proposed amendments have now been implemented, in line with recommendations made in PES420, that delegated authority be given to the Head of Economy and Planning, in consultation with the Cabinet Member for Planning and Economic Development, to implement any procedural modifications to CIL NIS, including any minor amendments in response to the public engagement exercise. The implemented amendments are as follows:

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- An annual contribution of £25,000, from the CIL NIS to the Neighbourhood Improvement Fund until 31st March 2025.
  - The remainder of CIL NIS contributions received to date to be allocated in the first instance to the Unsupervised Play Investment Programme (UPIP).
- 8.4. It is anticipated that a report will be brought to cabinet during 2024 identifying the individual play schemes to receive a contribution from CIL NIS.
- 9. Additional Scheme to be considered by Cabinet to receive a contribution from the CIL Neighbourhood Improvement Strand.**
- 9.1. By March 2040 it is anticipated that the council will have received a further £2.5m in contributions to the CIL Neighbourhood Improvement Strand.
- 9.2. Currently, to receive a contribution from the Neighbourhood improvement Strand, projects should:
- Be listed in Crawley's Infrastructure Delivery Schedule, which identifies infrastructure required as a result of the growth forecasts indicated in the Local Plan.
  - Be identified in the IDS as being Critical or high scoring essential schemes, when assessed against the agreed criteria.
  - Be delivered at a neighbourhood level, i.e., projects where the impact is most likely to be felt within one neighbourhood.
- 9.3. It is proposed that in addition to the amendments outlined in section 8, to expand the selection criteria for projects eligible to receive a contribution from the Neighbourhood improvement Strand, to incorporate high scoring desirable projects. This amendment would see the Three Bridges 3G Synthetic Turf Pitch project added.
- 9.4. Three Bridges Football Club has been progressing a project to upgrade their main first team pitch from grass to a 3G surface. Alongside hosting first team games, the 3G pitch would be used for TBFC junior team training and matches and for a range of football development activity. Over and above these uses, the pitch would be made available for local football teams to hire.
- 9.5. Three Bridges Football Club has raised approximately £70,000 from fundraising towards the project cost with the bulk of the funding (circa £1m) being applied for from the Football Foundation. Currently there remains an anticipated funding shortfall of £100,000. Given the community benefits and leverage of significant external funding, an allocation of up to £100,000 from the Neighbourhood Improvement Strand would enable the project to be fully funded.
- 9.6. In accordance with CIL guidance, officers propose to undertake a public engagement exercise to obtain feedback and to ensure there is sufficient support for the proposed expansion of eligibility criteria and the inclusion of Three Bridges 3G Synthetic Turf Pitch project, with a contribution from the CIL Neighbourhood Improvement Strand of up to £100,000.
- 9.7. Subject to the outcome of the public engagement exercise, it is proposed that Cabinet delegate authority to the Head of Economy and Planning, in consultation

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with the Cabinet Member for Planning and Economic Development, to implement the procedural amendments outlined in section 9.

- 9.8. The inclusion of the Three Bridges 3G Synthetic Turf Pitch project as a recipient of CIL Neighbourhood Improvement Strand monies would also be subject to a contract being agreed between Crawley Borough Council and Three Bridges Football Club.

## **10. Neighbourhood Improvement Fund – Further Amendment Proposed**

- 10.1. Spacehive advised that the microsite package could no longer be supported beyond the contracted year, 31/04/23, the alternative did not offer value for money considering the size of the annual fund.
- 10.2. In November 2022 Cabinet agreed that £75,000 from the Neighbourhood Improvement Strand be retained to maintain the Neighbourhood Improvement Fund (NIF) with an annual contribution of £25,000 until the end of March 2025. NIF is now distributed through the Crawley Borough Council website and applicants are no longer required to find match funding contributions to apply for NIF funding, as published in September 2023.
- 10.3. To date there have been no applications to the NIF. Therefore, it is proposed that the £25,000 of CIL NIS monies allocated to the Neighbourhood Improvement Fund for 2022/23 is reallocated to the Unsupervised Play Improvement Programme and as of March 2024, any unspent from the 2023/24 allocation will be reallocated to the Unsupervised Play Improvement Programme.
- 10.4. The Neighbourhood Improvement Fund will continue to be subject to an annual review by the Cabinet to monitor the extent to which the CIL monies are being used and their delivery of neighbourhood improvements which bring community benefits.

## **11. Financial Implications.**

- 11.1. It is proposed that up to £100,000 of CIL Neighbourhood Improvement Strand (NIS) monies be allocated and committed to the Three Bridges 3G Synthetic Turf Pitch project, subject to community engagement.
- 11.2. It is proposed that £25,000 of unspent NIS monies allocated to the Neighbourhood Improvement Fund in 2022-23 is reallocated to the Council's Unsupervised Play Improvement Programme and as of March 2024, any unspent from the 2023/24 allocation will be reallocated to the Unsupervised Play Improvement Programme.

## **12. Legal Implications**

- 12.1. The legislation governing the development, adoption, and administration of a Community Infrastructure Levy (CIL) is contained within the Planning Act (2008) and the Community Infrastructure Levy Regulations 2010 (as amended). CIL charging took effect in Crawley following due process on 17th August 2016.
- 12.2. CIL regulations state that 15% of the total CIL contributions collected are to be allocated for spending in agreement with local neighbourhoods where development is taking place. The government does not prescribe a specific process for how the neighbourhood improvement strand should be spent.

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- 12.3. A charging authority may apply CIL to administrative expenses incurred by it in connection with CIL. This is providing that it does not exceed 5% of CIL collected.
- 12.4. Where an authority spends less than its permitted allowance on administrative expenses, it must transfer the remaining allowance for use on capital infrastructure projects. If Crawley BC does not apply the discretionary administrative expenses, then a maximum of 85% of CIL collected in Crawley will be spent on strategic infrastructure.

## **13. Equalities Implications**

- 13.1. The Council must have due regard to its obligations under the Equality Act 2010 and for the public sector equality duty (“PSED”) under section 149 of the Equality Act 2010 in making its decisions and carrying out its functions. The equalities impact and/or the PSED will be addressed as and when CIL funded proposals are developed.

## **14. Background Papers**

Report to Cabinet 2 November 2022 PES/420 [Allocating Monies Collected Through CIL, Neighbourhood](#)

Report to Cabinet 16 March 2022 PES/388 [Allocating Monies Collected Through Community Infrastructure Levy 2022/23](#)

Report to Cabinet 10 March 2021 PES/370 - [Annual Community Infrastructure Levy \(CIL\) Statement](#)

West Sussex County Council - [see Item 6 WSCC Revenue Budget 2021/22, Capital Strategy 2021/22 to 2025/26](#) and [WSCC Cabinet Printed Decision](#).

Report to Cabinet 11 March 2020 PES/335 - [Allocating Monies Collected the Through Community Infrastructure Levy – Infrastructure Business Plan 2020/21](#)

Report to Cabinet 6 February 2019 PES/302 - [Allocating Monies Collected Through Community Infrastructure Levy 2019/20](#)

Report to Cabinet 7 February 2018 PES/264 - [Allocating Monies Collected Through Community Infrastructure Levy - Infrastructure Business Plan and Governance](#).

Report to Cabinet 4 October 2017 PES/257 – [Community Infrastructure Levy - Governance, Prioritisation and Spend Proposals](#).

Report to Cabinet 29 June 2016 SHAP/54 - [Adoption of Crawley Community Infrastructure Levy \(CIL\)](#)

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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