

Crawley Borough Council

Report to Licensing Committee

12 December 2023

Review of the Council's Statement of Licensing Policy (Licensing Act 2003)

Report of the Head of Community Services – HCS/070

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 is currently being consulted upon.
- 1.2. To make Licensing Committee 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 seek the views of the Licensing Committee in relation to the draft Statement of Licensing Policy for 2024–2029 within the consultation period, and to note any feedback received thus far.

2. Recommendations

That the Committee:

- 2.1. Provides feedback as to the form and content of the draft Statement of Licensing Policy for 2024–2029.
- 2.2. Agrees that, at the end of the consultation period, the matter returns to the Licensing Committee for further consideration prior to consideration by the Cabinet and Full Council with a view to adoption and publication on 1 March 2024.

3. Reasons for the Recommendation

- 3.1. It is a legal requirement that the Council publishes a statement of licensing policy under the Licensing Act 2003, with the Policy providing the decision-making framework for all matters under the Act. The Licensing Committee's consideration of the proposed revised policy is part of the consultation process.

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”.

4.3. The current Statement of Licensing Policy was published in March 2019. Therefore, a new Statement of Licensing Policy must be adopted published no later than 1 March 2024.

4.4. As part of the review of its Statement of Licensing Policy, the Council as Licensing Authority is currently undertaking a consultation process which commenced on 1 November 2023, and concludes on 20 December 2023.

4.5. 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.

5. Policy Overview

5.1. The proposed revised 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.

5.2. 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. The proposed revised Statement of Licensing Policy 2024 - 2029 is intended to be flexible and enable applications to be assessed on their own merits.

- 5.3. 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. 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 to patrons sometimes also changing primary offerings at different operational hours.
- 5.4. As such, the proposed revised 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.
- 5.5. The proposed revised Statement of Licensing Policy 2024 - 2029 aims to provide clearer guidance to applicants, responsible authorities and decisions makers in relation to how applications should be considered. The proposed revised Statement of Licensing Policy 2024 – 2029 incorporates new information, and updates from West Sussex County Council from a public health and exploitation perspective, legislative revisions and helpful information including:
- Martyn's Law (still being scoped but it is referenced in the Statutory Section 182 Guidance issued in connection with the Licensing Act 2003)
 - Child Sexual Exploitation, modern slavery from West Sussex County Council
 - West Sussex County Council Trading Standards practices
 - West Sussex County Council - Public Health matters
 - Helpful links to documentation including the Business and Planning Act 2020 (relaxation of requirements relating to off sales from venues and Pavement Licensing) Live Music Act 2012. The links will be updated and detailed further prior to the conclusion of the consultation process.

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 1st November 2023. The consultation will conclude on 20th December 2023.
- 6.2. In accordance with Section 5(3) of the Licensing Act 2003, the following are being consulted with:
- 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
- Business Crime Reduction Partnership
- Trade Bodies
- Licensing Representatives and Bodies
- Pub Watch
- The Business Improvement District
- The Community Safety Partnership
- Ward Members.

6.4 As part of the consultation process, members of the Licensing Committee are now invited to make comments in relation to the proposed revised Statement of Licensing Policy 2024 – 2029.

6.5 At the time of writing this report, there has not been any consultation feedback received.

6.6 A copy of the current Statement of Licensing Policy 2019 - 2024 can be found at appendix A, and the draft proposed Statement of Licensing Policy 2024–2029 at appendix B.

7. Implications

7.1 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.

7.2 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.

7.3 An Equality Impact Assessment has also been undertaken in respect of this Policy and is included at appendix C.

8. Background Papers

- [Licensing Act 2003](#)
- [Revised guidance issued under section 182 of Licensing Act 2003](#)

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