

# Crawley Borough Council

## Report to Licensing Committee

15 January 2024

### Review of the Council's Statement of Licensing Policy 2024–2029

Report of the Head Community Services – HCS/074

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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 determine and publish and keep under review a Statement of Licensing Policy. This report encloses the Council's proposed draft Statement of Licensing Policy for the period 2024–2029 which has been consulted upon and feedback incorporated where considered appropriate.
- 1.2 To make councillors 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 Licensing Committee before it is considered by the Overview and Scrutiny Commission, progressed to Cabinet and then to Full Council 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 The Licensing Committee is recommended to:
  - (a) Consider the responses received as part of and following the consultation;
  - (b) Endorse the proposed revised Statement of Licensing Policy 2024–2029 (included at Appendix B), including providing suggestions, if required, to be included in the final report that will be considered by the Overview and Scrutiny Commission and the Cabinet prior to submission to the Full Council for adoption.

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

3.1 It is a legal requirement that the Council to determine and 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 for 2024–2029 following inclusion of consultation feedback as appropriate, is sought from Members, and thereafter, that the matter proceeds to Overview and Scrutiny Commission as a Policy Framework Document, thereafter Cabinet and Full Council as a key decision, with a view to adoption, publication 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.”

4.3 The current Statement of Licensing Policy was published in March 2019 and expires in March 2024. 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.

4.4 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.

4.5 The Council’s current 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 for 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. The proposed Policy for 2024–2029 is intended to be flexible and enable applications to be assessed on their own merit.
- 5.2 The proposed revised Statement of Licensing Policy for 2024–2029 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 Statement of Licensing Policy for 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 decision-makers in relation to how applications should be considered as well as the obligations of licence holders. It also references 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 Council’s current Statement of Licensing Policy for 2019–2024 is included at **Appendix F**. The main revisions are included in italics with context provided.

## 6. Consultation Strategy

- 6.1 The proposed revised Statement of Licensing Policy for 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 were consulted:

- 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 and social media channels. Individuals/groups with a particular interest or role in supporting the delivery of the Policy were also consulted 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 As part of the consultation process, Members of the Licensing Committee were invited to make comments in relation to the proposed draft Statement of Licensing Policy for 2024–2029 at the Licensing Committee on 12 December 2023. Member feedback focussed on the issues below, which have been updated and incorporated where appropriate following the conclusion of the consultation:

- The number sequencing within the document
- Inclusion of a paragraph as in the current Statement of Licensing Policy for 2019–2024 into the draft Policy as follows:

*“The Licensing authorities will not normally act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups). Such parties can make relevant representations to the Licensing Authority in their own right, and it is reasonable for this 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 this licensing authority is aware of relevant grounds to make a representation, a choice may be made to act in its capacity as responsible authority”*

6.5 A copy of the current Policy for 2019–2024 can be found at **Appendix A**, and the proposed revised draft Statement of Licensing Policy for 2024–2029 which it is proposed to come into effect from 1<sup>st</sup> March 2024–2029 is at **Appendix B**. This version includes revisions post consultation

## 7. Consultation Feedback & Decision-Making Route

7.1 The formal consultation feedback concluded on 20<sup>th</sup> December 2023, after this report was prepared. Initial feedback on the proposed revised draft Statement of Licensing Policy for 2024–2029 was received from these organisations:

- 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 Policy for 2024–2029 prior to the commencement of formal consultation process which concluded on 20<sup>th</sup> December 2023.

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 these 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.

7.5 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 for 2024–2029.

7.6 The consultation process has now concluded and, where appropriate, the feedback referred to has been included within the proposed draft Statement of Licensing Policy for 2024–2029 as set out in **Appendix B**. Member feedback is invited on this latest version.

7.7 As previously stated, an executive summary of the proposed revisions and inclusions in respect of the proposed revised Statement of Licensing Policy for 2024–2029 is included at **Appendix F**. For ease of reference, the summary of revisions, changes and inclusions have been highlighted in italics to show the proposed revisions and inclusions when compared with the current Statement of Licensing Policy for 2019–2024.

7.8 It is important to note that the proposed revised Statement of Licensing Policy for 2024–2029 is significantly different from the current Statement of Policy covering the period for 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, as well as changes to legislation, compliance requirements and regulatory practice.

- 7.9 The matter is to be considered by Overview and Scrutiny Committee on 29<sup>th</sup> January 2024, Cabinet on 31<sup>st</sup> January 2024 and, as a key decision, Full Council on 21<sup>st</sup> February 2024 for adoption, approval for publication r implementation on 1<sup>st</sup> March 2024.
- 7.10 The Statement of Licensing Policy for the period 2024–2029, once approved, will be kept under review, consulted upon and recommended for revision where considered where appropriate and updated as needed.

## **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 and is included at **Appendix G**.

## **9. Background Papers**

- [Licensing Act 2003](#)
- [Revised guidance issued under section 182 of Licensing Act 2003 \(December 2023\)](#)

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