

EQUALITY IMPACT ASSESSMENT CRAWLEY BOROUGH COUNCIL

A. Summary Details		
1	Title of EIA:	Pavement Licensing Regime (Business and Planning Act 2020 Levelling Up and Regeneration Act 2023) Council Policy and Fees
2	Person responsible for the assessment:	Kareen Plympton, Health, Safety and Licensing Manager
3	Contact details:	Kareen.plympton@crawley.gov.uk
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 checked="" type="checkbox"/>
2	Is this EIA for a new or existing policy or function?	New <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Change to an existing policy or function <input checked="" type="checkbox"/>

3	What is the main purpose of the policy/function?	<p>The Business and Planning Act 2020 set out a new regime of pavement licensing to enable businesses to trade in outside areas on the Highway in response to the COVID-19 Pandemic and this regime has been extended to allow its continuance on a temporary basis. The Leveling Up and Regeneration Act 2023 makes revisions to the regime, making it a permanent, and sets out where it applies. The 2023 Act outlines the importance of the regime to businesses, whilst also affording protections to all users, including disabled people. It also sets a maximum fee that can be charged in respect of new and renewal applications. The Policy sets out the general approach to make pavement licence matters and includes the mandatory conditions and other local factors/considerations that will be taken into account when determining matters.</p>
4	Is the policy/function associated with any other policies of the Authority?	<p>Community Safety Partnership Priorities</p> <p>Youth-related ASB, VAWG, cost-of-living related crime, drug-related harm, protecting vulnerable individuals.</p> <ul style="list-style-type: none"> ◆ Children and Young People - 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 as well as safe access and egress to external areas and provisions to prevent inappropriate obstructions on the Highway. The Policy seeks to support the operation of businesses, foster inclusion but also appropriate management of external areas. ◆ Health and Wellbeing – Promotion of outside drinking areas and safer socializing, when making use of external areas, premises and their clientele should not cause undue noise and nuisance to neighbors, including residents, other businesses and others using the location

		<p>◆ The pavement 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. In addition to the legislative framework, the Council Policy seeks to foster inclusion but also appropriate management of external areas to minimize negative impact.</p> <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 daytime, evening and nighttime economy and its potential adverse impact on local residents, businesses and others using the area, alongside a requirement to comply with the legislative requirements of the pavement licensing regime, having due regard to Government Guidance and sets out a revised fee structure to ensure that the costs of providing the service are properly met. The Policy will be kept under review and revised from time to time as considered necessary in response to legislative change or revisions to local practice or other relevant factor.</p>
5	Do any written procedures exist to enable delivery of this policy/function?	<p>Pavement licences: guidance - GOV.UK Crawley Borough Council Pavement Licence Policy</p>
6	Are there elements of common practice not clearly defined within the written. procedures? If yes, please state.	No – Policy sets out the framework for decision making and fees

7	<p>Who are the main stakeholders of the policy? How are they expected to benefit?</p>	<ul style="list-style-type: none"> ● Licence holders ● Potential Licence holders ● Residents or their representatives ● Local businesses or their representatives ● Government bodies and other external agencies, such as West Sussex County Council, Police, Fire & Rescue Service ● Council departments, such as Planning Control and the Safeguarding Children Board, Pollution Control Team, Health and safety and Food Safety Teams ● Councillors as the decision makers in terms of Policy/fees and as representatives of residents. <p>The benefits of the Pavement Licence Policy are that sets out the legislative framework and decision-making route in relation to matters. It provides a fair and consistent approach to pavement licensing considerations, relevant factors in the decision-making process including administration, enforcement, regulation and intent for any service user; complainants and others using the vicinity where such a licence applies. The Policy provides easy to understand information regarding Pavement Licence applications, access to a public register, and decision-making processes to anybody who wants it; and enables any service user to understand and comply with current legislation.</p> <p>The Pavement Licensing regime plays an important part in the regulation of exterior areas and associated sales in those designated areas in Crawley, particularly the off sales of alcohol within pavement licensed areas– and the framework and conditions proposed in the Policy regarding “al fresco” operations and the use of outside areas supportive of the aim of minimizing noise, nuisance and disturbance, responsible alcohol</p>
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8	How will the policy/function (or change/improvement), be implemented?	<p>The Pavement Licensing Policy if agreed formally by the Licensing Committee on 05/08/24 will become effective immediately.</p> <p>The Policy will then be kept under regular reviewed and amended as appropriate.</p> <p>Once implemented, the Policy, fees, guidance, and information will be available for businesses, service users and those wishing to provide feedback or complain to the Licensing Service.</p> <p>Guidance and advice will also be available to individuals who wish to make representations (objections) to an application. These will be appropriately considered and determined in accordance with the Policy and/or legislative provisions.</p> <p>Unlicensed activity and compliance will be monitored by enforcement processes and regulatory practice.</p>
9	What factors could contribute or detract from achieving these outcomes for service users?	<p>No barriers identified. The current fee structure of £100 for a 1 year licence does not cover the cost of providing the service, and this is recognised by the new maximum fee levels that can be charged in respect of renewal application (£350) and new application (£500) These fees can be offset against the ability of businesses being able to utilize outside areas, where additional seating and dispense points can be placed, subject to licence and approval thereof.</p>
10	Is the responsibility for the proposed policy or function shared with another department or authority or organization? If so, please state?	<p>No – however several partners are consulted as part of the process</p>

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. Currently, there are 22 pavement licences in existence.</p> <p>Consideration is included within the Policy and by way of mandatory conditions and includes the need to provide appropriate access and egress routes for customers, and users of an area, including disabled people.</p> <p>The Government have permitted application forms to contain anything that the Council as Licensing Authority deems appropriate, alongside the legislative provisions and Government Guidance. This has had implications not just for previous equalities impact assessments for licensing consultation but also monitoring all Council interventions under the Equalities 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*.	<p>The information required from applicants is outlined in terms of the procedure to apply for a licence, including consultation and determination of matters within specified timescales and does not include any form of profile monitoring. In essence the same is true of any party who object to any application.</p>

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 and the wider public, including those with disabilities that will inform future initiatives and policy to ensure there is no unequal impact on the relevant target groups.</p>
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D. Consultation & Involvement

1	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?	The Policy is in the main revised and developed with due regard to the legislative provisions, laid down by the Central Government and having had due regard to Government Guidance responses made in relation to consultation process (14 days) and determination thereafter within 14 days. (Total of 28 days) carried out with the listed stakeholders as well as inclusion on the Public Register for the public to view and comment on as appropriate; and in part sets out how applicants should conduct themselves with regard to a wide range of issues which include equalities. The requirement to advertise on the premises also means that it is an open and transparent process.
2	Please list any consultations planned, methods used and groups you plan to target (if applicable)	No further consultation is planned before the Policy becomes effective, but it will be kept under review and revised from time to time.
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

	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason
Sex			X	No adverse impact identified
Pregnant women & women on maternity leave			X	consumption and behaviours in those licensed areas
Gender Reassignment			X	No adverse impact identified
Marriage & Civil Partnership			X	No adverse impact identified
Race- include race, nationality & ethnicity (NB: the experiences may be different for different groups)			X	No adverse impact identified
Disability – physical, sensory & mental impairments	X			A responsible and transparent pavement licensing policy, e, contribute to ensuring that venues and staff of those venues are aware of vulnerable groups. The Policy (and Government Guidance/legislation) recognises the needs of vulnerable groups, and accessibility

<p>Age Group - specify e.g. older, younger etc.</p>	<p>X</p>			<p>The statutory organisations are consulted as part of the process in determining applications</p> <p>The Council may impose conditions limiting access to children</p> <ul style="list-style-type: none"> ◆ 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>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"> ◆ Limitations on the hours when children may be present ◆ Limitations on ages below 18 ◆ Limitations or exclusion when certain activities are taking place ◆ Requirements for an accompanying adult ◆ Full exclusion of people under 18 from the premises when any licensable activities are taking place ◆ Bespoke conditions to recognise the locality or specific features of an area
<p>Sexual Orientation – Heterosexual, Lesbian, Gay Men, Bisexual people</p>				<p>No adverse impact identified</p>
<p>Religious/Faith groups (specify)</p>				<p>No adverse impact identified</p>

As a result of completing the above what is the potential negative impact of your policy?

High Medium Low Neutral

F. Could you minimize or remove any negative potential impact? If yes, explain how.	
Race:	N/A
Sex & Gender, including pregnancy & maternity, gender reassignment, marriage & civil partnership	N/A
Disability:	No – inclusions in the Policy to support people with disabilities
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?	<p>The aims of the policy are:</p> <ol style="list-style-type: none">1. Protecting the public and local residents from crime, anti- social behaviour and noise nuisance caused by irresponsible licensed premises.2. Giving the police, licensing officers and responsible authorities the powers they need to effectively manage and police the economy and take action against those premises that are causing problems.3. Recognizing the important role which premises play in our local communities and economy by minimizing the regulatory burden on business, encouraging innovation and supporting responsible premises and flexibility of opening and use of space within the context of the pavement licence regime4. Providing a regulatory framework for pavement licensing 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; and5. Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them. <p>The policy itself is therefore intended to have an overall positive impact on the area and its residents, supporting the safe operation of premises in the Crawley and placing protections against negative impact of the pavement licence regime</p>
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G. EIA Action Plan

Recommendation	Key activity	When	Officer Responsible	Progress milestones
The policy has a statutory review process and amended as appropriate, via Head of Service, Portfolio Holder, Licensing Chair and Vice Chair where minor revisions and further review via Licensing Committee in the case of major revisions	Keep the policy under review	On-going – at least annual review	Kareen Plympton	Annual post adoption