

**EASTBOURNE BOROUGH COUNCIL
STATEMENT OF LICENSING POLICY**

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Executive Summary

The Council is required by the Licensing Act 2003 to produce every three years, a Statement of Licensing Policy, which sets out how it will exercise its licensing functions in respect of applications for the retail sale of alcohol, the supply of alcohol to members of a club, the provision of regulated entertainment and the provision of late night refreshment in the Eastbourne Borough area. The following is a summary of the key provisions of the Council's Statement of Licensing Policy.

The Policy explains the approach the Council intends to take in order to meet the four Licensing Objectives stated in the Act as follows:-

- The prevention of crime and disorder;**
- Public safety;**
- The prevention of public nuisance; and**
- The protection of children from harm.**

In the Policy, the Council recognises that longer, more flexible trading hours can contribute to easing crime and disorder problems by ensuring that large numbers of customers do not leave licensed premises at the same time.

This often helps reduce congestion at taxi ranks and late night fast-food outlets. The policy does not therefore set fixed trading hours, although the Council recognises that stricter conditions may be necessary in certain instances, for example with regard to noise, additional control mechanisms and conditions may need to be applied in more densely populated residential areas.

The Policy does not seek to artificially introduce staggered closing times. Shops and supermarkets will generally be permitted to sell alcohol at any time during their normal trading hours, unless there are very strong reasons for restricting those hours.

The Act gives licensed premises the opportunity to operate for longer periods. However, with these opportunities come additional responsibilities and the Council will have regard to its obligations under Section 17 of the Crime and Disorder Act 1988 when dealing with licensing applications. That law places a duty on the Council to do all it reasonably can to exercise its functions with due regard to the likely effect on crime and disorder, alongside the need to prevent it.

The Policy also identifies that the Council will bear in mind its powers to make a closure order under the Anti-Social Behaviour Act 2003. That power can be used if it is reasonably believed that a public

nuisance is being caused by noise emanating from licensed premises, or premises subject to a temporary event notice where closure is necessary to prevent that nuisance.

The Council welcomes proposals that enhance the range of cultural and entertainment opportunities available to as wide a range of age groups as possible. It recognises that as part of implementing local strategies, proper account should be taken of the need to encourage and promote live music and dancing for the wider cultural benefit of the community, the Council seeks to encourage the provision of theatre and the dramatic and performing arts in the Borough.

The Council also welcomes proposals for the provision of regulated entertainment which does not involve the sale and supply of alcohol, or to which such sale and supply of alcohol is genuinely ancillary to an activity. The Council envisages that this offers a wider choice of entertainment to local residents, businesses and visitors.

The Council recognises that there is relatively little provision or variety for entertaining young people. This can be a factor in the anti-social behaviour and youth related disturbances that cause problems for local residents and businesses. It welcomes proposals for the provision of regulated entertainment for persons under 18 years of age, subject to the necessary controls being put in place to safeguard children and young people.

The Council does not seek to limit the access of children to licensed premises, unless it is necessary for the prevention of harm. The wide range of premises that require licences means that children can be expected to visit many licensed venues for food or entertainment.

Crime and disorder associated with licensed premises can cause significant concern to licence holders, customers and the community. The Policy identifies key areas of concern, such as drugs, alcohol-related crime, under age sales and the inappropriate promotion of alcohol, which can lead to binge drinking. These are issues licence holders must consider as part of the application process, and throughout the currency of any licence or permissions.

The Policy considers the implications of nuisance on the local community and customers. This includes noise from the licensable activities, noise from those attending, smoking areas, vibration from the activity, noxious smells, light pollution, and accumulations of rubbish and litter.

The Policy outlines when conditions will be imposed and what is expected to be included in an Operating Schedule.

The Policy points out that in determining applications, the Council will consider each case on its individual merits.

The Council expects that in the majority of cases, it will not receive representations about the effect of an applicant's proposals on one or more of the Licensing Objectives. In these cases, the Council will grant the licence subject to conditions which reflect the applicant's proposals and any mandatory conditions required by law.

Where the Council does receive relevant representations, it will seek to focus on the steps required to promote the particular Licensing Objective(s) which has given rise to the specific representation and avoid straying into undisputed areas. The Council will therefore grant the application if it can do so subject to such conditions considered necessary to promote the four Licensing Objectives and any mandatory conditions.

Such conditions 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. Alternatively, the Council may decide to exclude a particular licensable activity or reject the application if it considers it necessary to do so to promote the four Licensing Objectives.

The Policy sets out the way that the Council will integrate the Statement of Licensing Policy with other national, regional and local strategies in order to promote the Licensing Objectives.

The Policy outlines how the Council intends to extend its joint enforcement protocol with Sussex Police, based on a risk assessment basis. The Council aims to co-ordinate inspections and the deployment of its enforcement resources. The Protocol also deals with our shared responsibility for enforcing the law in relation to the sale of alcohol to underage persons. The Council, in carrying out its duties in relation to regulatory inspections and enforcement, is mindful of the principles set out in the Hampton Review.

The Policy points out that the Council will expect premises to be properly controlled and managed by responsible operators. This should prevent or minimise problems being caused to any other groups involved in the licensing process, including residents. The Council will continue to work closely with the Responsible Authorities and other Partners to ensure legislation and local standards are met. It will intervene where the provision of licensable activities is carried on in a manner that does not promote the four Licensing Objectives, and falls into conflict with the Council's strategic aims and vision.

Finally, the Policy recognises that it will not be easy for the Council to reach a decision that satisfies everyone. A balancing exercise will be conducted to allow an operator to carry on licensable activities in such a way that those who would otherwise be affected by the operation are adequately protected. Alternatively, the Council may decide to exclude a particular licensable activity, or to reject the application if this is considered necessary to promote the Licensing Objectives.

However, it is hoped that all those involved in the licensing process will continue to work together in a spirit of co-operation and partnership that has existed since the Council became responsible for this area of licensing.

In this respect, the Policy states that regular liaison between licence/ certificate/authorisation holders and local residents, local businesses and their representative organisations is to be expected.

1.0 Introduction and Purpose

- 1.1 Eastbourne Borough Council (the Council) is the Licensing Authority under the Licensing Act 2003 (the Act) and is responsible for granting premises licences, club premises certificates, temporary event notices and personal licences in the Borough in respect of the sale and/or supply of alcohol, the provision of regulated entertainment and late night refreshment.
- 1.2 The Act requires the Licensing Authority to publish a 'Statement of Licensing Policy' which sets out the policies the Licensing Authority will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.
- 1.3 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the Act and Government Guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Act, as revised in **January 2010**.
- 1.4 Licensing is about the regulation of licensed premises, qualifying clubs and temporary events within the terms of the Act. Conditions, where attached to the various permissions, will focus on matters that are within the control of individual operators and others granted relevant permissions.
- 1.5 These matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. Whether or not incidents can be regarded as being "in the vicinity" of

licensed premises or places is ultimately a matter of fact to be decided by the Courts in cases of dispute.

- 1.6 In addressing such matters consideration will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned.
- 1.7 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and, therefore, beyond the direct control of the individual licensees. There are a range of mechanisms including:
 - ❖ Planning controls
 - ❖ Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority
 - ❖ the provision of Closed Circuit Television (CCTV)
 - ❖ Police enforcement of the general law concerning disorder and anti social behaviour, including the issuing of fixed penalty notices
 - ❖ The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
 - ❖ The confiscation of alcohol from adults and children in designated areas
 - ❖ Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance and
 - ❖ The power of the police, other Responsible Authorities, **Ward Councillor or** a local resident or business to seek a review of the licence or certificate in question.
- 1.8 The Licensing Authority expects every holder of a licence, certificate or permission to accept and be responsible for minimising the impact of their activities and anti-social behaviour by their patrons within the vicinity of their premises by taking appropriate measures and action consistent with that responsibility.
- 1.9 This Licensing Policy does not:
 - ❖ undermine the right of any individual to apply for a variety of permissions and to have each application considered on its individual merits,
 - ❖ Override the right of any person to make representations on an application, or seek a review of a licence or certificate, where the 2003 Licensing Act allows,

- ❖ Every application made to the Council will be considered on its own merits.
- 1.10 This Policy will be used as a basis in coming to consistent and transparent decisions in respect of licence applications.
- 1.11 The Licensing Authority has taken full account of the Guidance issued to it by the Secretary of State under Section 182 of the Licensing Act as revised in **January 2010**.
- 1.12 Where it is considered necessary to depart from that Guidance, the Licensing Authority will give its reasons for doing so. Additionally, in formulating this Policy, the Licensing Authority has had regard to a range of legislation, including the provisions of the European Convention on Human Rights and Act 1998, the Race Relations Act 1976, amended in 2000, and has taken into account the provisions of the Crime and Disorder Act 1998.
- 1.13 This Policy takes effect from **January 2011**.

2.0 Policy Consultation and Review

- 2.1 The original Policy, covering a 3 year period came into force in xxxxxx, with the second covering the period 2007 - 2010. and should be re-published every 3 years. During the three year period, the policy will be kept under review, and may be revised if the Licensing Authority considers it appropriate.
- 2.2 For example, where there has been feedback from the local community, Responsible Authority or other "interested party" on whether the licensing objectives are being met. Before revising it or determining its Policy for any three year period, the Licensing Authority has an obligation to consult:
 - (i) The Chief Officer of Police for the area
 - (ii) The Fire Authority for the area
 - (iii) Such persons as the Licensing Authority considers to be representative of holders of Club premises certificates issued by the Authority
 - (iv) Such persons as the Licensing Authority considers to be representative of holders of premises licences issued by the Authority
 - (v) Such persons as the Licensing Authority considers to be representative of holders of personal licences issued by the Authority
 - (vi) Such other persons as the Licensing Authority consider being representative of businesses and residents in the area.

2.3 **The Licensing Authority shall foster ownership, co-ordination and partnership. It will involve partners from the Licensing Authority, including Planning, Environmental Health and Safety Authorities, the Police, the Fire Authority, Crime Reduction Partnerships, town centre managers, local business, local people and their representatives, local transport providers, and those involved in child protection. Consultation will also take place with entertainment and licensed business managers to encourage understanding and ownership of the Policy and good practice.**

3.0 Fundamental Principles

3.1 In carrying out its licensing functions, the Licensing Authority will aim to promote the four Licensing Objectives set out in Section 4 of the Act:

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

3.2 This Policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers.

3.3 The Licensing Authority will not take 'need' for premises into account when considering matters. This is interpreted for the purposes of this policy as the commercial demand for premises offering a particular type of licensable activity. 'Need' is not a matter that the Licensing Authority can take into consideration when discharging its licensing function. It is a matter for the local Planning Authority and for the market to decide.

3.4 Conditions attached to licences and certificates will be tailored to the individual style and characteristics of the premises, and the events concerned. Conditions will relate to the licensing objectives and will be restricted to matters within the control of individual licence holder.

3.5 **Licence holders will be required to ensure compliance with any conditions attached to a licence. The Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned.**

3.6 All relevant representations will be considered during the decision making process, unless they are considered to be frivolous, vexatious or repetitious.

- 3.7 Each application will be considered on its own merits. Nothing in this Policy will undermine the right of any individual to apply for the variety of permissions needed to operate or the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Licensing Act 2003.

4.0 Local Features & Characteristics of the Borough

- 4.1 Eastbourne is a thriving seaside town and a spectacular gateway to the South Downs and national beauty spot, Beachy Head. It has a resident population of 93,630 persons and is the fastest growing town for families in the South East.
- 4.2 Five miles of beaches, the largest man made marina in the UK and over 4,000 acres of South Downs countryside. Tourism is crucial to this cosmopolitan area and is Eastbourne's primary industry. Generating over 4 million visitors and 7,464 jobs, tourism is worth over £343 million to the local economy every year, and brings over £5.5 million in conferencing business.
- 4.3 One of the largest accommodation stocks in the South East, Eastbourne has approximately 7,500 bed spaces. The town stages a busy events programme which includes international ladies tennis, theatre shows direct from the West End and an international four day air show, Airbourne, bringing over 800,000 visitors.
- 4.4 In addition, a 10 year Tourism Strategy seeks to secure investment in the town. It develops new marketing initiatives which will add new audiences for Eastbourne in the future, targeting 35+ age groups with high spending capability.

5.0 Decision Making Process

- 5.1 The types of applications covered by the Act and relevant to this policy are:
- ❖ Personal licences
 - ❖ Premises licences
 - ❖ Provisional statements
 - ❖ Variations – **Both Full and Minor**
 - ❖ Transfers
 - ❖ Temporary Event Notices
 - ❖ Interim Authorities
 - ❖ Reviews
 - ❖ Club Premises Certificates
 - ❖ Matters involving the Designated Premises Supervisor (DPS)

- 5.2 Licensing decisions and functions may be taken or carried out by the appropriate Licensing Committee of Eastbourne Borough Council, except for those relating to the making of a Statement of Licensing Policy, or delegated to the Licensing Sub-committee, or in appropriate cases to Officers of the Authority.
- 5.3 Many of the decisions will be largely administrative and it is anticipated that they will be made by Officers, in the interests of speed, efficiency, and cost effectiveness.
- 5.4 The appropriate Licensing Committee will receive regular reports on decisions made by Officers so that they maintain an overview of the general situation. The terms of delegation of licensing functions are set out below.

Matter to be dealt with	Full Licensing Committee	Sub-committee	Officers
Application for personal licence		If a police objection	If no relevant representation made
Application for personal licence With unspent convictions		If a police objection	
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 personal licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for		If a police	All other cases

interim authorities		objection	
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application			All cases
Determination of a police objection to a temporary event notice		All cases	

5.5 The power to grant licences and permissions includes the power to renew, vary, refuse, suspend or revoke such licence or permission and the power to impose conditions.

5.6 **The role of the Licensing Authority is primarily to regulate the carrying on of licensable activities. It recognises the differing specific interests of those involved in the licensed trade, the carrying out of those activities and their likely impact. The Licensing Authority is keen to ensure that the licensing objectives are promoted, taking account of the wider interests of the community.**

6.0 Integration & the Promotion of Other Strategies

6.1 The Licensing Authority shall secure the proper integration of this Policy with local crime prevention, planning policy, transport, tourism and cultural strategies by undertaking a range of functions including:-

- ❖ Liaising and consulting with the East Sussex Fire & Rescue Service;
- ❖ Liaising and consulting with the Local Strategic Partnerships, Safety Advisory Groups and other Community Safety Partnerships;
- ❖ Liaising and consulting with the Planning and Highways Authority;

- ❖ Liaising and consulting with tourism, stakeholder groups, such as the Business Forum and the economic development functions for the Council;
- ❖ Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols;
- ❖ Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice;
- ❖ Liaising and consulting with the Sussex Police, **Crime Reduction Partnership** and following the guidance in community safety and crime and disorder strategies;
- ❖ Having regard to local and national strategies to promote safer socialising, responsible drinking and alcohol treatment services

6.2 The Licensing Authority shall have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and positive relations between persons of diverse backgrounds, in line with statutory requirements and the Council's Inclusion Policy. This includes communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.

6.3 The Policy supports the Eastbourne Tourism Strategy. It recognises the benefits for the local economy of creating a safe and more attractive town centre. The Licensing Committee may receive any reports relevant to the needs of the local economy for the area in order to ensure that it considers all relevant matters. It may also receive information relating to the employment within the Borough, and the demand for new investment and employment where appropriate.

7.0 Other Regulatory Regimes and Duplication

7.1 This Policy avoids duplication with other regulatory regimes wherever possible. The following are generally considered under separate regimes:

- ❖ **Health and Safety:** Certain premises will be the subject of health and safety enforcement by the Local Authority or the Health and Safety Executive (HSE). If other existing law already places certain statutory responsibilities on an employer or operator of premises, for example the Management of Health and Safety at Work Regulations 1999, it will not be necessary to impose the same or similar duties on the premises licence holder or club under the Licensing Act 2003.

However, existing duties will not always adequately cover specific issues that arise on the premises in connection with, for example, certain types of entertainment. **Additional conditions or**

supplementary measures may be considered appropriate to effectively promote the licensing objectives.

- ❖ Fire Safety: Premises and their operators must have regard to current fire safety regimes and the Regulatory Reform (Fire Safety) Order 2005.
- ❖ Food Hygiene: Premises selling alcohol and premises engaged in a food business will be registered and subject to risk-based food hygiene inspections by the **Council's Environmental Health Officers and be subject to inspection at regular intervals.**
- ❖ Noise: Statutory and Public nuisances are dealt with by the Council's Environmental Health Team under the Environmental Protection Act 1990 and associated legislation. Noise from commercial premises may often fall under this regime in addition to closure powers as **set out in other legislation designed to control the conduct of licensed premises.**
- ❖ Race Relations: The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, obliges public authorities to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different racial groups. The Local Authority has a written race equality scheme produced under these obligations to which this Licensing Policy Statement has had regard.
- ❖ Community Relations: Integration of corporate strategies with the Policy recognises the Council's role, as a community leader, to promote community cohesion and good relations between diverse communities.
- ❖ Anti-Social Behaviour Act 2003: Provides that if the noise from any licensed premises is causing a public nuisance, an Authorised Environmental Health Officer has the power to issue a closure order in respect of it effective for up to 24 hours. This complements the Police powers under the act to close licensed premises for temporary periods **for violent or disorderly conduct.**
- ❖ Litter and Smoking: Authorised Officers of the Council have powers to enforce premises operators' responsibilities under **smokefree legislation and duties to keep external areas clear of litter.**
- ❖ Disability Discrimination Act 2004: Applicants for new premises, or for variations involving changes to the layout of premises, **must have regard** to this legislation.

- ❖ **Gambling Act 2005: Where the principal purpose is gaming, the sale of alcohol and the provision of entertainment in such premises is generally incidental to gaming. However in some instances, permissions may be required under the Licensing Act. Applicants will have regard to the licensing objectives of both regimes, but duplication of conditions will be avoided where possible.**
- ❖ **Planning: The Licensing Authority will not duplicate matters considered as part of a planning application. Licensing decisions will take into account any relevant planning decisions and will not normally cut across this. It is for individuals to ensure that they have the relevant planning permission in place before trading.**

8.0 Cumulative Impact

- 8.1 The impact of the number, type and density of licensed premises in a given area may lead to problems of noise, nuisance, crime and disorder outside of, or a distance from licensed premises. Cumulative Impact is defined as the “potential impact upon the Licensing Objectives of a significant number of licensed premises concentrated in an area,” and is a proper matter for consideration by the Licensing Authority.**
- 8.2 The Licensing Authority may receive representations from a Responsible Authority or ‘interested party’ that the cumulative effect of licences is leading to an area becoming saturated. This creates exceptional problems of disorder and nuisance, over and above the impact from individual premises which undermines the promotion of one or more of the licensing objectives.**
- 8.3 This should not be confused with “need” which relates to the commercial demand for a particular type of operation in an area. “Need” is a matter for the market to decide, and does not form part of this Policy.**
- 8.4 In July 2007, the Licensing Authority determined that the concentration of licensed premises in a specified area of the town centre causes crime, disorder and public nuisance. In 2007, it was agreed that this area should be subject to Cumulative Impact Policy.**
- 8.5 A full copy of the Council’s latest Cumulative Impact Policy is included at Appendix 3.**
- 8.6 The absence of a Cumulative Impact Policy in an area does not prevent any Responsible Authority or ‘interested party’ making**

representations in respect of an application for a new or variation to a premises licence. This could be on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

8.7 In reaching decisions regarding cumulative impact, the Council will have regard to other mechanisms falling outside of the licensing regime which may also be available to address this issue, these include:

- ❖ Planning controls, where development or change of use is involved, or where trading hours are limited by planning controls;**
- ❖ Police enforcement of the law concerning disorder and anti-social behaviour, including the issue of fixed penalty notices.**
- ❖ The prosecution of any personal licence holder or member of staff at such premises which is selling alcohol to people who are drunk or under the age of eighteen.**
- ❖ Police and Council powers to instantly close for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises.**
- ❖ The power of the Police, other Responsible Authorities or a local resident or business to seek a review of the licence or certificate in question at any time.**

8.8 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of licensed site or operator. The Licensing Authority will primarily focus on the direct impact of the activities taking place at or immediately outside the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

8.9 The Licensing Authority will not impose 'blanket' standard conditions on granted licences, save for the Mandatory Licensing Conditions covered by the Act. Conditions attached to licences shall be on a case by case basis, tailored to the individual styles and characteristics of the premises and events concerned.

8.10 Conditions will be used to reflect the circumstances and needs of any particular operation insofar as they are necessary for the promotion of one or more of the four licensing objectives. Many conditions supporting these objectives arise from the applicants' Operating Schedule and will be incorporated in licences as a matter of course.

9.0 Trading Hours

9.1 The Licensing Authority recognises that longer, more flexible licensing hours can contribute to easing crime and disorder by avoiding large concentrations of customers leaving premises simultaneously. This, in turn, reduces congestion and potential conflict at other locations, for example, taxi ranks and fast food outlets.

9.2 This Policy does not set fixed trading hours and does not seek to artificially introduce staggered closing times. The Council will consider each particular case on its merits having regard to representations, including:

- ❖ Are the licensed activities likely to cause an adverse impact on local residents and businesses, for example crime, noise and disturbance. If there is potential to cause an adverse impact, what, if any, measures will be put in place to prevent it;**
- ❖ Will there be a substantial adverse increase in the cumulative impact from these or similar activities, on adjacent residential areas;**
- ❖ Is there a suitable level of public transport and taxi/private hire provision accessible at the appropriate times to facilitate dispersal of patrons;**
- ❖ The representations of the Police, or other relevant agency or representative.**

9.3 The Licensing Authority will closely scrutinise extended hours applications to ensure that the Licensing Objectives are met.

9.4 The Licensing Sub-Committee may decide that the circumstances are such that a restriction on hours is the only appropriate means to promote the Licensing Objectives.

9.5 It will be the normal Policy of the Licensing Authority to allow shops, and supermarkets to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless there is evidence for restricting hours.

10.0 Mandatory Licensing Conditions

10.1 The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 sets out the five additional mandatory licence conditions relating to irresponsible marketing of alcohol that apply to all licensed premises and those with a club premises certificate. From 6th April 2010, these conditions:

- **Ban irresponsible promotions;**
- **Ban the dispensing of alcohol directly into the mouth; and**
- **Ensure that customers have access to free tap water so that they can space out their drinks and not get intoxicated too quickly.**

10.2 Substantially similar activities to those described are also prohibited.

10.3 From 1st October 2010, these conditions will also:

- **Require an age verification policy to be in place to prevent underage sales; and**
- **Ensure that customers have the opportunity to choose small measures of beers, ciders, spirits and wine.**

10.4 In respect of on-trade premises, such as a pub, hotel or bar, or a member's club, all five conditions apply. In the case of off-trade premises, such as an off-licence or supermarket, then only the conditions relating to age verification apply.

10.5 The legislation makes clear that an irresponsible promotion is one that is "carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children."

10.6 If there is any doubt as to whether the promotion planned falls foul of the mandatory conditions, operators are advised to discuss proposals with the Licensing Team and/or Sussex Police beforehand.

11.0 The Operating Schedule

11.1 The Operating Schedule sets out how the premises propose to operate when carrying on licensable activities. It also enables the Licensing Authority, any Responsible Authority or "interested party" to assess whether the steps taken to promote the licensing objectives are satisfactory. It must include the following information:

- **the licensable activities to be carried out and whether these are on or off the premises**
- **the proposed hours during which the relevant licensable activities are to take place**

- **the proposed hours that the premises are to be open to the public**
- **the duration of the licence (if it is to have a fixed term)**
- **details of who is to be the designated premises supervisor if the licensable activities include the sale or supply of alcohol**
- **where alcohol is to be supplied, whether the supplies are proposed to be for consumption on and/or off premises**
- **Details of the type of any regulated entertainment to be provided**
- **The Operating Schedule, detailing the steps the applicant proposes to take to promote the Licensing Objectives**

11.2 The Licensing Authority will seek to ensure that licensed premises are designed and run in a way which promotes the licensing objectives. Applicants are advised that Operating Schedules should be considered by professional experts in the relevant field and that applicants consult with all Responsible Authorities when Operating Schedules are being prepared. This may limit opportunities for dispute and negate the need for hearings.

11.3 In order to minimise representations and the necessity for hearings, applicants are advised to consult with all Responsible Authorities when preparing an Operating Schedule.

11.4 Operators of licensed premises will have to comply with a variety of other regulatory regimes including planning, environmental health, fire safety, licensing and building control legislation when opening or adapting licensed premises.

11.5 The Council will seek to avoid confusion and duplication by not imposing licence conditions relating to matters that are required or controllable under other legislation, except where they can be exceptionally justified to promote the Licensing Objectives.

12.0 Prevention of Crime and Disorder

12.1 In the Operating Schedule, the Licensing Authority will require the applicant to detail the steps proposed to ensure the deterrence and prevention of crime and disorder, on and in the vicinity of the premises. This should also take account of the location, character, condition, the nature and extent of the proposed use and the persons likely to frequent the premises.

12.2 The Licensing Authority will require the licence holder to take all reasonable steps to promote responsible drinking, and put

mechanisms in place to control excessive consumption of alcohol, under age sales and drunkenness on licensed premises.

12.3 This reduces the risk of anti-social behaviour occurring on the site and elsewhere after customers have left the premises.

12.4 In considering licence applications, the Licensing Authority will have regard to:

- (i) The physical security features installed in the premises including: design and layout of the premises in minimising the opportunities for crime and conflict, provision of CCTV and associated recording equipment, **display of crime prevention material raising patrons awareness of crime, noise, nuisance and safety issues**, adequate lighting levels in the premises, metal detection and search facilities, the use of toughened /shatterproof and plastic drinking vessels within the area covered by a premises licence.
- (ii) Procedures for risk assessing promotions such as 'happy hours', and cheap drink promotions which may contribute to the impact on excessive alcohol consumption as well as associated crime and disorder, and plans for minimising such risks. **This will need to be considered in conjunction with the mandatory licence conditions.**
- (iii) The measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies;
- (iv) Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks.
- (v) The likelihood of any violence, public order or policing problem if the licence is granted.
- (vi) The measures taken to control admission to the premises, including the use of Security Industry Authority (SIA) licensed door supervisors.
- (vii) Any other such measures as may be appropriate, including participation in a local Pubwatch or Nightwatch scheme, or other body designed to ensure effective liaison and partnership with the local community, 'music wind-down policies', 'chill out areas' and restrictions on 'happy hours.'

- (viii) **Measures to effectively control the premises during key events, for example during sporting events, during Freshers Week, Airbourne and other significant times.**
 - (ix) Other examples of industry Best Practice.
 - (x) Any representations made by the Police, or other relevant agency or representative.
 - (xi) Steps taken to train staff in licensing law and raise awareness of issues in relation to licensed premises, including excessive consumption of alcohol, underage and proxy sales of age restricted products drug misuse and associated crime prevention strategies
- 12.5 Where applicable, applicants must show that they can comply with the Home Office guidance in relation to the control of illegal drugs on their premises. They shall also adhere to the protocol with the Police on the handling of illegal drugs found on their premises.
- 12.6 The Licensing Authority expects that the Designated Premises Supervisor (DPS) will spend a significant amount of time on the licensed premises. When not on the premises, it is essential that the DPS is contactable, **has given their written consent** and has left a competent, authorised person in charge to act in their absence. It is expected that this person, will normally be a personal licence holder.
- 12.7 The Licensing Authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence, disorder and nuisance are occurring so it can take full account of the facts and avoid exacerbating problems.
- 12.8 Where licensed premises are found to cause nuisance or be associated with disorder, unreasonable disturbance, powers of revocation or the imposition of conditions may be considered. Conditions may include:
- ❖ The installation and use of CCTV and associated recording equipment **to a standard specification,**
 - ❖ Inclusion of a drugs and search policy of customers,
 - ❖ The use of SIA registered door supervisors,
 - ❖ Earlier closing times or last admissions time
 - ❖ Action Plans for premises failing to meet the required standards,
 - ❖ Closure Orders,
 - ❖ Review and revocation proceedings,
 - ❖ Use of other mechanisms to effectively control an area where there is alcohol related crime and disorder, including powers under the Violent Crime Act 2006.

12.9 Such action to restrict the operation of sites in order to promote the licensing objectives may be taken for trial periods to allow businesses an opportunity to remedy existing instances of disorder, nuisance and/or disturbance.

13.0 Public Safety

13.1 The Licensing Authority will require the applicant to detail the steps taken to address the issue of public safety in the relevant licensed premises or place.

13.2 Conditions may be imposed in accordance with Operating Schedule to protect public safety including:-

- ❖ Specified maximum occupancy limits on the premises licence or certificate where considered necessary for the promotion of public safety or the prevention of crime and disorder.
- ❖ Provision of CCTV and associated recording equipment installed to a standard specification
- ❖ Use of shatterproof drinking vessels and bottles, requiring the use of toughened glass or plastic throughout the licensed premise.
- ❖ The use of SIA Registered Door Supervisors, and a requirement of a minimum of such, namely 1 per 100 customers where the event is attended by persons over 18 and 1 per 50 customers where the event is attended predominantly by persons under 18.
- ❖ The provision of designated and suitably qualified and trained first aiders.
- ❖ Strategies to prevent binge drinking and promote 'safer socialising' and responsible drinking.
- ❖ Systems in place to prevent the theft of items and 'spiking' of drinks.
- ❖ SIA Registered Door staff to maintain order inside and outside venues, protecting customer safety as well as participation in Nightwatch/ Pubwatch schemes to alert Police and other venues where customers and staff are perceived to be at risk
- ❖ The provision of chill out rooms/quiet areas to allow patrons to relax and unwind.

13.3 **The Council requires every relevant place or premises to have carried out a thorough risk assessment with regard to the promotion of the Licensing Objectives. A separate Fire Risk Assessment should also be undertaken** to ensure that any protective and preventive measures identified are taken to ensure the safety of any relevant persons. This may include the provision of fire-fighting equipment, emergency lighting and an appropriate means of raising the alarm in the event of **an emergency**. Applicants and

responsible persons should make themselves aware of the Regulatory Reform (Fire Safety) Order 2005.

13.4 The Licensing Authority will review what measures are in place to aid the dispersal of patrons in a quick and safe manner in order to avoid opportunities for disorder and disturbance. This may include the availability of taxis, location of taxi ranks and other late night transport systems, as well as the use of registered staff to control queues and external areas.

13.5 Where appropriate, licence holders or their authorised representatives will attend Safety Advisory Group Meetings and other planning meetings prior to large scale events which take place within licensed premises and/or in an open space. Applicants should have regard to relevant guidance and publications.

13.6 Prior consent will be required for: performance of stage Hypnotism, fireworks and lasers. Applications should contain details prescribed by the Licensing Authority. Conditions may be applied to any consent.

14.0 The Prevention of Public Nuisance

14.1 The Licensing Authority will require operators to demonstrate how matters will be addressed to limit public nuisance, prevent disturbance and protect amenities.

14.2 In considering an application, the Licensing Authority will consider the adequacy of proposed measures to remove or effectively manage the potential for noise, nuisance and anti-social behaviour.

14.3 Amplified music or other entertainment noise from within the premises shall be inaudible within any residential premises. The test for compliance with 'inaudibility' will be that noise should be no more than barely audible outside of nearby business and residential properties.

14.4 The Licensing Authority will take into consideration a range of issues, and consider the imposition as appropriate of conditions, including:

- The proximity of residential accommodation.
- The type of use proposed, including the likely numbers of customers, proposed hours of operation, nature of regulated entertainment and the frequency of activity.
- Steps taken or proposed to be taken to prevent noise, disturbance and vibration breaking out from the premises. This may include music, noise from ventilation equipment, and human voices.
- Steps taken to prevent disturbance by customers arriving at or leaving the premises will also need to be detailed. This will

usually be of greater importance between 10.30 p.m. and 7 a.m. than at other times of the day.

- The steps taken or proposed to be taken by the applicant to prevent customers queuing. **If queuing is inevitable, then queues should be diverted away from neighbouring premises and residential accommodation** or be otherwise managed to prevent disturbance or obstruction.
- The steps taken to ensure staff and customers leave the premises quietly, including the provision of appropriate "leave quietly" signage.
- Arrangements made or proposed for parking by customers specific to the licensed premises where relevant, and the effect of parking by patrons on local residents.
- The provision for public transport in the locality, including taxis and private hire vehicles for customers **to facilitate dispersal.**
- The level of likely disturbance from associated vehicular movement.
- The delivery and collection areas and delivery/collection times.
- The siting of external lighting, including security lighting which may cause light pollution and/or disturbance to neighbouring properties.
- The impact on refuse storage and litter.
- The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present premises licence operators.
- The history of the applicant in controlling anti-social behaviour and preventing nuisance.
- The generation of odour, e.g. from the preparation of food.
- Any other relevant activity likely to give rise to nuisance.
- Any representations made by the Responsible Authorities or other relevant agency/representative.
- The use **and control** of gardens and other open-air areas.

14.5 Such measures may include:

- **Keeping windows and doors shut save for access and egress.**
- **The installation of soundproofing, air conditioning, acoustic lobbies, acoustic devices and sound limitation devices.**
- **Operators to undertake regular checks and assessments in the vicinity of the premises and take steps to limit disturbance and noise breakout**
- **Limiting the number of patrons at any one time in any external areas, particularly where it is in close proximity to residential accommodation.**

14.6 For further advice and guidance, please view the Council's Noise Management Policy for Licensed Premises or contact the Council's Health and Environment Noise Team.

15.0 Protection of Children from Harm

15.1 The Licensing Authority will require the details and measures taken in relation to the protection of children from harm. This includes moral, psychological and physical harm which may be associated with licensed premises and certificated club premises. This may include exposure to strong language and sexual expletives, in the context of film exhibitions or where adult entertainment or material is provided.

15.2 It is intended that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed, without restricting conditions unless the 2003 Act itself imposes such conditions or there are good reasons to restrict entry or to exclude children completely.

15.3 It is recognised by the Licensing Authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, the Licensing Authority recommends that all operators should implement a suitable 'Proof of Age' scheme, for example 'Challenge 25' and ensure that appropriate photographic identification is requested prior to entry and when alcohol is requested by a person appearing to be under the age of 18.

15.4 Appropriate provenance forms of identification are currently considered to be those recommended by the Police, Licensing Authority, and Trading Standards Officers.

15.5 The Licensing Authority expects that all staff responsible for the sale of intoxicating liquor receive information and training on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales **and proxy purchasing**.

15.6 The Licensing Authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them. Each application will be considered on its own merit.

15.7 To reduce alcohol-induced problematic behaviour by under 18 year olds, to enforce underage purchases and to assist in the protection of children from harm, the Licensing Authority supports the following measures:-

- ❖ Police to exercise powers to remove alcohol from young people on the street as well as the implementation of Dispersal Orders.
- ❖ Test purchasing operations and the carrying out age challenges to reduce underage drinking in pubs and licensed venues.
- ❖ Further take-up of proof of age schemes will be promoted, for example **"Challenge 25."**
- ❖ In-house, "mystery shopper" type schemes operated by local businesses will be supported.
- ❖ Providers of licensed events specifically catering for persons under the age of 18 should consider the ratio of SIA accredited Supervisors to children, normally 1:50, to assist in the control and supervision of events, and whether all staff at such events need to be Criminal Record Bureau checked.
- ❖ **Measures to prevent proxy purchase of alcohol and other age restricted products.**

15.8 The following areas give rise to concern in respect of children, who will normally be excluded from premises:-

- ❖ 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.
- ❖ where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons.

15.9 The Licensing Authority may consider the following:-

- ❖ limitations on the hours when children may be present;
- ❖ age limitations as required by mandatory condition, for example film exhibitions;
- ❖ limitations or exclusions when certain activities are taking place;
- ❖ requirements for an accompanying adult;
- ❖ full exclusion of people under 18.

15.10 **Nothing in this policy shall seek to override child supervision requirements contained in other legislation or regulations. The Licensing Authority recognises the Children, Families and Schools Section as being competent to advise on matters relating to the protection of children from harm.**

15.11 Applicants shall copy their applications to the Local Safeguarding Children Board (LSCB) in its capacity as the Responsible Authority.

15.12 The Licensing Authority will expect Operating Schedules to specify the measures and management controls in place to prevent alcohol being served or supplied to children, other than in those limited circumstances permitted by the Licensing Act 2003.

16.0 Entertainment of an Adult or Sexual Nature

16.1 **Section 26 of the Policing and Crime Act 2009 introduces a new category of 'Sex Establishment' under Schedule 3, known as a 'Sexual Entertainment Venue' which is defined as 'any premises at which relevant entertainment is provided before a live audience for the financial gain on the part of the organiser or the entertainer. The new provisions were adopted by the Council on xxxxxx.'**

16.2 **'Relevant Entertainment' is 'any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must be reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.' This includes pole dancing, lap dancing, and striptease.**

16.3 **However, there is an exemption for premises which provide this type of entertainment 'infrequently.' The Act still permits sexual entertainment to be provided in premises on no more than eleven occasions a year, with at least a month's "other" entertainment in between without the need for it to be registered as a sexual entertainment venue.**

16.4 **It allows:**

- **Local people to oppose an application for a Sex Establishment Licence if they have legitimate concerns that a Sexual Entertainment Venue would be inappropriate given the character of an area.**
- **The Local Authority to reject a licence application if it considers it would be inappropriate given the character of a particular area.**
- **Setting of a limit on the number of Sexual Entertainment Venues that they think is appropriate for a particular area.**
- **Impose a wider range of conditions on the licences of Sexual Entertainment Venues than currently able to under the Licensing Act 2003.**

16.5 **Entertainment provided at lap-dancing clubs which is 'integral' to the provision of the lap-dancing, such as music and dancing, will be regarded as "regulated entertainment" under the**

Licensing Act 2003 and will also need the relevant consents in order to be licensed appropriately.

16.6 In order to support local crime prevention strategies and to protect children from harm, entertainment of an adult or sexual nature for purpose of sexual stimulation of persons admitted to the premises, including exposure of breasts, genitals, urinary or excretory organs during entertainment will be carefully scrutinised. Regard will be given to the Councils Policy in relation to Sex Encounter Establishments when applications are considered.

16.7 A code of conduct for dancers and patrons and associated procedures should be developed in consultation with the Police and the Council Licensing Team and include:

- (i) Rules of conduct for customers **and dancers**, developed in consultation with the Police and the Council Licensing Team should include.
- (ii) Procedures to ensure that all staff employed in the premises have pre-employment checks including suitable proof of identity, age and, where required, appropriate permission to work.
- (iii) The exclusion of persons under 18 from the premises when such activities are taking place.

16.8 Conditions to regulate may prohibit physical contact between customers and performers and may include:

- Dressing room security
- Controls on advertisements, and their content
- The provision of Closed Circuit Television and appropriate recording equipment to a standard specification

17.0 The Health Act 2006 & Associated Smokefree Issues

17.1 Since the introduction of Smokefree legislation under the Health Act 2006 on the 1st July 2007, Environmental Health have received an increase in the number of noise complaints concerning noise from people smoking outside of licensed premises. This includes noise from people congregating on the public highway, and from outside areas which form part of the licensed premises for example beer gardens. This is in addition to noise breakout as people enter and leave premises to smoke.

- 17.2 In addition to the increase in complaints, licence variations have been received to vary the use of outdoor areas to incorporate a smoking area and/or erect a smoking shelter. Environmental Health, in conjunction with the Council's Smokefree Lead Officer, will assess each application on its merits and may, where the matter forms part of an area or activity governed by the Licensing Act 2003, make representations as appropriate.
- 17.3 Applicants considering the provision of a smoking area and/or shelter should consider reasonable controls to minimise the noise impact and could include the following steps:
- Develop a management plan on how to manage smoking on the premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented.
 - Noise from people smoking and talking can be intermittent, vary in character and volume and be intrusive. An effective smoking management plan will help prevent neighbours being disturbed.
 - Comply with any planning conditions restricting the use of outdoor areas
 - Ensure that any structures used by smokers comply with the design criteria and requirements detailed in the Heath Act 2006 and that any structures, awnings, retractable canopies, etc have the relevant planning permission.
 - Any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.
 - Ensure that the conditions on the premises licence are complied with.
 - Consideration is given to the siting of any smoking areas, to protect against the potential of second hand smoke drifting back into the premises or adjacent properties so as not to cause a nuisance to patrons and neighbours.
 - Signage in the designated areas asking customers to keep noise levels to a minimum.
 - Consideration given to the availability, type and siting of litter bins to cater for smoking related litter.
 - Conditions restricting the hours of use of gardens and outdoor areas. Having reviewed the contents of the premises licence, applicants may find it necessary to request a variation of the premises licence.
 - Any tables and chairs on the Public Highway require a tables and chairs licence under the provisions of the Highways Act 1980. Again these licences may have conditions restricting the times that the area can be used.
 - Controls on drinks, glasses and bottles being removed from the premises.

- Steps to discourage smokers from remaining in gardens and outdoor areas, including conditions on the premises licence or the premises management policy may include a requirement that drinks are prohibited in outside areas, or prohibited after a certain time.
- A system could be introduced that after a certain time the number of smokers outside are restricted to a maximum number.
- Staff positioned on the doors can help to encourage customers not to cause a noise problem.

18.0 Premises Licences

18.1 An application for a premises licence under the Licensing Act 2003 must be made in the prescribed form to the Licensing Authority. The application must be accompanied by:

- ❖ The required fee,
- ❖ An Operating Schedule,
- ❖ 2 plans of the premises in a prescribed form, including any external areas,
- ❖ Copies of the appropriate certificates
- ❖ If the application involves the supply of alcohol, a form of consent from the individual who is to be specified in the licence as the Designated Premises Supervisor (DPS). This person will normally have been given day to day responsibility for running the premises by the premises licence holder and the person through whom all alcohol sales are authorised.

18.2 The Licensing Team of the Council has a helpful booklet, "Licensing Act 2003: A Guide," and a comprehensive website to assist applicants at www.eastbourne.gov.uk/licensing

19.0 Planning Permission

19.1 The Licensing Authority recognises that planning, building control and licensing regimes should be properly separated to avoid duplication and inefficiency.

19.2 Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent already in place for the property concerned. The Licensing Authority recognises that Licensing applications should not be a re run of the planning process, and should not cut across decisions taken by the Local Authority Planning Committee or following appeals against decisions taken by that Committee.

- 19.3 Similarly the granting by a Licensing Sub Committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control or other consents where appropriate.
- 19.4 Proper integration should be assured by the Licensing Committee, where appropriate, by providing regular reports to the planning committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder.

20.0 Applications for Personal Licences

- 20.1 In order to obtain a personal licence the requirements are that the applicant must:
- ❖ be aged 18 or over;
 - ❖ complete the necessary application form
 - ❖ possess a licensing qualification accredited by the Secretary of State;
 - ❖ not have forfeited a personal licence within five years of his or her application;
 - ❖ produce a Criminal Record Bureau certificate;
 - ❖ pay the appropriate fee to the Council's Licensing Authority;
 - ❖ not have a representation from the Police about the grant of a personal licence following notification of any unspent relevant offence or foreign offence; or must show that that such an offence should not lead to refusal on crime prevention grounds. This matter will be determined, if proceeded with by a Licensing Sub Committee.
- 20.2 The Licensing Authority will normally refuse an application if there are any relevant unspent convictions unless the applicant can demonstrate any special circumstances to justify a departure from this Policy.
- 20.3 Applicants with 'unspent' criminal convictions for relevant offences set out in the Licensing Act are strongly encouraged to first discuss their intended application with the Police and the Council's Licensing Team before making an application.
- 20.4 A personal licence is valid for 10 years. A Designated Premises Supervisor must hold a personal licence.

21.0 Temporary Event Notices

- 21.1 The Act provides for certain occasions when small scale events for no more than 499 people at any one time, including staff, and lasting for no more than 96 hours can obtain a Temporary Event Notice. This is, providing that the application is made in the prescribed form, with the

required fee and that a minimum of 10 working days advance notice of the event is given to the Police and the Licensing Authority. The Police are the only body who can object to a Temporary Event Notice if the event is likely to undermine the crime prevention licensing objective.

- 21.2 The system involves an event organiser giving a temporary event notice (TEN) to the Licensing Authority no later than 10 working days before the day on which the event is to start. There is no discretion available to shorten this notice period.
- 21.3. Only the Police may intervene to prevent the event taking place or agree a modification of the arrangements for such an event if it is likely to undermine the prevention of crime and disorder licensing objective. The Council recommends that notice is given well in advance of the minimum requirement. This will enable effective assessments to be made, and where necessary, for other agencies to offer advice and guidance.
- 21.4 Where a Police representation is received, by means of an objection notice, the Licensing Authority will issue a counter notice or hold a hearing.
- 21.5 The Licensing Sub Committee will consider whether the limitations set down by the Act in terms of numbers and duration of events and capacities are being observed.
- 21.6 Organisers of temporary events are strongly advised to contact the Licensing Authority, Police and **other appropriate agencies** for advice at the earliest opportunity when planning events. This may avoid any unnecessary objections being made that may arise from misunderstandings or confusion as to what is being proposed.

22.0 Appeals

- 22.1 **Entitlements to appeal for parties aggrieved by decisions of the Council are set out in Schedule 5 to the Licensing Act 2003. Appeals must be made to the Magistrates' Court and made within 21 days beginning with the day on which the Appellant was notified of the Council decision. An appeal can be made by any party involved in the decision. This includes applicants, Responsible Authorities and 'interested parties.'**
- 22.2 **The Act also covers appeals in relation to temporary event notices, personal licences and closure orders. In relation to temporary event notices, premises users may appeal against the decision by a Council to give a counter notice. Applicants for personal licences may appeal against the decision to reject an application for or application to renew a licence. Where the**

Police lodge an objection notice to the grant or renewal of a personal licence and the Council grants or renews the licence, the Police may appeal.

23.0 Problem Premises

- 23.1 The Council expects licensed premises to be properly controlled and managed by responsible operators. This should prevent or minimise problems to any of the other groups affected by it, including residents and businesses in the vicinity, as well as Responsible Authorities.**
- 23.2 However, legitimate concerns will sometimes be raised about particular operations. In those instances the Council will encourage the individuals or groups affected to raise those concerns directly with the operator in the first instance. In the Council's experience this approach can often be successful as the operator may not be fully aware of the problems and can introduce changes to improve the situation.**
- 23.3 Where concerned individuals or groups do not wish to approach operators directly (perhaps fearing abuse or reprisals) the Council will approach the operator to discuss the concerns and seek improvements, if required.**
- 23.4 The Council works closely with Responsible Authorities and will intervene at an early stage where it is found that the provision of licensable activities is being carried on in a manner which does not promote the four Licensing Objectives.**
- 23.5 The Council expects all licensees to co-operate with the agencies concerned and to deal promptly and properly with the concerns raised. Where a premises fails to meet the required standards or comply with legislation, they may be placed on an "Action Plan" or face prosecution proceedings.**
- 23.6 The Council has a joint enforcement protocol with Sussex Police on enforcement and inspection issues to provide for the efficient and effective deployment of its staff and police officers in enforcing licensing law. This includes the targeting of resources where 'hotspot' crime and disorder premises and/or areas have been identified.**
- 23.7 Where necessary, the enforcement action will be taken in accordance with the principles of Eastbourne Borough Council's Enforcement Policy.**

23.8 The Council recognises that once away from premises a minority of consumers will behave badly and unlawfully. However, licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.

23.9 However, the Council recognises that there are mechanisms both within and outside of the licensing regime that are available for addressing such issues. These are detailed earlier in the Policy.

23.10 The Council does not seek to prevent any individual or group from using the formal procedures for review of a premises licence or club premises certificate. Neither does it seek to constrain the powers of the police to close premises where they consider it necessary to do so in the interests of public safety or to prevent a public nuisance.

23.11 However, the Council believes that by working in partnership with all the groups involved in the licensing process the formal review procedures and exercise of the police powers to close premises should be instituted in general after voluntary measures have been attempted.

24.0 Enforcement Policy

24.1 Premises that generate disorder, threaten public safety or generate public nuisance, or pose a risk to the well being of children will be targeted for enforcement action. Action will be focussed on the premises, those responsible for its management and the control and supervision of the premises and patrons frequenting such.

24.2 The Council has an established Enforcement Policy based around the principles of consistency, transparency and proportionality.

24.3 A graduated response will be taken where offences against legislation are found, or where premises licence conditions have been breached. The action taken may range from verbal advice, written warnings, placement of a premises on an Action Plan and/or Formal Caution. Enforcement action may include prosecution proceedings.

24.4 Whilst it is generally the case that any enforcement action is progressive, this does not prevent the Councils' Licensing Team or any of the other enforcement Partners, taking more robust action where it is considered appropriate, particularly where there are repeat instances.

24.5 The Licensing Authority will seek to work with the Police, East Sussex Fire and Rescue Service and Trading Standards and other enforcement partners in the enforcement of licensing and other legislation.

24.6 **Enforcement will be focussed on premises or persons found to be failing to promote the Licensing Objectives and/or those where it is identified that premises or persons are failing to meet Council standards.**

24.7 The enforcement of licensing law and the inspection of licensed premises is detailed in the Protocol between Sussex Police, the East Sussex Fire & Rescue Service and Eastbourne Borough Council.

24.8 This Protocol reflects the need for a more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement. In order to better target enforcement resources, inspections will also be undertaken outside of normal office hours and the sharing of information between all enforcement agencies will be encouraged through joint meetings or similar arrangements.

24.8 Attention is drawn to the targeting of agreed problem and high risk premises which require greater attention. A number of other Council and government policies, strategies and guidance documents must also be taken into account to complement the policy, including:

- Community Safety & Crime Reduction Strategies
- Drugs and alcohol Strategies
- Aims and objectives of the Private Security Industry Authority
- The Anti Social Behaviour Act 2003
- The Health Act 2006
- The Violent Crime Reduction Act 2006
- Section 182 Guidance as **revised in January 2010** in conjunction Licensing Act 2003

25.0 Dealing with Representations

25.1 Where a representation is made to the Licensing Authority, it will consider whether it is valid. In determining whether a representation is valid, the Licensing Authority will first consider if the representation made appears irrelevant, vexatious, frivolous or repetitious.

25.2 Where an 'interested party' such as a local resident, business or their representative **or a Responsible Authority** has made valid representations about a licensed premises, or a valid application for a licence to be reviewed, then the Council's Licensing Team may initially arrange a mediation meeting to **facilitate communication between**

all parties and attempt to address, clarify and resolve the issues of concern.

25.3 This process will not override the right of such to ask that the Licensing Authority consider their valid representations **in a committee environment** or for any licence holder **or other party** to refuse to participate in a mediation meeting.

25.4 At any stage, following the grant of a premises licence, a Responsible Authority, such as the Police or the fire authority, or an interested party, such as a resident living in the vicinity of the premises, may ask the Licensing Authority to review the licence/certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

25.5 The Licensing Authority will review a licence where it is alleged that the Licensing Objectives are being breached and there is evidence to show this.

25.6 Where the Licensing Authority considers that action under its statutory powers is necessary it may seek to:

- ❖ Modify the conditions/hours of the premises licence/certificate;
- ❖ Exclude a licensable activity from the scope of the licence;
- ❖ Remove the DPS where the sale or supply of alcohol is a feature;
- ❖ Suspend the licence for up to 3 months;
- ❖ Issue a warning, verbal or written
- ❖ Issue a Simple Caution
- ❖ Initiate prosecution proceedings;
- ❖ Revoke the licence/certificate.

26.0 Reviews

26.1 A key protection for the community is contained within the Licensing Act 2003. This is a review of the premises licence, or club premises certificate. It can be initiated at any time, where it can be shown that the licensing objectives of crime and disorder, public safety, public nuisance or the protection of children from harm are being undermined.

26.2 At any stage following the grant of a premises licence a 'Responsible Authority' which includes the Police, Council's Noise Team, Trading Standards or an 'Interested Party' such as a local resident, residents' association, **Ward Councillor**, local business or trade organisation may ask the Licensing Authority to review a premises licence **at any time** because of a matter arising at the premises in connection with the promotion of the four Licensing Objectives.

- 26.3 **Reviews represent a key protection mechanism for the community. The Licensing Authority will take any necessary steps to support and promote the licensing objectives.**
- 26.4 Revocation or suspension of premises licences or certificates will normally be considered where offences, such as sale of alcohol to persons who are drunk or sale of alcohol to persons under 18, occur on a regular basis. Review proceedings are often the last stage in a process where other steps have failed to address the issues that may arise:
- ❖ Action needed should seek to promote the licensing objectives but be balanced against the financial impact on the business.
 - ❖ Action should be proportionate.
 - ❖ Action should support the local community safety, crime reduction and drugs strategies, particularly those relating to alcohol misuse.
- 26.5 A review of a premises licence would normally follow any action by the Police to close down a premises for up to 24 hours on the grounds of disorder or noise nuisance as following a closure notice, issued by a Magistrates' Court which is then sent to the Licensing Authority.
- 26.6 The Secretary of State has recommended that ordinarily no more than one review should be permitted by a Licensing Authority from an "interested party" unless in compelling circumstances or arising following a closure order.
- 26.7 Section 182 Guidance, the Guidance, issued in connection with the Licensing Act 2003 stipulates that any representation made must be in writing, relate to particular licensed premises and be relevant to the promotion of the four licensing objectives.
- 26.8 The value of detailed evidence to support a representation cannot be over emphasised. Persons making a representation can attend the Review hearing. The person making the representation can amplify this at the hearing, but not extend this to other matters outside of the original representation.
- 26.9 Partnership working and warnings

The Guidance further states that the promotion of the licensing objectives relies heavily upon partnership working with licence holders, authorised persons, "interested parties" and Responsible Authorities in the pursuit of common aims and objectives. Reviews should not be used as a mechanism to create divisions between these groups to the extent that it undermines the benefits of co-operation and partnership working.

The Guidance recognises that it would be good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises or **in the vicinity of the premises where this can be linked back to the site** and of the need for improvement. Failure to respond to these warnings **or a Premises Action Plan** is expected to lead to a decision to request a review of the premises licence or certificate.

26.10 Relevant, vexatious, frivolous or repetitious requests

Where a written request for a review comes from an 'interested party,' for example a local resident, residents' association, local business or trade organisation, the Licensing Authority must first consider whether the complaint is not relevant, is vexatious, frivolous or repetitious.

26.11 'Not relevant'

A request would not be considered relevant where the matter complained of did not relate to the promotion of at least one of the licensing objectives at the licensed premise. Similarly, a general complaint over crime and disorder in a locality that is not tied or linked by a causal connection to particular licensed premises would not be considered relevant.

26.11 'Vexatious'

Vexatious requests for a review may arise out of disputes between businesses.

26.12 'Frivolous'

The national guidance notes that frivolous requests would be noticeable by their lack of seriousness. A trivial complaint may not always be frivolous, but it would have to be pertinent in order to be relevant.

26.13 Repetitious

A repetitious representation is one that is identical or substantially similar to :

- a ground for review specified in an earlier application for review made in respect of the same premises licence which has already been determined; or
- representations considered by the Licensing Authority when the premises licence was first granted, or

- representations which would have been made when the application for the premises licence was first made and which were excluded and
- in addition to the above grounds, that a reasonable interval has not lapsed since that earlier review or the grant of the licence.

26.14 Arranging the Hearing

Following receipt of a request for a review or following a closure order, the Licensing Authority will arrange for a hearing in line with the Licensing Act 2003 and regulations prescribed by the Secretary of State and detailed on the Department of Culture, Media and Sport. (DCMS)

26.15 The Licensing Authority has a range of actions it can take resulting from the hearing, including:

- take no action;
- issue an informal warning to the licence holder and/or recommend improvements over a particular time period;
- Modify the premises licence/certificate;
- Exclude a licensable activity from the licence;
- Remove the Designated Premises Supervisor (DPS) in case of poor management or other reason;
- Suspend the licence for up to 3 months;
- Revoke the licence.

2.16 Eastbourne Borough Council has developed a 'Hearings Procedure' to assist applicants, interested parties and the Responsible Authorities with the process, included at Appendix 5.

27.0 Administration, Exercise and Overview of Functions

27.1 The Licensing Committee will consist of 15 Councillors who will sit at least annually to discuss policy, review delegated decisions and administrative matters. The Council will review the Statement Of Licensing Policy at least every 3 years. Any changes to the Policy will include full consultation with **the Responsible Authorities and other** 'interested parties.'

27.2 Sub Committees of 3 Councillors will determine applications where representations have been received from interested parties and/or Responsible Authorities.

27.3 A Sub Committee may also refer to the Full Licensing Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

- 27.4 Each decision of the Licensing Committee or its Sub Committee(s) shall be accompanied with clear reasons for the decision.
- 27.5 The Council's Authorised Officers will deal with all other licence applications where either no representations have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.
- 27.6 Council Officers will make the decisions on whether representations or applications for licence applications should be referred to the **relevant Licensing** Committee and whether representations are frivolous, repetitive or vexatious. When representations are rejected, the person making that representation will be given a written explanation as to why that is the case.

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Appendix 1

Glossary of terms

The Act, the Guidance, the Regulations, the Council's Statement of Licensing Policy and this website may contain words and phrases with which you are not familiar. To assist you, we have set out an overview of what they mean:

Word / phrase Meaning

Act The Licensing Act 2003

<http://www.eastbourne.gov.uk/licensing>
<http://www.dcms.gov.uk>

Club Premises Certificate

This is a licence granting 'qualifying club' status to specific premises, according to a number of qualifying conditions, including the provision that there are at least 25 members and that alcohol is only supplied by or on behalf of the club.

Current applications

A schedule of all applications currently under consideration.

DCMS Department of Media Culture & Sport

<http://www.culture.gov.uk>

Designated Premises Supervisor (DPS)

The Personal Licence Holder named on the Premises Licence as being in day-to-day control of the premises through whom all alcohol sales must be authorised.

Full Licensing Committee

A Committee of 15 elected Councillors who determine Eastbourne Borough Councils overall approach to matters under the Act, with particular reference to Policy and Strategy.

Guidance

Guidance issued by DCMS under Section 182 of the Licensing Act 2003, as revised in 2010

<http://www.culture.gov.uk>

Licensing Act 2003 – Guidance Booklet

A guide to applicants to assist in the preparation of their applications.

Hearing

When an application for a new licence or to vary an existing licence goes to a Licensing Sub- Committee for consideration.

Interested party

A resident or business in the vicinity of premise where an application for a premises licence or qualifying club certificate has been made, or where one already exists.

Justices Licence

A licence issued by the Magistrates Court under the Licensing Act 1964

Late night refreshment

Under the terms of the Licensing Act 2003, the supply of hot food or hot drink between 11pm and 5am whether for consumption on or off the premises e.g. will cover late night takeaways and fast food outlets but also restaurants open after 11pm. See also **late night refreshment**.

Licensing Authority

This is the Council body which determines matters under the Act.

Licensable activities

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- the provision of regulated entertainment; and
- the provision of late night refreshment

Licensing objectives

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

Each objective is of equal importance.

Licensing qualification

A qualification accredited by the Secretary of State (or one which is certified as if it is such a qualification or is considered equivalent)

Licensing Sub Committee

A panel of 3 elected Councillors, taken from the Full Licensing Committee who will determine matters put before it within the terms of the Act, to include new applications, variations, reviews and other representations

Mandatory Conditions

The Act sets out certain conditions that must be imposed on a premises licence in specified circumstances.

Minor Variation

Process by which minor changes can be made to a premises licence, with certain exceptions.

Negotiation

The Act, the Guidance, the Regulations and the Council's Statement of Licensing Policy all encourage those concerned with an application to resolve their differences by negotiation to avoid the necessity for hearings

Objection notice

A procedure whereby the Police can object to the grant of a premises licence, variation for a premises licence or personal licence or to a Temporary Event Notice. (See also Relevant representation)

Operating Schedule

A document in a prescribed form that sets out information about how the applicant for a premises licence intends to operate his business when carrying on licensable activities. Where an applicant for a premises licence submits an operating schedule, **and there are no relevant representations** (objections), Eastbourne Borough Council must grant the application and can impose only those conditions on the licence which are mandatory, and that are consistent with the operating schedule.

Personal Licences

A licence granted to an individual and authorises that person to supply alcohol or authorise the supply of alcohol in accordance with a premises licence. The licence lasts for 10 years and can be renewed

Premises

“Any place and includes a vehicle, vessel or moveable structure” providing licensable activities under the Licensing Act 2003

Premises Licence

A licence granted in relation to specific premises and will specify the nature of the licensable activity and any applicable conditions.

Premises User

The person applying for a Temporary Event Notice (TEN)

Procedure and policy

The regulations to be applied at hearings for matters under the Act

Registered club activities

Licensable activities carried on at premises holding a Club Premises Certificate

Regulated entertainment

See regulated entertainment under the Act.

Regulations

Regulations and Order to be made under the Licensing Act 2003

Relevant Representations

The Act does not use the term “objections”. Instead authorised persons, interested parties and responsible authorities may make relevant “representations” about an application for a licence. Representations must relate to the licensing objectives and where made by an interested party must not be frivolous or vexatious.

Responsible Authority

Responsible Authorities are bodies that the Act says have a role in licensing and that will see all applications to vary a licence. A responsible authority can

make a relevant representation about an application to vary a licence. The Responsible Authorities are:

**Sussex Police –
Fire Authority
Health and Safety
Environmental (Noise) Pollution
Planning
Protection of Children from Harm -
Trading Standards
Review**

The proceedings set out in the Act for reviewing premises licences where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring

Second Appointed Day

The date upon which the Act and all licences issued under it come into full effect (24th November 2005)

Statement of Licensing Policy

A document that sets out how Eastbourne Borough Council will carry out licensing for the next three years and how it proposes to uphold the four licensing objectives and other initiatives at a local level.

<http://www.eastbourne.gov.uk/licensing>

Steps

The Act refers to "steps" that Eastbourne Borough Council Council can take where relevant representations have been made about an application. These are the grant subject to conditions; exclusion of licensable activities; restriction on such hours for licensable activities, rejection of the proposed premises supervisor; and rejection of the application.

Temporary Event Notices (TENs)

A TEN can be used for one-off events with less than 500 people and for less than 96 hours. No more than 12 can be held per premises and can only be held for 15 days aggregate,

Vary/Variation

To vary a licence, or apply for a variation of a licence, means to change to a licence under the terms of the Act

Vicinity

Ultimately this will be decided by the courts but Eastbourne Borough Council will consider whether a resident or a business would be directly affected by the carrying on of licensable activities on the premises.

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Appendix 2

Eastbourne Borough Council

DRAFT Cumulative Impact Policy 2011 – 2013 (Unless reviewed earlier)

Legislative Framework

- 1.1 Eastbourne Borough Council, as the Licensing Authority, has a duty to comply with its obligations under Section 17 of the Crime and Disorder Act 1998, and to promote the Licensing Objectives contained within the Licensing Act 2003, namely:**
- The prevention of crime and disorder**
 - Public safety**
 - The prevention of public nuisance**
 - The protection of children from harm**
- 1.2 Due regard is had to Section 182 Guidance issued under Section 182 of the Licensing Act 2003, as revised in 2010 concerning the cumulative impact of licensed premises within an area, and the resultant impact on the promotion of the licensing objectives.**
- 1.3 The cumulative impact of licensed premises on the promotion of the licensing objectives under the Licensing Act 2003 is a proper matter which the Licensing Authority can take into account.**
- 1.4 This should not, however, be equated with the 'need' for a licensed premises. This relates to the commercial demand for a particular type of premises. The issue of 'need' is a matter for the market to decide, and does not form part of the Cumulative Impact Policy or wider Licensing Policy Statement.**
- 2.0 Definition**
- 2.1 For the purposes of the Eastbourne Borough Council Statement of Licensing Policy, cumulative impact is defined as:**
- “The potential impact on the promotion of the licensing objectives where there are a number of licensed premises concentrated in one area.”**

- 2.2 Where the number, type and density of licensed premises are unusually high, serious problems of noise, nuisance and disorder can occur outside or some distance away from the licensed premises in question. This is described as the cumulative impact of all premises taken together.**
- 2.3 It is recognised that the impact on surrounding areas in relation to the behaviour of patrons from a number of premises located in close proximity to one another is greater than the impact of individual premises.**
- 2.4 The issue of cumulative impact is also linked to:**
- Any material increase in the occupant capacity of the premises;**
 - Any change in the nature of the operation of the premises. This may include a change to layout, the provision of vertical drinking,* the inclusion of regulated entertainment, the addition of other licensable activities, extension to the times regulated entertainment and alcohol is sold or supplied, both on or off the premises;**
 - Consideration will also be given to applications for premises seeking to provide late night refreshment between the hours of 11.00pm – 5.00am.**

3.0 Context

- 3.1 The Licensing Authority may receive relevant representations from either a 'Responsible Authority' or an 'interested party,' that the cumulative impact of new premises licences, material changes and variations to existing permissions is leading to an area becoming saturated with licensed premises.**
- 3.2 The issue of cumulative impact will be taken into account when considering the individual merits of an application. The onus is on the person or organisation making representations to prove any assertion by way of evidence, that the addition of the premises concerned and/or a variation to activities, hours or a change in nature of operation will undermine the promotion of the licensing objectives.**
- 3.3 The Licensing Authority will not operate a quota of any kind which would pre-determine an application, nor will it seek to impose general limitations on trading hours in particular areas unless there are clear, evidence based reasons for doing so.**
- 3.4. Regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that**

pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide regulated entertainment, but with contrasting styles and characteristics.

- 3.5 Proper regard will be made to those differences and the impact they are likely to have on the local community. It is recognised that it may not always be possible to attribute issues to a particular premise, or patrons from a particular premises, but that cumulatively, there can be a negative effect.**

4.0 Adoption of Cumulative Impact Policy

- 4.1 Eastbourne Borough Council as the Licensing Authority adopted a Cumulative Impact Policy for the town centre in July 2007. It is mindful of the problems that can arise when numbers of premises providing licensable activities are located in close proximity to one another, or where the density of premises is out of character with the locality.**

- 4.2 Consideration will be given to the infrastructure in place to facilitate the dispersal of patrons from an area, including the availability of late night bus services, taxis and street cleansing services when establishments offering food, alcohol and regulated entertainment close.**

- 4.3 A major concern for the Council is the "binge drinking culture." This is particularly apparent in the town centre and its impact on policing the evening and night time economy. "Binge drinking" has increased markedly in recent years with the advent of:**

- Alcopops**
- Marketing focussing on young people**
- Cut price alcohol promotions in venues**
- Cut price alcohol obtained from off licences and an increase in the practice of drinking at home prior to attending licensed venues, known as "preloading "**
- Large scale vertical drinking establishments where the primary intention of patrons is the consumption of alcohol**
- Venues seeking to diversify the activities available, their mode of operation, enabling them to be open until the early hours, with the provision of regulated entertainment encouraging patrons to attend for longer periods.**

- 4.4 In agreeing its continuation within the Licensing Policy Statement for the period 2011 – 2013, the Council considered:**

- **Evidence of serious and chronic concern regarding the concentration of licensed premises is undermining the promotion of the licensing objectives from a Responsible Authority, namely Sussex Police and the Council's Noise Team.**

***For the avoidance of doubt, "vertical drinking establishments" where the primary focus is the sale and supply of alcohol, there is limited seating and the prime objective of patrons is the consumption of alcohol.**

- **Evidence from 'interested parties,' to include local businesses, residents and representative groups regarding noise, nuisance and disorder where a particular concentration of licensed premises in an area of Eastbourne is considered to be causing a negative impact on one or more of the licensing objectives.**

5.0 What Does The Policy Do?

5.1 The effect of adopting a Cumulative Impact Policy is to create a re-buttable presumption that applications for new premises licences, club premises certificates or material variations to such will normally be refused if relevant representations are received.

5.2 Applicants must address the Cumulative Impact Policy and produce evidence to demonstrate how the application will:

(a) Not add to cumulative impact, and challenges already being experienced in the area or

(b) Undermine the promotion of the licensing objectives.

5.3 The applicant must produce evidence to rebut the presumption to refuse an application within the Cumulative Impact Policy area. This Policy takes effect where a relevant representation is received.

5.4 It must be stressed that the presumption to refuse an application does not relieve Responsible Authorities or 'interested parties' of the need to provide supporting evidence in conjunction with a relevant representation. This must be submitted before the Licensing Authority may lawfully consider giving effect to the Cumulative Impact Policy.

5.5 Where there is evidence that a particular area of the Borough is already suffering adverse effects arising from a concentration

of licensed premises, and it can be demonstrated that communities are under pressure because of it, this will be taken into account in determining any further applications or material changes to licensed premises within the area identified. This includes:

- the character of the surrounding area;
- the impact of the licence on the surrounding area, both individually, and cumulatively with existing licences;
- the nature and character of the proposed operation;
- The availability of suitable public transport, private hire vehicles and taxis to facilitate dispersal at key times;
- The availability of other support services at key times, for example street cleansing services.
- The impact upon the policing of an area

6.0 Integration of Strategies

6.1 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and beyond the control of the licence holder but is still a key aspect of such control and will be part of a holistic approach to the management of the evening economy in towns' and city centres.

6.2 The Licensing Authority recognises that as well as licensing legislation, there are a number of other mechanisms for addressing issues of noise, nuisance and anti social behaviour which occur in the vicinity of licensed premises. These include:

- **Planning controls**
- **Ongoing measures to provide a safer and cleaner environment in partnership with residents, local businesses and others**
- **Powers to designate parts of the city which restricts the consumption of alcohol in designated public places**
- **confiscation of alcohol in designated areas**
- **Police enforcement of the law with regard to disorder and anti-social behaviour**
- **Police powers to close some premises for up to 24 hours in extreme cases of disorder or excessive noise**
- **The power of police, local businesses or residents to seek a review of the premises licence**
- **Enforcement action against those selling or supplying alcohol to people who are underage already drunk.**

- 6.3 The Licensing Authority may address a number of these issues through Community Safety Partnerships in line with the strategic objectives for crime and disorder reduction within the Borough.**
- 6.4 The Council and Partner organisations already employ a range of mechanisms to prevent or limit cumulative impact relating to the problems arising from licensed premises and their customers causing noise, nuisance, disturbance or behaving unlawfully at, outside or in the vicinity of the premises.**
- 6.5 The Licensing Authority and Sussex Police are aware of the problems associated with the town centre area in respect of alcohol related crime and disorder and have launched a number of initiatives to combat this including intelligence sharing about problem premises, joint licensing visits and targeted activity.**
- 6.6 The standard shift pattern operated in the Eastbourne Borough has been altered to ensure extra resources are available to Police in the town centre at key times to tackle crime, disorder and associated nuisance.**
- 6.7 The Police have also introduced a Fixed Penalty Ticket system to ensure efficient use of resources, speed up the judicial process and ease the pressure on the Courts dealing with the results of the alcohol related crime, disorder and nuisance problems.**
- 6.8 There is an established alcohol treatment referral scheme for those individuals who come into custody at Eastbourne Custody Centre and investment in diversionary activities for young people.**
- 6.9 Work has been undertaken to promote safe, sensible and social drinking campaigns, including "Have Fun Stay Safe." The Licensing Authority recognises that the Cumulative Impact Policy is one of a range of mechanisms to regulate activities of both premises and individuals, as part of a holistic approach which seeks to offer treatment to individuals and other interventions as appropriate.**
- 6.10 Other measures include a relaxation in the number of hackney carriages, presence of Street Pastors on the town centre late at night and at weekends to assist people who may be in difficulty, an established Nightwatch Radio Scheme to facilitate communication between licensed premises and exclude problem individuals from venues, CCTV coverage and monitoring of the town centre, regular joint operations to**

monitor licensed premises, active use of dispersal orders, provision of facilities for young people to offer diversionary activities and the active targeting of irresponsible drinks promotions.

7.0 Where does the Cumulative Impact Policy Apply?

7.1 Since 2007, the Licensing Authority has applied a special Cumulative Impact Policy to an area within Eastbourne Town Centre. This is identified on the map attached, along with supporting statistical information at Appendix A.

7.2 Following consideration of the latest evidence, the Licensing Authority has revised its Cumulative Impact Policy, taking account of relevant feedback.

7.3 The Licensing Authority believes that, following evidence from Sussex Police, in conjunction with the Crime Reduction Partnership that the cumulative impact of licensed premises in this area continues to undermine the promotion of the licensing objectives.

7.4 Within Eastbourne Town Centre, there is strong evidence of an impact on crime and disorder caused by the number of people attending licensed premises. The Police have provided statistical information in respect of the number of crimes within this area. Statistical evidence demonstrates the following.

7.4 This area accounts for 51% of all licensed premises in the Borough. Significant proportions of these are pubs, clubs and off licences. Although some of these have differing closing times, it still leaves to large numbers of people on the street.

7.5 The capability of the transport system to disperse these numbers rapidly with minimum impact on crime and disorder and public nuisance is limited.

7.6 The Licensing Authority takes the view that the principle problem is caused by the number of people attending licensed premises in this area, their movement to and from these premises, and to and from hot food takeaways.

7.7 Although the total numbers of reported offences and ambulance callouts have all seen a reduction, a larger proportion of callouts to assault and sexual assault were apparent in the 2009/10 rolling year when compared to the previous rolling year period.

- 7.8** In the 12 months to April '10, ambulance callouts recorded the highest percentage within the analysed area (41%), while 30% of all crime reported in Eastbourne occurred in the zone, as did 25% of all incidents.
- 7.9** Although the numbers remain high, the numbers of reported crimes and incidents are lower than the previous report in respect of Cumulative Impact.
- 7.10** Based on the 2009/10 rolling year total, the crimes reported with the highest frequency were Theft, Criminal Damage and Public Place Violent Crime. (PPVC). The incident that was reported the most can be categorised as Disorderly Behaviour. PPVC, Criminal Damage and Disorderly Behaviour demonstrate a link to the night time economy.
- 7.11** The time and day that PPVC was reported and the ambulances were called out are concentrated at night and at the weekends. The report shows that the main times and days of these events are broadly the same for both sets of data within the Cumulative Impact Zone. Much like previous reports, the peak times are between 2200hrs and 0300hrs on a Saturday, with both sets spiking at 0000hrs. Ambulance callouts peak again at 0300hrs, which not only infers a link to the night time economy, but to the closing time of licensed premises in the area.
- 7.12** It is also important to note that over 70% of all PPVC crimes and assault callouts on a Sunday were reported in the early hours of the morning, which could potentially be seen as a continuation of a Saturday night.

8.0 Conclusion

- 8.1** The conclusion drawn in respect of the evidence is that where relevant representations are submitted, the Cumulative Impact Policy should aim to continue to limit the number of new or material variations to licensed premises. The rebuttable presumption to refuse such remains in place.
- 8.2** The Licensing Authority believes that the presence of a Cumulative Impact Policy in the designated area since 2007, supports and assists the range of strategies in place to tackle crime, disorder, noise and nuisance.
- 8.3** Accordingly, the Licensing Authority has resolved maintain the Cumulative Impact Policy. The Policy will come into effect where relevant representations are received, will seek to

prevent a further increase in the number of licensed premises and material changes to licences within that area.

- 8.4 The Licensing Authority wishes to encourage the provision of a range of entertainment in the area and to reduce the dominance of pubs, off licences, bars and nightclubs. Any future expansion of licensed premises and the evening or night time economy should be consistent with the wider regeneration aspirations of the Council and its partners and should actively promote an inclusive town centre for all that is a safe and pleasant place to be in. This will be balanced against any likely negative impact on the licensing objectives.**
- 8.5 The Licensing Authority has resolved that the Cumulative Impact Policy is one such measure to facilitate this, and ensure that the correct balance is sought.**

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**Cumulative Impact Strategy Report:
2009/10**

Requested by: Karen Plympton



Introduction

This report contains information on Crime and Disorder in Eastbourne and in particular the area in the town centre that has been highlighted as the Cumulative Impact Zone. Following on from the previous report that covered the period March '06 to October '09, this report covers the following periods:

- The past 4 Performance Years (2006/'07 – 2009/'10).
- Rolling 12 month periods for 2008/09 and 2009/10 (May – April)
- Ambulance assault callout data:
 - May '08 – April '09
 - May '09 – April '10

Please note that this report will not include the current performance year to date as this would only include data relating to April which is already included in the rolling year figures.

It will also look at the following crime types:

- | | |
|---|---|
| <ul style="list-style-type: none">• Theft• PPVC• Other Violence Against the Person (VAP)• Criminal Damage• Burglary | <ul style="list-style-type: none">• Vehicle• Fraud and Forgery• Drugs• Other |
|---|---|

However, please note that Police Officers no longer input their own crime reports; they are done on a new system called DACS, which is a telephone recording system. It appears that data is not always entered correctly into the police system, as the Public Place field is not always recorded correctly, and as PPVC consists of Violence Against the Person (VAP) offences with a positive Public Place marker, this could potentially lead to disparities in the data. **Therefore, please be aware that the PPVC data should be interpreted with care.**

Data has been selected for Eastbourne as a whole and the Cumulative Impact Zone which is defined later in the document. Also to note is that the PPVC time and date figures have been taken from the 'Time From' and 'Day From' fields in the crime data that are the earliest possible time and day that the offences could have occurred.

Finally, the *Sale of Alcohol* section of this report will be based on data within the 'Location Type' field, which will look at premises that are responsible for selling alcohol; off Licences, Convenience Stores, General Stores, Newsagents and Supermarkets.

Methodology and Crime Data Used

This report is based on data that has been supplied solely for the purposes of analysis and problem solving. As such, this report is not suitable for public dissemination without express consent of the data owners.

Data is downloaded from the live system at Sussex Police each month. This data has not been audited or verified by Statisticians at Police HQ, therefore it represents a reflection of crime rather than the authorised and fully verified "Performance Data". The data is stripped and sanitised, cleaning addresses so locations can be mapped. Only those offences where there is sufficient location information are included in the data in order to highlight and hotspot the reflection of crime and disorder in an area. Therefore the offences shown are sanitised; locations have been aggregated to comply with data protection, thereby allowing the information to be shared with outside agencies.

Methodology and Definition of ASB

Sussex Police Incidents consist of calls made to Sussex Police which have not been recorded as a crime. All calls to the police (999 and 0845) are recorded on the Operational Information System (OIS) which is a database that includes information relating to the call and incident. From here incidents are given a 'result code' and those that are a crime are transferred to the Crime Inputting System (CIS). **Please note that for this report to sit consistently with previous reports, the incident count is based on incident categories such as Begging, Vehicle, Disorderly Behaviour etc... as opposed to Signal Incidents i.e. Social Disorder, Street Nuisance etc...**

Compliance with Data Protection Act 1998

All data and analysis provided is depersonalised and therefore sits outside the remit of the Data Protection Act.

Compliance with Freedom of Information Act 2000

Section 31 of the above act stipulates that information is exempt if its disclosure under this act would, or would be likely to, prejudice:

- a) the prevention or detection of crime
- b) the apprehension or prosecution of offenders

Area Analysed

The area covers 0.7km² and includes 37 licensed pubs and clubs, over half (51%) of the total for Eastbourne as a whole.¹ The borders of the area are as follows: From Grand Parade at its junction with Burlington Place, along to Marine Parade at its junction with Bourne Street, up Bourne Street to Ashford Road, along Ashford Road to Terminus Road, along Terminus road to Grove Road, along Grove Road to South Street, along South Street to Cornfield Terrace, along Cornfield Terrace to Burlington Place.

¹ Based on data received from "Flare Database", Environmental Health , Eastbourne Borough Council, Feb 2006

The area includes the most common streets where crime occurred within Eastbourne, namely Terminus Road, The Arndale Centre, Grand Parade, Langney Road, Grove Road, Pevensey Road, Seaside Road, Cavendish Place, Susans Road, South Street, Cornfield Road and Marine Parade. It also included the Pier and Railway Station.²

The map below shows the area that has been analysed for the purpose of this report:



All Recorded Crime

There were 35809 crimes reported in Eastbourne between April '06 and April '10, and 30% took place within the Cumulative Impact Zone (CIZ).

Table 1: All Recorded Offences: Performance Year (PY) and PY to Date Comparisons

All Periods	Area	Other	Eastbourne	% in Area
April '06 - April '10	10724	25085	35809	30%

Performance Year	Area	Other	Eastbourne	% in Area
April '06 - March '07	2708	7196	9904	27%
April '07 - March '08	2979	6153	9132	33%
April '08 - March '09	2515	5871	8386	30%
April '09 - March '10	2324	5427	7751	30%

² <http://2011residentsassociation.files.wordpress.com/2009/03/eastbourne-cumulative-impact-policy.pdf>

³ All Maps shown produced under Ordinance Survey Crown. East Sussex County Council. 100019601, 2006

Rolling Year	Area	Other	Eastbourne	% in Area
May '08 - April '09	2496	5904	8400	30%
May '09 - April '10	2322	5336	7658	30%
Variance	-174	-568	-742	-

In almost all of the periods outlined above, the numbers of reported crimes in both Eastbourne as a whole and within the Cumulative Impact zone have fallen. When looking at the rolling year totals, although the numbers of offences reported in the zone fell by 174 (-7%) in 2009/10, the proportion of offences in the area has remained at 30% for both rolling year periods.

From the 2007/08 performance year, both the analysed area and the district have seen year on year reductions, with the numbers in the Cumulative Impact Zone falling by 655 (-22%) when compared with the April '07 – March '08 period, and those reports in Eastbourne decreasing by 1382 (-15%). 2007/08 is also the only 12 month period in which the percentage of reports in the area is greater than the 49 month total.

Table 2: Changes in Recorded Offences: 2009/10

Change to Previous Year	Area	Other	Eastbourne
Rolling Year Change No.	-174	-568	-742
Rolling Year Change %	-7%	-10%	-9%
Performance Year Change No.	-191	-444	-635
Performance Year Change %	-8%	-8%	-8%

The tables above confirm that in the 2009/10 rolling year totals and the 2009/10 performance year figures, the numbers of crimes reported in both Eastbourne and the Cumulative Impact Zone have fallen.

Rolling Year (May – April): Reported Crime by Offence Type

Rolling year trends appear to follow a similar pattern to the previous reports. The tables below once again show that the crimes reported with the highest frequency were Theft (largely shoplifting), PPVC and Criminal Damage, with Theft and PPVC accounting for a significant proportion of all crimes reported within the zone. Between May '09 and April '10, 63% of all crimes reported within the analysed zone can be attributed to Theft (43%) and PPVC (20%). However, with the exception of Criminal Damage, Burglary and Fraud and forgery, all other crime types listed below have seen a reduction when compared to the previous rolling year (2008/09). This is largely different to the previous report, when Other Violence Against the Person, Burglary and Other offences all saw a rise. Total crime in Eastbourne in the 12 months to April '10 has also seen a reduction of 9%.

Tables 3: Rolling Year by Offence Type: 2008/09 and 2009/10 Comparison

Offence Type	Rolling Year	Area	Other	Eastbourne	% in Area
Theft	May '08 - April '09	1132	1494	2626	43%
Theft	May '09 - April '10	989	1340	2329	42%
Variance		-143	-154	-297	-1%

Offence Type	Rolling Year	Area	Other	Eastbourne	% in Area
PPVC	May '08 - April '09	470	620	1090	43%
PPVC	May '09 - April '10	465	582	1047	44%
Variance		-5	-38	-43	1%

Offence Type	Rolling Year	Area	Other	Eastbourne	% in Area
Other VAP	May '08 - April '09	186	570	756	25%
Other VAP	May '09 - April '10	159	566	725	22%
Variance		-27	-4	-31	-3%

Offence Type	Rolling Year	Area	Other	Eastbourne	% in Area
Criminal Damage	May '08 - April '09	296	1539	1835	16%
Criminal Damage	May '09 - April '10	334	1306	1640	20%
Variance		38	-233	-195	4%

Offence Type	Rolling Year	Area	Other	Eastbourne	% in Area
Burglary	May '08 - April '09	91	451	542	17%
Burglary	May '09 - April '10	103	462	565	18%
Variance		12	11	23	1%

Offence Type	Rolling Year	Area	Other	Eastbourne	% in Area
Vehicle	May '08 - April '09	70	613	683	10%
Vehicle	May '09 - April '10	42	520	562	7%
Variance		-28	-93	-121	-3%

Offence Type	Rolling Year	Area	Other	Eastbourne	% in Area
Fraud and Forgery	May '08 - April '09	53	176	229	23%
Fraud and Forgery	May '09 - April '10	54	170	224	24%
Variance		1	-6	-5	1%

Offence Type	Rolling Year	Area	Other	Eastbourne	% in Area
Drugs	May '08 - April '09	114	230	344	33%
Drugs	May '09 - April '10	102	226	328	31%
Variance		-12	-4	-16	-2%

Offence Type	Rolling Year	Area	Other	Eastbourne	% in Area
Other	May '08 - April '09	45	73	118	38%
Other	May '09 - April '10	37	63	100	37%
Variance		-8	-10	-18	-1%

Public Place Violence Crime (PPVC)

Much like the previous report, the largest numbers of Violence Against the Person offences, marked with the Public Place marker and reported within the Cumulative Impact Zone, were reported in the 2007/08 performance year. The numbers of PPVC reports during this period in both the analysed area and Eastbourne as a whole are the highest recorded in the 49 month period. However, since 2007/08, PPVC has seen a year on year reduction, with PPVC reports in the zone being at their lowest level in 4 years. To note though, is that the fall in reports of PPVC have been across the whole district, and so the proportion of offences within the analysed area are the same as the previous rolling year.

Table 5: PPCV Offences by Performance Year and Rolling Year Periods

Period Type	Period	CIZ	Other	Eastbourne	% in CIZ
Performance Year	April '06 - March '07	675	886	1561	43%
Performance Year	April '07 - March '08	827	758	1585	52%
Performance Year	April '08 - March '09	482	624	1106	44%
Performance Year	April '09 - March '10	463	598	1061	44%
Rolling Year	May '08 - April '09	470	620	1090	43%
Rolling Year	May '09 - April '10	465	582	1047	44%

Although the numbers of PPVC offences reported within the designated area between May '09 and April '10 are lower than the previous year, there has actually been a percentage increase (+1%) when looking at the zone as a proportion of all PPVC in Eastbourne. However, as the table below shows, in the 12 months to April '10, PPVC in Eastbourne has seen a reduction of 4%, while the numbers of reports in the area outside the zone have fallen by 6%.

Table 6: Changes in PPVC Offences

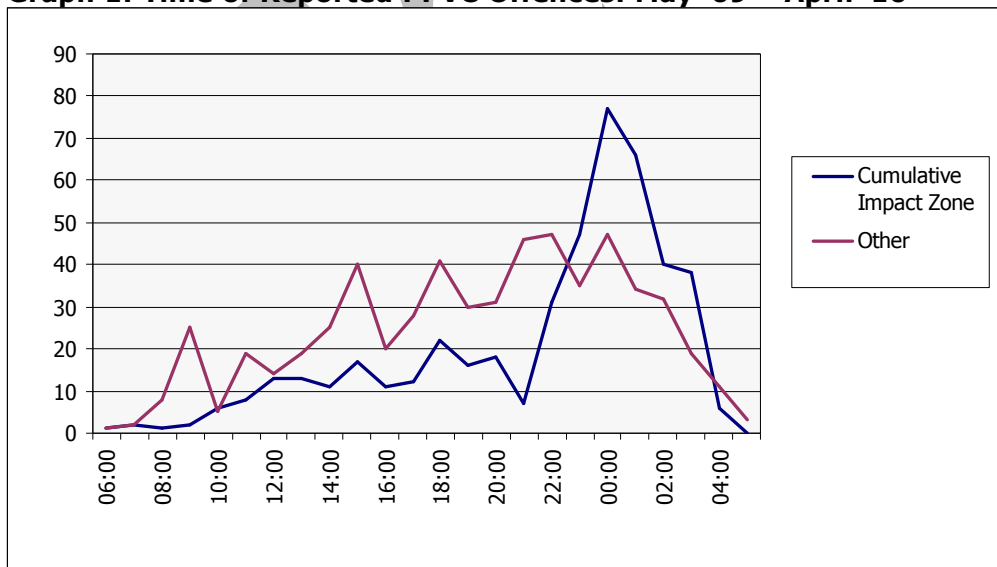
Number Change					Percentage Change		
Period Type	Period	Area	Other	Eastbourne	Area	Other	Eastbourne
Performance Year	April '06 - March '07	-105	-76	-181	-13%	-8%	-10%
Performance Year	April '07 - March '08	152	-128	24	23%	-14%	2%
Performance Year	April '08 - March '09	-345	-134	-479	-42%	-18%	-30%
Performance Year	April '09 - March '10	-19	-26	-45	-4%	-4%	-4%
Rolling Year	May '09 - April '10	-5	-38	-43	-1%	-6%	-4%

Time Pattern of PPVC

In line with the previous reports, the PPVC offences committed within the Cumulative Impact Zone are largely concentrated at night time and at weekends, which suggests that the violence in the area is linked to the night time economy. Although the rest of Eastbourne follows a broadly similar pattern of weekend violence, the peak time periods appear more erratic.

The graph below shows the time and number of offences reported in the May '08 – April '10 period, for both the analysed zone and the remainder of Eastbourne. From this it is apparent that although reports of PPVC within the analysed area are low during the day, they start to rise from 2200hrs, with a sharp peak being noticeable at 0000hrs. The peak period for offences of this nature is between 2200hrs and 0300hrs, with 64% of all PPVC crimes in the zone being reported during this 6 hour period. However, based on the nature of the area, this peak period could potentially be linked to the closing times of various pubs and clubs in the vicinity.

Graph 1: Time of Reported PPVC Offences: May '09 – April '10

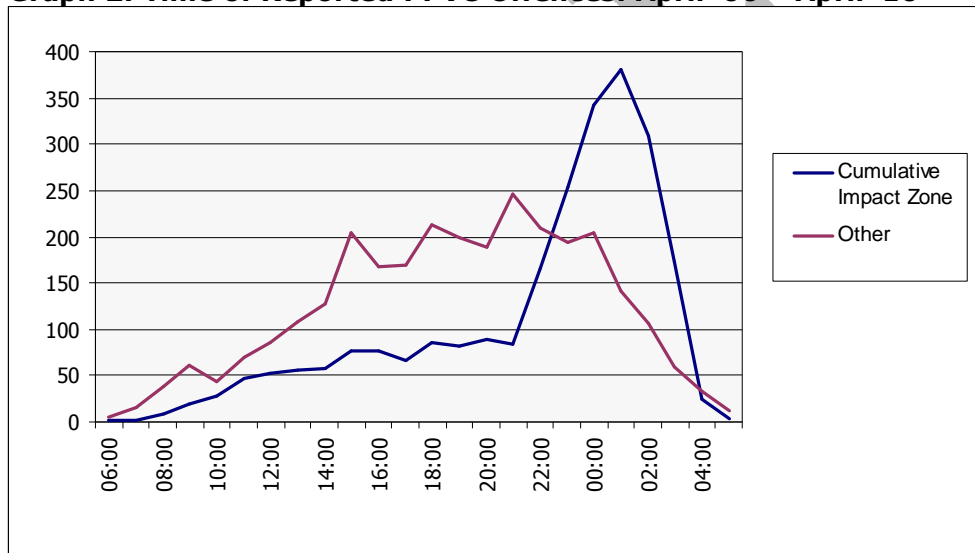


Although the remainder of Eastbourne displays broadly similar peaks, they are more erratic throughout the 24 hour period, with random and unexplained peaks being evident throughout the day. Spikes in reporting are

apparent at 0900hrs, 1500hrs, 1800hrs and 2200hrs, with just under half (49%) of all PPVC offences being reported between 1500hrs and 200hrs. When looking at the peak period for the zone and applying it to the rest of the district, only 37% of PPVC offences were reported elsewhere in Eastbourne between 2200hrs and 0300hrs. However, it is important to note that although the numbers of licensed premises within the designated area have an impact on the pattern of PPVC, there are also a number of night time PPVC offences being committed elsewhere in Eastbourne; namely Hampden Park and the area of Devonshire that is not included in the zone.

When looking at PPVC in Eastbourne over a longer period of time, the peak within the Cumulative Impact Zone remains at 0000hrs. However, although the number of PPVC offences reported in other areas of Eastbourne start to build from about 1500hrs and peak at 2100hrs, 65% of the PPVC committed within the analysed zone occurred between 2200hrs and 0300hrs. The numbers of reports then drop off sharply into the early hours of the morning.

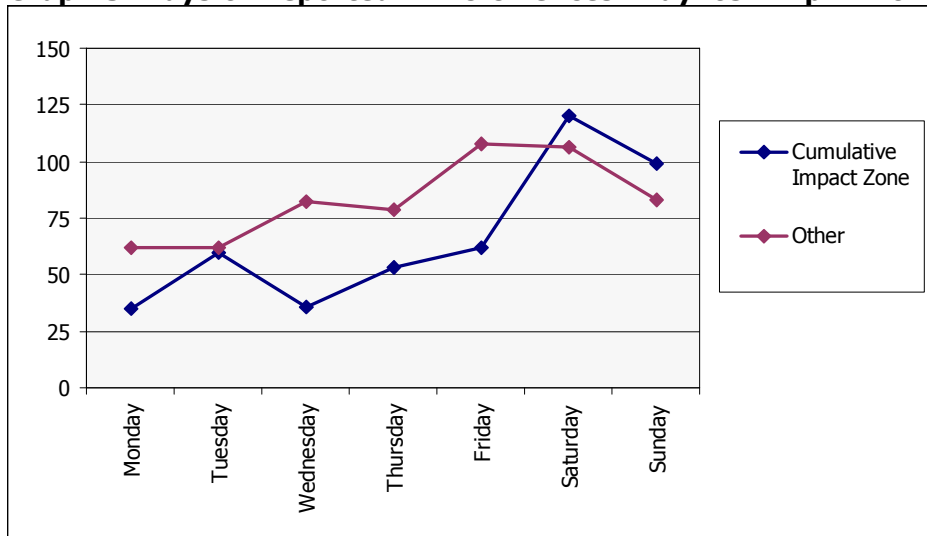
Graph 2: Time of Reported PPVC Offences: April '06 – April '10



Day Pattern of PPVC

The days that the offences were reported also infer a link to the night time economy, and more specifically, licensed premises within the area. Although the largest numbers of PPVC offences within the analysed zone were reported on a Saturday, 60% of all PPVC within the area occurred between Friday and Sunday. However, 71% of the offences on a Sunday were reported between 0000hrs and 0300hrs, which could imply that they occurred as a result of a Saturday night.

Graph 3: Days of Reported PPVC Offences: May '09 – April '10



The remainder of Eastbourne follows a broadly similar pattern, with offences peaking on Friday and Saturday, when 108 and 106 offences were reported respectively. However, in contrast to the designated area, only half (51%) of offences reported outside the zone were reported between Friday and Sunday. 61% of all PPVC offences reported within the Cumulative Impact Zone on a Saturday were reported between 0000hrs and 0300hrs, which is 27% higher than the PPVC committed elsewhere in Eastbourne on the same day and during the same time period.

Sale of Alcohol

When looking at the shops in Eastbourne where alcohol could be purchased, there were 452 crimes reported in the 12 months to April '10, which is a reduction of 81 (-15%) when compared to the same period in the previous year (2008/09). However, just under a quarter (23%) of the offences in 2009/10 were reported within the Cumulative Impact Zone, which is a rise of 2% when compared to the May '08 – April '09 period.

The crime that these premises reported with the highest frequency was Shoplifting, which made up 72% of all reports between May '09 and April '10. However, as the table below shows, under a quarter (22%) of these reports were within the analysed area. Other thefts reported by premises within the zone include theft from the person, and theft of personal property such as a purse or handbag.

Table 7: Offences Reported by Premises that Sell Alcohol⁴: May '09 – April '10

Type of Crime	Area	Other	Eastbourne	% in Area
Shoplifting	72	254	326	22%
Other Theft	12	36	48	25%

⁴ This includes those premises categorised as Off Licences, Convenience Stores, General Stores, Newsagents and Supermarkets

Violence Against the Person	10	20	30	33%
OTD Burglary	5	15	20	25%
Criminal Damage	3	9	12	25%
Fraud and Forgery	2	4	6	33%
Other	1	4	5	20%
Drugs	1	3	4	25%
Theft from Vehicle	0	1	1	0%
Total	106	346	452	23%

Although the numbers of the other offences are low, the proportions of crimes being reported within the analysed area are broadly similar across all crime types, ranging between 25% and 33%.

Sussex Police ASB Incidents

ASB incidents are made up of calls made to Sussex Police which have not been recorded as a crime. The types of ASB related incidents included in this analysis are outlined below:

Table 8: Types of ASB Incidents

Disorderly Behaviour	Includes rowdiness and environment damage, fireworks, rowdy use of public space, rowdy neighbours and rowdy inconsiderate behaviour
Drug / Alcohol	Includes street drinking and substance misuse
Suspects	Includes suspicious circumstances, people or vehicles
Begging	
Licensed Premises	
Domestic	Involving an adult and / or juvenile
Hate	Concern race, religion, sex or disability
Abandoned Vehicle	
Vehicle Related Nuisance	Noise, inappropriate use and vehicle related nuisance
Hoax / Malicious	

Just under a quarter (24%) of all incidents reported in Eastbourne in the 12 months to April '10 occurred within the Cumulative Impact Zone. However, the area has seen a reduction of 400 (-14%) when compared to the same period in the previous year (2008/09). Much like previous reports, the most common incident type reported was Disorderly Behaviour. It made up half (50%) of all of the incidents reported in Eastbourne in the 12 month period, with 27% of all reports categorised as Disorderly Behaviour being reported in the Cumulative Impact Zone. Once again, the majority of incidents (75%) can be attributed to rowdy and inconsiderate behaviour, which included shouting, swearing, loutish, rowdy and noisy behaviour, general drunken behaviour, climbing on buildings and fences and throwing stones, snowballs or other missiles. Almost half (47%) of all incidents categorised as Drug/Alcohol also took place within the designated zone, as did 75% of all begging incidents.

Table 9: Reported ASB incidents: May '09 – April '10

Incident Type	Area	Other	Eastbourne	% in Area
Disorderly Behaviour	1331	3628	4959	27%
Suspects	526	1928	2454	21%
Domestic	280	1254	1534	18%
Drug / Alcohol	133	153	286	47%
Vehicle	68	419	487	14%
Abandoned Vehicle	18	201	219	8%
Begging	6	2	8	75%
Licensed Premises	6	2	8	75%
Hate	1	3	4	25%
Grand Total	2369	7590	9959	24%

Incidents within the analysed zone were largely concentrated in the latter part of the day with 45% of all incidents being reported between 2000hrs and 0400hrs. Just over a third (33%) of the incidents were reported on a Friday and Saturday, and 34% of all incidents on a Sunday were reported between 0000hrs and 0400hrs, which could potentially suggest that they occurred as a result of a Saturday night. Due to the nature of the area and the peak time and days of the incidents, it is evident that the night time economy is having an impact on incidents in the area.

Ambulance Callouts

Ambulance callouts can be used to supplement Police data to show the pattern of violence in an area. To note is that SECAMB group assaults and sexual assaults within the same category, making it difficult to differentiate between the two. Therefore, both categories are included in the analysis.

Although callouts to the zone is in line with previous reports, the number remains high, with 41% of all callouts to assaults and sexual assaults in Eastbourne in the analysed 12 month period being to the Cumulative Impact Zone. However in 2009/10, the numbers in both Eastbourne as a whole and the analysed zone have seen reductions of 20 (-5%) and 6 (-4%) respectively when compared to the same period in the previous year (2008/09).

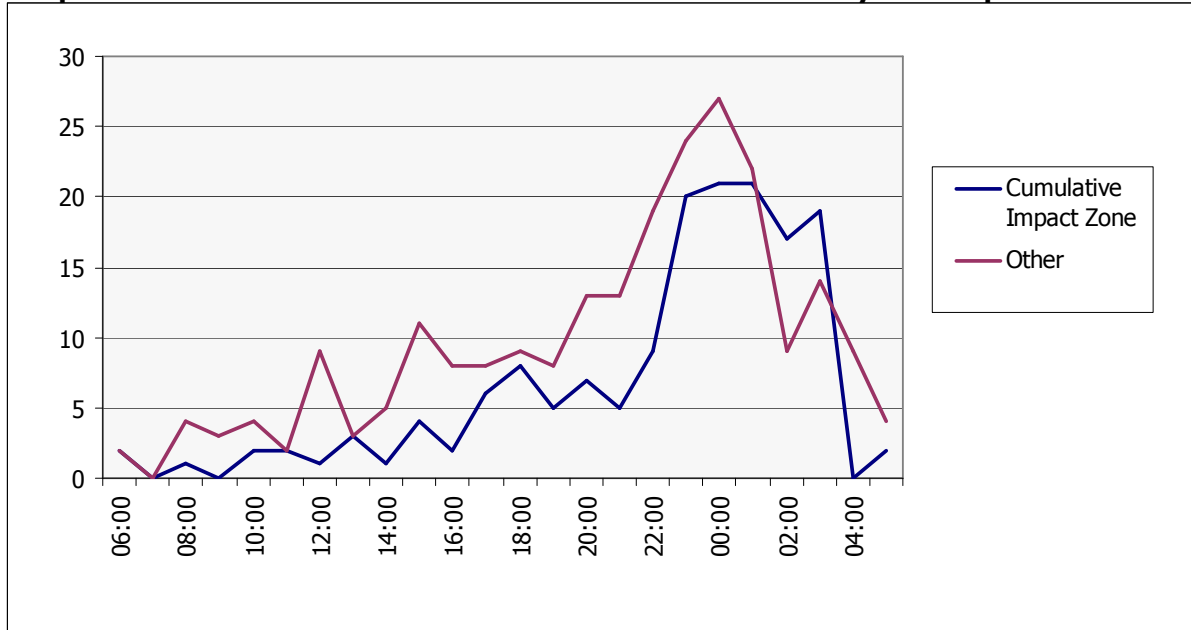
Table 10: Ambulance Assault and Sexual Assault Callouts: May – April: '08/'09 and '09/'10

	CIZ	Other	Eastbourne	% in CIZ
May '08 - April '09	164	244	408	40%
May '09 - April '10	158	230	388	41%
Total	322	474	796	40%

The times and days for ambulance callouts follow a similar pattern to the PPVC offences recorded earlier in the report. Callouts to the designated area are predominantly concentrated at the weekend. Although the peak day was

Saturday when 39 (25%) callouts were recorded, 59% took place between Friday and Sunday. However, to note is that 76% of all callouts on a Sunday were between 0000hrs and 0400hrs, which could potentially be seen as a continuation of Saturday night.

Graph 4: Times of Assault and Sexual Assault Callouts: May '09 – April '10



Both callouts within the Cumulative Impact Zone and the area outside of it follow a similar pattern, with the largest numbers for both areas being at 0000hrs. As the graph shows, callouts in the designated zone gradually build throughout the day, with just under a third (29%) of the callouts being made between 0900hrs and 2100hrs. However, the sudden spike at 2300hrs marks the beginning of the 5 hour peak period, with 62% of all callouts to the area being reported between 2300hrs and 0300hrs. The numbers of calls then drop off sharply into the early hours of the morning. The inference of this time pattern is that the night time economy, and more specifically the closing time of licensed premises in the area, has a bearing on assault callouts.

Summary

Although the total numbers of reported offences and ambulance callouts have all seen a reduction, a larger proportion of callouts to assault and sexual assault were apparent in the 2009/10 rolling year when compared to the previous rolling year period. In the 12 months to April '10, ambulance callouts recorded the highest percentage within the analysed area (41%), while 30% of all crime reported in Eastbourne occurred in the zone, as did 25% of all incidents. Although the numbers remain quiet high, the numbers of reported crimes and incidents are lower than the previous report.

Based on the 2009/10 rolling year total, the crimes reported with the highest frequency were Theft, Criminal Damage and PPVC. The incident that was

reported the most can be categorised as Disorderly Behaviour. PPVC, Criminal Damage and Disorderly Behaviour can all infer a link to the night time economy.

The time and day that PPVC was reported and the ambulances were called out are mainly concentrated at night time and at weekends. The report shows that the main times and days of these events are broadly the same for both sets of data within the Cumulative Impact Zone. Much like previous reports, the peak times are between 2200hrs and 0300hrs on a Saturday, with both sets spiking at 0000hrs. Ambulance callouts peak again at 0300hrs, which not only infers a link to the night time economy, but to the closing time of licensed premises in the area. It is also important to note that over 70% of all PPVC crimes and assault callouts on a Sunday were reported in the early hours of the morning, which could potentially be seen as a continuation of a Saturday night.

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Appendix 3

Useful information and email addresses:

Department For Culture Media and Sport
<http://www.culture.gov.uk/>

Eastbourne Borough Council's Noise Nuisance Pack
www.eastbourne.gov.uk/noise

East Sussex Drug and Alcohol Action Team
<http://eastsussex.gov.uk/community/emergencyplanningandcommunitysafety/communitysafety/drugsandalcohol/daat.htm>

Fire Safety Guidance for Licensed Premises
<http://www.eastbourne.gov.uk/business/licences/alcohol-entertainment/apply/fire/>

Fire Safety Regulatory Reform Order
<http://www.regulatoryreform.co.uk/default.asp>

Full Variations (Licensing Act 2003)
http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/4058.aspx

Gambling Commission
<http://www.gamblingcommission.gov.uk/>

Health and Safety Executive, 'Event Safety Guide'
<http://www.hse.gov.uk/entertainment/issues.htm>

Health and Safety Executive, 'Managing Crowds Safely'
<http://www.hse.gov.uk/pubns/indg142.htm>

Interested parties and Responsible Authorities Guidance (Licensing Act 2003)
<http://www.culture.gov.uk/images/publications/050907authorisedpersonsresponsibleauthoritiesinterestedpartiesLB.pdf>

LACORS 'Managing Large Events'
Unable to open link on my computer

Licensing Act 2003 Booklet – Licensing Act 2003
<http://www.eastbourne.gov.uk/business/licences/alcohol-entertainment/publications/booklet/?locale=en>

Licensing Act 2003 Jargon Buster
<http://www.culture.gov.uk/images/publications/JargonBusterLACT03.pdf>

Making a representation under the Licensing Act 2003

http://www.culture.gov.uk/images/publications/Guidance_for_interested_parties.pdf

Mandatory conditions under the Licensing Act 2003

<http://www.morningadvertiser.co.uk/pdf/MandatoryLicensingConditions.pdf>

Minor Variation Process (Licensing Act 2003)

http://www.culture.gov.uk/images/publications/Application_for_a_Minor_Variation.pdf

Portman Group – Age Verification

www.portmangroup.org.uk

Review of a premises licence for interested parties (Licensing Act 2003)

http://www.dcms.gov.uk/what_we_do/alcohol_and_entertainment/4049.aspx

Safe, Sensible, Social – Next Steps In The National Alcohol Strategy

www.alcoholpolicy.net/2007/08/safe-sensible-s.html

Safer Pubbing and Clubbing Guide for Licensing Authorities, Club Managers and Promoters

<http://www.clubhealth.org.uk/pages/downloads/Safer%20Dancing.pdf>

Section 182 Guidance issued in conjunction with the Licensing Act 2003

http://webarchive.nationalarchives.gov.uk/+http://www.culture.gov.uk/reference_library/publications/6796.aspx

Security Industry Authority (SIA)

Registered Door Supervisors

<http://www.sia.homeoffice.gov.uk/Pages/licensing-who-ds.aspx>

Smokefree Legislation

www.eastbourne.gov.uk/smokefree

Temporary Event Notice Guidance (Licensing Act 2003)

http://www.dcms.gov.uk/what_we_do/alcohol_and_entertainment/4056.aspx

What to do if you are worried about the safety of a child

www.eastbourne.gov.uk/safeguarding

Appendix 4

RESPONSIBLE AUTHORITIES IN EASTBOURNE

Eastbourne Borough Council

Licensing Team
1 Grove Road
Eastbourne
East Sussex
BN21 4TW
Tel: 01323 410000

Police Sussex Police The Licensing Unit Police Station Terminus Road Bexhill-on-Sea East Sussex TN39 3NR Tel: 0845 6070999	Fire Authority Fire Safety Officer East Sussex Fire and Rescue Service Eastbourne Borough Fire Safety Office Whitley Road Eastbourne BN22 8LA Tel: 0845 1308855
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Health & Safety

Council owned premises:

For Non-council owned premises

Health & Safety Officer

Eastbourne Borough Council
1 Grove Road
Eastbourne
East Sussex
BN21 4TW
Tel: 01323 410000

Enforcement Liaison Officer

Health & Safety Executive
Phoenix House
23-25 Cantelupe Road
East Grinstead
RH19 3BE
Tel: 01342 334200

Planning

Development Manager
Eastbourne Borough Council
68 Grove Road
Eastbourne, East Sussex
BN21 4UH
Tel: 01323 410000

Environmental Health

Pollution Services Manager
Eastbourne Borough Council
1 Grove Road
Eastbourne, East Sussex
BN21 4TW
Tel: 01323 410000

Child Protection East Sussex County Council Head of Children's Safeguards and Quality Assurance P.O Box 5 East Sussex County Council, County Hall Lewes, East Sussex BN7 1SW Tel: 01273 481000	Trading Standards East Sussex County Council Trading Standards St Marys House 52 St Leonards Road Eastbourne, East Sussex BN21 3UL Tel: 01323 418200
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Appendix 5

LICENSING ACT 2003 SUB COMMITTEE PROCEDURE

Revised 12.06.07

1. The Chairman will open the meeting by introducing the other members and by identifying those wishing to address the meeting. This will include those representing or assisting any parties to the hearing as well as the parties themselves.
2. The Chairman will outline the Licensing Act 2003 Sub Committee's usual procedure and will consider any representations to vary it in the interests of fairness to the parties.
3. All parties at the hearing must be allowed equal maximum periods of time in which to exercise their rights. To ensure this, the Chair may in consultation with the other persons present at the Sub Committee set maximum amounts of time for each party to address the meeting.
4. The Licensing Officer will then present his/her report.
5. The Chair will then invite the parties to address the meeting in turn. S/he will usually start with either the Responsible Authorities or the Applicant and will conclude with the Interested Parties. This order may however be varied at the Chair's discretion in the interests of fairness to the parties and/or to ensure the proper running of proceedings.
6. All parties are permitted both to attend and to be represented and also to provide further information or explanation on any matter the Sub Committee has asked for by way of clarification under the regulations. They may address the Sub Committee on any matter that is relevant to the application or review. They may also call witnesses to support their case, provided that they have first given the required period of notice in advance, in accordance with the regulations.
7. The Sub Committee will normally give the parties the opportunity to ask questions of each party in turn. Questions all of which must be relevant to the application or review - will normally be asked of each party immediately after they have made their representations.
8. The hearing is to take the form of a discussion led by the Sub Committee. Cross-examination is not permitted.
9. Once all of the parties have made representations and answered any questions, the Chairman will invite closing remarks from each party in turn. While this will normally follow the same order as established previously, the order may be varied at the Chairman's discretion.
10. The Sub Committee may then retire to deliberate in private.
11. The Sub Committee may invite the Legal Advisor to advise them whilst in private session. While the Legal Advisor will assist with queries of a legal nature, any clarification of factual matters will be done by reconvening the Sub Committee meeting in open session.
12. If legal advice has been provided in private then the Legal Advisor will summarise the advice given to the Sub Committee immediately before the Chair announces the decision.

13. The Sub Committee will be reconvened in open session, with the Chair normally announcing the decision in its entirety as well as the reasons for reaching it, this with reference to the licensing objectives.
14. The parties' rights of appeal will normally be stated orally as well as on the written notification of the decision that will be despatched subsequent to the hearing.

NOTES:

Written or documentary evidence. If the parties wish the Sub Committee to take into account documentary evidence then they should provide it in advance, in accordance with the regulations, so that the other parties have prior notice of it. If they do not do so, then it may only be taken into account by the Sub Committee if all of the other parties agree.

Witnesses: Parties may call witnesses if they are given permission by the Sub Committee, following a request in a notice of intention.

Adjournments and postponements: Every effort is made to convene Sub Committee hearings as soon as possible after the closing date for representations and to determine them as soon as possible thereafter, preferably at the conclusion of the Sub Committee. The Sub Committee however has discretion to postpone if it feels it to be necessary in the interests of justice. If this happens then a notice of adjournment must be given forthwith.

Absence of parties: The Sub Committee may proceed in a party's absence if s/he has indicated that s/he would not be attending. If s/he did not confirm whether or not s/he intended to attend then the hearing may either be adjourned or the Sub Committee may proceed in his/her absence.

Proceeding in absence: If proceeding in the absence of any party, then the Sub Committee will nonetheless consider the application or representations made by that party.

Hearings will normally be held in **public session**, although the public may be excluded if the public interest in excluding the public outweighs the public interest in having a public hearing.

Disruptive persons may be excluded from the hearing, or conditions may be imposed on their return.

NB: All references to 'the regulations' in this procedure are to the regulations made pursuant to the 2003 Licensing Act, including the Licensing Act 2003 (Hearings) Regulations 2005 (2005 No. 44). The regulations detail the rights of the parties to the hearing and - amongst other things - the timescale to be observed in such matters and the calling of witnesses.