

Monday, 6 October 2014
at 6.00 pm



Licensing Act Committee

Present:-

Members: Councillor Shuttleworth (Chairman) Councillor Ungar (Deputy-Chairman); Councillors Ansell, Cooke, Jenkins, Liddiard, Murray, Stanley and Thompson

4 Minutes of the meeting held on 7 October 2013.

The minutes of the meeting held on 7 October 2013 were submitted and approved and the Chairman was authorised to sign them as a correct record.

5 Apologies for absence.

Apologies for absence were reported from Councillors Coles, Hearn, Murdoch and Warner.

6 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.

None were received.

7 Eastbourne Business Crime Group.

The Committee received a verbal report from the Specialist Advisor for the Business Crime Group (EBCG) on its partnership work with licensees to support them in reducing crime and disorder on their premises and in Eastbourne.

The EBCG is partnered with Sussex Police and the Arndale Centre and works on behalf of its members under two schemes, Shopwatch and Nightwatch to protect staff from abuse, reduce theft from business premises, reduce crime and exclude persistent offenders from all members' premises.

The Specialist Advisor advised on the activities of Nightwatch and its membership benefits through radio links, weekly e-newsletters, intelligence on criminal activity and advanced communication with the police.

The scheme is instrumental in assisting security personnel and the police in dealing with offences ranging from violence, possession and dealing of drugs and use of false ID. The EBCG through JAG funding has sourced body worn cameras for the town's three main nightclubs. This can assist to deter incidents and enable door supervisors to capture evidence for police investigations and provide transparency when dealing with incidents. A text relay system is also being scoped to facilitate the ability of the Group to

gather intelligence on individuals who pose a potential threat to members and their staff.

A list of the 15 current members of Nightwatch was circulated. The Committee was advised that work to encourage participation in the scheme was on-going and would look to include pubs outside the town centre and outlying retail areas such as Langney Shopping Centre. New members interested in joining the scheme included Kingfisher, Premier Inn and the Warehouse Skate venue.

The EBCG is funded by membership subscriptions which costs £8 a week with a free radio handset. As the cost is reviewed annually opportunities may exist to reduce future membership costs through new initiatives such as the text relay system and increased membership.

The EBCG controls and runs the towns security radio network with radio handsets in over 120 stores and businesses throughout the town and all members of the EBCG are linked via a radio system to Arndale Security and Police. In terms of data sharing, an agreement with Sussex Police permits access to photos and data concerning offenders and intelligence is shared both through its website and regular meetings with partners and members of the scheme.

The website which is accessible only to partners and members offers a number of galleries for different categories of offenders and individuals. These include those excluded from premises for a term varying from 6 to 12 months, those on warrant for failing to attend court and targeted offenders who have committed an offence or been previously excluded.

Other categories include missing persons, vulnerable groups such as the street community and individuals targeted for alleged crime against foreign students. The Specialist Advisor reported on the Group's partnership work with housing colleagues and Neighbourhood First in support of their services to assist the most vulnerable in the town.

It was reported that currently 33 individuals were excluded from the night-time economy with 93 individuals being targeted. A number of queries were raised regarding the current banning criteria in terms of crime profile and the exclusion of other hate crime and whether it was appropriate that 2 incidents, as opposed to 1 should trigger exclusion for possession of drugs for personal use. The Committee was advised that the banning criteria list was not definitive and would be subject to review by EBCG's Steering Group.

The Committee was advised that it could support the scheme through advocating its benefits and in appropriate cases stipulating membership of the EBCG as a condition on a premises licence. The Committee was advised that conditions cannot be automatically imposed on a premises licence and must be necessary for the promotion of the licensing objectives. It was noted that the police can recommend scheme membership to premises attracting incidents of crime and disorder and initiate a review if problems persist.

The Committee welcomed the work undertaken by the EBCG to promote the licensing objectives and thanked the Specialist Advisor for an interesting and informative report.

RESOLVED: That the report on the work of the Eastbourne Business Crime Group be noted.

8 Sensible on Strength Scheme.

The Committee considered the report of the Senior Specialist Advisor regarding proposals to launch a voluntary scheme to limit the availability of super strength beer, larger and cider in the town centre to promote the licensing objectives.

The aim of the scheme is to engage with the community to reduce anti-social behaviour and improve people's health whilst working with businesses to promote and support responsible retailing. Evidence has suggested that where businesses have removed low cost super strength alcohol, a reduction in crime and disorder has been experienced in and around the premises.

The Committee was advised that reducing the availability of super strength alcohol would help contribute to the ultimate objective of reducing alcohol related harm and anti-social behaviour in the town. Under the scheme retailers who sell alcohol off the premises will be encouraged to voluntarily cease off sales of low cost super strength alcohol above 6.5% alcohol by volume (ABV). It was noted that a single can of some products contain four and half units of alcohol, which exceeds the safe alcohol limit of daily units recommended.

National and local statistics on alcohol and its impact on health were set out in the report. Appendix 1 provided an overview of alcohol indicators for East Sussex which indicated that alcohol related hospital admissions for Eastbourne were above the East Sussex average.

The evidence of a report commissioned into reported incidents of street drinkers in the town covering the period from November 2009 to October 2013 suggested that street drinking had risen overall and significantly between November 2011 and October 2012. During this period five distinct areas of reported street drinking in the town centre had been identified. It was noted that although overall reported incidents of street drinking had remained high, incidents of anti-social behaviour had decreased.

Stakeholders including Sussex Police and the ESCC Alcohol Steering Group had given their support for the scheme. A number of retailers had also expressed support and welcomed the opportunity to promote responsible retailing and a positive image of their businesses. Subject to its approval, the Council will work with partnership agencies, stakeholders and businesses to drive the scheme forward.

A document detailing the success of a similar campaign launched by Ipswich Borough Council in partnership with key stakeholders in 2012 was appended to the report. A number of national retailers, including 26 Co-op stores had signed up locally to their campaign.

The Senior Specialist Advisor reported that scheme partners intend to engage with all off-licenses and supermarkets to promote the scheme across the Borough. Vertical drinking establishments would not be included at this time as the aim is to target street drinkers and low cost, super strength alcohol.

It was confirmed that agencies that provide support and assistance to the street drinking community would be involved with the scheme through the work of the Alcohol Steering Group. The scheme seeks to target and improve the health of vulnerable drinkers through a transition to lower ABV products.

The Committee was advised that Brighton and Hove and Hastings had implemented similar schemes and had provided anecdotal evidence of some reduction in street drinking in central areas. Ipswich had measured the impact of its scheme following six months implementation through surveys and police statistics on street drinker incidents.

The Committee was advised of advice received from both the Minister for Crime Prevention and the Office of Fair Trading with regard to competition law risks of the voluntary scheme. The proposed arrangements had taken account of the best practice guidance as set out in appendix 5 of the report to adopt an approach which will ensure that the risk of an infringement of competition law by the authority and businesses remains low.

Trade bodies had raised concerns in relation to the potential legal implications and effectiveness of such schemes and supported the development of a strategy of enforcement and treatment within existing powers with a proven track record of tackling street drinking and associated anti-social behaviour.

The legal adviser to the Committee advised that whilst the scheme could not be risk free, the likelihood of an infringement of competition law is minimised by the scheme's non-mandatory measures and the voluntary collaboration of participants. The adviser further referred to the perhaps understandable fears expressed by parts of the industry that businesses that exercised their choice not to participate in the scheme might find themselves being subtly treated in a less favourable way than businesses that did take part in the scheme. It was therefore necessary for licensing authorities to remain vigilant to ensure that any such unconscious, informal discrimination did not take hold in the minds of authority members and officers.

The Committee noted that 95 other authorities had introduced similar schemes. The Minister of Crime Prevention, whilst indicating the requirement for local authorities to satisfy themselves of the legality of specific schemes, had welcomed such initiative and determination to tackle the harms associated with super strength alcohol.

In supporting the scheme the Committee requested that a progress report be submitted to a future meeting following its implementation.

RESOLVED: (1) That the report be noted and the launch of the Sensible on Strength Scheme be supported and approved.

(2) That an update report be presented to a future meeting of the Committee.

The meeting closed at 7.12 pm

**Councillor Shuttleworth
(Chairman)**