

Monday, 2 October 2017
at 6.00 pm
Town Hall, Eastbourne

Licensing Act Committee

MEMBERS: Councillor Tester (Chairman); Councillor Rodohan (Deputy-Chairman); Councillors Belsey, Choudhury, Coles, Freebody, Holt, Murdoch, Murray, Robinson, Smart and Swansborough

Agenda

- 1 Minutes of the meeting held on 20 March 2017.** (Pages 1 - 2)
- 2 Apologies for absence.**
- 3 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.**

4 Questions by members of the public.

On matters not already included on the agenda and for which prior written notice has been given (total time allowed 15 minutes).

5 Urgent items of business.

The Chairman to notify the Committee of any items of urgent business to be added to the agenda.

6 Right to address the meeting/order of business.

The Chairman to report any requests received to address the Committee from a member of the public or from a Councillor in respect of an item listed below and to invite the Committee to consider taking such items at the commencement of the meeting.

7 Council Licensing Policy Statement - Review of Cumulative Impact Policy, Licensing Act 2003. (Pages 3 - 22)

Report of Senior Specialist Advisor.

Inspection of Background Papers – Please see contact details listed in each report.

Councillor Right of Address - Councillors wishing to address the meeting who are not members of the Committee must notify the Chairman in advance.

Public Right of Address – Requests by members of the public to speak on a matter which is listed in this agenda must be **received** in writing by no later than 12 Noon, 2 working days before the meeting e.g. if the meeting is on a Tuesday, received by 12 Noon on the preceding Friday). The request should be made to Local Democracy at the address listed below. The request may be made by letter, fax or e-mail. For further details on the rules about speaking at meetings please contact Local Democracy.

Disclosure of interests - Members should declare their interest in a matter at the beginning of the meeting, and again, at the point at which that agenda item is introduced.

Members must declare the existence and nature of any interest.

In the case of a DPI, if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation). If a member has a DPI he/she may not make representations first.

Members of the public are welcome to attend and listen to the discussion of items in the "open" part of the meeting. Please see notes at end of agenda concerning public rights to speak and ask questions.



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Further Information

Councillor contact details, committee membership lists and other related information is also available from Local Democracy.

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Monday, 20 March 2017
at 6.00 pm



Licensing Act Committee

Present:-

Members: Councillor Dow (Chairman), Councillor Rodohan (Deputy-Chairman); Councillors Belsey, Choudhury, Freebody, Holt, Murray, Robinson and Swansborough

1 Minutes of the meeting held on 5 October 2015.

The minutes of the meeting held on 5 October 2015 were submitted and approved and the Chairman was authorised to sign them as a correct record.

2 Apologies for absence.

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

3 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.

Councillor Holt declared a pecuniary interest in item 7 as an employee of Eastbourne Chamber of Commerce, who had submitted a response to the cumulative impact policy during the consultation period. Councillor Holt withdrew from the meeting whilst this item was being considered.

4 Council Licensing Policy Statement - Review of Cumulative Impact Policy, Licensing Act 2003.

The Committee considered the report of the Senior Specialist Advisor regarding the recent consultation carried out for the review of the Council's Cumulative Impact Policy (CIP).

The Full Council agreed the Licensing Statement Policy for the period 2014-2019 on 20 November 2013. Appended to this was the CIP, which created a "rebuttable presumption" that applications for new premises licenses, club premises certificates or material variations would be refused unless the applicant could demonstrate that the operation of the premises would not add to the negative cumulative impact already experienced in the area. In accordance with Section 182 guidance, it was important that the Committee regularly reviewed the CIP. Further details were contained in the report.

A public consultation of the CIP took place between 1 November 2016 to 31 January 2017. Six responses to the consultation were appended to the report.

Jay Virgo addressed the Committee and made reference to his representation, appended to the report. He recommended that the Committee commission an in depth study of the CIP to determine whether it was still required or required adaptation.

In response to a question from the Committee regarding the cost of a comprehensive data analysis, officers anticipated that it would be around £15,000 to £20,000 as an external consultant would be required due to a lack of resources within the council.

It was proposed by Councillor Freebody and seconded by Councillor Belsey that a comprehensive data analysis is undertaken to consider the need for a CIP and report be presented back to the committee with the findings. This was lost by 6 votes to 2.

The Committee further debated the issue and it was proposed by Councillor Dow and seconded by Councillor Freebody that a decision be deferred until officers can collate additional information and report back to the next meeting of the Committee. A list of questions would be formulated by the Chairman, in consultation with the Committee and passed onto officers. The additional information would provide a comprehensive understanding of any positive impact from amending the existing CIP and negative impact it has had on Eastbourne night life and businesses since its implementation.

It was also agreed to form a Sub-Committee Group to meet with officers and discuss engagement with licensees around the CIP. Councillors Dow, Belsey, Murray and Robinson volunteered for the Group. This was passed unanimously.

(NB: Councillor Holt declared a pecuniary interest in this item as an employee of Eastbourne Chamber of Commerce, who had submitted a response to the cumulative impact policy during the consultation period. Councillor Holt withdrew from the meeting whilst this item was being considered.)

RESOLVED: (Unanimous) (1) That a decision be deferred until officers can collate additional information and report back to the next meeting of the Committee. A list of questions would be formulated by the Chairman, in consultation with the Licensing Committee and forwarded onto officers.

(2) That a Sub-Committee formed of Councillors Dow, Belsey, Murray and Robinson meet with officers and discuss engagement with licensees.

(3) That the responses during the consultation period and information set out in the report be noted.

The meeting closed at 6.55 pm

Councillor Dow (Chairman)



Body: Licensing Act Committee

Date: 2nd October 2017

Subject: Council Licensing Policy Statement – Review of Cumulative Impact Policy, Licensing Act 2003.

Report o: Claire Groves, Senior Specialist Advisor

Ward(s): All

Purpose: To inform Members of the result of the second consultation carried out for the review of the Council's Cumulative Impact Policy (CIP).

Recommendation:

- a) That Members note the responses received during the consultation period and information set out in this Report and agree one of the following options:
 - (i) To reduce the size of the existing area by removing streets in the Little Chelsea area of the town
 - (ii) To make no changes to the existing CIP
 - (iii) To remove the existing CIP from the Licensing Policy
- b) That if Members approve options i or iii they recommend that option to Full Council for approval.

Contact: Claire Groves, Senior Specialist Advisor,
Telephone 01323 415757
Email: claire.groves@eastbourne.gov.uk

1.0 Background

- 1.1 From November 2005 Eastbourne Borough Council became the Licensing Authority in respect of all licensable activities governed by the Licensing Act 2003, referred to hereafter as the Act.
- 1.2 As the Licensing Authority, in accordance with Section 5 of the Act, Eastbourne Borough Council must prepare, consult and publish its

Statement of Licensing Policy. As noted in the Council's constitution, the Licensing Act 2003 requires that the Policy is approved by Full Council.

- 1.3 The purpose of the Statement is to promote the Licensing Objectives. It sets out the general approach taken by the Authority when considering and determining applications under the Act. The Licensing Objectives are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance;
 - The protection of children from harm
- 1.4 The Licensing Authority must carry out its functions with a view to promoting the Licensing Objectives. Regard must be had to Section 182 Guidance, issued in the April 2017 to Local Authorities by the Home Office. Where the Licensing Authority decides to deviate from this Guidance, it must have justifiable reasons for doing so.

2.0 The Council Licensing Policy Statement

- 2.1 On 20th November 2013, Full Council agreed the Licensing Statement Policy for the period 2014-2019. An appendix to that Policy is the CIP. These Policies form the basis of the Licensing Authority's general approach to some licensing matters in the Eastbourne area.
- 2.2 The Licensing Committee is required, under Section 5 of the Act to prepare and publish a statement of its licensing policy at least every five years. During the five-year period, the policy must be kept under review to ensure that it accurately reflects the Councils approach, whilst responding to the evolving nature of Eastbourne.

3.0 The Council Cumulative Impact Policy

- 3.1 The cumulative impact of licensed premises in an area, and their impact on the promotion of the licensing objectives is a proper matter for Eastbourne Borough Council to consider. This is particularly relevant where its inclusion in the wider Council Licensing Policy Statement will help to promote the Licensing Objectives.
- 3.2 The effect of adopting a special policy of this kind within the Licensing Policy Statement is to create a "rebuttable presumption" that applications for new premises licences, club premises certificates or material variations will be refused if they fall within the specified area. This will be considered whenever the Licensing Authority receives relevant representations about the cumulative effect or concentration of premises in an area and the impact on the promotion of one or more of the Licensing Objectives.
- 3.3 Such representation can come from Responsible Authorities and/or interested parties or anyone, and, following a hearing, should normally lead to refusal where it can be upheld that the matter in question

undermines the CIP and the promotion of the Licensing Objectives.

- 3.4 It is important to note that adoption of the policy does not prohibit applications in the designated cumulative impact area. It would be for the applicant to demonstrate to the Licensing Authority that the operation of the premises involved will not add to the negative cumulative impact already being experienced in the area and would not undermine the promotion of the Licensing Objectives.

4.0 Review of the Cumulative Impact Policy

- 4.1 A copy of the current Licensing Policy Statement and the CIP and designated zone, outlined in blue, can be found at www.eastbourne.gov.uk/about-the-council/council-policies-plans-and-strategies/licensing-policy/licensing-policy-and-cumulative-impact-policy/
- 4.2 It is important that the Committee regularly review the Council's CIP in line with Section 182 guidance which states that: *"Once adopted, special policies should be reviewed regularly to assess whether they are needed any longer or if those which are contained in the statement of licensing policy should be amended"*.

5.0 Consultation

- 5.1 Public consultation of the current CIP took place between 1st November 2016 to 31st January 2017. Letters and emails were sent to the Responsible Authorities identified under the Act, Local Councillors and special interest groups. The consultation was also placed on the consultation section of the Eastbourne Borough Council website.
- 5.2 A range of organisations and individuals were directly consulted, and the Authority received 6 responses which was reported back to the Licensing Act Committee on 20th March 2017.
- 5.3 To summarise the responses were:
- a) To carry out a comprehensive data analysis exercise – (1 response)
 - b) No Change required to the policy (2 responses)
 - c) Reduce the size of the CIP zone (1 response)
 - d) Remove altogether (2 responses)
- 5.4 One of the responses fully in support of (b), was Sussex Police and they provided Members with an analysis of the crime and incident data for the area.
- 5.5 In support of c), it was suggested that the Little Chelsea area would benefit from being removed from the zone.
- 5.6 Full details can be found in the report at:

<http://democracy.eastbourne.gov.uk/documents/g1469/Public%20reports>

- 5.7 It was resolved on 20th March 2017 to:
- a. Defer the decision until officers can collate additional information and report back. A list of questions would be formulated by the Chairman in consultation with the Licensing Committee and forwarded onto officers.
 - b. A sub-committee would be formed with officers to discuss engagement with licensees.

6.0 Additional Information

- 6.1 The question posed to officers by the Chairman, as referred to at 5.3(a) was: The number of new premises licences, in the Cumulative Impact zone, that have been applied for since the Policy came into force?

- 6.2 The results:

Types of Licence	Number
Off Sales only (off licences)	17
Late Night Refreshment only (takeaways)	10
Café Bar conditions (Restaurant)	41
Vertical drinking establishments	7
Hotels	1
Community Centres	3

- 6.3 A sub-committee meeting, referred to at 5.3(b) was convened on 10th July 2017 between members and Bryn Mabey, Customer Communications and Engagement Lead. The result was that members wished to undertake a second consultation exercise in an attempt to gain more responses from licensees.

7.0 Second Consultation and feedback

- 7.1 A second consultation exercise took place between 24th July 2017 and 3rd September 2017. A letter was sent to all premises and club certificate licence holders which included a paper survey and the web address to complete it online. A page was put on the website together with an online survey. Paper copies, as well as making the information available in different languages and formats were also available on request.
- 7.2 To ensure the greatest response possible the consultation was promoted by way of a page on the consultation section of our website, a press release to local media, a social media campaign, and an email alert to all subscribers in the following categories: - Consultations, Business News, Community Involvement Groups, Community Safety Partnership.
- 7.3 As a result, the Authority received 94 responses which can be viewed at Appendix 1.

7.4 A summary of the responses are as follows:

Question:	Do you think the Cumulative Impact Area should:		
Answers:		Percentage	Numbers
1)	Be reduced (by removing streets in the Little Chelsea area)	13.83%	13
2)	Kept the same	76.60%	72
3)	Be Removed completely	3.19%	3
4)	Other (please specify)	6.38%	6
Total		100%	94

7.5 The survey allowed consultees the opportunity to clarify the reason behind their decision and this feedback can also be viewed in Appendix 1.

7.6 A letter referred to in the consultation responses is attached as Appendix 2.

8.0 Recommendations

8.1 That Members note the responses received during consultation periods and information set out in this Report and agree one of the option below;

8.1.1 To reduce the size of the existing area by removing streets in the Little Chelsea area of the town.

8.1.2 To make no change to the existing Policy.

8.1.3 To remove the existing CIP from the Licensing Policy.

8.2 That if Members approve options 8.1.1 or 8.1.3 they recommend that option to Full Council for approval.

9.0 Financial & resource Implications

9.1 The cost of administering the Licensing Service is met through licence fees.

10.0 Resource Implications

10.1 The cost of administering the Licensing Service is met through licence fees.

11.0 Legal Implications

- 11.1 Section 5 Licensing Act 2003 requires a Licensing Authority to prepare and publish a Licensing Policy at least every 5 years. During this period the Policy must be kept under review and the Licensing Authority may make any revisions it considers appropriate.
- 11.2 Guidance issued under section 182 Licensing Act 2003 states that the cumulative impact of licensed premises on the promotion of the Licensing Objectives is a proper matter for the Licensing Authority to consider in its Licensing Policy. Section 141 Police and Crime Act 2017 has made some changes to the CIP process but the changes are not yet effective.
- 11.3 Section 5(3) Licensing Act 2003 specifies those who should be consulted and those organisations and individuals have been consulted.
- 11.4 The statutory guidance is that in considering whether to adopt or revise a CIP the Licensing Authority shall identify any concerns about the Licensing Objectives, consider the evidence relating to those concerns, identify whether those problems are caused by customers of licensed premises, and identify the areas where problems are occurring. There should be an evidential basis for the decision to include a CIP in the Licensing Policy.
- 11.5 The Legal Section of the Council have considered this report (IKEN 6677-EBC-MW. 8.9.2017)

12.0 Human Rights Act 1998 Implications

- 12.1 The provisions of the Human Rights Act 1998, must be borne in mind by the Committee when taking licensing decisions. Particular regard should be had to Article 1 of the First Protocol, which relates to the protection of property and the peaceful enjoyment of possessions and property, and Article 8 - which relates to the right to respect for private and family life, home and correspondence - should also be borne in mind. While the Human Rights Act makes it unlawful for a local authority to act or to fail to act in a way that is incompatible with a Convention right, Article 1 of the First Protocol and Article 8 are both qualified rights which means that interference - to a justifiable extent - may be permitted as long as what is done:
- Has a basis in law;
 - Is intended to pursue a legitimate purpose
 - Is necessary and proportionate; and
 - Is not discriminatory.

Background Papers:

The Background Papers used in compiling this report were as follows:

- Section 182 Guidance issue under the Licensing Act 2003, April 2017.
- Licensing Act 2003

Appendices:

Appendix 1 – Consultation feedback - Survey response

Appendix 2 – Consultation feedback – Letter from Mr A Morris

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Appendix 1

EBC Cumulative Impact Area consultation – summary of responses

4 September 2017

1. Eastbourne's Cumulative Impact Area was put in place in July 2007 to help prevent crime and disorder, increase public safety, prevent public nuisance and protect children from harm in the centre of town. Our licensing policy and the Cumulative Impact Area element of it, seeks to balance the needs of businesses operating in town and the rights of residents living near them. We are reviewing this policy and would like to hear from residents, businesses and local organisations about the size of the area to which the Cumulative Impact Policy applies. The full policy can be viewed here (see Appendix 2). When you have finished reading the policy click 'back' in your web browser to return to this survey. Do you think the Cumulative Impact Area should:

			Response Percent	Response Total
1	Be reduced (by removing streets in the Little Chelsea area)		13.83%	13
2	Kept the same		76.60%	72
3	Be removed completely		3.19%	3
4	Other (please specify):		6.38%	6
			answered	94
			skipped	0

Other (please specify): (6)

1	
2	unsure
3	not quite sure what is meant about removing streets??
4	Dynamic assessed month by month
5	And near the crown and anchor
6	See attached letter

Please tell us why this is: (55)

1	perhaps it should be more dynamic but i do not have access to crime reports for the area but it does not appear to be a high crime area
2	There are still issues in and around the town that need to be kept on top of.. I would only wish to see it reduced if extra resource was directed to more problematic areas such and the see front where I have witnessed drunks shouting and arguing every time I have been there.. I actually avoid the area now.
3	Because it's fine as it is . Why fix something if it's not broken !
4	We think that as it stands it has created a good mix, supporting all sides.
5	It has served its purpose well. No need for change.
6	Little Chelsea is part of the town centre
7	It is important to control the development of businesses licenced to sell alcohol and to provide late night entertainment (e.g. nightclubs and gambling establishments). If these type of businesses are not strictly controlled, Eastbourne will end up like Brighton & Hove, with high crime levels, on-street drug addicts and dealers etc.
8	Although crime seems to be reducing, it still isn't good enough. More needs to be done to reduce it further.

1. Eastbourne's Cumulative Impact Area was put in place in July 2007 to help prevent crime and disorder, increase public safety, prevent public nuisance and protect children from harm in the centre of town. Our licensing policy and the Cumulative Impact Area element of it, seeks to balance the needs of businesses operating in town and the rights of residents living near them. We are reviewing this policy and would like to hear from residents, businesses and local organisations about the size of the area to which the Cumulative Impact Policy applies. The full policy can be viewed here (see Appendix 2). When you have finished reading the policy click 'back' in your web browser to return to this survey. Do you think the Cumulative Impact Area should:

		Response Percent	Response Total
	Removing or reducing the area is not an option.		
9	As a resident near the little Chelsea area I see very little crime (if any) relating to drink. Trouble tends to be nearer to the town centre/seafront end.		
10	It will be wrong to remove		
11	Anything that get's people off our streets at a reasonable hour to reduce the absolute' no go areas' that occur with drunken individuals in the town and surrounding area is an absolute must. Then these need to be enforced. It's not about spoiling people's enjoyment but more about letting people who want to enjoy themselves being able to do so without fear.		
12	I think it works well as it is.		
13	I don't think it works ,I live in the middle of town nar the Vbar Bolton road the noise of the bar musc and people is unbearable Friday Saturday and Monday's ,when I go to the shops during the day you see the same drunks drinking and intimidating locals and tourist . People who sleep in shop doorways leave their bedding there all day ,what tourists think I don't know		
14	I don't think it works ,I live in the middle of town nar the Vbar Bolton road the noise of the bar musc and people is unbearable Friday Saturday and Monday's ,when I go to the shops during the day you see the same drunks drinking and intimidating locals and tourist . People who sleep in shop doorways leave their bedding there all day ,what tourists think I don't know		
15	Our Town is growing beyond what we ever thought possible. Along with this is the fact that since 2007 Eastbourne has changed dramatically regarding safety. We have Drugs, Bullying, Attacks on innocent people, and a growing population. To take Policy away would be so wrong....it needs to be kept to ensure our crime ratio, Public safety, and the unsurmountable risk in this day and age, to keep our children safe....is kept paramount in our beautiful town		
16	The town centre especially is becoming a no go area at night with residents fearful of the rough sleepers and drunks.		
17	Thee is still need for adequate policing in this area, given the number of licensed bars and restaurants in the area, and the potential for misbehaviour.		
18	To meet the existing safety needs of the town centre businesses and for the people who are about after dark		
19	To meet the existing safety needs of the town centre businesses and for the people who are about after dark otherwise there would be more crime ,more violence and more abuse		
20	Unsure. Have only lived here for 6 months. Much better provision of public transport in the evenings would encourage wider participation in leisure and cultural activities in which alcohol is not the main focus.		
21	I don't feel the Little Chelsea area needs any more licensed premises as this will only increase nighttime disturbance to local residents living in the area. For example there has been a significant increase in residential accommodation since Dyke House was converted from commercial to residential usage. Many of these residents have small children who will suffer with any additional licences premises.		
22	To make it safer		
23	I'm in favour of keeping the town a safe place.		
24	for safety and to prevent disorder		
25	Be good to reduce it so that responsible businesses can create a wider cultural and social offer for residents and a younger and more diverse audience.		
26	There is still an issue with on street drinking		

1. Eastbourne's Cumulative Impact Area was put in place in July 2007 to help prevent crime and disorder, increase public safety, prevent public nuisance and protect children from harm in the centre of town. Our licensing policy and the Cumulative Impact Area element of it, seeks to balance the needs of businesses operating in town and the rights of residents living near them. We are reviewing this policy and would like to hear from residents, businesses and local organisations about the size of the area to which the Cumulative Impact Policy applies. The full policy can be viewed here (see Appendix 2). When you have finished reading the policy click 'back' in your web browser to return to this survey. Do you think the Cumulative Impact Area should:

		Response Percent	Response Total
27	Green areas and kids only zones should be created and make the town more attractive to families.		
28	There is no need to reduce the area.		
29	Eastbourne's Cumulative Impact Area was put in place in July 2007 to help prevent crime and disorder, increase public safety, prevent public nuisance and protect children from harm in the centre of town.		
30	<p>Little Chelsea stands to become a significant component of the town's evening offering upon completion of the redevelopment of the Arndale Centre.</p> <p>Businesses establishing themselves and existing in Little Chelsea tend to be independent and often unique to Eastbourne.</p> <p>Any policy that prevents the further development of such unique offerings and alternatives to the mainstream and chain offerings expected within the Arndale should be considered.</p> <p>The Cumulative Impact Area constitutes such a policy and should exclude Little Chelsea.</p>		
31	As a resident of Little Chelsea area I am tired of being disturbed by drunk people screaming & shouting at each other, urinating against my house and woken up in the early hours of the morning as they come out of the public houses on South Street or Maxims nightclub. This needs further control by local authorities not less in this area and certainly should NOT be removed from the Cumulative Impact policy		
32	As a resident of Little Chelsea area I am tired of being disturbed by drunk people screaming & shouting at each other, urinating against my house and woken up in the early hours of the morning as they come out of the public houses on South Street or Maxims nightclub. This needs further control by local authorities not less in this area and certainly should NOT be removed from the Cumulative Impact Area. Whether it be parking policy, or noise and anti social behaviour policies etc the Borough Council seems to determined to continue to ignore the fact that this is NOT solely a commercial area, it is also a very residential area with a varied demography, including older people and young families. It is the residents who constitute the local community as well as the local businesses.		
33	As a resident of Little Chelsea area I am tired of being disturbed by drunk people screaming & shouting at each other, urinating against my house and woken up in the early hours of the morning as they come out of the public houses on South Street or Maxims nightclub. This needs further control by local authorities not less in this area and certainly should NOT be removed from the Cumulative Impact Area. Whether it be parking policy, or noise and anti social behaviour policies etc the Borough Council seems to determined to continue to ignore the fact that this is NOT solely a commercial area, it is also a very residential area with a varied demography, including older people and young families. It is the residents who constitute the local community as well as the local businesses.		
34	Little Chelsea needs to have more of a buzz about it . It would be great to develop this area further and bring more people in.		
35	<p>It would be helpful if the data included in Appendix 2 could be more up-to-date as it is 4 years old and matters may have changed since 2013.</p> <p>Could the rules on the prohibition of street drinking be extended to include the areas of private/commercial premises open to public access e.g. I believe M&S have had to restrict access to their collection area as the drinkers have started to congregate behind the gates. Also drinkers can be frequently seen on the steps of All Souls Church on Susans Road. It is not a good advert for Eastbourne.</p>		
36	Public safety.		
37	To allow the Little Chelsea area to increase its leisure business economy, which will help mitigate the loss of traditional retail		
38	Little Chelsea area needs to be retained in the plan		

1. Eastbourne's Cumulative Impact Area was put in place in July 2007 to help prevent crime and disorder, increase public safety, prevent public nuisance and protect children from harm in the centre of town. Our licensing policy and the Cumulative Impact Area element of it, seeks to balance the needs of businesses operating in town and the rights of residents living near them. We are reviewing this policy and would like to hear from residents, businesses and local organisations about the size of the area to which the Cumulative Impact Policy applies. The full policy can be viewed here (see Appendix 2). When you have finished reading the policy click 'back' in your web browser to return to this survey. Do you think the Cumulative Impact Area should:

		Response Percent	Response Total
39	No major issues in Little Chelsea and more high quality entertainment and leisure premises should be encouraged in this area.		
40	It seems to be working		
41	All the town centre should be protected - removing areas is only likely to encourage trouble makers to move into such an unmanaged space		
42	Your data for this report is from pre 2013 it is 4 years old and potentially worthless because of the very dynamic nature of population and crime these days.		
43	it is affecting new businesses who wish to sell licensed products eastbourne council should be helping new businesses not limiting them		
44	Why just cant it be normal like before the giant super markets are taking over everything and demolishing the small businesses. What is the point of CIA when tesco's on grove road did get a premises license to sell alcohol but the council wouldn't let small business to get one. This is all fraud in my opinion		
45	I trust the officials		
46	Little Chelsea needs to be included		
47	Little Chelsea needs to be included		
48	Remove Little Chelsea area		
49	To remain effective		
50	bbbbbb		
51	To help increase the number of nightlife establishments in the centre.		
52	It's fine		
53	For safety reasons		
54	If reduced street drinkers will still use those that are left. To remove all together will upset the customers who shop in little Chelsea. This may affect foot fall and sales for those retailers.		
55	Keeps public order in those areas or as best it can		

2. Are you responding as an individual or an organisation?

		Response Percent	Response Total
1	Individual	82.61%	19
2	Organisation	13.04%	3
3	Other (please specify):	4.35%	1
		answered	23
		skipped	71
Other (please specify): (1)			

2. Are you responding as an individual or an organisation?

		Response Percent	Response Total
1	Nightwatch scheme		

3. What is the name of your organisation?

		Response Percent	Response Total
1	Open-Ended Question	100.00%	3
	1 Hunt Commercial		
	2 Palm Court Hotel		
	3 The Crown and Anchor		
		answered	3
		skipped	91

4. Where is your organisation based?

		Response Percent	Response Total
1	Open-Ended Question	100.00%	3
	1 South Street		
	2 Eastbourne		
	3 marine Parade		
		answered	3
		skipped	91

5. What is your age?

		Response Percent	Response Total
1	Under 18	0.00%	0
2	18 - 24	5.00%	1
3	25 - 34	0.00%	0
4	35 - 44	20.00%	4
5	45 - 54	20.00%	4
6	55 – 64	25.00%	5
7	65 – 74	30.00%	6
8	75 +	0.00%	0
9	Prefer not to say	0.00%	0
		answered	20

5. What is your age?

	Response Percent	Response Total
	skipped	74

6. What is your ethnic group?

		Response Percent	Response Total
1	English	85.00%	17
2	Other British	0.00%	0
3	Irish	0.00%	0
4	Any Other White background	5.00%	1
5	White and Black Caribbean	0.00%	0
6	White and Black African	0.00%	0
7	White and Asian	0.00%	0
8	Any Other Mixed background	0.00%	0
9	Indian	5.00%	1
10	Pakistani	0.00%	0
11	Bangladeshi	0.00%	0
12	Chinese	0.00%	0
13	Any Other Asian background	0.00%	0
14	Caribbean	0.00%	0
15	African	0.00%	0
16	Any Other Black background	0.00%	0
17	Arab	0.00%	0
18	Gypsy/Romany/Irish Traveller	5.00%	1
19	Any Other	0.00%	0
		answered	20
		skipped	74

7. What is your nationality?

		Response Percent	Response Total
1	Open-Ended Question	100.00%	20
	1 British		
	2 English		
	3 British		
	4 english		

7. What is your nationality?

		Response Percent	Response Total
5	British		
6	British		
7	British		
8	British		
9	Indian		
10	British		
11	white british		
12	British		
13	British		
14	British		
15	BRITISH anti-Europe		
16	british		
17	British		
18	Irish		
19	English		
20	British		
		answered	20
		skipped	74

8. Do you have a long-term health problem or disability?

		Response Percent	Response Total
1	Yes	20.00%	4
2	No	80.00%	16
3	Prefer not to say	0.00%	0
		answered	20
		skipped	74

9. What is your gender?

		Response Percent	Response Total
1	Male	50.00%	10
2	Female	50.00%	10
		answered	20
		skipped	74

10. What is your sexual orientation?

			Response Percent	Response Total
1	Bisexual		0.00%	0
2	Gay man		5.00%	1
3	Gay woman or lesbian		0.00%	0
4	Heterosexual or straight		70.00%	14
5	Prefer not to say		15.00%	3
6	Other (please specify):		10.00%	2
			answered	20
			skipped	74
Other (please specify): (2)				
1	WHAT HAS THAT GOT TO DO WITH ANYTHING			
2	Transgender			

11. What is your religion?

			Response Percent	Response Total
1	What is your religion?		5.00%	1
2	No religion		20.00%	4
3	Christian		45.00%	9
4	Buddhist		5.00%	1
5	Hindu		5.00%	1
6	Jewish		5.00%	1
7	Muslim		0.00%	0
8	Sikh		5.00%	1
9	Prefer not to say		10.00%	2
10	Other (please specify):		0.00%	0
			answered	20
			skipped	74
Other (please specify): (0)				
No answers found.				

Appendix 2



HART
OF EASTBOURNE

Willy Todd Leisure Ltd

The Hart of Eastbourne
89, Cavendish Place. Eastbourne, BN21 3RR

Eastbourne Borough Council
1 Grove Road
Eastbourne
BN21 4TW

1st September 2017

DATE RECEIVED
- 1 SEP 2017
EASTBOURNE BOROUGH COUNCIL

DATE RECEIVED
01 SEP 2017
EASTBOURNE BOROUGH COUNCIL

Dear Sirs,

Re: Consultation Eastbourne's Cumulative Impact Area

I am writing with regard the above consultation as a licensee in the town, a resident of the town and as Chair of Nightwatch, part of the Eastbourne Business Crime Group.

The current cumulative policy was written for a time (2006/7) when the licensed trade was a very different type of business in the town, pubs and clubs were busy, the student trade was vibrant and the overall night time economy was diverse and varied. However, this brought associated problems of late night disorder and a saturation of licensed premises. Initially, the CIP was written and brought in to address these problems and to be fair, it worked well. Unfortunately, the CIP is now grossly out of date, the statistics are laughable and wholly irrelevant to the current state of trade and Eastbourne's dying night time economy.

As a minimum, I feel that if it is kept in place, it should be stripped back to basics and totally rewritten to reflect the current state of the licensed trade in Eastbourne and the dramatically reduced late night disorder.

Your letter regarding this consultation of 24th July 2017 also has a suggestion to keep the Cumulative Impact Area but remove the streets in the Little Chelsea area. Let me assure you that if this happens there will be a lot of very angry businesses that have worked hard for years with both the police and the council to address the late night issues by being active members of the Nightwatch scheme in the town. This scheme has won national awards over the years for the way it is run and for its successes. Strangely, until recently, there has been only one business in the Little Chelsea area that has been a part of the scheme and they have been wholly inactive from the start. This has recently changed with Maxims recently joining the scheme due to rising 'issues' with their premises that they are trying to address by joining Nightwatch. Therefore, to remove an area that, supposedly, has no issues with

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disorder is not only inaccurate but also grossly unfair as even though this area has done little or nothing to address the problems of night time disorder, they wish to benefit from removal from the Cumulative Impact Area because of the work and successes of diligent Nightwatch members and because a number of Eastbourne Councillors drink in the Little Chelsea area.

I would also strongly suggest you read page 100 of your own policy which is a Licensing review, albeit outdated, by Ian Fitzpatrick. The penultimate paragraph states:

It is contended that if the Cumulative Impact Policy was rescinded or if the CIZ was substantially reduced in area, there would be a risk of a crime increase in Eastbourne and an even higher risk of crime increase in the current CIZ area.

This, interestingly, brings me on to my final point. With a positive and hard working Business Crime Group now in operation that regularly meets and discusses both day and night time crime and disorder, do we actually still need a CIP in Eastbourne?

I'm sure many people will have noticed that the number of licensed businesses in Eastbourne town centre has reduced over the last few years and that Eastbourne is no longer the place to go for a night out. Pubs and bars have closed and the towns nightclubs has also reduced. Although this is very much a national issue, Eastbourne nightlife is dying at an incredible rate. Compare this to other local towns, Hastings has a diverse and increasing night time economy and yet late night disorder is relatively stable (in part due to a successful Pubwatch scheme). I feel there is now actually a strong case to actually remove the CIP from Eastbourne and in its place encourage licensees to be more active in policing themselves and their own businesses. Eastbourne needs to find a balance between regimented 'red tape' policies and encouraging a more diverse and active licensed night time economy. The CIP as it now stands strangles new business and new ideas. It has created pocketed areas that suffer from disorder that is actually nothing to do with the night time economy (homelessness, drug users etc) but, ironically, the Nightwatch scheme still tries to address these issues as well as its own.

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To conclude, I would like to see the CIP removed and more help for businesses to police themselves and the night time economy via the Nightwatch scheme so that we don't return to the days of old.

At worst, the CIP needs a dramatic and extensive rewrite to reflect the increasingly poor current state of Eastbourne's night life that will enable it to grow with the town and flourish in a similar way to other towns. There is no middle ground for keeping the current policy and removing Little Chelsea.

Yours faithfully

Andrew Morris
Director

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