

Report to: Licensing Committee

Date: 15th January 2024

Title: Licensing Act 2003 Eastbourne Borough Council Statement of Licensing Policy

Report of: Rob Cottrill
Chief Executive of Lewes and Eastbourne Borough Council

Ward(s): All

Purpose of report: To review Licensing Act 2003 Eastbourne Borough Council Statement of Licensing Policy and agree a six-week public consultation.

Officer recommendation(s): (1) The Committee review the Licensing Act 2003 Eastbourne Borough Council Statement of Licensing Policy

(2) The Committee authorise the Senior Specialist Advisor to start a six-week consultation with the public, trade and interested bodies.

(3) That following the consultation period the Lead for Regulatory Services, in conjunction with the Chair of the Licensing Committee, be delegated to consider the consultation responses and make any minor changes to the Eastbourne Borough Council Statement of Licensing Policy and then recommend the same to Full Council for approval. That in the event of substantial changes being suggested by the consultation a report be brought back to a Licensing Committee.

Reasons for recommendations: Statutory requirement to review the Statement of Licensing Act Policy every five years.

Contact Officer(s): Name: Jo Dunk
Post title: Lead for Regulatory Services
E-mail: jo.dunk@lewes-eastbourne.gov.uk
Telephone number: 07342065628

1 Introduction

1.1 The Licensing Act 2003 (“the Act”) requires Licensing Authorities to prepare and publish for a five-year period, a Statement of Licensing Policy for their area which applies when exercising its functions under the Act.

- 1.2 The Policy should be regarded as a local framework for decision making when considering licensing applications and the licensing committee and its sub-committees are required to have due regard to this when forming a decision.
- 1.3 The current Policy, dated 2019 -2024, was approved by Full Council on 10 July 2019, following the same being recommended by the Licensing Committee. That decision was preceded by a review of the Policy and a consultation process. The results of the consultation were considered by the Licensing Committee on 27 June 2019. The current Policy is attached as Appendix 1.
- 1.4 Members are asked to consider the revised Policy at Appendix 2. The revised Policy shows in black text those parts as per current Policy and parts in red text are those which are added or amended.
- 1.5 Details of who will be consulted can be found in Section 2 of this report.

2 Significant Changes to the Statement of Principles

- 2.1 Members are asked to consider the revised Policy at Appendix 2.
- 2.2 Changes to reflect Section 182 guidance in December 2023, see a summary below:
 - Entitlement to Work in the UK. There have been extensive changes which need to be carefully considered when dealing with non-UK applicants.
 - Temporary Event Notices clarification that there is no right of appeal in relation to a late temporary notice following an objection for the Police or Environmental Protection.
 - Conditions attached to premises licences should be incorporated in accordance with the applicants intention, and be appropriate and proportionate for the promotion of the licensing objectives.
 - Planning and building control to reflect that the National Planning Policy Framework expectation that new development can be integrated effectively with existing businesses and community facilities. Where the operation of an existing businesses or community facility could have significant adverse effect on a new development (including changes of use) in its vicinity, the applicant should be required by the local planning authority to provide suitable mitigation before the development has been completed.
 - Further extension regarding off sale licences. Off sales can be considered as a minor variation if there are no adverse effects on the licensing objectives.
 - Counter Terrorism and Public Safety. The Licensing Authority give consideration of conditions around health care provision for high profile and large events.
- 2.3 It is proposed to consult with the Responsible Authorities (as defined in Section 13 of the Act), the licensing trade, public interest groups, partner agencies and through public consultation via www.lewes-eastbourne.gov.uk.

3 Financial Impact

3.1 There are no additional financial implications to this report.

4 Legal implications

4.1 Section 5 of the Act requires a Licensing Authority, in respect of each five-year period, to determine its Statement of Licensing Policy with respect to the exercise of its licensing functions and publish a statement of the Policy. Such a Policy should be published before the authority carries out any function in respect of any individual applications and notices made under the Act.

4.2 Section 5(3) of the Act states who the Licensing Authority must consult with when producing or revising the Policy. The views of all those persons or bodies should be given appropriate weight.

4.3 Section 5(4) of the Act states that the Licensing Authority must keep its Policy under review, during the five-year period, and it can make revisions at any time it considers appropriate.

4.4 This Report was considered by the Legal Section on 3 January 2024 (Iken 12610-EBC-MW).

5 Risk management implications

5.1 There are no risk management implications.

6 Equality analysis

6.1 There are no Equality implications associated with this Report.

7 Environmental sustainability implications

7.1 There are no sustainability and/or carbon reduction implications associated with this Report.

8 Appendices

- 8.1
- Appendix 1 - Current Statement of Licensing Policy.
 - Appendix 2 - Proposed amended Statement of Licensing Policy.

9 Background papers

9.1 Revised Guidance issued under section 182 of the Licensing Act 2003 – December 2023.