

Meeting: Council

Date: Wednesday 23 February 2011

Subject: Licensing policy statement 2011/14

Report of: Councillor Wallis on behalf of the Cabinet

The Council is asked to consider the minute and resolution of the Cabinet meeting held on 15 December 2010 as set out below.

Further copies of the report to Cabinet are available on request – please see end of this report. A copy may be seen on the Council's website at:
<http://www.eastbourne.gov.uk/council/meetings/cabinet/>

The final version of the licensing policy statement may be viewed at
<http://www.eastbourne.gov.uk/council/meetings/council/>

This version is subject to minor amendments only (made in accordance with the delegation arrangements) and has been agreed with both the Chairman of the Licensing Act Committee and the lead Cabinet member.

The Council is recommended to:-

Approve the revised licensing policy statement 2011/14.

Minute Extract
CABINET 15 December 2010

***97 Licensing policy statement 2011/14** (Cabinet, 12 December 2007, page 254, minute 85).

- 97.1 Cabinet considered the report of the licensing manager. The council was under a legal duty to prepare, consult and publish a statement of licensing policy and review at not less than 3-yearly intervals. The updated policy had been circulated separately to members of the cabinet and opposition leader and spokesperson and also made available on the council's website, in the members' room and at the town hall reception. A public consultation exercise had been conducted between 27 August 2010 and 19 November 2010. Details of consultees, the means of consultation and an overview of the feedback received were given in the report. A copy of the responses had been deposited in the members' room. The Licensing Act committee had considered the revised statement at their meeting on 11 October 2010 and had given their endorsement.
- 97.2 The report also drew attention to proposals by the coalition government to revise aspects of current legislation to place more emphasis on local

accountability and community involvement, and less involvement by central government in the decision making process. It was anticipated that, if adopted, the proposals would take effect in late 2012 and the statement of licensing policy would therefore need to be further revised to reflect any changes. In summary, the proposals were as follows:

- Making the licensing authority itself a responsible authority, enabling it to initiate licence reviews in its own right, rather than simply facilitating reviews by other responsible authorities.
- Reducing the burden of proof required to justify refusing a licence application, or imposing conditions on a licence.
- Placing greater onus on the applicant to prove that the operation of a licensed premises will not undermine the licensing objectives or contribute to problems in the area.
- Increasing the scope for "interested parties" from within the local community to become actively involved in licensing processes;
- Making health authorities responsible authorities, and establishing a new 'prevention of health harm' licensing objective, so that the ill-health effects of alcohol consumption can be considered when determining licensing policy and applications in the borough.
- Transferring appeals on the decision of a sub-committee from the magistrates courts back to the council.
- Enabling licensing authorities to develop and implement policies which stop certain types of premises in specified areas from opening between the hours of 12 midnight and 6 in the morning.
- Simplifying the process for implementing 'cumulative impact policies' by reducing the burden of proof required to demonstrate that they are necessary in a particular area.
- Enabling licensing authorities to charge a late night levy to help pay for the costs associated with the night time economy such as policing, taxi marshals, and street cleansing.
- Increasing the notification period for a temporary event notice, and allowing interested parties other than the police the right to object to such an application.
- Allowing the imposition of conditions and; restricting the number of notices that a particular personal licence holder can apply for each year.
- Strengthening powers and sanctions in relation to underage sales.
- Banning 'below cost' sales of alcohol.
- Enabling licensing authorities to increase their fees to reflect the full cost of the licensing service.
- Allowing licensing authorities to revoke a licence if the annual fee has not been paid.

*97.3 **Resolved (policy framework):** That full council be recommended to approve the revised policy and that the senior head of development and environment, in consultation with the lead cabinet member, be authorised to make any necessary amendments to the policy document prior to final publication.

For a copy of the report please contact Local Democracy at the Town Hall,
Eastbourne, BN21 4UG. Tel. (01323) 415022 or 415023.
E-mail: localdemocracy@eastbourne.gov.uk

For further information please contact Kareen Plympton, Licensing Manager,
1 Grove Road, Eastbourne, Tel: (01323) 415937
Email: Kareen.Plympton@eastbourne.gov.uk

(der\P:\council\11.02.23\licensing policy)