

**Monday, 8 January 2018**  
**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

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## Agenda

**1 Minutes of the meeting held on 2 October 2017.** (Pages 1 - 4)

**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 5 - 30)

Report of Functional Lead - Quality Environment.

**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.

## Further Information

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

**Local Democracy**, 1 Grove Road, Eastbourne, BN21 4TW  
Tel: (01323) 415021/5023 Minicom: (01323) 415111, Fax: (01323) 410322  
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For general Council enquiries, please telephone (01323) 410000 or E-mail: [enquiries@eastbourne.gov.uk](mailto:enquiries@eastbourne.gov.uk)

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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Monday, 2 October 2017  
at 6.00 pm



## Licensing Act Committee

Present:-

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

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### **1 Minutes of the meeting held on 20 March 2017.**

The minutes of the meeting held on 20 March 2017 were submitted and approved and the Chairman was authorised to sign them as a correct record.

### **2 Apologies for absence.**

None were reported.

### **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 agenda item 7 as an employee of Eastbourne Chamber of Commerce, who had submitted a response to the cumulative impact policy during the first consultation period. Councillor Holt withdrew from the room whilst this item was being considered.

### **4 Urgent item of business.**

As this would be their last meeting before leaving the authority, the Committee expressed their thanks and appreciation to the Senior Specialist Advisor and wished her all the best for the future.

### **5 Council Licensing Policy Statement - Review of Cumulative Impact Policy, Licensing Act 2003.**

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

At the previous meeting, the Committee agreed to defer a decision on the policy until officers could collate additional information and report back. A Sub-Committee was also formed of Councillors to discuss engagement with licensees.

At the meeting of the Sub-Committee, it was agreed to undertake a second consultation in an attempt to gain more responses from licensees as only six responses were received during the first consultation.

Following the second consultation, ninety four responses were received and these were appended to the report. 76.60% of responses were in favour of making no change and retaining the CIP. In response to a question from the Committee, it was confirmed that Sussex Police were in favour of retaining the CIP.

Jay Virgo addressed the Committee and challenged the potential cost of a comprehensive data analyst that was discussed at the previous meeting. He continued that the consultation did not engage with licensees outside the CIP Zone and therefore did not quantify the causal link between licensed premises and crime and disorder.

He stated that the data reported from the consultation was subjective and existing licensees may be in favour of retaining the existing policy to deter future competitors from the area. Mr Virgo concluded by referencing section 4.2 of the report and emphasised part of the Section 182 guidance which recommends regular review of special policies to determine whether they are needed.

The Committee discussed various points including the net gain of premises since the policy was implemented, number of premises operating within the zone, current night time economy in the town and stressed the importance of encouraging new businesses to the area, particularly with the launch of 'The Beacon' in late 2018.

The Committee felt that they still did not have all the relevant information in order to make a decision on the policy that would have an impact on the town's economy.

It was proposed by Councillor Smart and seconded by Councillor Freebody to defer the decision until further information were obtained and reported back to the Committee. The information requested by the Committee formed part of the resolution.

**Resolved (Unanimous):** (1) That any decision on the Cumulative Impact Policy (CIP) be deferred until the following information is obtained, actioned and reported back to the Committee at a future meeting:

(i) The number of premises trading when the CIP was implemented and now, compared with the number of premises with licences attached.

(ii) Crime and disorder data from Sussex Police when the CIP was implemented and now, with any possible explanation for disturbances.

(iii) Map of the CIP zone and premises located within and what type they are (restaurant, public houses, nightclubs etc.)

(iv) Extend an invitation to Sussex Police to attend the next meeting that the CIP is considered.

(v) Extend an invitation to an officer focused on tourism and economic development to attend the next meeting that the CIP is considered to talk about premises in "The Beacon" and the surrounding area that are likely to apply for premises licence.

(vi) Any additional information requested by the Committee must be submitted to the Chairman by the end of the week.

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

(3) That a training session on the current CIP be delivered to the Committee prior to the next meeting.

(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 CIP during the first consultation period. Councillor Holt withdrew from the room whilst this item was being considered.)

The meeting closed at 6.40 pm

**Councillor Tester (Chairman)**

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- Body:** Licensing Act Committee
- Date:** 8<sup>th</sup> January 2018
- Subject:** Council Licensing Policy Statement – Review of Cumulative Impact Policy, Licensing Act 2003.
- Report of:** Ed Hele, Functional Lead Quality Environment
- Ward(s):** All
- Purpose:** To inform Members of the results of the second consultation carried out for the review of the Council's Cumulative Impact Policy and to address issues raised at the Licensing Act Committee on 2 October 2017.
- Recommendation:**
1. 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
  2. That if Members approve any of options i, ii, or iii, they recommend that option to Full Council for approval.
- Contact:** Ed Hele, Functional Lead – Quality Environment  
Telephone **01323 415014**  
Email: [ed.hele@lewes-eastbourne.gov.uk](mailto:ed.hele@lewes-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 Schedule 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 In July 2007 the Cumulative Impact Policy came into effect and the Committee reviewed this in 2013 with the current Licensing Statement Policy currently in place for the period 2014-2019. An appendix to that Policy is the Cumulative Impact Policy. 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 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 Cumulative Impact Policy 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 Cumulative Impact Policy and designated zone, outlined in blue, can be found at <http://www.lewes-eastbourne.gov.uk/licensing-and-registrations/alcohol-entertainment-and-late-night-refreshment-licensing/premises-licences/>
- 4.2 It is important that the Committee regularly review the Council’s Cumulative Impact Policy 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 it those which are contained in the statement of licensing policy should be amended”*.

#### **5.0 Additional Information**

- 5.1 At the previous meeting in October the Committee requested clarity on a number of points.
- (i) The number of premises trading when the CIP was implemented and now, compared with the number of premises with licences attached. This is shown in table 1 below. There has been an overall increase within the Borough both of premises within the CIP and those outside the zone albeit by only 6 with the CIP.

Table 1

| Licensed Premises 2013             |     | Licensed Premises 2017             |     |
|------------------------------------|-----|------------------------------------|-----|
| Total Licensed across Borough      | 432 | Total Licensed across Borough      | 449 |
| <b>Type of Premises within CIP</b> |     | <b>Type of Premises within CIP</b> |     |
| Pub                                | 44  | Pub                                | 33  |
| Café/Restaurant                    | 78  | Café/Restaurant                    | 104 |
| Off License                        | 32  | Off License                        | 32  |
| Hotel                              | 59  | Hotel                              | 45  |
| Late Night Refreshment             | 19  | Late Night Refreshment             | 22  |
| Other                              | 21  | Other                              | 19  |
| Total within CIP                   | 253 | Total within CIP                   | 256 |

(ii) Crime and disorder data from Sussex Police when the CIP was implemented and now, with any possible explanation for disturbances. The information provided Sussex Police is shown in Appendix 3.

(iii) Map of the CIP zone and premises located within and what type they are (restaurant, public houses, nightclubs etc.) At the time of going to print this was not available but a map showing extent of current CIP is shown below.

Map 1



(iv) Extend an invitation to Sussex Police to attend the next meeting that the CIP is considered. Sussex Police have been invited to this meeting.

(v) Extend an invitation to an officer focused on tourism and economic development to attend the next meeting that the CIP is considered to talk about premises in “The Beacon” and the surrounding area that are likely to apply for premises licence. An invitation has been extended for someone from tourism to attend this meeting.

## **6.0 Consultation**

6.1 Public consultation of the current cumulative impact Policy took place between 1<sup>st</sup> November 2016 to 31<sup>st</sup> 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.

6.2 A range of organisations and individuals were directly consulted and the Authority received 6 responses which were fed back to the Licensing Act Committee on 20<sup>th</sup> March 2017.

## **7.0 Second Consultation and feedback**

7.1 A second consultation exercise took place between 24<sup>th</sup> July 2017 and 3<sup>rd</sup> September 2017 following the request from the Committee to ask additional questions. A letter was sent to all premises and club certificate licence holders which included a paper survey and the web address to complete 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 to the survey, which can be viewed at Appendix 1 and 1 letter which can be view at Appendix 2

7.3 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%   | <b>94</b> |

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

## **8.0 Recommendations**

8.1 That Members note the responses received during the consultation periods and information set out in this Report and agree one of the options 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 any of options 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 these organisations were consulted during both consultation periods.

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 (6974-MW 19 December 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.
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### **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

Appendix 3 – Sussex Police Statistics

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# Appendix 1

## EBC Cumulative Impact Area consultation – summary of responses

4 September 2017

|   |  |  |                         |                       |
|---|--|--|-------------------------|-----------------------|
| <p><b>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:</b></p> |  |  |                         |                       |
|   |  |  | <b>Response Percent</b> | <b>Response Total</b> |
| 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<br>Percent | Response<br>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 ,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 ,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.<br>We have Drugs, Bullying, Attacks on innocent people, and a growing population.<br>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<br>Percent | Response<br>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&amp;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 and unmanaged space  |                  |                |
| 42 | Your data for this report is from pre 2013 its is 4 years old and potentially worthless because of the very dymanic 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 tescos on grove road did get a premises license to sell alcohol but the council wouldnt let small business to get one. This is all fraud in my opinion |                  |                |
| 45 | I trust the officals   |                  |                |
| 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 effect 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

BRITISH INSTITUTE of INNKEEPING  
**MEMBER**  
SETTING professional STANDARDS



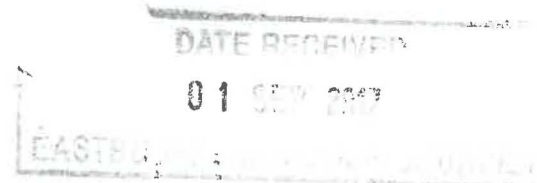
HART  
OF EASTBOURNE

*Willy Todd Leisure Ltd*

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

Eastbourne Borough Council  
1 Grove Road  
Eastbourne  
BN21 4TW

1<sup>st</sup> September 2017



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 24<sup>th</sup> 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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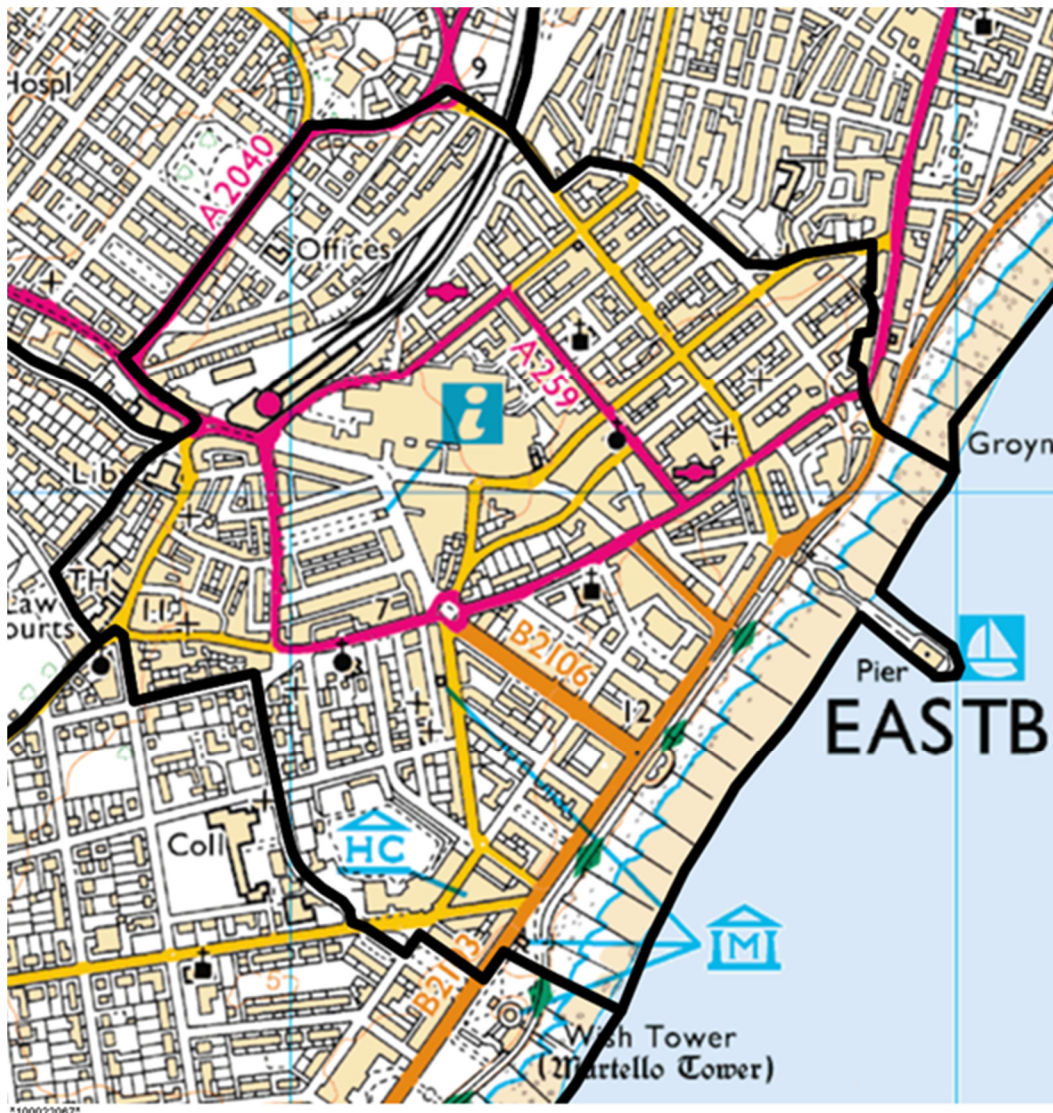


## Cumulative Impact Strategy Report: 2016

The report contains data to end of October 2016

### Area Analysed

The area analysed is the Neighbourhood area called Eastbourne Town Centre. The map below shows the area this encompasses:



## All Recorded Crime

There have been 20068 crimes in Eastbourne since November 1<sup>st</sup> 2013, of which 30.6% have been in the area analysed.

### All Periods

| All Periods                | Area | Other | Eastbourne | % In Area |
|----------------------------|------|-------|------------|-----------|
| November '13 – October '16 | 6138 | 13930 | 20068      | 30.6%     |

### Rolling Year

| Rolling Year               | Area | Other | Eastbourne | % In Area |
|----------------------------|------|-------|------------|-----------|
| November '15 – October '16 | 2022 | 5162  | 7184       | 28%       |
| November '14 – October '15 | 2077 | 4598  | 6675       | 31%       |
| November '13 – October '14 | 2039 | 4170  | 6209       | 33%       |

The number of reported crimes in Eastbourne as a whole over the period has risen, however the proportion of crimes committed in the determined area has reduced.

### Rolling Year (November-October): Reported Crime by Offence Type

The below shows a comparison between 2015/16, 2014/15 and 2013/14 for the period October-November:

#### Theft & Handling

| Theft & Handling           | Area | Other | Eastbourne | % In Area |
|----------------------------|------|-------|------------|-----------|
| November '15 – October '16 | 643  | 1347  | 1990       | 32%       |
| November '14 – October '15 | 741  | 1354  | 2095       | 35%       |
| November '13 – October '14 | 890  | 1473  | 2363       | 38%       |

#### PPVC

| PPVC - RY                  | Area | Other | Eastbourne | % In Area |
|----------------------------|------|-------|------------|-----------|
| November '15 – October '16 | 690  | 1098  | 1788       | 39%       |
| November '14 – October '15 | 611  | 735   | 1346       | 45%       |
| November '13 – October '14 | 453  | 519   | 972        | 47%       |

The actual number of Violent Crimes with a Public Place marker has increased over the time period both in the area analysed and Eastbourne as a whole, however the proportion of PPVC occurring in the determined area has reduced year on year.

**VAP**

| <b>Violence Against Person</b> | <b>Area</b> | <b>Other</b> | <b>Eastbourne</b> | <b>% In Area</b> |
|--------------------------------|-------------|--------------|-------------------|------------------|
| November '15 – October '16     | 872         | 2129         | 3001              | 29%              |
| November '14 – October '15     | 804         | 1555         | 2359              | 34%              |
| November '13 – October '14     | 618         | 1113         | 1731              | 36%              |

**Criminal Damage**

| <b>Criminal Damage</b>     | <b>Area</b> | <b>Other</b> | <b>Eastbourne</b> | <b>% In Area</b> |
|----------------------------|-------------|--------------|-------------------|------------------|
| November '15 – October '16 | 201         | 797          | 998               | 20%              |
| November '14 – October '15 | 224         | 818          | 1042              | 21%              |
| November '13 – October '14 | 210         | 758          | 968               | 22%              |

**Burglary**

| <b>Burglary</b>            | <b>Area</b> | <b>Other</b> | <b>Eastbourne</b> | <b>% In Area</b> |
|----------------------------|-------------|--------------|-------------------|------------------|
| November '15 – October '16 | 84          | 334          | 418               | 20%              |
| November '14 – October '15 | 80          | 384          | 464               | 17%              |
| November '13 – October '14 | 109         | 390          | 499               | 22%              |

**Vehicle**

| <b>Vehicle</b>             | <b>Area</b> | <b>Other</b> | <b>Eastbourne</b> | <b>% In Area</b> |
|----------------------------|-------------|--------------|-------------------|------------------|
| November '15 – October '16 | 45          | 293          | 338               | 13%              |
| November '14 – October '15 | 42          | 278          | 320               | 13%              |
| November '13 – October '14 | 49          | 342          | 391               | 13%              |

**Fraud & Forgery**

| <b>Fraud &amp; Forgery</b> | <b>Area</b> | <b>Other</b> | <b>Eastbourne</b> | <b>% In Area</b> |
|----------------------------|-------------|--------------|-------------------|------------------|
| November '15 – October '16 | 32          | 28           | 60                | 53%              |
| November '14 – October '15 | 12          | 17           | 29                | 41%              |
| November '13 – October '14 | 3           | 9            | 12                | 25%              |

**Drugs**

| <b>Drugs</b>               | <b>Area</b> | <b>Other</b> | <b>Eastbourne</b> | <b>% In Area</b> |
|----------------------------|-------------|--------------|-------------------|------------------|
| November '15 – October '16 | 102         | 156          | 258               | 40%              |
| November '14 – October '15 | 113         | 160          | 273               | 41%              |
| November '13 – October '14 | 125         | 205          | 330               | 38%              |

**Other Offences**

| <b>Other Offences</b>      | <b>Area</b> | <b>Other</b> | <b>Eastbourne</b> | <b>% In Area</b> |
|----------------------------|-------------|--------------|-------------------|------------------|
| November '15 – October '16 | 37          | 134          | 171               | 22%              |
| November '14 – October '15 | 45          | 109          | 154               | 29%              |
| November '13 – October '14 | 30          | 57           | 87                | 34%              |

**ASB Incidents**

| <b>ASB Incidents</b>       | <b>Area</b> | <b>Other</b> | <b>Eastbourne</b> | <b>% In Area</b> |
|----------------------------|-------------|--------------|-------------------|------------------|
| November '15 – October '16 | 744         | 1902         | 2646              | 28%              |
| November '14 – October '15 | 1017        | 2195         | 3212              | 32%              |
| November '13 – October '14 | 1227        | 2592         | 3819              | 32%              |

**Crime Location**

Looking specifically at Alcohol Related PPVC in Eastbourne Town Centre, 4 locations stand out as having higher volumes of recorded crime from November '15 – October '16.

19 crimes appear in the vicinity of Cameo Nightclub on Langney Road, 13 in the vicinity of the Pier and 12 in the vicinity of McDonald's on Terminus Road.

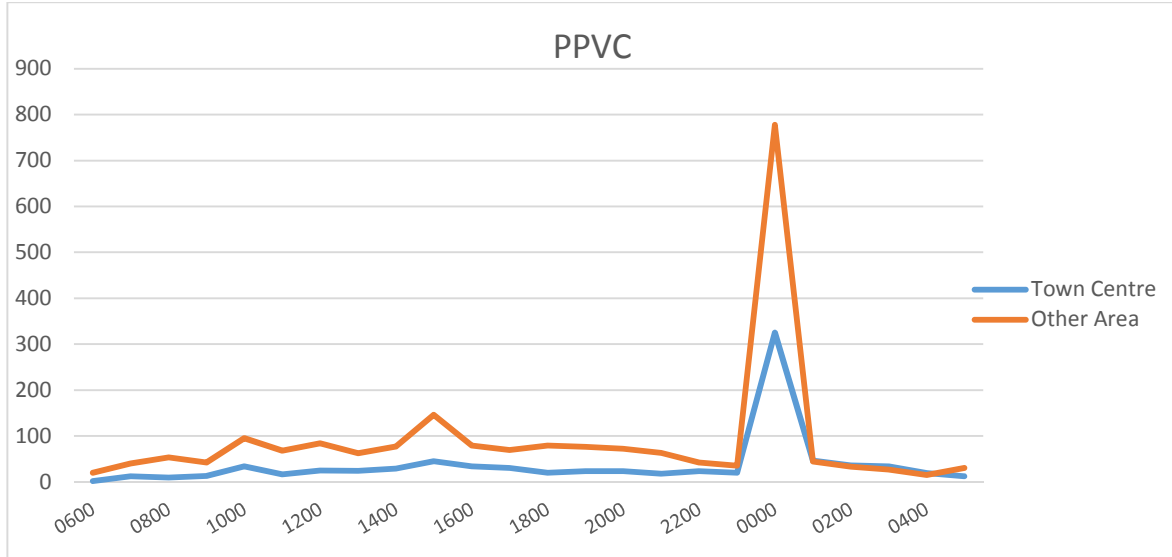


**Time Pattern of PPVC**

The data is based on the earliest time at which the offence could have occurred.

The graph below shows the time and number of offences reported in the November '15 – October '16 period, for both the analysed zone and the remainder of Eastbourne:

**Time of Reported PPVC Offences: November '15 – October '16**



This shows that although reports of PPVC, within both the analysed area and the other Eastbourne areas, are low during the day, they start to rise significantly at around 2300, before falling back to low levels after 0200.

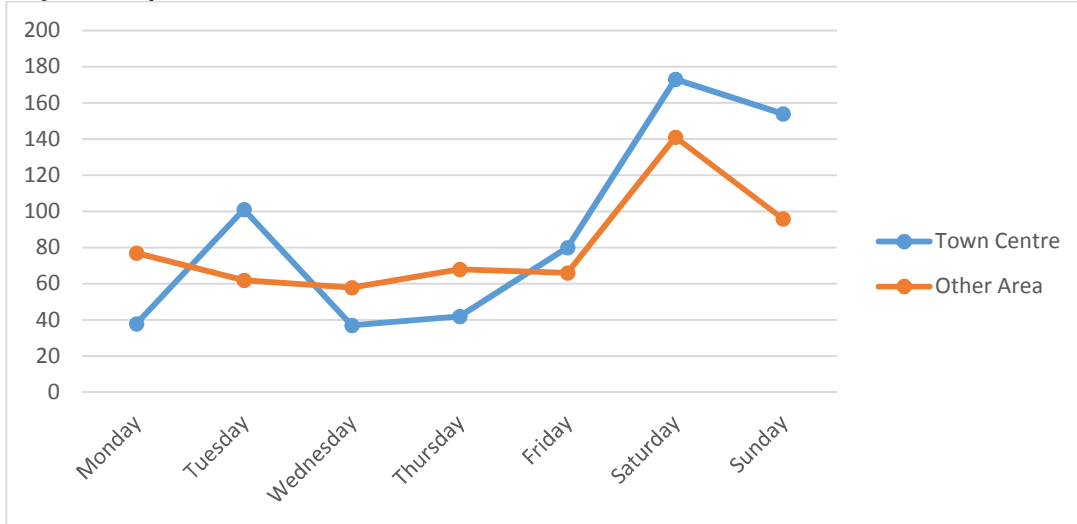
Between 2200 and 0200, 48% of all PPVC in Eastbourne occurred in the determined area, higher than the average of 39% of PPVC overall.

## Day Pattern of Alcohol Related PPVC

The data is based on the earliest day at which the offence could have occurred.

The graph below shows the total number of PPVC offences with the 'Alcohol' marker added, reported on each day in the November '15 – October '16 period for both the analysed zone and the remainder of Eastbourne:

**Days Of Reported Alcohol PPVC Offences: November '15 – October '16**



The peak day for offences in both the determined area and the rest of Eastbourne is on a Saturday night. This is to be expected as the total will include offences both after midnight on Friday night and pre-midnight of the evening on the Saturday.

Tuesday, Friday, Saturday and Sunday all have the majority of alcohol related PPVC occurring within the determined area. The biggest differences between areas occur on Tuesday and Sunday, both having 62% of all alcohol related PPVC in Eastbourne recorded in the Town Centre.