

Full Council

10 July 2019



Working in partnership with **Eastbourne Homes**

Quorum: 7

Published: Tuesday, 2 July 2019

To the Members of the Borough Council

You are summoned to attend an ordinary of Eastbourne Borough Council to be held at the Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 10 July 2019 at 6.00 pm to transact the following business.

Agenda

- 1 **Minutes of the meeting held on 21 May 2019** (Pages 7 - 22)
- 2 **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 (please see note at end of agenda).**

3 **Mayor's announcements.**

4 **Notification of apologies for absence.**

5 **Public right of address.**

The Mayor to report any requests received from a member of the public under council procedure rule 11 in respect of any referred item or motion listed below.

6 **Order of business.**

The Council may vary the order of business if, in the opinion of the Mayor, a matter should be given precedence by reason of special urgency.

7 **Standards - Appointment of Independent Persons (To Follow)**

8 **Matters referred from Cabinet or other council bodies.**

The following matters are submitted to the Council for decision (council procedure rule 12 refers):-

(a) **Treasury Management Annual Report (To Follow)**

Report of Councillor Holt on behalf of the Cabinet (meeting on 9th July 2019).

(b) **Eastbourne Borough Council Draft Statement of Licensing Policy 2019-2024 (Pages 23 - 94)**

Report of Councillor Rodohan on behalf of the Licensing Committee (meeting on 27 June 2019).

9 Motions.

The following motions have been submitted by members under council procedure rule 13:-

(a) Carbon Neutral

Motion submitted by Councillor Dow:-

“Eastbourne Borough Council acknowledges the work achieved by this administration since 2007 to offset the negative effects of climate change.

In keeping with our ambitious programme to date, Eastbourne Borough Council will deliver a carbon neutral town by 2030.”

(b) Mental Health Challenge

Motion submitted by Councillor Holt –

“1 in 4 people will experience a mental health problem in any given year. The World Health Organisation predicts that depression will be the second most common health condition worldwide by 2020. Mental ill health costs some £105 billion each year in England alone. People with a severe mental illness die up to 20 years younger than their peers in the UK.

This Council believes:

As a local authority we have a crucial role to play in improving the mental health of everyone in our community and tackling some of the widest and most entrenched inequalities in health.

Mental health should be a priority across all the local authority’s areas of responsibility, including housing, community safety and planning.

All councillors, whether members of the Executive or Scrutiny and in our community and casework roles, can play a positive role in championing mental health on an individual and strategic basis.

This Council resolves:

To sign the Local Authorities’ Mental Health Challenge run by Centre for Mental Health, Mental Health Foundation, AMHP, Mind, Rethink Mental Illness, Royal College of Psychiatrists and YoungMinds.

We commit to appoint an elected member as ‘mental health champion’ across the council.

We will seek to identify a member of staff within the council to act as ‘lead officer’ for mental health.

The Council will also:

Support positive mental health in our community, including in local schools, neighbourhoods and workplaces.

Work to reduce inequalities in mental health in our community.

Work with local partners to offer effective support for people with mental health needs.

Tackle discrimination on the grounds of mental health in our community.

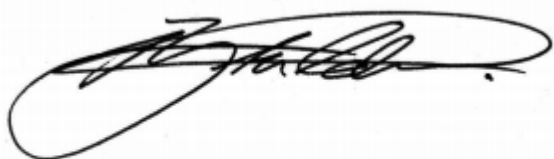
Proactively listen to people of all ages and backgrounds about what they need for better mental health.”

10 Discussion on minutes of council bodies.

Members of the Council who wish to raise items for discussion (council procedure rule 14) on any of the minutes of the meetings of formal council bodies listed below must submit their request to the Head of Democratic Services no later than 10.00 am on the day of the meeting. A list of such items (if any) will be circulated prior to the start of the meeting.

The following are appended to this agenda:-

- (a) **Minutes of Conservation Area Advisory Group, 19 February 2019 (Pages 95 - 98)**
- (b) **Minutes of Planning Committee, 26 February 2019 (Pages 99 - 102)**
- (c) **Minutes of Audit and Governance Committee, 6 March 2019 (Pages 103 - 106)**
- (d) **Minutes of General Licensing Committee, 11 March 2019 (Pages 107 - 110)**
- (e) **Minutes of Licensing Act Committee, 11 March 2019 (Pages 111 - 114)**
- (f) **Minutes of Cabinet, 20 March 2019 (Pages 115 - 120)**
- (g) **Minutes of Planning Committee, 26 March 2019 (Pages 121 - 124)**
- (h) **Minutes of Conservation Area Advisory Group, 2 April 2019 (Pages 125 - 128)**
- (i) **Minutes of General Licensing Committee, 4 April 2019 (Pages 129 - 132)**
- (j) **Minutes of Planning Committee, 23 April 2019 (Pages 133 - 136)**
- (k) **Minutes of Planning Committee, 28 May 2019 (Pages 137 - 140)**
- (l) **Minutes of Conservation Area Advisory Group, 4 June 2019 (Pages 141 - 142)**
- (m) **Minutes of Cabinet, 5 June 2019 (Pages 143 - 150)**
- (n) **Minutes of Scrutiny Committee, 10 June 2019 (To Follow)**
- (o) **Minutes of Planning Committee, 25 June 2019 (Pages 151 - 154)**
- (p) **Minutes of Licensing Committee, 27 June 2019 (Pages 155 - 158)**



Robert Cottrill
Chief Executive

Information for the public

Accessibility: Please note that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired. This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

Filming/Recording: This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

Public participation: Please contact Democratic Services (see end of agenda) for the relevant deadlines for registering to speak on a matter which is listed on the agenda if applicable.

Information for councillors

Items for discussion: Members of the Council who wish to raise items for discussion on any of the minutes of council bodies attached to the meeting agenda, are required to notify Democratic Services by 10am on the day of the meeting.

Disclosure of interests: Members should declare their interest in a matter at the beginning of the meeting.

In the case of a disclosable pecuniary interest (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).

Democratic Services

For any further queries regarding this agenda or notification of apologies please contact Democratic Services.

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Working in partnership with **Eastbourne Homes**

Annual Council

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 21 May 2019 at 6.00 pm

Present:

Gill Mattock (Mayor in the chair)

Councillors Caroline Ansell, Margaret Bannister, Colin Belsey, Helen Burton, Sammy Choudhury, Penny di Cara, Peter Diplock, Jonathan Dow, Tony Freebody, Stephen Holt, Jane Lamb, Robin Maxted, Paul Metcalfe, Md. Harun Miah, Amanda Morris, Colin Murdoch, Jim Murray, Pat Rodohan, Dean Sabri, Alan Shuttleworth, Robert Smart, Colin Swansborough, Barry Taylor, David Tutt, Steve Wallis, Candy Vaughan and Rebecca Whippy.

Officers in attendance:

Robert Cottrill (Chief Executive), Peter Finnis (Assistant Director for Corporate Governance) and Sarah Lawrence (Senior Committee Officer).

1 Election of Mayor.

It was proposed by Councillor Dow and seconded by Councillor Bannister that Councillor Steve Wallis be elected as Mayor for the municipal year 2019/20.

It was accordingly:-

RESOLVED (unanimously) – That Councillor Steve Wallis be elected Mayor for the 2019/20 municipal year and until the election of the Mayor at the next Annual Meeting of the Council.

Councillor Wallis then made the statutory declaration of acceptance of office as Mayor and took the chair. In his speech of acceptance, the Mayor advised that his nominated charity for 2019/20 would be 'People Matter'.

2 Declarations of Interest

No declarations of interest were made.

3 Minutes of the meeting of Council held on 20 February 2019.

The minutes of the meeting of the Council held on 20 February 2019, were confirmed as a correct record and signed by the Mayor, subject to a correction to minute 48, replacing Councillor Smith with Councillor Smart in the list of Councillors voting against the motion.

4 Notification of apologies for absence.

There were no apologies to report.

5 Appointment of Deputy Mayor.

It was proposed by Councillor Miah and seconded by Councillor Sabri that Councillor Sammy Choudhury be appointed as Deputy Mayor for the municipal year 2019/20.

It was accordingly:-

RESOLVED (unanimously) – That Councillor Sammy Choudhury be appointed as Deputy Mayor for the 2019/20 municipal year.

Councillor Choudhury then made the statutory declaration of acceptance of office as Deputy Mayor. In his speech of acceptance, the Deputy Mayor advised that Rumi Choudhury and Rugi Choudhury would act as the Deputy Mayor's consorts for the year.

6 Investiture of Mayor's Consort.

The Mayor reported that Richard Chappell and Debra Williams would act as the Mayor's consorts for the 2019/20 municipal year.

7 Mayor's Chaplain - Notification of Appointment.

The Mayor reported that Reverend Mike Blanch would serve as the Mayor's Chaplain for the municipal year 2019/20.

8 Election of Leader of the Council and Chair of Cabinet (For the 4-Year Term until May 2023).

It was proposed by Councillor Shuttleworth and seconded by Councillor Whippy that Councillor David Tutt be elected as Leader of the Council.

RESOLVED (unanimously) - That Councillor Tutt be elected as Leader of the Council and Cabinet Chair for a 4-year term of office until May 2023, to continue until a new Leader is elected.

9 Borough Elections 2019 - Returning Officer report.

The Council received the report of the Chief Executive and Returning Officer setting out the results of the elections held on 2 May 2019, and the Councillors elected until May 2023 as follows:

Ward:	Councillor: (*newly elected)
Devonshire	Margaret BANNISTER Steve HOLT Steve WALLIS
Hampden Park	James MURRAY Dean SABRI Colin SWANSBOROUGH
Langney	Harun MIAH Alan SHUTTLEWORTH Candy VAUGHAN*
Meads	Jane LAMB* Robert SMART Barry TAYLOR
Old Town	Peter DIPLOCK* Jonathan DOW Amanda MORRIS*
Ratton	Colin BELSEY Tony FREEBODY Colin MURDOCH
St Anthony's	Helen BURTON* David TUTT Rebecca WHIPPY*
Sovereign	Caroline ANSELL* Penny DI CARA Paul METCALFE
Upperton	Sammy CHOUDHURY Robin MAXTED* Pat RODOHAN

It was proposed by Councillor Tutt and seconded by Councillor Freebody and accordingly:

RESOLVED (unanimously)-

- a) That the Returning Officer's report be noted;
- b) That all new members be congratulated and welcomed onto the Council;
- c) That all returning members of the Council be congratulated on being returned for a further term; and
- d) That all retiring and outgoing members of the Council be thanked for their service:

Gordon Jenkins
Margaret Robinson
Kathy Ballard
Pat Hearn
Troy Tester
Janet Coles
John Ungar
Gill Mattock

10 Executive Arrangements.

The Leader of the Council (Councillor Tutt) announced that:

The Councillors to serve on Cabinet and the Councillor appointed as Deputy Leader of the Council (and Deputy Chair of the Cabinet) and respective areas of responsibility for each member of Cabinet would be as set out in the schedule attached (Minutes Appendix 1) for the municipal year 2019/20;

It was noted that the terms of reference and constitution of the Cabinet continued as set out in the Council's constitution.

11 Appointments to Committees, Other Bodies, Outside Bodies and Boards, and appointment of Chairs and Deputy Chairs.

The Council noted the report of the Assistant Director – Corporate Governance on the political balance and the allocation of seats prepared in consultation with Group Leaders.

Councillor Tutt proposed and Councillor Freebody seconded the proposals for allocations to Committees, other bodies, boards and appointment of Chairs and Deputy Chairs, as set out in the Appendix to the report and tabled addendum.

Councillor Tutt proposed and Councillor Shuttleworth seconded the proposals for allocations to Outside Bodies, as set out in the Appendix to the report and tabled addendum.

RESOLVED (unanimous):

- 1) That the number and allocation of seats and nominations be approved as set out in the schedule and addendum sheet circulated at the meeting (and attached as Minute Appendix 1);
- 2) That the proposed appointment of Chairs and Deputy Chairs be approved as set out in the schedule and addendum sheet circulated at the meeting (and attached as Minute Appendix 1);
- 3) That the following bodies be confirmed with terms of reference as set out in the Council's constitution and that they have a fixed membership, or members are appointed by the Chief Executive, Deputy Chief Executive or relevant Director as the need arises:
Equality Steering Group, Council Panels, Recruitment Panels, Task Groups and Project Boards; and
- 4) That the proposed appointments of members and other persons to serve on Outside Bodies be approved as set out in the schedule and addendum sheet circulated at the meeting (and attached as Minute Appendix 1).

12 Annual Pay Policy Statement

Councillor Tutt moved and Councillor Shuttleworth seconded and it was:

RESOLVED (unanimously) – That the Annual Pay Policy Statement be approved.

13 Confirmation of Programme of Meetings for 2019/20

Councillor Tutt moved and Councillor Freebody seconded and it was:

RESOLVED (unanimously) – That the programme of meetings for all bodies in the municipal year 2019/20 be confirmed in accordance with the schedule circulated with the agenda for the meeting.

The meeting ended at 7.11 pm.

Councillor Steve Wallis
The Mayor

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Eastbourne Borough Council
Schedule of Appointments 2019/20

CABINET (Leader of the Council plus 5 additional members of the controlling group). The formal appointment of the 5 members (other than the Leader) is to be made by the Leader following his/her appointment by the full Council. Although the Council has previously determined that the size of the Cabinet shall be between 4 and 6 in total it is open to the Leader to recommend the Council to agree a different size. The law requires that the Cabinet shall have at least 3 but not more than 10 members (including the Leader)

1	Leader of the Council: Cllr David Tutt
2	Deputy Leader: Alan Shuttleworth (and Housing portfolio)
3	Stephen Holt – Financial Services
4	Jonathan Dow – Place Services
5	Margaret Bannister – Tourism and Leisure Services
6	Colin Swansborough – Core Support, Strategic Services and Special Projects
7	Rebecca Whippy – Disabilities and Community Safety

OPPOSITION "SHADOW CABINET" (Notification for information)

1	Opposition Leader: Tony Freebody and Shadow Cabinet Member for Disabilities
2	Deputy Leader: Penny Di Cara – Place Services
3	Robert Smart – Finance
4	Caroline Ansell – Tourism
5	Jane Lamb – Direct Assist
6	Colin Murdoch – Core Support
7	Paul Metcalfe – Community Safety

COMMITTEES

Scrutiny Committee (7 or 8 members, not members of the Cabinet or the Mayor. Chairman to be appointed from the largest opposition group. and Deputy Chairman from the controlling group.

Controlling Group		Opposition	
1	D/Ch: Dean Sabri	6	Ch: Caroline Ansell
2	Pat Rodohan	7	Colin Murdoch
3	Peter Diplock	8	Robert Smart
4	Robin Maxted	Substitutes:	
5	Helen Burton		
Substitutes:		1	Barry Taylor
1	Harun Miah	2	Jane Lamb
2	Amanda Morris		

Planning Committee (12 trained Councillors - not Cabinet members. 8 as members of the Committee and 4 as substitutes).

Controlling Group		Opposition	
1	Ch: Jim Murray	6	Paul Metcalfe
2	D/Ch: Peter Diplock	7	Barry Taylor
3	Robin Maxted	8	Jane Lamb
4	Harun Miah	Substitutes:	
5	Candy Vaughan	1	Penny Di Cara
Substitutes:		2	Colin Murdoch
1	Sammy Choudhury		
2	Amanda Morris		

Licensing (General and Licensing Act) Committee (Between 10 and 15 trained Members (13 proposed for 2019/20) – not Cabinet members).

Controlling Group		Opposition	
1	Ch: Pat Rodohan	9	Colin Belsey
2	D/Ch: Robin Maxted	10	Barry Taylor
3	Amanda Morris	11	Penny Di Cara
4	Jim Murray	12	Colin Murdoch
5	Helen Burton		
6	Candy Vaughan		
7	Peter Diplock		
8	Sammy Choudhury		

Licensing Sub-Committee Standing Chairmen: (Between 3 and 5 members drawn from the membership of the Licensing Committees)

Controlling Group		Opposition	
1	Pat Rodohan	5	Colin Belsey
2	Robin Maxted		
3	Candy Vaughan		
4	Amanda Morris		

Audit and Governance Committee (8 Councillors)

Controlling Group		Opposition	
1	Ch: Dean Sabri	7	Barry Taylor
2	D/Ch: Robin Maxted	8	Paul Metcalfe
3	Helen Burton	Substitutes	
4	Amanda Morris	1	Jane Lamb
5	Harun Miah	2	Penny Di Cara
6	Sammy Choudhury		
Substitutes:			
1	Candy Vaughan		
2	Peter Diplock		

ADVISORY GROUPS

Conservation Area Advisory Group 4 (or 3) members, not Planning Committee members, plus external advisors). Past Council practice has been to allow the opposition an equality of seats.

Controlling Group		Opposition	
1	Ch: Pat Rodohan	3	Colin Belsey
2	D/Ch: Dean Sabri	4	Robert Smart

Recommendation from Liberal Democratic Group that - Rebecca Madell (as the Council's Heritage Champion) to be an ex officio member of the Conservation Area Advisory Committee.

Other ex officio representatives are: Richard Crook (Royal Institute of British Architects) and Nicolas Howell (Eastbourne Society).

Joint Staff Consultative Committee (3 members, 2 from the controlling group and 1 from the largest opposition group, plus staff representatives. Controlling Group's representation to include at least 1 Cabinet member. Chairmanship alternates between Employer's and Staff Sides). *N.B. Employer's Side will take chair in 2019/20*

Controlling Group		Opposition	
1	Ch: Colin Swansborough	1	Jane Lamb
2	Stephen Holt		
Substitutes:		Substitutes:	
1	Alan Shuttleworth	1	Tony Freebody
2	Jonathan Dow	2	Penny Di Cara

TASK GROUPS:

Grants Task Group (3 members)

Controlling Group		Opposition	
1	Ch: Alan Shuttleworth	3	Penny Di Cara
2	Margaret Bannister		

Downland Forum (3 members)

Controlling Group		Opposition	
1	Helen Burton	3	Colin Belsey
2	Jonathan Dow		

Town Team Grants Panel (3 members) - *Recommendation from Liberal Democrat Group that this be abolished.*

Controlling Group		Opposition	
1		3	Tony Freebody
2			

EBC COMPANY DIRECTORSHIPS:

Aspiration Homes (3 Councillors)

Controlling Group		Opposition	
1	David Tutt	3	Tony Freebody
2	Alan Shuttleworth		

Eastbourne Homes - Non Executive Directors (currently 4)

Controlling Group		Opposition	
1	Candy Vaughan	2	Barry Taylor

CloudConnX Board – Director (Council’s Chief Executive)

1	Robert Cottrill (CE)
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Eastbourne Housing Investment Company Limited Board

1	David Tutt (Leader)
2	Stephen Holt (Cabinet Member)

In addition to Roger Eastwood (Chair, Eastbourne Homes Ltd), Ian Fitzpatrick (Director of Regeneration and Planning), Tim Whelan (Director of Service Delivery).

PROJECT BOARDS:

Airbourne Project Board: (Leader, Cabinet Member and Shadow Cabinet Member for Tourism and Enterprise) Cllrs: David Tutt, Margaret Bannister and Caroline Ansell.

Carbon Reduction Board: Cllrs: Margaret Bannister, Jonathan Dow and Jim Murray.

Devonshire Park Project Board: Cllrs: Margaret Bannister, Colin Murdoch and David Tutt

Homes First Working Group: Cllr Alan Shuttleworth

Local Plan Steering Group: Cllrs Margaret Bannister, Jonathan Dow, Dean Sabri, Penny Di Cara, Jim Murray and David Tutt

Redoubt Museum Policy Group: Cllrs Steve Holt and Caroline Ansell.

Strategic Property Board: Cllrs Caroline Ansell, David Tutt and Steve Holt

Terminus Road Project Board (joint with ESCC): Cllrs Tony Freebody and David Tutt

Wish Tower Project Board: Cllrs David Tutt, Margaret Bannister and Caroline Ansell.

OTHER:

Armed Forces Covenant Champion: Cllr Amanda Morris

Black and Minority Ethnic (BME) Champion: Cllr Harun Miah

Councillors appointed to hold a Youth Brief: Cllrs Penny Di Cara, Steve Holt, Dean Sabri and Rebecca Whippy.

Disability Champion: Cllr Rebecca Whippy

Heritage Champion: Mrs Rebecca Madell

Hospitals Champion: Hon. Freeman Mrs Elizabeth Walke

Energy Champion: Cllr Jonathan Dow

Faith Champion: Carolyn Heaps

Equalities Champion: Cllr Helen Burton

Walking Champion: Gill Mattock

Representation on Outside and Other Bodies 2019/20

Organisation	Council's Representative(s)
3VA (Voluntary Action Eastbourne), observer.	Cllr Alan Shuttleworth
Age Concern (Eastbourne)	Cllr Pat Rodohan (Board Member)
BHT Advice Eastbourne (formerly Eastbourne Housing Aid and Legal Centre)	Cllr Alan Shuttleworth
British Destinations (Annual Conference)	Relevant Cabinet Member (Cllr Margaret Bannister)
British Destinations (nomination to Policy Committee if election arises)	Relevant Cabinet Member (Cllr Margaret Bannister)

Cavendish Sports Centre Joint Liaison Committee	Cllrs Colin Murdoch and Peter Diplock
Citizens Advice Bureau	Cllr Robin Maxted
Community Safety Partnership	<i>See separate listing for this partnership and its linked groups and forums at end of this schedule.</i>
Cultural Involvement Group	Cllrs Dean Sabri and Harun Miah
Disability Involvement Group	Council's Disability Champion (Cllr Rebecca Whippy) and Cllr Tony Freebody
East Sussex Building Control Partnership	Relevant Cabinet Member (Cllr Jonathan Dow) NB: Lead officer to deputise
East Sussex Equality and Involvement Network – Community Tension	Relevant Cabinet Member (Cllr Rebecca Whippy)
East Sussex Gypsy and Traveller Forum	Relevant Cabinet Member (Cllr Jonathan Dow) and relevant Shadow Cabinet member (or their respective nominees). Opposition nominee is Cllr Barry Taylor (substitute is Cllr Robert Smart)
East Sussex Gypsy and Traveller Members' Group	Relevant Cabinet Member (Cllr Jonathan Dow)
East Sussex Health and Wellbeing Board	Cllr Margaret Robinson is nominee Two voting members rotate between districts and boroughs on an annual basis
East Sussex Health Overview and Scrutiny Committee (co-opted member) (N.B. law requires nomination to be a member of the Council's Scrutiny Committee)	Cllr Amanda Morris
East Sussex Joint Waste Committee (Must be Cabinet members)	Relevant lead Cabinet members (Cllrs Jim Murray and Jonathan Dow) (Substitutes: Cllrs Alan Shuttleworth and David Tutt)
East Sussex Strategic Partnership	Relevant Cabinet Member (Cllr David Tutt) or nominee + Chief Executive

East Sussex Strategic Planning Member Group	Cllr Jonathan Dow
Eastbourne Air Quality Partnership	Tim Whelan (Director of Service Delivery)
Eastbourne Amalgamated Charities (Trustees)	Council nominated trustees: Mr B R Etheridge Cllr Helen Burton
Eastbourne and Wealden YMCA Board'	Cllr Jim Murray
Eastbourne and District Enterprise Agency Limited (EDEAL)	Cllr David Tutt (or nominee)
Eastbourne Defibrillator Partnership	Cllr Alan Shuttleworth (Chair)
Eastbourne Education Business Partnership	Mr Robert Cottrill (Council's Chief Executive) and Gill Mattock
Eastbourne Housing Forum	Relevant Cabinet Member (Cllr Alan Shuttleworth) or nominee
Eastbourne Leisure Trust	Cllr Jim Murray (N.B. observer/adviser without voting rights.)
Eastbourne Open Bowling Tournament Management Committee	Cllr Sammy Choudhury
Eastbourne Seniors Club (appointment of trustee)	The Mayor or his/her nominee.
Lewes and Eastbourne Equality and Fairness Stakeholders Forum (formally Steering Group)	Relevant Cabinet Member - Cllr Rebecca Whippy
Hampden Park Sports Centre Joint Liaison Committee	DELETE
iESE Limited (General Meeting Representative)	Cllr Alan Shuttleworth
iESE Transformation Limited (General Meeting Representative)	Cllr Alan Shuttleworth

Local Government Association	Leader of the Council (with voting rights), plus Deputy Leader and Opposition Leader (or their respective nominees – Opposition nominee is Cllr Penny di Cara); all of whom should be Cabinet or Shadow Cabinet members
Local Government Association District Council Network	Leader- Cllr Tutt
Local Government Association – East Sussex Branch	Leader and Deputy Leader of the Council – Cllrs Tutt and Shuttleworth
Local Government Association Coastal Issues Special Interest Group	Relevant Cabinet Member (Cllr Margaret Bannister) or nominee + 1 officer.
Pevensey and Cuckmere Water Level Management Board	6 members Cllrs Helen Burton, Jonathan Dow, Colin Swansborough, Pat Rodohan, Robert Smart and Barry Taylor
Royal Project (in support of the Royal Hippodrome Theatre)	DELETE
Salvation Army Eastbourne Steering Group	Cllr Margaret Bannister
South Downs National Park Authority	Cllr Helen Burton
South East Environmental Services Board	Councillor Jonathan Dow, Councillor David Tutt, Councillor Tony Freebody. (+ 2 Directors)
Sussex Police and Crime Panel	Cllr Rebecca Whippy (Cllr Colin Swansborough is the named substitute)
South East England Councils	Relevant Cabinet Member or nominee. Nominee is Cllr Stephen Holt (with Cllr David Tutt as substitute)
South East Local Enterprise Partnership (LEP) and its subsidiary bodies.	Leader or their nominee (if required)
Sussex Downs College	Cllr Colin Swansborough in the event that the college seek a nomination from the Council.

Taxi and Private Hire Forum	All members of the Licensing Committee are invited to attend (N.B. meets only as and when required.).
Team East Sussex	Leader of the Council (Cllr David Tutt) Cllr Alan Shuttleworth is substitute
Towner Charitable Trust	Cllr Colin Swansborough and Ms Kay Cadell
University of Sussex Court	The Mayor and Chief Executive

COMMUNITY CENTRE MANAGEMENT COMMITTEES

Hampden Park	Cllr Colin Swansborough
Langney	Cllrs Alan Shuttleworth (Langney ward) and David Tutt (St Anthony's ward)
Old Town	Cllr Amanda Morris
Regency Park	Cllr Margaret Bannister
Sovereign	Cllr Penny Di Cara

NEIGHBOURHOOD MANAGEMENT PARTNERSHIP GROUPS

East Hampden Park (Co-ordinated by EBC and Sussex Police)	Ward councillors are invited to attend all these groups.
Kingsmere Operations Group (Co-ordinated by Amicus Horizon Housing Association)	
Old Town (Co-ordinated by Eastbourne Homes)	
Shinewater Operations Group (Co-ordinated by EBC)	
Willingdon Trees (Co-ordinated by Places for People)	

COUNCILLOR REPRESENTATION ON THE EASTBOURNE COMMUNITY SAFETY PARTNERSHIP AND LINKED GROUPS AND FORUMS

Partnership Group	Representation	Councillor(s)
Community Safety Partnership Main Board	Portfolio holding Cabinet Member or nominee	Cllr Rebecca Whippy
Joint Action Group (JAG)	Leader of the Council, Portfolio holding Cabinet Member, Opposition Leader and Opposition Shadow Cabinet spokesperson or respective nominees.	Cllrs David Tutt, Rebecca Whippy, Barry Taylor and Paul Metcalfe (Opposition group substitute is Penny Di Cara)
Neighbourhood Watch Committee	One Member from either Group	Cllr Rebecca Whippy
Overseas Students Advisory Committee (OSAC)	1 Councillor	Cllr Dean Sabri
Nightwatch and Shopwatch (Eastbourne Crime Group – Steering Group)	Relevant Cabinet Member	Cllr Rebecca Whippy
Neighbourhood Panels (Co-ordinated by Sussex Police)	Ward Councillors are invited to attend	



Working in partnership with **Eastbourne Homes**

Meeting: Council

Date: 10 July 2019

Subject: Eastbourne Borough Council Draft Statement of Licensing Policy 2019-2024

Report of: Councillor Rodohan on behalf of the Licensing Committee

The Council is asked to consider the minute and resolution of the Licensing Committee held on 27 June 2019 as set out below.

The Council is recommended to:-

- 1) Agree the final Statement of Licensing Policy (attached at Appendix A).**
 - 2) Agree that that further minor amendments during the period of the recommended Policy be made by the Function Lead Quality Environment with the agreement of the Chair of the Licensing Committee**
-

**Minute extract
Licensing Committee – 27 June 2019.**

7 Eastbourne Borough Council Draft Statement of Licensing Policy 2019-2024

The Committee considered a report of the Director of Service Delivery which requested that it review the responses to the eight week consultation on the proposed new Statement of Licensing Policy including a Cumulative Impact Assessment (CIA) and recommend the final policy for approval to Full Council. It was noted that the major changes to the policy, in comparison to the previous version, were updated to take into account the latest legislation.

The Functional Lead Quality Environment outlined the responses received, which were appended to the report. Five of the responses were from the Chamber of Commerce and its members or operators of local establishments, who were concerned that the inclusion of the CIA inhibited the night time economy. These responses asked that the CIA be rescinded and a partnership be developed with residents, statutory agencies and other stakeholders to develop a plan for the night-time economy.

Alternatively, the Police in their initial proposals and the Community Safety Partnership in its response, had asked for the CIA to be retained, and provided evidence including crime data set out in the report, that showed that crime levels in the area had increased. It was argued that the CIA was needed to support the specific licensing objectives of the prevention of crime and disorder and protecting children from harm.

The Committee discussed these main alternatives, and the additional option of supporting the inclusion of the CIA whilst still working with the Chamber of Commerce to support the night-time economy. Overall it was considered that it was important to heed the advice of the Police to retain the CIA as a measure to restrain crime in the area and keep people safe. It was felt that the policy did not prevent businesses from applying and obtaining licences where there was appropriate evidence to support such licences, and still enabled the Council to support the night-time economy.

The Functional Lead Quality Environment highlighted several amendments which were required to the policy document, including replacement of the word 'necessary' with 'appropriate' in the second and third paragraphs on page 28, and replacement of the word 'policy' with 'assessment' on page 38 paragraph 8.5, and page 40 paragraph 8.12. It was proposed that he make these typographical changes to the document prior to its submission to Council, but in the future any minor amendments be made in consultation with the Chair.

It was moved by Councillor Murdoch and seconded by Councillor Belsey that Option 1 (set out in paragraph 5.6) be adopted, and the Cumulative Impact Assessment be retained as part of the Statement of Licensing Policy.

The remaining officer recommendations (2) to (4) were moved by Councillor Rodohan and seconded by Councillor Vaughan. Accordingly, it was

RESOLVED (unanimously)–).

1. That having considered the submissions in relation to the removal of the Cumulative Impact Assessment with options outlined in paragraph 5.6 and 5.7 of the report, Option 1 be agreed: to retain the Cumulative Impact Assessment as part of the Statement of Licensing Policy;
2. To agree the final Statement of Licensing Policy and recommend the Policy to Full Council;
3. To delegate the Functional Lead Quality Environment to make any necessary changes to the Statement of Licensing Policy before submission to Full Council; and
4. To recommend to Full Council that further minor amendments during the period of the recommended Policy be made by the Function Lead Quality Environment with the agreement of the Chair of the Licensing Committee.

For a copy of the report please contact Democratic Services:

Tel. (01323) 410000.

E-mail: committees@lewes-eastbourne.gov.uk

A copy may be downloaded on the Council's website by following the link below:

<http://democracy.eastbourne.gov.uk/mgGeneric.aspx?MD=CommitteesLanding&bcr=1>

Appendix 1



LICENSING ACT 2003

**EASTBOURNE BOROUGH COUNCIL STATEMENT OF
LICENSING POLICY 2019-2024**

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Executive Summary

In accordance with the revised Guidance from the Secretary of State, the Licensing Authority is required by the Licensing Act 2003 to produce every five years, a Statement of Licensing Policy, which sets out how it will exercise its licensing functions in respect of applications for the retail sale of alcohol, the supply of alcohol to members of a club, the provision of regulated entertainment and the provision of late night refreshment in the Eastbourne Borough area. The following is a summary of the key provisions of the Council's Statement of Licensing Policy.

The Policy explains the approach the Council intends to take in order to meet the four Licensing Objectives stated in the Act as follows:-

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

In the Policy, the Council recognises that longer, more flexible trading hours can contribute to easing crime and disorder problems by ensuring that large numbers of customers do not leave licensed premises at the same time.

This often helps reduce congestion at taxi ranks and late night fast-food outlets. The policy does not therefore set fixed trading hours, although the Council recognises that stricter conditions may be necessary in certain instances, for example with regard to noise, additional control mechanisms and conditions may need to be applied in more densely populated residential areas.

The Policy does not seek to artificially introduce staggered closing times. Shops and supermarkets will generally be permitted to sell alcohol at any time during their normal trading hours, unless there are very strong reasons for restricting those hours.

The Act gives licensed premises the opportunity to operate for longer periods. However, with these opportunities come additional responsibilities and the Council will have regard to its obligations under Section 17 of the Crime and Disorder Act 1998 when dealing with licensing applications. That law places a duty on the Council to do all it reasonably can to exercise its functions with due regard to the likely effect on crime and disorder, alongside the need to prevent it. The Policy also identifies that the Council will bear in mind its duties in relation to closure orders under the Anti-Social Behaviour Crime and Policing Act 2014. That power can be used if it is reasonably believed that a public nuisance is being caused by noise emanating from licensed premises, or premises subject to a temporary event notice where closure is necessary to prevent that nuisance.

The Council welcomes proposals that enhance the range of cultural and entertainment opportunities available to as wide a range of age groups as possible. It recognises that as part of implementing local strategies, proper account should be taken of the need to encourage and promote live music and dancing for the wider cultural benefit of the community, the Council seeks to encourage the provision of theatre and the dramatic and performing arts in the Borough.

The Council also welcomes proposals for the provision of regulated entertainment which does not involve the sale and supply of alcohol, or to which such sale and supply of alcohol is genuinely ancillary to an activity. The Council envisages that this offers a wider choice of entertainment to local residents, businesses and visitors.

The Council recognises the importance of the provision and variety of venues for entertaining young people. This can be a factor in reducing anti-social behaviour and youth related disturbances that cause problems for local residents and businesses. It welcomes proposals for the provision of regulated entertainment for persons under 18 years of age, subject to the necessary controls being put in place to safeguard children and young people.

The Council does not seek to limit the access of children to licensed premises, unless it is necessary for the prevention of harm. The wide range of premises that require licences means that children can be expected to visit many licensed venues for food or entertainment.

Crime and disorder associated with licensed premises can cause significant concern to licence holders, customers and the community. The Policy identifies key areas of concern, such as drugs, alcohol-related crime, under age sales and the inappropriate promotion of alcohol, which can lead to binge drinking. These are issues licence holders must consider as part of the application process, and throughout the currency of any licence or permissions.

The Policy considers the implications of nuisance on the local community and customers. This includes noise from the licensable activities, noise from those attending, smoking areas, vibration from the activity, noxious smells, light pollution, and accumulations of rubbish and litter.

The Policy outlines when conditions should be imposed and what is expected to be included in an Operating Schedule.

The Policy points out that in determining applications, the Council will consider each case on its individual merits.

The Council expects that in the majority of cases, it will not receive representations about the effect of an applicant's proposals on one or more of

the Licensing Objectives. In these cases, the Council will grant the licence subject to conditions which reflect the applicant's proposals and any mandatory conditions required by law.

Where the Council does receive relevant representations, it will seek to focus on the steps required to promote the particular Licensing Objective(s) which has given rise to the specific representation and avoid straying into undisputed areas. The Council will therefore grant the application, if it can do so, subject to such conditions considered appropriate to promote the four Licensing Objectives and any mandatory conditions.

Such conditions will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. Alternatively, the Council may decide to exclude a particular licensable activity or reject the application if it considers it appropriate to do so to promote the four Licensing Objectives.

The Policy sets out the way that the Council will integrate the Statement of Licensing Policy with other national, regional and local strategies in order to promote the Licensing Objectives.

The Policy outlines how the Council intends to extend its joint enforcement protocol with Sussex Police, based on a risk assessment basis. The Council aims to co-ordinate inspections and the deployment of its enforcement resources. The Protocol also deals with our shared responsibility for enforcing the law in relation to the sale of alcohol to underage persons. The Council, in carrying out its duties in relation to regulatory inspections and enforcement, is mindful of the principles set out in the Hampton Review and the Better Regulation Delivery Office.

The Policy points out that the Council will expect premises to be properly controlled and managed by responsible operators. This should prevent or minimise problems being caused to any other groups involved in the licensing process, including residents. The Council will continue to work closely with the Responsible Authorities and other Partners to ensure legislation and local standards are met. It will intervene where the provision of licensable activities is carried on in a manner that does not promote the four Licensing Objectives, and falls into conflict with the Council's strategic aims and vision.

The Policy recognises that it will not be easy for the Council to reach a decision that satisfies everyone. A balancing exercise will be conducted to allow an operator to carry on licensable activities in such a way that those who would otherwise be affected by the operation are adequately protected. Alternatively, the Council may decide to exclude a particular licensable activity, or to reject the application if this is considered necessary to promote the Licensing Objectives.

However, it is hoped that all those involved in the licensing process will continue to work together in a spirit of co-operation and partnership that has existed since the Council became responsible for this area of licensing.

In this respect, the Policy states that regular liaison between licence/certificate/authorisation holders and local residents, local businesses and their representative organisations is to be expected.

1.0 Introduction and Purpose

- 1.1 Eastbourne Borough Council (the Council) is the Licensing Authority under the Licensing Act 2003 (the Act) and is responsible for granting premises licences, club premises certificates, temporary event notices and personal licences in the Borough in respect of the sale and/or supply of alcohol, the provision of regulated entertainment and late night refreshment.
- 1.2 The Act requires the Licensing Authority to publish a 'Statement of Licensing Policy' which sets out the policies the Licensing Authority will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.
- 1.3 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the Act and Government Guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Act, as revised in April 2018.
- 1.4 Licensing is about the regulation of licensed premises, qualifying clubs and temporary events within the terms of the Act. Conditions, where attached to the various permissions, will focus on matters that are within the control of individual operators and others granted relevant permissions.
- 1.5 These matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. Whether or not incidents can be regarded as being "in the vicinity" of licensed premises or places is ultimately a matter of fact to be decided by the Courts in cases of dispute.
- 1.6 In addressing such matters consideration will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned.
- 1.7 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from

licensed premises and, therefore, beyond the direct control of the individual licensees. There are a range of mechanisms including:

- Planning controls
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority the provision of Closed Circuit Television (CCTV)
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- The confiscation of alcohol from adults and children in designated areas
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance and
- The power of the police, other Responsible Authorities, Ward Councillor or a local resident or business to seek a review of the licence or certificate in question.

1.8 The Licensing Authority expects every holder of a licence, certificate or permission to accept and be responsible for minimising the impact of their activities and anti-social behaviour by their patrons within the vicinity of their premises by taking appropriate measures and action consistent with that responsibility.

1.9 This Licensing Policy does not:

- undermine the right of any individual to apply for a variety of permissions and to have each application considered on its individual merits,
- Override the right of any person to make representations on an application, or seek a review of a licence or certificate, where the 2003 Licensing Act allows,

1.10 This Policy will be used as a basis in coming to consistent and transparent decisions in respect of licence applications.

1.11 The Licensing Authority has taken full account of the Guidance issued to it by the Secretary of State under Section 182 of the Licensing Act as revised in April 2018.

1.12 Where it is considered necessary to depart from that Guidance, the Licensing Authority will give its reasons for doing so. Additionally, in formulating this Policy, the Licensing Authority has had regard to a range of legislation, including the provisions of the Human Rights Act 2010, the Equality Act 2010, and has taken into account the provisions of the Anti-Social Behaviour Crime and Policing Act 2014.

2.0 Policy Consultation and Review

2.1 The Policy should be re-published every 5 years. During the five year period, the policy will be kept under review, and may be revised if the Licensing Authority considers it appropriate. The previous policy was approved in 2014.

2.2 For example, where there has been feedback from the local community, Responsible Authority or someone else on whether the licensing objectives are being met. Before revising it or determining its Policy for any 5 year period, the Licensing Authority must consult with:

- the chief officer of police for the area;
- the fire and rescue authority for the area;
- each Primary Care Trust or Local Health Board for an area any part of which his in the licensing authority's area;
- persons/bodies representative of local premises licence holders;
- persons/bodies representative of local club premises certificate holders;
- persons/bodies representative of local personal licence holders;
- and
- persons/bodies representative of businesses and residents in its area.

2.3 The Licensing Authority shall foster ownership, co-ordination and partnership. It will involve partners from the Licensing Authority, including Planning, Environmental Health and Safety Authorities, the Police, the Fire Authority, Community Safety Partnerships, town centre managers, local business, local people and their representatives, local transport providers, and those involved in child protection. Consultation will also take place with entertainment and licensed business managers to encourage understanding and ownership of the Policy and good practice.

3.0 Fundamental Principles

3.1 In carrying out its licensing functions, the Licensing Authority will aim to promote the four Licensing Objectives set out in Section 4 of the Act:

- the prevention of crime and disorder

- public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 3.2 This Policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers.
- 3.3 The Licensing Authority will not take 'need' for premises into account when considering matters. This is interpreted for the purposes of this policy as the commercial demand for premises offering a particular type of licensable activity. 'Need' is not a matter that the Licensing Authority can take into consideration when discharging its licensing function. It is a matter for the local Planning Authority and for the market to decide.
- 3.4 Conditions attached to licences and certificates will be tailored to the individual style and characteristics of the premises, and the events concerned. Conditions will relate to the licensing objectives and will be restricted to matters within the control of individual licence holders.
- 3.5 Licence holders will be required to ensure compliance with any conditions attached to a licence. The Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 3.6 All relevant representations will be considered during the decision making process, unless they are considered to be frivolous, vexatious or repetitious.
- 3.7 Each application will be considered on its own merits. Nothing in this Policy will undermine the right of any individual to apply for the variety of permissions needed to operate or the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Licensing Act 2003.
- 3.8 Changes to statute, statutory instruments and case law may give rise to binding legal considerations that may appear to invalidate a part or parts of this statement. If this occurs, the policy overall is deemed to continue in effect, following the minimum amount of amendment. The requirement for a full consultation will be determined with reference to the material changes to the statement.

4.0 Local Features and Characteristics of the Borough

- 4.1 Eastbourne is a thriving seaside town and a spectacular gateway to the South Downs National Park and beauty spot, Beachy Head. It has a resident population of approximately 103,000 persons.
- 4.2 Eastbourne has five miles of beaches, an extensive marina complex and over 4,000 acres of South Downs countryside. Tourism is crucial to this cosmopolitan area and is Eastbourne's primary industry.
- 4.3 One of the largest accommodation stocks in the South East, Eastbourne has approximately 7,500 bed spaces. The town stages a busy events programme which includes international tennis, theatre shows direct from the West End and an international four day air show, Airbourne, bringing over 800,000 visitors.
- 4.4 In addition, a 10 year Tourism Strategy seeks to secure investment in the town. It develops new marketing initiatives which will add new audiences for Eastbourne in the future, targeting 35+ age groups with higher spending capability.

5.0 Decision Making Process

- 5.1 The types of applications covered by the Act and relevant to this policy are:
 - Personal licences
 - New Premises licence applications
 - Provisional statements
 - Full and Minor Variations to Premises Licence
 - Transfers
 - Temporary Event Notices
 - Interim Authorities
 - Reviews
 - Club Premises Certificates
 - Matters involving the Designated Premises Supervisor
- 5.2 Licensing decisions and functions may be taken or carried out by the appropriate Licensing Committee of Eastbourne Borough Council, except for those relating to the making of a Statement of Licensing Policy, or delegated to the Licensing Sub-committee, or in appropriate cases to Officers of the Authority.

5.3 Many of the decisions will be largely administrative and it is anticipated that they will be made by Officers, in the interests of speed, efficiency, and cost effectiveness.

5.4 The terms of delegation of licensing functions are set out below.

Matter to be dealt with	Full Licensing Committee	Sub-committee	Officers
Application for personal licence		If a police or Home Office objection	If no objection notice is given by the police or Home Office.
Decision whether to suspend or revoke a personal licence		All cases	
Application for personal licence With unspent convictions		If a police objection	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made or all representations made are withdrawn
Application for provisional Statement		If a relevant representation made	If no relevant representation made or all representations made are withdrawn
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made or all representations made are withdrawn
Application to vary designated premises supervisor		If a police or Home Office objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police or home office	All other cases

		objection	
Application for interim authorities		If a police or home office objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application			All cases
Minor variation			All cases
Determination of a police objection to a temporary event notice		All cases	

5.5 The power to grant licences and permissions includes the power to renew, vary, refuse, suspend or revoke such licence or permission and the power to impose conditions.

5.6 The role of the Licensing Authority is primarily to regulate the carrying on of licensable activities. It recognises the differing specific interests of those involved in the licensed trade, the carrying out of those activities and their likely impact. The Licensing Authority is keen to ensure that the licensing objectives are promoted, taking account of the wider interests of the community.

6.0 Integration and the Promotion of Other Strategies

6.1 The Licensing Authority shall secure the proper integration of this Policy with local crime prevention, planning policy, transport, tourism and cultural strategies by undertaking a range of functions including:-

- Liaising and consulting with the East Sussex Fire & Rescue Service;
- Liaising and consulting with the Local Strategic Partnerships, Safety Advisory Groups and other Community Safety Partnerships;
- Liaising and consulting with the Planning and Highways Authority;

- Liaising and consulting with tourism, stakeholder groups, such as the Business Forum and the economic development functions for the Council;
- Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols;
- Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice;
- Liaising and consulting with the Sussex Police, Community Safety Partnerships and following the guidance in community safety and crime and disorder strategies;
- Having regard to local and national strategies to promote safer socialising, responsible drinking and alcohol treatment services.

6.2 The Licensing Authority shall have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and positive relations between persons of diverse backgrounds, in line with statutory requirements and the Council's Equality and Fairness Strategy. This includes communities of interest such as; disabled people; racial and ethnic groups and faith groups.

6.3 The Policy supports the Eastbourne Tourism Strategy. It recognises the benefits for the local economy of creating a safe and more attractive town centre. The Licensing Committee may receive any reports relevant to the needs of the local economy for the area in order to ensure that it considers all relevant matters. It may also receive information relating to the employment within the Borough, and the demand for new investment and employment where appropriate.

7.0 Other Regulatory Regimes and Avoidance of Duplication

7.1 This Policy avoids duplication with other regulatory regimes wherever possible. The following are generally considered under separate regimes:

- Health and Safety: Certain premises will be the subject of health and safety enforcement by the Local Authority or the Health and Safety Executive (HSE). If other existing law already places certain statutory responsibilities on an employer or operator of premises, for example the Management of Health and Safety at Work Regulations 1999, it will not be necessary to impose the same or similar duties on the premises licence holder or club under the Licensing Act 2003.

7.2 However, existing duties will not always adequately cover specific issues that arise on the premises in connection with, for example, certain types of entertainment. Additional conditions or supplementary measures may be considered appropriate to effectively promote the licensing objectives.

- Fire Safety: Premises and their operators must have regard to current fire safety regimes and the Regulatory Reform (Fire Safety) Order 2005.
- Food Hygiene: Licensed premises engaged in a food business will be registered and subject to risk-based food hygiene inspections by the Council's Specialist Advisors.
- Noise: Statutory and Public nuisances are dealt with by the Council's Specialist Advisors and Customer Case Workers under the Environmental Protection Act 1990 and associated legislation. Noise from commercial premises may often fall under this regime in addition to closure powers as set out in other legislation designed to control the conduct of licensed premises.
- Public Sector Equality Duty: requires public authorities, in the exercise of their functions, to have due regard to the need to: eliminate unlawful discrimination, victimisation and harassment; advance equality of opportunity; and foster good relations between people who share a relevant protected characteristic and those who do not share it. The local authority has a written statement in regard to these obligations which this Statement of Licensing Policy has taken account of.
- Community Relations: Integration of corporate strategies with the Policy recognises the Council's role, as a community leader, to promote community cohesion and good relations between diverse communities.
- Anti-social Behaviour, Crime and Policing Act 2014: Provides that if the noise from any licensed premises is causing a public nuisance, an authorised Officer has the power to issue a closure order in respect of it effective for up to 24 hours. This complements the Police powers under the act to close licensed premises for temporary periods for violent or disorderly conduct.
- Litter and Smoking: Authorised Officers of the Council have powers to enforce premises operators' responsibilities under smoke free legislation and duties to keep external areas clear of litter.
- Equality Act 2010: Applicants for new premises, or for variations involving changes to the layout of premises, must have regard to this legislation.
- Gambling Act 2005: Where the principal purpose is gaming, the sale of alcohol and the provision of entertainment in such premises is

generally incidental to gaming. However, in some instances, permissions may be required under the Licensing Act. Applicants will have regard to the licensing objectives of both regimes, but duplication of conditions will be avoided where possible.

- Planning: The Licensing Authority will not duplicate matters considered as part of a planning application. Licensing decisions will take into account any relevant planning decisions and will not normally cut across this. It is for individuals to ensure that they have the relevant planning permission in place before trading.

8.0 Cumulative Impact

- 8.1 The impact of the number, type and density of licensed premises in a given area may lead to problems of noise, nuisance, crime and disorder outside of, or a distance from licensed premises. Cumulative Impact is defined as the “potential impact upon the Licensing Objectives of a significant number of licensed premises concentrated in an area,” and is a proper matter for consideration by the Licensing Authority.
- 8.2 The Licensing Authority may receive representations from a Responsible Authority or someone else that the cumulative effect of licences is leading to an area becoming saturated. This creates exceptional problems of disorder and nuisance, over and above the impact from individual premises which undermines the promotion of one or more of the licensing objectives.
- 8.3 This should not be confused with “need” which relates to the commercial demand for a particular type of operation in an area. “Need” is a matter for the market to decide, and does not form part of this Policy.
- 8.4 In July 2007, the Licensing Authority determined that the concentration of licensed premises in a specified area of the town centre causes crime, disorder and public nuisance. In 2007, it was agreed that this area should be subject to Cumulative Impact Policy.
- 8.5 The absence of a Cumulative Impact Assessment in an area does not prevent any Responsible Authority or any other person making representations in respect of an application for a new or variation to a premises licence. This could be on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. The Policy applies to all new and variation applications under the Licensing Act 2003, and can be applied to a wide range of premise type, including where alcohol is to be made available either on or off the premises, and late night refreshment houses.

- 8.6 In reaching decisions regarding cumulative impact, the Council will have regard to other mechanisms falling outside of the licensing regime which may also be available to address this issue, including;
- Planning controls, where development or change of use is involved, or where trading hours are limited by planning controls;
 - Police enforcement of the law concerning disorder and anti-social behaviour, including the issue of fixed penalty notices.
 - The prosecution of any personal licence holder or member of staff at such premises which is selling alcohol to people who are drunk or under the age of eighteen.
 - Police and Council powers to instantly close for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises.
 - The power of the Police, other Responsible Authorities or a local resident or business to seek a review of the licence or certificate in question at any time.
- 8.7 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of licensed site or operator. The Licensing Authority will primarily focus on the direct impact of the activities taking place at or immediately outside the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 8.8 The Licensing Authority will not impose 'blanket' standard conditions on granted licences, save for the Mandatory Licensing Conditions covered by the Act. Conditions attached to licences shall be on a case by case basis, tailored to the individual styles and characteristics of the premises and events concerned.
- 8.9 Conditions will be used to reflect the circumstances and needs of any particular operation insofar as they are necessary for the promotion of one or more of the four licensing objectives. Many conditions supporting these objectives arise from the applicants' Operating Schedule and will be incorporated in licences as a matter of course.
- 8.10 With effect from 6 April 2018, the Policing and Crime Act 2017 introduced the concept of cumulative impact assessments into the Licensing Act 2003 by inserting into the Act a new section 5A.
- 8.11 A cumulative impact assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and

leading to problems which are undermining the licensing objectives. CIA's relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.

- 8.12 At the current time the licensing authority has published a Cumulative Impact Assessment as there was an evidential basis on which to base such a decision in 2019.
- 8.13 If the licensing authority were to alter or remove the publication of a CIA in the future, it would do so in accordance with the requirements of section 5A of the Licensing Act 2003 and with regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

9.0 Trading Hours

- 9.1 The Licensing Authority recognises that longer, more flexible licensing hours can contribute to easing crime and disorder by avoiding large concentrations of customers leaving premises simultaneously. This, in turn, reduces congestion and potential conflict at other locations, for example, taxi ranks and fast food outlets.
- 9.2 This Policy does not set fixed trading hours and does not seek to artificially introduce staggered closing times. The Council will consider each particular case on its merits having regard to representations, including:
- Are the licensed activities likely to cause an adverse impact on local residents and businesses, for example crime, noise and disturbance. If there is potential to cause an adverse impact, what, if any, measures will be put in place to prevent it;
 - Will there be a substantial adverse increase in the cumulative impact from these or similar activities, on adjacent residential areas;
 - Is there a suitable level of public transport and taxi/private hire provision accessible at the appropriate times to facilitate dispersal of patrons;
 - The representations of the Police, or other relevant agency or representative.
- 9.3 The Licensing Authority will closely scrutinise extended hours applications to ensure that the Licensing Objectives are met.
- 9.4 The Licensing Sub-Committee may decide that the circumstances are such that a restriction on hours is the only appropriate means to promote the Licensing Objectives.

9.5 It will be the normal Policy of the Licensing Authority to allow shops, and supermarkets to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless there is evidence for restricting hours.

10.0 Mandatory Licensing Conditions

10.1 The Licensing Act 2003 (Mandatory Conditions) order 2014 sets out the mandatory licence conditions relating to irresponsible marketing of alcohol that apply to all licensed premises and those with a club premises certificate. These conditions include:

- Ban irresponsible promotions;
- Ban the dispensing of alcohol directly into the mouth;
- Selling or supplying alcohol in association with promotional posters or flyers
- Provision of free or discounted alcohol as a prize to reward purchase of alcohol over 24 hour period
- Ensure that customers have access to free tap water so that they can space out their drinks and not get intoxicated too quickly.
- Require an age verification policy to be in place to prevent underage sales; and
- Ensure that customers have the opportunity to choose small measures of beers, ciders, spirits and wine.

10.2 Substantially similar activities to those described are also prohibited.

10.3 In respect of on-trade premises, such as a pub, hotel or bar, or a member's club, all five conditions apply. In the case of off-trade premises, such as an off-licence or supermarket, then only the conditions relating to age verification apply.

10.4 The legislation makes clear that an irresponsible promotion is one that is "carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children."

10.5 If there is any doubt as to whether the promotion planned falls foul of the mandatory conditions, operators are advised to discuss proposals with Eastbourne Borough Council and/or Sussex Police beforehand.

11.0 The Operating Schedule

11.1 The Operating Schedule sets out how the premises propose to operate when carrying on licensable activities. It also enables the Licensing

Authority, any Responsible Authority or any other person to assess whether the steps taken to promote the licensing objectives are satisfactory. It must include the following information:

- the licensable activities to be carried out and whether these are on or off the premises
- the proposed hours during which the relevant licensable activities are to take place
- the proposed hours that the premises are to be open to the public
- the duration of the licence (if it is to have a fixed term)
- details of who is to be the designated premises supervisor if the licensable activities include the sale or supply of alcohol
- where alcohol is to be supplied, whether the supplies are proposed to be for consumption on and/or off premises
- Details of the type of any regulated entertainment to be provided
- The Operating Schedule, detailing the steps the applicant proposes to take to promote the Licensing Objectives

11.2 The Licensing Authority will seek to ensure that licensed premises are designed and run in a way which promotes the licensing objectives. Applicants are advised that Operating Schedules should be considered by professional experts in the relevant field and that applicants consult with all Responsible Authorities when Operating Schedules are being prepared. This may limit opportunities for dispute and negate the need for hearings.

11.3 In order to minimise representations and the necessity for hearings, applicants are advised to consult with all Responsible Authorities when preparing an Operating Schedule.

11.4 Operators of licensed premises will have to comply with a variety of other regulatory regimes including; planning, environmental health, fire safety, licensing and building control legislation when opening or adapting licensed premises.

11.5 The Council will seek to avoid confusion and duplication by not imposing licence conditions relating to matters that are regulated under other legislation, except where they can be exceptionally justified to promote the Licensing Objectives.

12.0 Prevention of Crime and Disorder

12.1 In the Operating Schedule, the Licensing Authority will require the applicant to detail the steps proposed to ensure the deterrence and prevention of crime and disorder, on and in the vicinity of the premises. This should also take account of the location, character, condition, the

nature and extent of the proposed use and the persons likely to frequent the premises.

12.2 The Licensing Authority will require the licence holder to take all reasonable steps to promote responsible drinking, and put mechanisms in place to control excessive consumption of alcohol, under age sales and drunkenness on licensed premises.

12.3 This reduces the risk of anti-social behaviour occurring on the site and elsewhere after customers have left the premises.

12.4 In considering licence applications, the Licensing Authority will have regard to:

(i) The physical security features installed in the premises including: design and layout of the premises in minimising the opportunities for crime and conflict, provision of CCTV and associated recording equipment, display of crime prevention material raising patrons awareness of crime, noise, nuisance and safety issues, adequate lighting levels in the premises, metal detection and search facilities, the use of toughened /shatterproof and plastic drinking vessels within the area covered by a premises licence.

(ii) Procedures for risk assessing promotions such as 'happy hours', and cheap drink promotions which may contribute to the impact on excessive alcohol consumption as well as associated crime and disorder, and plans for minimising such risks. This will need to be considered in conjunction with the mandatory licence conditions.

(iii) The measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies;

(iv) Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks.

(v) The likelihood of any violence, public order or policing problem if the licence is granted.

(vi) The measures taken to control admission to the premises, including the use of Security Industry Authority (SIA) licensed door supervisors.

(vii) Any other such measures as may be appropriate, including; participation in a local Pubwatch or Nightwatch scheme, or other body designed to ensure effective liaison and partnership with the

local community, the use of 'music wind-down policies' and 'chill out areas' .

(viii) Measures to effectively control the premises during key events, for example; during sporting events, during Freshers Week, Airbourne and other significant times.

(ix) Other examples of industry Best Practice.

(x) Any representations made by the Police, or other relevant agency or representative.

(xi) Steps taken to train staff in licensing law and raise awareness of issues in relation to licensed premises, including; excessive consumption of alcohol, underage and proxy sales of age restricted products, drug misuse and associated crime prevention strategies.

- 12.5 Where applicable, applicants must show that they can comply with the Home Office guidance in relation to the control of illegal drugs on their premises. They shall also adhere to the protocol with the Police on the handling of illegal drugs found on their premises.
- 12.6 The Licensing Authority expects that the Designated Premises Supervisor (DPS) will spend a significant amount of time on the licensed premises. When not on the premises, it is essential that the DPS is contactable, has given their written consent and has left a competent, authorised person in charge to act in their absence. It is expected that this person, will normally be a personal licence holder.
- 12.7 The Licensing Authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence, disorder and nuisance are occurring so it can take full account of the facts and avoid exacerbating problems.
- 12.8 Where licensed premises are found to cause nuisance or be associated with disorder, unreasonable disturbance, powers of revocation or the imposition of conditions may be considered. Conditions may include:
- The installation and use of CCTV and associated recording equipment to a standard specification
 - Inclusion of a drugs and search policy of customers
 - The use of SIA registered door supervisors
 - Earlier closing times or last admissions time
 - Action Plans for premises failing to meet the required standards
 - Closure Orders
 - Review and revocation proceedings

- Use of other mechanisms to effectively control an area where there is alcohol related crime and disorder, including powers under the Violent Crime Act 2006.

12.9 Such action to restrict the operation of sites in order to promote the licensing objectives may be taken for trial periods to allow businesses an opportunity to remedy existing instances of disorder, nuisance and/or disturbance.

13.0 Public Safety

13.1 The Licensing Authority will require the applicant to detail the steps taken to address the issue of public safety in the relevant licensed premises or place.

13.2 Conditions may be imposed in accordance with Operating Schedule to protect public safety including:-

- Specified maximum occupancy limits on the premises licence or certificate where considered necessary for the promotion of public safety or the prevention of crime and disorder.
- Provision of CCTV and associated recording equipment installed to a standard specification
- Use of shatterproof drinking vessels and bottles, requiring the use of toughened glass or plastic throughout the licensed premise.
- The use of SIA Registered Door Supervisors, and a requirement of a minimum of such, namely 1 per 100 customers where the event is attended by persons over 18 and 1 per 50 customers where the event is attended predominantly by persons under 18.
- The provision of designated and suitably qualified and trained first aiders.
- Strategies to prevent binge drinking and promote 'safer socialising' and responsible drinking.
- Systems in place to prevent the theft of items and 'spiking' of drinks.
- SIA Registered Door staff to maintain order inside and outside venues, protecting customer safety as well as participation in Nightwatch/ Pubwatch schemes to alert Police and other venues where customers and staff are perceived to be at risk
- The provision of chill out rooms/quiet areas to allow patrons to relax and unwind.

13.3 The Council would expect relevant places or premises to have carried out a risk assessment with regard to the promotion of the Licensing Objectives. A separate Fire Risk Assessment should also be undertaken to ensure that any protective and preventive measures identified are taken to ensure the safety of any relevant persons. This may include the

provision of fire-fighting equipment, emergency lighting and an appropriate means of raising the alarm in the event of an emergency. Applicants and responsible persons should make themselves aware of the Regulatory Reform (Fire Safety) Order 2005.

- 13.4 The Licensing Authority may review what measures are in place to aid the dispersal of patrons in a quick and safe manner in order to avoid opportunities for disorder and disturbance. This may include the availability of taxis, location of taxi ranks and other late night transport systems, as well as the use of registered staff to control queues and external areas.
- 13.5 Where appropriate, licence holders or their authorised representatives will attend Safety Advisory Group Meetings and other planning meetings prior to large scale events which take place within licensed premises and/or in an open space. Applicants should have regard to relevant guidance and publications.
- 13.6 Prior consent will be required for; performance of stage Hypnotism, fireworks and lasers. Applications should contain details prescribed by the Licensing Authority. Conditions may be applied to any consent.

14.0 Prevention of Public Nuisance

- 14.1 The Licensing Authority will require operators to demonstrate how matters will be addressed to limit public nuisance, prevent disturbance and protect amenities.
- 14.2 In considering an application, the Licensing Authority will consider the adequacy of proposed measures to remove or effectively manage the potential for noise, nuisance and anti-social behaviour.
- 14.3 Amplified music or other entertainment noise from within the premises shall be inaudible within any residential premises. The test for compliance with 'inaudibility' will be that noise should be no more than barely audible outside of nearby business and residential properties.
- 14.4 The Licensing Authority will take into consideration a range of issues, and consider the imposition as appropriate of conditions, including:
- The proximity of residential accommodation.
 - The type of use proposed, including the likely numbers of customers, proposed hours of operation, nature of regulated entertainment and the frequency of activity.

- Steps taken or proposed to be taken to prevent noise, disturbance and vibration breaking out from the premises. This may include music, noise from ventilation equipment, and human voices.
- Steps taken to prevent disturbance by customers arriving at or leaving the premises will also need to be detailed. This will usually be of greater importance between 10.30 p.m. and 7 a.m. than at other times of the day.
- The steps taken or proposed to be taken by the applicant to prevent customers queuing. If queuing is inevitable, then queues should be diverted away from neighbouring premises and residential accommodation or be otherwise managed to prevent disturbance or obstruction.
- The steps taken to ensure staff and customers leave the premises quietly, including the provision of appropriate “leave quietly” signage.
- Arrangements made or proposed for parking by customers specific to the licensed premises where relevant, and the effect of parking by patrons on local residents.
- The provision for public transport in the locality, including taxis and private hire vehicles for customers to facilitate dispersal.
- The level of likely disturbance from associated vehicular movement.
- The delivery and collection areas and delivery/collection times.
- The siting of external lighting, including security lighting which may cause light pollution and/or disturbance to neighbouring properties.
- The impact on refuse storage and litter.
- The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present premises licence operators.
- The history of the applicant in controlling anti-social behaviour and preventing nuisance.
- The generation of odour, e.g. from the preparation of food.
- Any other relevant activity likely to give rise to nuisance.
- Any representations made by the Responsible Authorities or other relevant agency/representative.
- The use and control of gardens and other open-air areas.

14.5 Such measures may include:

- Keeping windows and doors shut save for access and egress.
- The installation of soundproofing, air conditioning, acoustic lobbies, acoustic devices and sound limitation devices.
- Operators to undertake regular checks and assessments in the vicinity of the premises and take steps to limit disturbance and noise breakout
- Limiting the number of patrons at any one time in any external areas, particularly where it is in close proximity to residential accommodation.

15.0 Protection of Children from Harm

- 15.1 The Licensing Authority will require the details and measures taken in relation to the protection of children from harm. This includes moral, psychological and physical harm which may be associated with licensed premises and certificated club premises. This may include exposure to strong language and sexual expletives, in the context of film exhibitions or where adult entertainment or material is provided.
- 15.2 It is intended that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed, without restricting conditions unless the 2003 Act itself imposes such conditions or there are good reasons to restrict entry or to exclude children completely.
- 15.3 It is recognised by the Licensing Authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, the Licensing Authority recommends that all operators should implement a suitable 'Proof of Age' scheme, for example 'Challenge 25' and ensure that appropriate photographic identification is requested prior to entry and when alcohol is requested by a person appearing to be under the age of 18.
- 15.4 Appropriate provenance forms of identification are currently considered to be those recommended by the Police, Licensing Authority, and Trading Standards Officers.
- 15.5 The Licensing Authority expects that all staff responsible for the sale of intoxicating liquor receive information and training on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales and proxy purchasing.
- 15.6 The Licensing Authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them. Each application will be considered on its own merit.
- 15.7 To reduce alcohol-induced problematic behaviour by under 18 year olds, to enforce underage purchases and to assist in the protection of children from harm, the Licensing Authority supports the following measures:-
- Police to exercise powers to remove alcohol from young people on the street as well as the implementation of Dispersal Orders.
 - Test purchasing operations and the carrying out age challenges to reduce underage drinking in pubs and licensed venues.

- Further take-up of proof of age schemes will be promoted, for example “Challenge 25.”
- In-house, “mystery shopper” type schemes operated by local businesses will be supported.
- Providers of licensed events specifically catering for persons under the age of 18 should consider the ratio of SIA accredited Supervisors to children, normally 1:50 to assist in the control and supervision of events, and whether all staff at such events need to be Disclosure Barring Service checked.
- Measures to prevent proxy purchase of alcohol.

15.8 The following areas give rise to concern in respect of children, who will normally be excluded from premises:-

- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises;
- where entertainment of an adult or sexual nature is commonly provided;
- where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons.

15.9 The Licensing Authority may consider the following:-

- limitations on the hours when children may be present;
- age limitations as required by mandatory condition, for example film exhibitions;
- limitations or exclusions when certain activities are taking place;
- requirements for an accompanying adult;
- full exclusion of people under 18.

15.10 Nothing in this policy shall seek to override child supervision requirements contained in other legislation or regulations. The Licensing Authority recognises the Children, Families and Schools Section as being competent to advise on matters relating to the protection of children from harm.

15.11 Applicants shall copy their applications to the Local Safeguarding Children Board (LSCB) in its capacity as the Responsible Authority.

15.12 The Licensing Authority will expect Operating Schedules to specify the measures and management controls in place to prevent alcohol being served or supplied to children, other than in those limited circumstances permitted by the Licensing Act 2003.

16.0 Sex Establishment Policy

16.1 The Council has a Sex Establishment Policy and this can be found on the Council's website.

17.0 The Health Act 2006 & Associated Smoke Free Issues

17.1 Since the introduction of Smoke free legislation under the Health Act 2006 on the 1st July 2007, Environmental Health have received an increase in the number of noise complaints concerning noise from people smoking outside of licensed premises. This includes noise from people congregating on the public highway, and from outside areas which form part of the licensed premises for example beer gardens. This is in addition to noise breakout as people enter and leave premises to smoke.

17.2 In addition to the increase in complaints, licence variations have been received to vary the use of outdoor areas to incorporate a smoking area and/or erect a smoking shelter. Environmental Health, in conjunction with the Council's Smoke free Lead Officer, will assess each application on its merits and may; where the matter forms part of an area or activity governed by the Licensing Act 2003, make representations as appropriate.

17.3 Applicants considering the provision of a smoking area and/or shelter should consider reasonable controls to minimise the noise impact and could include the following steps:

- Develop a management plan on how to manage smoking on the premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented.
- Noise from people smoking and talking can be intermittent, vary in character and volume and be intrusive. An effective smoking management plan will help prevent neighbours being disturbed.
- Comply with any planning conditions restricting the use of outdoor areas
- Ensure that any structures used by smokers comply with the design criteria and requirements detailed in the Health Act 2006 and that any structures, awnings, retractable canopies, etc have the relevant planning permission.
- Any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.
- Ensure that the conditions on the premises licence are complied with.
- Consideration is given to the siting of any smoking areas, to protect against the potential of second hand smoke drifting back into the

premises or adjacent properties so as not to cause a nuisance to patrons and neighbours.

- Signage in the designated areas asking customers to keep noise levels to a minimum.
- Consideration given to the availability, type and siting of litter bins to cater for smoking related litter.
- Conditions restricting the hours of use of gardens and outdoor areas. Having reviewed the contents of the premises licence, applicants may find it necessary to request a variation of the premises licence.
- Any tables and chairs on the Public Highway require a tables and chairs licence under the provisions of the Highways Act 1980. Again these licences may have conditions restricting the times that the area can be used.
- Controls on drinks, glasses and bottles being removed from the premises.
- Steps to discourage smokers from remaining in gardens and outdoor areas, including conditions on the premises licence or the premises management policy may include a requirement that drinks are prohibited in outside areas, or prohibited after a certain time.
- A system could be introduced that after a certain time the number of smokers outside are restricted to a maximum number.
- Staff positioned on the doors can help to encourage customers not to cause a noise problem.

18.0 Premises Licences

18.1 An application for a premises licence under the Licensing Act 2003 must be made in the prescribed form to the Licensing Authority. The application must be accompanied by:

- The required fee,
- An Operating Schedule,
- 2 plans of the premises in a prescribed form, including any external areas,
- Copies of the appropriate certificates
- If the application involves the supply of alcohol, a form of consent from the individual who is to be specified in the licence as the Designated Premises Supervisor (DPS). This person will normally have been given day to day responsibility for running the premises by the premises licence holder and the person through whom all alcohol sales are authorised.

18.2 The Licensing Authority of the Council has a helpful booklet, "Licensing Act 2003: A Guide," and a comprehensive website to assist applicants.

19.0 Planning Permission

- 19.1 The Licensing Authority recognises that planning, building control and licensing regimes should be properly separated.
- 19.2 Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent already in place for the property concerned.
- 19.3 The Licensing Authority recognises that Licensing applications should not be a re run of the planning process, and should not cut across decisions taken by the Local Authority Planning Committee or following appeals against decisions taken by that Committee.
- 19.4 Similarly the granting by a Licensing Sub Committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control or other consents where appropriate.
- 19.5 Proper integration should be assured by the Licensing Committee, where appropriate, by providing regular reports to the Planning committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder.

20.0 Applications for Personal Licences

- 20.1 A personal licence is issued to an individual authorising them to make or authorise the sale of alcohol in accordance with a premises licence. Every premises licence that authorises the sale of alcohol must specify an individual who acts as the designated premises supervisor (DPS). The DPS must hold a personal licence.
 - (a) The applicant is aged 18 or over
 - (b) The applicant is entitled to work in the United Kingdom
 - (c) The applicant possesses a licensing qualification or is a person of a prescribed description
 - (d) The applicant has not forfeited a personal licence in the five year period prior to their application being made
 - (e) The applicant has not been convicted of any relevant offence or any foreign offence or required to pay an immigration penalty
- 20.2 The licensing authority must reject an application if the applicant fails to meet one or more of the requirements set out in (a) to (d) above. Where the applicant meets the requirements in (a) to (d) but does not meet the requirements of (e), the licensing authority must give the chief officer of police for its area a notice to this effect. Having received such a

notice, if the chief officer of police is satisfied that the granting of the application would undermine the crime prevention objective, he must within 14 days, give the licensing authority a notice to that effect. Where the applicant fails to meet the requirements of (e) as a result of a conviction for an immigration offence or because they have been required to pay an immigration penalty, the licensing authority must give a notice to the Secretary of State for the Home Department to that effect. The Home Office may object to an application on grounds that granting the personal licence would be prejudicial to the prevention of illegal working in licensed premises.

- 20.3 Where an objection to the grant of a personal licence is received from either the chief officer of police or the Home Office, the applicant is entitled to a hearing before the licensing authority. If no objections are received, the licensing authority must grant the application.
- 20.4 At a hearing to determine a personal licence application to which the chief officer of police or Home Office have objected, the licensing authority will have regard to all of the circumstances including the following:
- The need to assess each case on its merits
 - The duty to promote the crime prevention objective
 - The objection notice given by the Police or Home Office
 - The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
 - The seriousness of the relevant offence
 - The sentence or penalty imposed on the applicant for the relevant offence.
- 20.5 If, having considered all of the circumstances, the licensing authority considers that it is appropriate for either the promotion of the crime prevention objective or for the prevention of illegal working in licensed premises to reject the application, it must do so. In all other cases the application must be granted.
- 20.6 If an application is refused, the applicant will be entitled to appeal against the decision they make. Similarly, if the application is granted despite a police objection notice or an objection from the Home Office, the chief officer of police or Home Office are entitled to appeal against the licensing authority's determination. The licensing authority will therefore record in full the reasons for any decision that it makes.

21.0 Personal Licences – Suspension and Revocation

- 21.1 Section 138 of the Policing and Crime Act 2017 amended the Licensing Act 2003 and gave the power to a licensing authority to suspend or revoke personal licences that it has issued with effect from 6 April 2017.

- 21.2 When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017. Only magistrates' courts can order the forfeiture or suspension of a personal licence for convictions received prior to 6 April 2017.
- 21.2 The process which must be undertaken by the licensing authority to suspend or revoke a personal licence is set out at section 132A of the 2003 Act. The decision to revoke or suspend a personal licence must be made by the licensing committee or sub-committee, but the actions required before making a final decision may be made by a licensing officer.
- 21.3 The licensing authority may not take action if the licence holder has appealed against the conviction or the sentence imposed in relation to the offence, until the appeal is disposed of. Where an appeal is not lodged, the licensing authority may not take action until the time limit for making an appeal has expired.
- 21.4 If a licensing authority is considering revoking or suspending a personal licence, the authority must give notice to the licence holder. This notice must invite the holder to make representations about the conviction, any decision of a court in relation to the licence, or any decision by an appellate court if the licence holder has appealed such a decision. The licence holder may also decide to include any other information, for example, about their personal circumstances.
- 21.5 The licence holder must be given 28 days to make their representation, beginning on the day the notice was issued. The licensing authority does not need to hold a hearing to consider the representations. Before deciding whether to revoke or suspend the licence the licensing authority must consider any representations made by the licence holder, any decisions made by the court or appellate court in respect of the personal licence of which the licensing authority is aware, and any other information which the licensing authority considers relevant.
- 21.6 The licensing authority may not be aware of whether the court considered whether to revoke or suspend the licence, and there is no obligation on the licensing authority to find this out before making a decision themselves. Where the court has considered the personal licence and

- decided not to take action, this does not prevent the licensing authority from deciding to take action itself. Licensing authorities have different aims to courts in that they must fulfil their statutory duty to promote the licensing objectives, and therefore it is appropriate for the licensing authority to come to its own decision about the licence.
- 21.7 If the licensing authority, having considered a suspension and revocation and subsequently considered all the information made available to it, proposes not to revoke the licence it must give notice to the chief officer of police in the licensing authority's area, and invite the chief officer to make representations about whether the licence should be suspended or revoked, having regard to the prevention of crime. The chief officer may make representations within the period of 14 days from the day they receive the notice from the licensing authority.
- 21.8 Any representations made by the chief officer of police must be taken into account by the licensing authority in deciding whether to suspend or revoke the licence.
- 21.9 Convictions may come to light via police in another area, for example if the personal licence holder no longer lives in the area of the licensing authority which issued the licence, or if the offence took place in another police force area. In this instance it would be good practice for the police providing the information to notify the police force in the licensing authority area, because it is the local chief officer who must provide representations if the licensing authority proposes not to revoke the licence.
- 21.10 Where the licence holder is convicted of immigration offences or has been required to pay a civil penalty for immigration matters, the licensing authority should notify Home Office Immigration Enforcement and allow representations to be made in the same way.
- 21.11 In deciding whether to suspend or revoke a personal licence, the licensing authority will have regard to all of the circumstances including the following:
- The need to assess each case on its merits
 - The duty to promote the licensing objectives
 - The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
 - The seriousness of the relevant offence
 - The sentence or penalty imposed on the licence holder for the relevant offence
 - Any representations made by the Police or Home Office Immigration Enforcement
 - Any representations made by the holder of the licence

- Any evidence as to the previous character of the holder of the licence

21.12 The licensing authority must notify the licence holder and the chief officer of police of the decision made (even if the police did not make representations). The licence holder may appeal the licensing authority's decision to revoke or suspend their personal licence. A decision to revoke or suspend the licence does not take effect until the end of the period allowed for appealing the decision (21 days); or if the decision is appealed against, until the appeal is disposed of.

21.13 If the personal licence holder is a DPS, the licensing authority may notify the premises licence holder once the decision to revoke or suspend the licence has been made if it becomes necessary to do so in order for the licensing authority to be able to carry out their functions.

21.14 The licensing authority may also notify any person who has declared an interest in the premises under section 178 of the 2003 Act if it becomes necessary to do so in order for the licensing authority to be able to carry out their functions

22.0 Immigration Act 2016 – Entitlement to Work

22.1 Section 36 of and Schedule 4 to the Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention of these changes is to prevent illegal working in premises licensed for the sale of alcohol or late night refreshment.

22.2 The statutory prevention of crime and disorder licensing objective in the Licensing Act 2003 includes the prevention of immigration crime and the prevention of illegal working in licensed premises. The Council will work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.

22.3 Section 36 of and Schedule 4 to the Immigration Act 2016 (the 2016 Act) amended the 2003 Act to provide that in England and Wales:

- Premises licences to sell alcohol or provide late night refreshment and personal licences cannot be issued to an individual who does not have permission to be in the UK, or is not entitled to undertake work relating to the carrying on of a licensable activity;

- Licences issued to those with limited permission to be in the UK will lapse when their permission to be in the UK and work in a licensable activity comes to an end;
- Immigration offences, including civil penalties, are 'relevant offences' as defined by the 2003 Act;
- The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences) and applications to transfer premises licences, and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence; and
- Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.

22.4 The licensing authority will have regard to any guidance issued by the Home Office in relation to the immigration related provisions now contained in the Licensing Act 2003.

22.5 The licensing authority will also work in partnership with the Home Office (Immigration Enforcement) and Sussex Police with a view to preventing illegal working in premises licensed for the sale of alcohol or late night refreshment.

23.0 Live Music Act 2012 and Entertainment Licensing Deregulation

23.1 The Live Music Act 2012 came into force on 1st October 2012 and is designed to encourage more performances of 'live' music. The Act removes the licensing requirements for:

- amplified 'live' music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises
- amplified 'live' music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- unamplified 'live' music between 8am and 11pm in all venues
- the provision of entertainment facilities

- 23.2 Where licensable activities continue to take place on premises any licence conditions relating to 'live' music will be suspended, but it will be possible to impose new, or reinstate existing conditions following a review.
- 23.3 When considering whether an activity constitutes the provision of regulated entertainment each case will be treated on its own merits. There will inevitably be a degree of judgment as to whether a performance is live music or not, so organisers are encouraged to check with the licensing authority if in doubt.
- 23.4 There was a further deregulation of entertainment licensing in June 2013 when the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 came into force on 27 June 2013. The effect of the order is that no authorisation is required for the following activities to the extent that they take place between 08:00-23:00 on any day:
- a performance of a play in the presence of any audience of no more than 500 people
 - an indoor sporting event in the presence of any audience of no more than 1000 people
 - a performances of dance in the presence of any audience of no more than 500 people
- 23.5 Entertainment licensing requirements were further deregulated as a result of the Legislative Reform (Entertainment Licensing) Order 2014, which came into force on 6 April 2015.
- 23.6 The 2014 Order deregulated entertainment licensing in the following ways: The provision of regulated entertainment by or on behalf of local authorities, health care providers, or schools on their own defined premises became exempt from entertainment licensing between 08.00-23.00 on the same day, with no audience limit.
- The audience limit for a performance of live amplified music in relevant alcohol licensed premises or in a workplace between 08.00-23.00 on the same day was raised from 200 to 500.
 - Local authorities, health care providers and schools are now exempt from entertainment licensing when making their own defined premises available to third parties for live and recorded music activities between 08:00-23:00 on the same day for audiences of up to 500.
 - Community premises not licensed to supply alcohol are now exempt from entertainment licensing requirements for live and recorded music between 08:00-23:00 on the same day for audiences of up to 500.

- Travelling circuses are now exempt from entertainment licensing in respect of all descriptions of entertainment, except an exhibition of a film or a boxing or wrestling entertainment, where the entertainment or sport takes place between 08:00-23:00 on the same day, with no audience limit.
- Greco-Roman and freestyle wrestling are now deregulated between 08:00-23:00 for audiences of up to 1000 people.
- An exhibition of film that is incidental to another activity (where that other activity is not itself a description of entertainment set out in paragraph 2 of Schedule 1 to the 2003 Act) is exempt now from licensing.

23.7 The exhibition of films in community premises has also been deregulated as a result of section 76 of the Deregulation Act 2015.

23.8 No licence is required for an exhibition of film on community premises between 08:00 and 23:00 on any day provided that:

- the film entertainment is not provided with a view to profit;
- the film entertainment is in the presence of an audience of no more than 500 people;
- the admission of children is subject to such restrictions as are necessary to comply with the recommendation issued by the BBFC or relevant licensing authority regarding the admission of children; and
- a person concerned in the organisation or management of the exhibition of the film has obtained the prior written consent of the management committee of the premises, or if there is no management committee, a person who has control of the premises in connection with the carrying on by that person of a trade, business or other undertaking, or failing that a person with a relevant property interest in the premises.

24.0 Temporary Event Notices

24.1 A temporary event notice (TEN) is required if you wish to hold an event, involving less than 500 people, at which one or more licensable activities will take place that are not authorised by an existing premises licence or club premises certificates.

24.2 A TEN is a notification to the licensing authority that an individual intends to carry on licensable activities for a period not exceeding 168 hours or 7 days.

24.3 Who can give a TEN:

- A TEN can be given by any individual aged 18 or over, but cannot be given by a business or organisation;
- The individual giving the notice is 'the premises user';
- An individual who holds a personal licence under the Licensing Act 2003 may give up to 50 TENs in any calendar year, up to 10 of which may be 'late' TENs;
- Individuals not holding a valid personal licence are restricted to 5 TENs in any calendar year, up to 2 of which may be late TENs;
- Standard and late TENs, in any combination count towards these overall total limits for TENs;
- A TEN which relates to an event taking place within 2 calendar years counts against the limits for that individual in respect of both calendar years;
- A maximum of 15 TENs can be given in relation to the same premises in any calendar year; and
- Any premises cannot be used for activities authorised by TENs for more than 21 days in any calendar year.

24.4 The notice has been given on the licensing authority (or licensing authorities where the premises is situated in more than one authority area), with copies to the police and the local authority exercising environmental health functions - This must normally be done no later than 10 working days prior to the proposed event although there is provision for a limited number of late TENs to be served up to 5 working days, but no earlier than 9 working days, prior to the event.

24.5 A TEN can be sent electronically to the licensing authority which will forward it to the police and local authority exercising environmental health functions by the end of the working day after which the TEN was received.

24.6 The prescribed form of a TEN must be used and all required information provided. There must be a minimum of 24 hours between event periods in relation to the same premises.

24.7 On receipt of a TEN, the licensing authority must acknowledge receipt of the notice before the end of the first working day after the day of receipt (or the day after where the TEN is served on a weekend day).

24.8 The police and local authority exercising environmental health functions (relevant persons) have three working days to give an objection to a TEN where they consider that the proposed activities will undermine a licensing objective.

- 24.9 The objection notice must give reasons for the objection and must be given to the licensing authority, other relevant persons and the premises user.
- 24.10 In the case of a standard TEN, where an objection is received, the licensing authority must hold a hearing to consider the matter unless all parties agree that no hearing is necessary. The licensing authority must send a counter notice to the premises user if it considers it appropriate for the promotion of a licensing objective. In the case of late TENS, the licensing authority must issue a counter notice if objections are received from the police or local authority exercising environmental health functions.
- 24.11 Organisers of temporary events are strongly advised to contact the Licensing Authority and other appropriate agency for advice at the earliest opportunity when planning events. This may avoid any unnecessary objections being made that may arise from misunderstandings or confusion concerning the proposed event.

25.0 Appeals

- 25.1 Entitlements to appeal for parties aggrieved by decisions of the Council are set out in Schedule 5 to the Licensing Act 2003. Appeals must be made to the Magistrates' Court and made within 21 days beginning with the day on which the Appellant was notified of the Council decision. An appeal can be made by any party involved in the decision. This includes applicants, Responsible Authorities and anyone else.
- 25.2 The Act also covers appeals in relation to temporary event notices, personal licences and closure orders. In relation to temporary event notices, premises users may appeal against the decision by a Council to give a counter notice. Applicants for personal licences may appeal against the decision to reject an application for or application to renew a licence. Where the Police lodge an objection notice to the grant or renewal of a personal licence and the Council grants or renews the licence, the Police may appeal.

26.0 Problem Premises

- 26.1 The Council expects licensed premises to be properly controlled and managed by responsible operators. This should prevent or minimise problems to any of the other groups affected by it, including residents and businesses in the vicinity, as well as Responsible Authorities.
- 26.2 However, legitimate concerns will sometimes be raised about particular operations. In those instances the Council will encourage the individuals

- or groups affected to raise those concerns directly with the operator in the first instance. In the Council's experience this approach can often be successful as the operator may not be fully aware of the problems and can introduce changes to improve the situation.
- 26.3 Where concerned individuals or groups do not wish to approach operators directly (perhaps fearing abuse or reprisals,) the Council will approach the operator to discuss the concerns and seek improvements, if required.
- 26.4 The Council works closely with Responsible Authorities and will intervene at an early stage where it is found that the provision of licensable activities is being carried on in a manner which does not promote the four Licensing Objectives.
- 26.5 The Council expects all licensees to co-operate with the agencies concerned and to deal promptly and properly with the concerns raised. Where a premises fails to meet the required standards or comply with legislation, they may be placed on an "Action Plan" or face prosecution proceedings.
- 26.6 The Council has a joint enforcement protocol with Sussex Police on enforcement and inspection issues to provide for the efficient and effective deployment of its staff and police officers in enforcing licensing law. This includes the targeting of resources where 'hotspot' crime and disorder premises and/or areas have been identified.
- 26.7 When necessary, the enforcement action will be taken in accordance with the principles of Eastbourne Borough Council's Enforcement Policy.
- 26.8 The Council recognises that once away from premises a minority of consumers will behave badly and unlawfully. However, licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.
- 26.9 However, the Council recognises that there are mechanisms both within and outside of the licensing regime that are available for addressing such issues. These are detailed within points 12.0 - 15.0 of this policy.
- 26.10 The Council does not seek to prevent any individual or group from using the formal procedures for review of a premises licence or club premises certificate. Neither does it seek to constrain the powers of the police to close premises where they consider it necessary to do so in the interests of public safety or to prevent a public nuisance.

26.11 However, the Council believes that by working in partnership with all the groups involved in the licensing process the formal review procedures and exercise of the police powers to close premises should be instituted in general after voluntary measures have been attempted.

27.0 Enforcement Policy

27.1 Premises that; generate disorder, threaten public safety, generate public nuisance or pose a risk to the wellbeing of children will be targeted for enforcement action. Action will be focused on those responsible at the premises for its management.

27.2 The Council has an established Enforcement Policy based around the principles of consistency, transparency and proportionality in accordance with the Regulators Compliance Code.

27.3 A graduated response will be taken where offences against legislation are found, or where premises licence conditions have been breached. The action taken may range from verbal advice, written warnings, placement of the premises on an Action Plan and/or Formal Caution. Enforcement action may include prosecution proceedings.

27.4 Enforcement action is generally progressive. This does not prevent the Licensing Authority or any of the other enforcement Partners, taking more robust action where it is considered appropriate.

27.5 The Licensing Authority will seek to work with the Police, East Sussex Fire and Rescue Service and Trading Standards and other enforcement partners in the enforcement of licensing and other legislation.

27.6 Enforcement will be focused on premises or persons found to be failing to promote the Licensing Objectives and/or those where it is identified that premises or persons are failing to meet Council standards.

27.7 Attention is drawn to the targeting of agreed problem and high risk premises which require greater attention. A number of other Council and government policies, strategies and guidance documents must also be taken into account to complement the policy, including:

- Community Safety & Crime Reduction Strategies
- Drugs and alcohol Strategies
- Aims and objectives of the Private Security Industry Authority
- The Anti-Social Behaviour Act 2003
- The Health Act 2006
- The Violent Crime Reduction Act 2006

- Section 182 Guidance as revised in October 2012 in conjunction with amendments to the Licensing Act 2003

28.0 Dealing with Representations

- 28.1 Where a representation is made to the Licensing Authority, it will consider whether it is valid. In determining whether a representation is valid, the Licensing Authority will first consider if the representation made appears irrelevant, vexatious, frivolous or repetitious.
- 28.2 Where someone or a Responsible Authority has made a valid representation about a licensed premises, or a valid application for a licence to be reviewed, then the Council's Licensing Team may initially arrange a mediation meeting to facilitate communication between all parties and attempt to address, clarify and resolve the issue of concern.
- 28.3 This process will not override the right of the Licensing Authority to consider a valid representation in a committee environment or for any licence holder or other party to refuse to participate in a mediation meeting.
- 28.4 At any stage, following the grant of a premises licence, a Responsible Authority, such as the Police or the fire authority, or any other person, such as a resident living in the vicinity of the premises, may ask the Licensing Authority to review the licence/certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 28.5 Where the Licensing Authority considers that action under its statutory powers is necessary it may seek to:
- Modify the conditions/hours of the premises licence/certificate;
 - Exclude a licensable activity from the scope of the licence;
 - Remove the DPS where the sale or supply of alcohol is a feature;
 - Suspend the licence for up to 3 months;
 - Issue a warning, verbal or written
 - Issue a Simple Caution
 - Initiate prosecution proceedings;
 - Revoke the licence/certificate.

29.0 Reviews

- 29.1 A key protection for the community is contained within the Licensing Act 2003. This is a review of the premises licence, or club premises certificate. It can be initiated at any time, where it can be shown that the licensing

objectives of crime and disorder, public safety, public nuisance or the protection of children from harm are being undermined.

- 29.2 At any stage following the grant of a premises licence a 'Responsible Authority' which includes the Police, Council's Noise Team, Trading Standards or any other person such as a local resident, residents' association, Ward Councillor, local business or trade organisation may ask the Licensing Authority to review a premises licence at any time because of a matter arising at the premises in connection with the promotion of the four Licensing Objectives.
- 29.3 Revocation or suspension of premises licences or certificates will normally be considered where offences, such as sale of alcohol to persons who are drunk or sale of alcohol to persons under 18, occur on a regular basis. Review proceedings are often the last stage in a process where other steps have failed to address the issues that may arise:
- Action needed should seek to promote the licensing objectives but be balanced against the financial impact on the business.
 - Action should be proportionate.
 - Action should support the local community safety, crime reduction and drugs strategies, particularly those relating to alcohol misuse.
- 29.4 A review of a premises licence would normally follow any action by the Police to close down a premises for up to 24 hours on the grounds of serious crime or disorder or noise nuisance as following a closure notice, issued by a Magistrates' Court which is then sent to the Licensing Authority.
- 29.5 The Secretary of State has recommended that ordinarily no more than one review should be permitted by a Licensing Authority from any person unless in compelling circumstances or arising following a closure order.
- 29.6 Section 182 Guidance, the Guidance, issued in connection with the Licensing Act 2003 stipulates that any representation made must be in writing, relate to particular licensed premises and be relevant to the promotion of the four licensing objectives.
- 29.7 The value of detailed evidence to support a representation cannot be over emphasized. Persons making a representation can attend the Review hearing. The person making the representation can amplify this at the hearing, but not extend this to other matters outside of the original representation.
- 29.8 Partnership working and warnings:

The Guidance further states that the promotion of the licensing objectives relies heavily upon partnership working with licence holders, authorised persons, any other person and Responsible Authorities in the pursuit of common aims and objectives. Reviews should not be used as a mechanism to create divisions between these groups to the extent that it undermines the benefits of co-operation and partnership working.

The Guidance recognises that it would be good practice for authorised persons and responsible authorities to give licence-holders early warning of their concerns about problems identified at the premises or in the vicinity of the premises where this can be linked back to the site and of the need for improvement. Failure to respond to these warnings or a Premises Action Plan is expected to lead to a decision to request a review of the premises licence or certificate.

29.9 When a written request for a review comes from any other person for example a local resident, residents' association, local business or trade organisation, the Licensing Authority must first consider whether the complaint is not relevant, is vexatious, frivolous or repetitious.

29.10 'Not relevant'

A request would not be considered relevant where the matter complained of did not relate to the promotion of at least one of the licensing objectives at the licensed premise. Similarly, a general complaint over crime and disorder in a locality that is not tied or linked by a causal connection to particular licensed premises would not be considered relevant.

29.11 'Vexatious'

Vexatious requests for a review may arise out of disputes between businesses.

29.12 'Frivolous'

The national guidance notes that frivolous requests would be noticeable by their lack of seriousness. A trivial complaint may not always be frivolous, but it would have to be pertinent in order to be relevant.

29.13 Repetitious

A repetitious representation is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in respect of the same premises licence which has already been determined; or
- representations considered by the Licensing Authority when the premises licence was first granted, or
- representations which would have been made when the application for the premises licence was first made and which were excluded and
- in addition to the above grounds, that a reasonable interval has not lapsed since that earlier review or the grant of the licence.

29.14 Arranging the Hearing

Following receipt of a request for a review or following a closure order, the Licensing Authority will arrange for a hearing in line with the Licensing Act 2003 and regulations prescribed by the Secretary of State.

29.15 The Licensing Authority has a range of actions it can take resulting from the hearing, including:

- take no action;
- issue an informal warning to the licence holder and/or recommend improvements over a particular time period;
- modify the premises licence/certificate;
- exclude a licensable activity from the licence;
- remove the Designated Premises Supervisor (DPS) in case of poor management or other reason;
- suspend the licence for up to 3 months;
- Revoke the licence.

30.0 Administration, Exercise and Overview of Functions

30.1 The Licensing Committee will consist of 12 Councillors who will sit at least annually to discuss policy, review delegated decisions and administrative matters. The Council will review the Statement of Licensing Policy at least every 5 years. Any changes to the Policy will include full consultation with the Responsible Authorities and any other person.

30.2 Sub Committees of 3 Councilors will determine applications when representations have been received from any person and/or Responsible Authorities. A 'Hearings Procedure' has been developed to assist; decision makers, applicants, any other person and the Responsible Authorities with the process. This is included at Appendix 5.

30.3 A Sub Committee may also refer to the Full Licensing Committee any matter it is unable to deal with because of the number of its members who

- are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.
- 30.4 Each decision of the Licensing Committee or its Sub Committee(s) shall be accompanied with clear reasons for the decision.
 - 30.5 The Council's Authorised Officers will deal with all other licence applications where either no representations have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.
 - 30.6 Council Officers will make the decisions on whether representations or applications for licence applications should be referred to the relevant Licensing Committee and whether representations are frivolous, repetitive or vexatious. When representations are rejected, the person making that representation will be given a written explanation as to why that is the case.

Appendix 1:

Glossary of terms

The Act, the Guidance, the Regulations, the Council's Statement of Licensing Policy and this website may contain words and phrases with which you are not familiar. To assist you, we have set out an overview of what they mean:

Act The Licensing Act 2003

Club Premises Certificate

This is a licence granting 'qualifying club' status to specific premises, according to a number of qualifying conditions, including the provision that there are at least 25 members and that alcohol is only supplied by or on behalf of the club.

Current applications

A schedule of all applications currently under consideration.

DCMS Department of Media Culture & Sport

<http://www.culture.gov.uk>

Designated Premises Supervisor (DPS)

The Personal Licence Holder named on the Premises Licence as being in day-to-day control of the premises through whom all alcohol sales must be authorised.

Full Licensing Committee

A Committee of 15 elected Councillors who determine Eastbourne Borough Councils overall approach to matters under the Act, with particular reference to Policy and Strategy.

Guidance

Guidance issued by DCMS under Section 182 of the Licensing Act 2003, as revised in 2010

Licensing Act 2003 – Guidance Booklet

A guide to applicants to assist in the preparation of their applications.

Hearing

When an application for a new licence or to vary an existing licence goes to a Licensing Sub- Committee for consideration.

Justices Licence

A licence issued by the Magistrates Court under the Licensing Act 1964.

Late night refreshment

Under the terms of the Licensing Act 2003, the supply of hot food or hot drink between 11pm and 5am whether for consumption on or off the premises e.g. will cover late night takeaways and fast food outlets but also restaurants open after 11pm. See also late night refreshment.

Licensing Authority

This is the Council body which determines matters under the Act.

Licensable activities

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Licensing objectives

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

Each objective is of equal importance.

Licensing qualification

A qualification accredited by the Secretary of State (or one which is certified as if it is such a qualification or is considered equivalent)

Licensing Sub Committee

A panel of 3 elected Councilors, taken from the Full Licensing Committee who will determine matters put before it within the terms of the Act, to include new applications, variations, reviews and other representations

Mandatory Conditions

The Act sets out certain conditions that must be imposed on a premises licence in specified circumstances.

Minor Variation

Process by which minor changes can be made to a premises licence, with certain exceptions.

Negotiation

The Act, the Guidance, the Regulations and the Council's Statement of Licensing Policy all encourage those concerned with an application to resolve their differences by negotiation to avoid the necessity for hearings

Objection notice

A procedure whereby the Police can object to the grant of a premises licence, variation for a premises licence or personal licence or to a Temporary Event Notice. (See also Relevant representation)

Operating Schedule

A document in a prescribed form that sets out information about how the applicant for a premises licence intends to operate his business when carrying on licensable activities. Where an applicant for a premises licence submits an operating schedule, and there are no relevant representations (objections), Eastbourne Borough Council must grant the application and can impose only those conditions on the licence which are mandatory, and that are consistent with the operating schedule.

Personal Licences

A licence granted to an individual and authorises that person to supply alcohol or authorise the supply of alcohol in accordance with a premises licence. The licence lasts for 10 years and can be renewed

Premises

“Any place and includes a vehicle, vessel or moveable structure” providing licensable activities under the Licensing Act 2003

Premises Licence

A licence granted in relation to specific premises and will specify the nature of the licensable activity and any applicable conditions.

Premises User

The person applying for a Temporary Event Notice (TEN)

Procedure and policy

The regulations to be applied at hearings for matters under the Act

Registered club activities

Licensable activities carried on at premises holding a Club Premises Certificate

Regulated entertainment

See regulated entertainment under the Act.

Regulations

Regulations and Order to be made under the Licensing Act 2003

Relevant Representations

The Act does not use the term “objections”. Instead authorised persons, any other person and responsible authorities may make relevant “representations” about an application for a licence. Representations must relate to the licensing objectives and where made by any person must not be frivolous or vexatious.

Responsible Authority

Responsible Authorities are bodies that the Act says have a role in licensing and that will see all applications to vary a licence. A responsible authority can make a relevant representation about an application to vary a licence. The Responsible Authorities are:

Sussex Police
East Sussex Fire and Rescue Authority
Health and Safety
Environmental (Noise) Pollution
Planning

**Child Protection East Sussex County Council
Trading Standards
Licensing Authority
Primary Care Trust
Home Office**

Review

The proceedings set out in the Act for reviewing premises licences where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring

Second Appointed Day

The date upon which the Act and all licences issued under it come into full effect (24th November 2005)

Statement of Licensing Policy

A document that sets out how Eastbourne Borough Council will carry out licensing for the next 5 years and how it proposes to uphold the four licensing objectives and other initiatives at a local level.

Steps

The Act refers to “steps” that Eastbourne Borough Council can take where relevant representations have been made about an application. These are the grant subject to conditions; exclusion of licensable activities; restriction on such hours for licensable activities, rejection of the proposed premises supervisor; and rejection of the application.

Temporary Event Notices (TENs)

A TEN can be used for one-off events with less than 500 people and for less than 168 hours or 7 days. No more than 15 can be held per premises and can only be held for 21 days aggregate,

Vary/Variation

To vary a licence, or apply for a variation of a licence, means to change to a licence under the terms of the Act

Vicinity

Ultimately this will be decided by the courts but Eastbourne Borough Council will consider whether a resident or a business would be directly affected by the carrying on of licensable activities on the premises.

Appendix 2

Eastbourne Borough Council Cumulative Impact Assessment 2019 – 2024

1.0 Legislative Framework

1.1 Eastbourne Borough Council, as the Licensing Authority, has a duty to comply with its obligations under Section 17 of the Crime and Disorder Act 1998, and to promote the Licensing Objectives contained within the Licensing Act 2003, namely:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

1.2 Due regard is had to guidance issued under Section 182 of the Licensing Act 2003, as revised in April 2018, concerning the cumulative impact of licensed premises within an area, and the resultant impact on the promotion of the licensing objectives.

1.3 The cumulative impact of licensed premises on the promotion of the licensing objectives under the Licensing Act 2003 is a proper matter which the Licensing Authority can take into account.

1.4 This should not, however, be equated with the 'need' for a licensed premises. This relates to the commercial demand for a particular type of premises. The issue of 'need' is a matter for the market to decide, and does not form part of the Cumulative Impact Policy or wider Statement of Licensing Policy.

2.0 Definition

2.1 For the purposes of the Eastbourne Borough Council Statement of Licensing Policy, cumulative impact is defined as:

“The potential impact on the promotion of the licensing objectives where there are a number of licensed premises concentrated in one area.”

2.2 Where the number, type and density of licensed premises are unusually high, serious problems of noise, nuisance and disorder can occur outside or some distance away from the licensed premises in question. This is described as the cumulative impact of all premises taken together.

2.3 It is recognised that the impact on surrounding areas in relation to the behaviour of patrons from a number of premises located in close proximity to one another is greater than the impact of individual premises.

2.4 The issue of cumulative impact is also linked to:

- Any material increase in the occupant capacity of the premises;
- Any change in the nature of the operation of the premises. This may include a change to layout, the provision of vertical drinking,* the inclusion of regulated entertainment, the addition of other licensable activities, extension to the times regulated entertainment and alcohol is sold or supplied, both on or off the premises;
- Consideration will also be given to applications for premises seeking to provide late night refreshment between the hours of 11.00pm –5.00am.

3.0 Context

3.1 The Licensing Authority may receive relevant representations from either a 'Responsible Authority' or any other person that the cumulative impact of new premises licences, material changes and variations to existing permissions is leading to an area becoming saturated with licensed premises.

3.2 The issue of cumulative impact will be taken into account when considering the individual merits of an application. The onus is on the person or organisation making representations to prove any assertion by way of evidence, that the addition of the premises concerned and/or a variation to activities, hours or a change in nature of operation will undermine the promotion of the licensing objectives.

3.3 The Licensing Authority will not operate a quota of any kind which would predetermine an application, nor will it seek to impose general limitations on trading hours in particular areas unless there are clear, evidence based reasons for doing so.

3.4 Regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide regulated entertainment, but with contrasting styles and characteristics.

3.5 Proper regard will be made to those differences and the impact they are likely to have on the local community. It is recognised that it may not always be possible to attribute issues to a particular premise, or patrons from a particular premises, but that cumulatively there can be a negative effect.

4.0 Adoption of Cumulative Impact Assessment

- 4.1 Eastbourne Borough Council as the Licensing Authority adopted Cumulative Impact for the town centre in July 2007. It is mindful of the problems that can arise when numbers of premises providing licensable activities are located in close proximity to one another, or where the density of premises is out of character with the locality.
- 4.2 Consideration will be given to the infrastructure in place to facilitate the dispersal of patrons from an area, including the availability of late night bus services, taxis and street cleansing services when establishments offering food, alcohol and regulated entertainment close.
- 4.3 A major concern for the Council is the “binge drinking culture.” This is particularly apparent in the town centre and its impact on policing the evening and night time economy. “Binge drinking” has increased markedly in recent years with the advent of:
- Alcopops
 - Marketing focusing on young people
 - Cut price alcohol promotions in venues
 - Cut price alcohol obtained from off licences and an increase in the practice of drinking at home prior to attending licensed venues, known as “preloading “
 - Large scale vertical drinking establishments where the primary intention of patrons is the consumption of alcohol
 - Venues seeking to diversify the activities available, their mode of operation, enabling them to be open until the early hours, with the provision of regulated entertainment encouraging patrons to attend for longer periods.
- 4.4 In agreeing its continuation within the Statement of Licensing Policy for the period 2019 – 2024, the Council has considered:
- Evidence of serious and chronic concern regarding the concentration of licensed premises in undermining the promotion of the licensing objectives from a Responsible Authority, namely Sussex Police and the Council’s Officers delegated to deal with Noise issues.
 - Evidence from any other person to include local businesses, residents and representative groups regarding noise, nuisance and disorder where a particular concentration of licensed premises in an area of Eastbourne is considered to be causing a negative impact on one or more of the licensing objectives.

5.0 What Does The Assessment Do?

- 5.1 The effect of adopting a Cumulative Impact Assessment is to create a rebuttable presumption that applications for new premises licences, club premises certificates or material variations to such will normally be refused if relevant representations are received.
- 5.2 Applicants must address the Cumulative Impact Assessment and produce evidence to demonstrate how the application will:
- (a) Not add to cumulative impact, and challenges already being experienced in the area or
 - (b) Undermine the promotion of the licensing objectives.
- 5.3 The applicant must produce evidence to rebut the presumption to refuse an application within the Cumulative Impact Assessment area. This Assessment takes effect where a relevant representation is received.
- 5.4 It must be stressed that the presumption to refuse an application does not relieve Responsible Authorities or any other person of the need to provide supporting evidence in conjunction with a relevant representation. This must be submitted before the Licensing Authority may lawfully consider giving effect to the Cumulative Impact Assessment.
- 5.5 Where there is evidence that a particular area of the Borough is already suffering adverse effects arising from a concentration of licensed premises, and it can be demonstrated that communities are under pressure because of it, this will be taken into account in determining any further applications or material changes to licensed premises within the area identified. This includes:
- the character of the surrounding area;
 - the impact of the licence on the surrounding area, both individually, and cumulatively with existing licences;
 - the nature and character of the proposed operation;
 - The availability of suitable public transport, private hire vehicles and taxis to facilitate dispersal at key times;
 - The availability of other support services at key times, for example street cleansing services.
 - The impact upon the policing of an area

6.0 Integration of Strategies

- 6.1 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and beyond the control of the licence holder but is still a

key aspect of such control and will be part of a holistic approach to the management of the evening economy in towns' and city centres.

- 6.2 The Licensing Authority recognises that as well as licensing legislation, there are a number of other mechanisms for addressing issues of noise, nuisance and anti-social behaviour which occur in the vicinity of licensed premises.

These include:

- Planning controls
- Ongoing measures to provide a safer and cleaner environment in partnership with residents, local businesses and others
- Powers to designate parts of the borough which restricts the consumption of alcohol in designated public places
- confiscation of alcohol in designated areas
- Police enforcement of the law with regard to disorder and anti-social behaviour
- Police powers to close some premises for up to 24 hours in extreme cases of disorder or excessive noise
- The power of police, local businesses or residents to seek a review of the premises licence
- Enforcement action against those selling or supplying alcohol to people who are underage or already drunk.

- 6.3 The Licensing Authority may address a number of these issues through Community Safety Partnerships in line with the strategic objectives for crime and disorder reduction within the Borough.

- 6.4 The Council and Partner organisations already employ a range of mechanisms to prevent or limit cumulative impact relating to the problems arising from licensed premises and their customers causing noise, nuisance, disturbance or behaving unlawfully at, outside or in the vicinity of the premises.

- 6.5 The Licensing Authority and Sussex Police are aware of the problems associated with the town centre area in respect of alcohol related crime and disorder and have launched a number of initiatives to combat this including intelligence sharing about problem premises, joint licensing visits and targeted activity.

- 6.6 The standard shift pattern operated in the Eastbourne Borough has been altered to ensure extra resources are available to Police in the town centre at key times to tackle crime, disorder and associated nuisance.

- 6.7 The Police use a Fixed Penalty Ticket system to ensure efficient use of resources, speed up the judicial process and ease the pressure on the Courts dealing with the results of the alcohol related crime, disorder and nuisance problems.
- 6.8 There is an established alcohol treatment referral scheme for those individuals who come into custody at Eastbourne Custody Centre and investment in diversionary activities for young people.
- 6.9 Work has been undertaken to promote safe, sensible and social drinking campaigns, including the strategic drink campaigns undertaken by East Sussex County Council. The Licensing Authority recognises that the Cumulative Impact Assessment is one of a range of mechanisms to regulate activities of both premises and individuals.
- 6.10 Other measures include; the presence of Street Pastors on the town centre late at night and at weekends to assist people who may be in difficulty, an established Nightwatch Radio Scheme to facilitate communication between licensed premises and exclude problem individuals from venues, CCTV coverage and monitoring of the town centre, regular joint operations to monitor licensed premises, active use of dispersal orders, provision of facilities for young people to offer diversionary activities and the active targeting of irresponsible drinks promotions.

7.0 Where does the Cumulative Impact Assessment Apply?

- 7.1 Since 2007, the Licensing Authority has applied a special Cumulative Impact Assessment to an area within Eastbourne Town Centre. This is identified within Appendix 3 along with supporting statistical information and a statement received from Sussex Police.
- 7.2 Following consideration of the latest evidence, the Licensing Authority has revised its Cumulative Impact Assessment, taking account of relevant feedback.
- 7.3 The Licensing Authority believes that, following evidence from Sussex Police, the cumulative impact of licensed premises in this area continues to undermine the promotion of the licensing objectives.
- 7.4 Within Eastbourne Town Centre, there is strong evidence of an impact on crime and disorder caused by the number of people attending licensed premises. Data has been provided in respect of the number of crimes within this area.

- 7.5 This area accounts for over 50% of all licensed premises in the Borough. Significant proportions of these are pubs, clubs and off licences. Although the licensed premises have differing closing times, it is evident that there is an accumulation of individuals in the town centre as a result of the services provided by the night time economy.
- 7.6 The capability of the transport system to disperse these numbers rapidly with minimum impact on crime and disorder and public nuisance is limited.
- 7.7 The Licensing Authority takes the view that problems associated with the licensing objectives are caused by the number of people attending licensed premises in this area, their movement to and from these premises and their dispersal home.
- 7.8 The data analysis and statements of Sussex Police contained in Appendix A, support the continuation of the Cumulative Impact Policy and zone.

8.0 Conclusion

- 8.1 The conclusion drawn in respect of the evidence is that where relevant representations are submitted, the Cumulative Impact Assessment should aim to continue to limit the number of new or material variations to licensed premises. The rebuttable presumption to refuse such remains in place.
- 8.2 The Licensing Authority believes that the presence of a Cumulative Impact Assessment in the designated area since 2007 supports and assists the range of strategies in place to tackle crime, disorder, noise and nuisance.
- 8.3 Accordingly, the Licensing Authority has resolved to maintain the Cumulative Impact Assessment. The Assessment will come into effect where relevant representations are received, will seek to prevent a further increase in the number of licensed premises and when appropriate to limit material changes to licences within that area.
- 8.4 The Licensing Authority wishes to encourage the provision of a range of entertainment in the area and to reduce the dominance of pubs, off licences, bars and nightclubs. Any future expansion of licensed premises and the evening or night time economy should be consistent with the wider regeneration aspirations of the Council and its partners and should actively promote an inclusive town centre for all that is a safe and pleasant place to be in. This will be balanced against any likely negative impact on the licensing objectives.

8.5 The Licensing Authority has resolved that the Cumulative Impact Assessment is one such measure to facilitate this, and ensure that the correct balance is sought.

Appendix 3

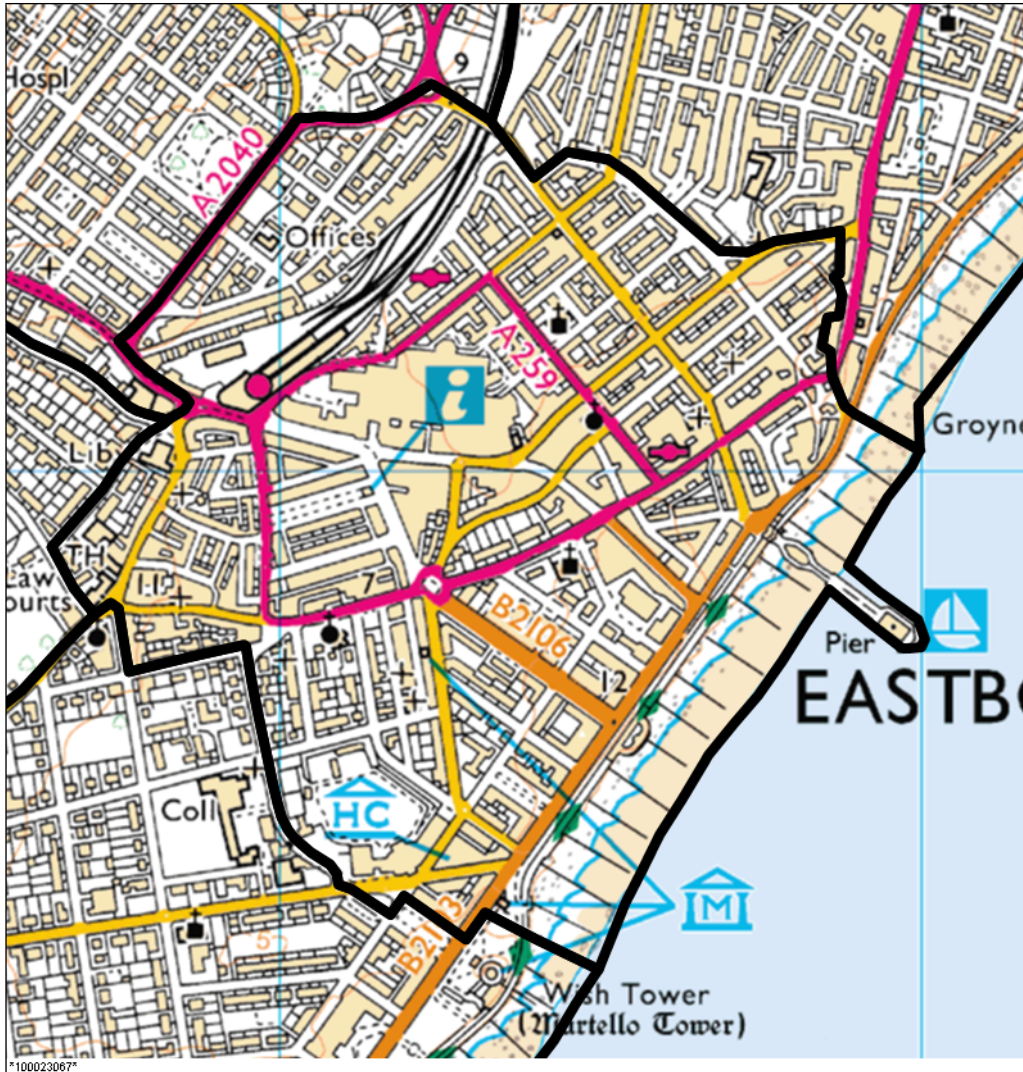
Cumulative Impact Strategy Assessment Data 2019-2024

1.0 Introduction

- 1.1 This report contains information provided by Sussex Police relating to Crime and Disorder in Eastbourne and in particular the area in the town centre that has been highlighted as the Cumulative Impact Zone (CIZ).
- 1.2 Sussex Police have provided data and an associated statement that supports the continued existence of the CIZ.
- 1.3 The data provided by Sussex Police is for rolling years from **2016-2019** and includes the following crime:
 - Theft & Handling
 - PPVC
 - Violence Against the Person (VAP)
 - Criminal Damage
 - Burglary
 - Vehicle
 - Drugs
 - Other Offences
 - Antisocial Behaviour (ASB) Incidents

2.0 Sussex Police: Review of Crime / ASB Data: 2019

- 2.1 The report contains data to end of **January 2019**.
- 2.2 Area Analysed: The area analysed is the Neighbourhood area called Eastbourne Town Centre. The map below shows the area this encompasses:



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Eastbourne town centre – Review of crime/ASB data

Requested by	Insp Rachel Barrow
Author(s)	Andy Smith - Prevention Analyst
Department	Prevention Support Team – East Sussex Division
Reference	ESX_AS: 164
Date	25/02/2019
Version	v.1.1 (sanitised)

Scope:

The purpose of this document is to provide a breakdown of recorded crime and ASB data for Eastbourne town centre (see map opposite). This data will be compared to the rest of Eastbourne as part of the review process of the cumulative impact strategy. All data will be exported for the rolling year period of February to January for the last three years (2016 – 2019).

All data will be exported using the iBase system searching for the crime data using HO Crime Type, including focus on public place violent crime (excluding domestic related offences). ASB incidents will be identified via NSIR group qualifier *anti-social behaviour*.

Caveats and limitations:

- All Niche crime data has been exported using the *Date Actual From* rather than the *Input Date* as used by within performance reports published by the Corporate Development Department. This can sometimes lead to the figures in this report being slightly different to information provided by the Performance Team.
- For the purpose of this report town centre crime will be any offence recorded within the Police Beat of *Devonshire - EE1002* (see map opposite) rather than the Neighbourhood of *Town Centre*. Data quality checks for Eastbourne crime data over the last rolling year (February 2018 – January 2019) has showed that approx. 30% of all recorded crime had no Neighbourhood recorded in offence location data fields.
- Anti-social behaviour incidents have been identified using the NSIR Qualifier, this qualifier is manually selected by the call taker at the time of incident recording and therefore the search criteria used may not capture all incidents which are ASB related.

Crime and incident data:

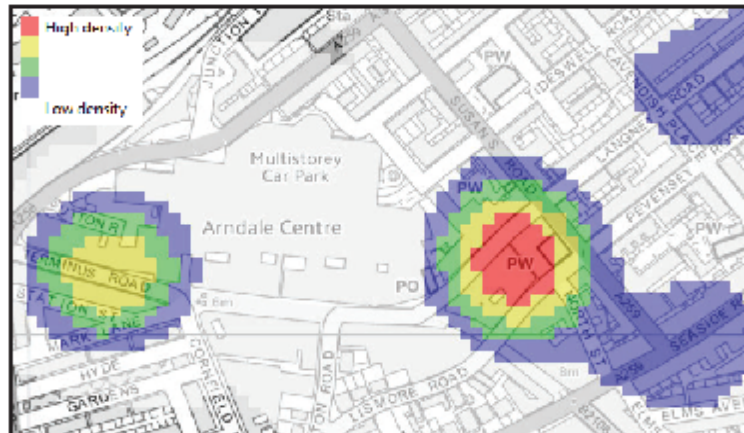
The breakdown of crime data by Police Beat area over the latest rolling year period of February 2018 – January 2019 shows 30% of all recorded crime in Eastbourne occurred within Devonshire Police Beat. The main crime type recorded was Violent Crime, responsible for 51% of all crime in this location. Devonshire also recorded the highest proportion of violent crime (29%) out of the nine police beat areas in Eastbourne. Over the last 12 month period, the total number of overall violent crime offences

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in Devonshire has increased (+126). However, the breakdown of Violent Crime and Violence against the Person offences recorded as Public Place (excluding Domestic) shows offences have reduced compared to the previous 12 month period. The three main crime types remain as:

- i. **ABH (193 offences)** - Time and date analysis shows that this crime type is linked to the night time economy, peaking during the early hours of Saturday and Sunday between 0100-0400hrs. The main hotspot area in the town centre is within the area of Cameo Nightclub/Langney Road, with a secondary hotspot area around McDonalds Restaurant/Terminus Road.



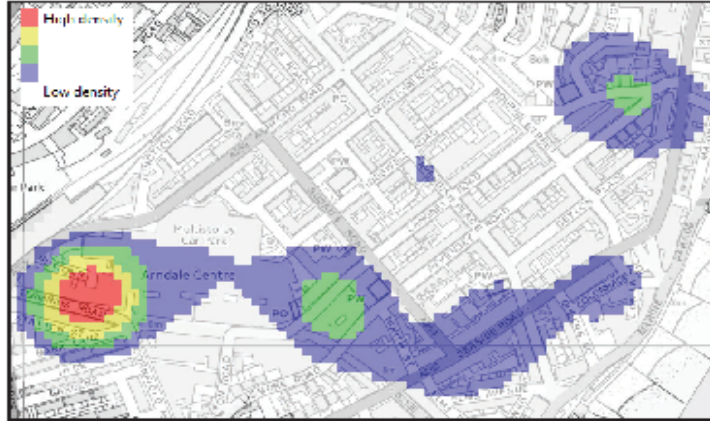
- ii. **Assault without injury (161 offences)** - Time and date analysis shows that this crime type is linked to the night time economy, peaking during the early hours of Saturday between 0200-0300hrs. The main hotspot area within the town centre is within the area of Cameo Nightclub/Langney Road, with secondary area around the location of McDonalds Restaurant/Terminus Road



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- iii. **Public fear, alarm or distress (155 offences)** - Time and date analysis shows that this crime type peaks during the week on Monday, Thursday and Friday, with key time of 1400-1500hrs. The main hotspot area within the town centre is around McDonalds Restaurant/Terminus Road.



Incident data for reports of anti-social behaviour and incidents flagged as being alcohol related show that the overall number of incidents reported in Devonshire over the last 12 months have reduced as well as the percentage of these types of incidents occurring in the area compared to the rest of Eastbourne.

Table 1 and 2: Total crime by HO Crime Type in Devonshire vs Eastbourne District - including breakdown for violent crime and % in area

Table 1: Devonshire			
HO Crime Type	Feb18 – Jan19	Feb17 – Jan18	Feb16 – Jan17
Burglary	125	130	102
Criminal Damage	253	281	236
Drug Offences	99	99	95
Fraud & Forgery	19	24	25
Other Offences	61	63	41
Theft & Handling	697	810	692
Violent Crime	1287 (29%)	1161 (30%)	961 (28%)
i. Robbery	30 (30%)	25 (33%)	25 (37%)
ii. Sexual Offences	65 (24%)	65 (24%)	46 (21%)
iii. Violence against the Person	1192 (30%)	1071 (30%)	890 (29%)
TOTAL	2541 (30%)	2568 (29%)	2152 (33%)

Table 2: Eastbourne District			
HO Crime Type	Feb18-Jan19	Feb17 – Jan18	Feb16 – Jan17
Burglary	425	579	467
Criminal Damage	1111	1316	1086
Drug Offences	270	274	311

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Table 2: Eastbourne District			
HO Crime Type	Feb18-Jan19	Feb17 – Jan18	Feb16 – Jan17
Fraud and Forgery	110	127	153
Other Offences	210	206	167
Theft & Handling	2020	2390	2094
Violent Crime	4403	3926	3417
i. Robbery	101	75	67
ii. Sexual Offences	273	268	220
iii. Violence against the Person	4029	3583	3130
TOTAL	8549	8818	7695

Table 3: Public Place related violent crime - excluding domestic related offences

Rolling Year	Devonshire (% of total crime across the district)			Eastbourne District		
	Public Place Violent Crime	Public Place Violence against the Person	Violent crime linked to licenced premise	Public Place Violent Crime	Public Place Violence against the Person	Violent crime linked to licenced premise
Feb18 – Jan19	683 (32%)	635 (33%)	109 (52%)	2103	1934	209
Feb17 – Jan18	723 (35%)	670 (35%)	113 (49%)	2092	1938	231
Feb16 – Jan17	599 (33%)	562 (33%)	123 (60%)	1830	1714	205

Table 4: ASB incidents with NSIR Qualifier – anti-social behaviour

Rolling Year	Devonshire	Eastbourne District	% in area
Feb18 – Jan19	686	2422	28%
Feb17 – Jan18	920	3083	30%
Feb16 – Jan17	817	2715	30%

Table 5: Incidents containing 'alcohol' qualifier tag

Rolling Year	Devonshire	Eastbourne District	% in area
Feb18 – Jan19	312	739	42%
Feb17 – Jan18	445	1022	44%
Feb16 – Jan17	476	1153	41%

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Appendix 4:

List of Useful Websites:

Department For Culture Media and Sport

<https://www.gov.uk/government/organisations/department-for-culture-media-sport>

East Sussex Drug and Alcohol Action Team

<http://eastsussex.gov.uk/community/emergencyplanningandcommunitysafety/communitysafety/drugsandalcohol/daat.htm>

Alcohol Licensing (Licensing Act 2003)

<https://www.gov.uk/alcohol-licensing>

Gambling Commission

<http://www.gamblingcommission.gov.uk/>

Health and Safety Executive, 'Managing Crowds Safely'

<http://www.hse.gov.uk/pubns/indg142.htm>

Portman Group – Age Verification

www.portmangroup.org.uk

Safer Pubbing and Clubbing Guide for Licensing Authorities, Club Managers and Promoters

<http://www.clubhealth.org.uk/pages/downloads/Safer%20Dancing.pdf>

Section 182 Guidance issued in conjunction with the Licensing Act 2003

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/98101/guidance-section-182-licensing.pdf

Security Industry Authority (SIA)

Registered Door Supervisors

<http://www.sia.homeoffice.gov.uk/Pages/home.aspx>

Smoke free Legislation

<http://www.smokefreeengland.co.uk/thefacts/the-regulations.html>

Temporary Event Notice Guidance (Licensing Act 2003)

<https://www.gov.uk/government/organisations/home-office/series/alcohol-licensing-temporary-events-notice>

What to do if you are worried about the safety of a child

<http://www.eastsussex.gov.uk/childrenandfamilies/childprotection/default.htm>

Appendix 5:

Contact Details of Responsible Authorities:

Eastbourne Borough Council

1 Grove Road
Eastbourne
East Sussex
BN21 4TW
Tel:01323 410000

Fire Safety Officer

East Sussex Fire and Rescue Service
Eastbourne Borough Fire Safety Office
Whitley Road
Eastbourne
BN22 8LA
Tel: 0845 1308855

Sussex Police

The Licensing Unit
Police Station
Terminus Road
Bexhill-on-Sea
East Sussex
TN39 3NR
Tel: 0845 6070999

For Non-council owned premises

Council owned premises:

Health & Safety Officer

Eastbourne Borough Council
1 Grove Road
Eastbourne
East Sussex
BN21 4TW
Tel: 01323 410000

Enforcement Liaison Officer

Health & Safety Executive
Phoenix House
23-25 Cantelupe Road
East Grinstead
RH19 3BE
Tel: 01342 334200

Planning

Development Manager
Eastbourne Borough Council
1 Grove Road
Eastbourne
East Sussex
BN21 4UH
Tel: 01323 410000

Environmental Health

Senior Specialist Advisor
Eastbourne Borough Council
1 Grove Road
Eastbourne,
East Sussex
BN21 4TW
Tel: 01323 410000

Child Protection

East Sussex County Council
Head of Children's Safeguards and Quality Assurance
P.O Box 5
East Sussex County Council
County Hall
Lewes
East Sussex
BN7 1SW
Tel: 01273 481000

Trading Standards

East Sussex County Council Trading Standards
St Marys House
52 St Leonards Road
Eastbourne
East Sussex
BN21 3UL
Tel: 01323 418200

Primary Care Trust

Public Health Network & Business Manager
E1C County Hall
St Anne's Crescent
Lewes
East Sussex
BN7 1UE

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Working in partnership with **Eastbourne Homes**

Conservation Area Advisory Group

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 19 February 2019 at 6.00 pm

Present:

Councillors Colin Swansborough (Deputy-Chair), Colin Belsey and Robert Smart

External advisor:

Mr Howell, Eastbourne Society

Officers in attendance:

Jenny Martin (Specialist Advisor, Conservation) and Emily Horne (Committee Officer)

34 Minutes of the meeting held on 8 January 2019

The minutes of the meeting held on 8 January 2019 were submitted and approved, subject to the following amendment to minute 32, item 2, the deletion of the words '181103, (PP), Congress Hotel, 31-41 Carlisle Road, Eastbourne', and the Chair was authorised to sign them as an accurate record.

35 Apologies for absence.

An apology had been received from Mr Crook of the Royal Institute of British Architects and absence was noted for Councillor Rodohan.

In the absence of the Chair, Councillor Swansborough (Vice-Chair) took the Chair for the duration of the meeting.

36 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.

There were none.

37 Questions by members of the public.

There were none.

38 Urgent items of business.

The Group noted receipt of the Conservation Area Appraisal – College.

39 Right to address the meeting/order of business.**40 Planning Applications for Consideration****1) 181193, (PP) 121 South Street, Eastbourne**

Cons Area: Town Centre and Seafront

Proposal: Change of use from A1 (Shop) to A3 (Restaurants and Cafes) and alterations to bay windows.

CAAG comments: The Group agreed that the scheme marginally enhanced the character and appearance of the conservation area.

2) 181194, (PP) 22 Enys Road, Eastbourne

Cons Area: Upperton

Proposal: Proposed conversion and extension of the existing detached double garage to form self-contained 1x bed dwelling.

CAAG comments: The Group agreed that the scheme as currently presented was not suitable for the area, and did not enhance the character and appearance of the conservation area.

3) 190064 (LBC) Eastbourne Railway Station, Terminus Road, Eastbourne.

Cons Area: Town Centre and Seafront, Grade 2

Proposal: Proposed repairs to the roof above the original hall to include: replacement of slate tiles like for like, replacement of lead flashings, replacement of lead roof, refurbishment of existing decorative iron cresting, inspection and consideration of replacement gutters, replacement of rotten timber and redecoration of timberwork.

CAAG comments: The Group welcomed this application, and felt it would significantly enhance the character and appearance of the listed building.

4) 181163 (PP) 1 and 2 The Avenue, Eastbourne

Cons Area: Upperton

Proposal: Proposed room in the roof with dormers.

CAAG comments: Due to the height of the building, the Group agreed that the proposal would not stand out, and felt the scheme marginally enhanced the character and appearance of the conservation area.

5) 190038 (PP) Meads House, 26 Denton Road, Eastbourne.

Cons Area: Meads

Proposal: Creation of lower ground floor, side/rear extension, and change of use from care home (C2) to 9 x 2-bed flats, with new car and cycle parking spaces, involving demolition of existing garage.

CAAG comments: There was differing views amongst the Group on the application. The majority agreed that the scheme had a detrimental impact on the character and appearance of the conservation area

6) 190080 (LBC) 2 Enys Road, Eastbourne.

Cons Area: n/a; Grade 2

Proposal: Proposed installation of low & upper level Cast-Iron Air-Bricks to all elevations.

CAAG comments: The Group agreed that the scheme had a detrimental impact on the character and appearance of the listed building due to the distinctive contrasting appearance of black cast iron air bricks against the existing masonry.

7) 181152 (PP) 68 Seaside Road, Eastbourne.

Cons Area: Town Centre and Seafront

Proposal: Part conversion of A1 shop to provide a 2 bedroom maisonette.

CAAG comments: The Group agreed that the scheme enhanced the character and appearance of the conservation area.

8) 181183 (PP) South Cliff Tower, 16 Bolsover Road, Eastbourne

Cons Area: Meads

Proposal: Proposed removal of cladding to West elevation and provision of external wall insulation system to all elevations, replacement of all windows/balcony doors, sliding doors to all elevations and external re-decoration.

CAAG comments: The Group agreed that, the scheme marginally enhanced the character and appearance of the conservation area.

9) 190044 (PP) 10 Park Close, Eastbourne

Cons Area: The Park Close

Proposal: Two storey front/side extension, single storey rear extension and conversion of roofspace to habitable use with porch to front.

CAAG comments: The Group felt the scheme overall enhanced the character and appearance of the Conservation Area, however, it was felt the design of the porch had a negative impact.

10) 190008 (PP) The Pilot, 89 Meads Street, Eastbourne

Cons Area: Meads

Proposal: Two storey rear extension to include demolition of the existing disabled toilet for construction of a new restaurant area with managers flat at first floor level.

CAAG comments: The Group agreed that the scheme enhanced the character and appearance of the conservation area.

41 New Listings

There were none.

The meeting ended at 7.21 pm

Councillor Swansborough (Chair)



Working in partnership with **Eastbourne Homes**

Planning Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 26 February 2019 at 6.00 pm

Present:

Councillor Jim Murray (Chair)

Councillors Janet Coles (Deputy-Chair), Sammy Choudhury, Paul Metcalfe, Md. Harun Miah, Margaret Robinson, Barry Taylor and Penny di Cara (Reserve) (as substitute for Colin Murdoch)

Officers in attendance:

Leigh Palmer, Senior Specialist Advisor for Planning
James Smith, Specialist Advisor for Planning
Chris Wright, Specialist Advisor for Planning
Helen Monaghan, Lawyer for Planning, and
Emily Horne, Committee Officer

Also in attendance:

93 Minutes of the meeting held on 22 January 2019

The minutes of the meeting held on 22 January 2019 were submitted and approved as a correct record, and the Chair was authorised to sign them.

94 Apologies for absence.

An apology was reported from Councillor Murdoch. Councillor Metcalfe MBE had advised that he would be arriving later in the meeting.

95 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.

There were none.

96 Urgent items of business.

There were none.

97 Right to address the meeting/order of business.

The business of the meeting proceeded in accordance with the agenda.

98 Spring Mead, 25 Meads Brow. Application ID: 181058

Outline planning permission (Access and Layout) for demolition of the existing house and the construction of a new building housing 17 one and two bedroom apartments, with associated access and parking – **MEADS**

The Committee was advised by way of an addendum report, that the application had received one additional letter of objection commenting on traffic speed and limited visibility from Darley Road. The officer response was that East Sussex County Council (ESCC) Highways had raised no objection to the application.

Mr Colin Couch, local resident, addressed the Committee in objection, stating that the scheme would cause overdevelopment and result in overlooking and loss of privacy.

Councillor Smart, Ward Councillor, addressed the Committee (from the public gallery) in objection, stating that the scheme was of poor design and visually intrusive and out of scale and character for the area. He recommended additional conditions be added to the resolution, to strengthen the officers' reason for refusal.

Mr James Caldwell, agent, addressed the Committee in support of the application, stating that the applicant had followed government guidance and that the scheme would not be deliverable if affordable housing was imposed. He further advised that officer advice should be consistent.

Councillor Metcalfe MBE arrived at this juncture and took no part in the discussion or debate and did not vote on this application.

The Committee was informed that a planning application submitted and approved in 1978 for flats had not been progressed by the applicant due to a land ownership issue.

Officers advised that current concerns raised regarding overlooking were not deemed to be intrusive given the distance between the buildings was considered sufficient. In addition, access matters could be addressed by conditions or at the Reserved Matters Stage.

The Committee discussed the application and felt that the scheme was too obtrusive and would cause an overuse of the site. Members raised concerns

regarding inappropriate access for refuse vehicles, lack of a public footpath, speed of traffic, limited visibility and unsuitability of Meads Brow as the main access point.

Councillor Taylor proposed a motion to refuse the application, and was seconded by Councillor Coles.

Resolved (Unanimous): That permission be refused for the reasons set out in the officers' report, and the following additional reasons requested at the meeting:-

The proposed development would, by reason of the layout and scale, be likely to be discordant and unduly dominant in relation to the form, scale and character of the existing housing within the immediate locality. The proposed development therefore conflicts with policies UHT1 and UHT4 of the Eastbourne Borough Plan.

The failure to provide direct footpath access to the site entrance results in an unsatisfactory arrangement that would present a danger of pedestrians coming into conflict with motorised vehicles entering and leaving the site. The proposed development therefore conflicts with para. 109 of the Revised NPPF (2018)

In addition, an informative would be added to highlight members concerns in relation to the suitability of the access to Meads Brow from Beachy Head Road for increased activity as well as the poor quality of the footpath network in the wider surrounding area.

99 Kempston, 3 Granville Road. Application ID: 190103

Application for prior notification of proposed demolition. Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 11, Class B – **MEADS**

The Committee was advised by way of an addendum report, that the application had received an additional seven letters of objection, commenting on the neglect and loss of a historic building and the potential for the area to be included in the conservation area.

Mr Dennis Scard, Chair of Meads Community Association, addressed the Committee in objection to the application, stating that the area of was high townscape value. He urged the Committee to save the building and delay its demolition until the extent of the College Conservation Area is known.

Councillor Smart, Ward Councillor, addressed the Committee (from the public gallery) in objection, stating the landlord had failed to maintain the building and to apply for a court injunction to prevent its demolition.

Marie Nagy, Agent addressed the Committee in support of the application, stating that consent for demolition was not required, and that the application specifically related to the disposal of materials and reinstatement of the site. In response, she stated the comments raised were unfounded, hence enforcement action had not been taken. Furthermore, the site was regularly checked, and the applicant had retained the mains services and installed security shutters to avoid vandalism.

The Committee discussed the proposal and felt the building was of high townscape value and would benefit from being included in the College Conservation Area, which was under public consultation. Members raised strong concerns as to the neglect of the building.

Following discussion, the Committee was advised that drainage and bat surveys were not a requirement for the application. The Planning Lawyer referred to the Council's Constitution and advised the Committee that it was not permitted to vote to apply for a court injunction to prevent the building being demolished.

Councillor Murray proposed a motion to reject the application. This was seconded by Councillor Taylor.

Resolved (Unanimous): That Prior Approval be required for demolition of the existing building.

100 Appeal Decision - 12 Eversfield Road

Members noted that the Inspector dismissed the appeal.

101 South Downs National Park Authority Planning Applications.

There were none.

The meeting ended at 7.25 pm

Councillor Jim Murray (Chair)



Working in partnership with **Eastbourne Homes**

Audit and Governance Committee

Minutes of the meeting held in the Court Room at Eastbourne Town Hall, Grove Road, Eastbourne, BN21 4UG on 6 March 2019 at 6.00pm

Present:

Councillor Dean Sabri (Chairman)

Councillors Troy Tester (Deputy-Chair), Penny di Cara, Tony Freebody and Barry Taylor

Officers in attendance:

Oliver Dixon (Senior Lawyer and RIPA Monitoring Officer)

Pauline Adams (Head of Finance)

Jackie Humphrey (Audit Manager)

Brian Mew (Interim Deputy Chief Finance Officer)

Jennifer Norman (Committee Officer)

Also in attendance:

Ben Sheriff (Representative from Deloitte)

52 Minutes

The minutes of the meeting held on 28 November 2018 were submitted and approved, and the Chair was authorised to sign them as an accurate record.

53 Apologies for absence

An apology for absence had been received from Councillors Margaret Robinson and Paul Metcalfe. Councillor Freebody declared that he was acting as substitute for Councillor Metcalfe for the duration of the meeting.

54 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

There were none.

55 Questions by members of the public

There were none

56 Urgent items of business

As a matter of urgency and with the Chair's approval, the Committee received the supplementary report *External Auditor's Planning report for the year ending 31 March 2019*, as detailed in Minute No 57.

57 External Auditor's Planning report for year ending 31 March 2019

The Committee received the report of Deloitte, the Council's new external auditors, which detailed the planning report for the year ending 31 March 2019.

Deloitte participated in a handover meeting with the Council's outgoing external auditors, BDO LLP, during which BDO's previous audit files and reports of the Council were reviewed.

Deloitte developed the report to ensure that it provided effective audit services that met the Committee's expectations and focused on the most significant areas of importance and risk that the users of the Council's statement of accounts.

The Committee welcomed working with Deloitte in the future.

Resolved: (Unanimous) That the report be noted.

58 Internet and Social Media Research and Investigations - policy and procedure

The Committee received the report of the Assistant Director of Legal and Democratic Services which sought the approval of the Council's draft policy on conducting internet and social media research and investigations, and the authority for creating and issuing an associated procedure.

The RIPA (Regulation of Investigatory Powers Act 2000) Monitoring Officer (MO) explained that the overriding purpose of the report was to ensure that Council Officers operated professionally and lawfully, particularly in regards to an individual's privacy. Surveillance techniques used professionally and lawfully could produce effective intelligence, especially in the detection and prevention of crime. The RIPA MO reminded the Committee that the Council already had a document which dealt with surveillance but the document did not adequately address the issues specific to online activity and surveillance.

Discussion included:

- The Committee sought reassurance that any data which was not found to be relevant to ongoing research/investigations and/or legal action would be destroyed. The RIPA MO confirmed that any such data would be destroyed in line with the General Data Protection Regulation (GDPR) principles of data minimization.
- That the RIPA MO explain in more detail section 6 of the draft policy (appendix 1 to the report), as the Committee agreed that the details surrounding private information were not sufficient. The RIPA MO highlighted that the importance of section 6 was protecting the privacy of any individual the Council might look at as part of an investigation. He proposed, and the Committee agreed, that a provision would be added to section 6, making it clear that where an officer considers that research may interfere with a person's right to privacy, he/she must obtain authorisation before proceeding; and the authorising officer must be satisfied the proposed interference is lawful, before consenting to its use.
- Internal auditing regarding cases which used covert and online surveillance. Officers confirmed that internal auditing would take place where appropriate.

Resolved: (Unanimous)

1. That Eastbourne Borough Council's Internet and Social Media Research and Investigations Policy as set out in draft in appendix 1 be approved, subject to section 6 being amended as above; and
2. That the Director of Service Delivery be delegated authority by the Committee to develop, implement and ensure compliance with an Internet and Social Media Research and Investigations Procedure for Eastbourne Borough Council.

59 Internal audit report to 31st December 2018

The Committee considered the report of the Audit Manager regarding a summary of the activities of internal audit for the first three quarters of the year 1 April 2018 to 31 December 2018. A list of all final audit reports issued from 1 April 2018 to 31 December 2018 and the level of assurance attained were detailed in the report.

The Committee queried the audit review of car parking as set out in appendix b, as the information indicated that the level of follow up which was scheduled for completion in February 2019, had not yet been completed.

The Audit Manager explained that the target date had not been met due to her team lacking an adequate number of staff and because the team had been concentrating on the annual audit.

The Committee wished to express its thanks to the Audit Manager and her team for all of their hard work.

Resolved: (Unanimous) That the report be noted.

60 Draft internal audit plan for 2019/20

The Committee considered the report of the Audit Manager regarding the draft internal audit plan for 2019/2020 as detailed in the report.

Resolved: (Unanimous) That the proposed internal audit plan for 2019/2020 be approved.

61 BDO grant claims and returns certification report 2017/18

The Committee considered the report of the Council's outgoing external auditors, BDO, regarding the key findings in respect of the certification of grant claims and returns for the financial year 2017/2018.

The key findings, along with other certification work and a summary of the fees charged were outlined in the report.

Several members of the Committee expressed their displeasure at not having adequate time to review the report due to the report being received as a late item. The Audit Manager explained that the Council had been working to get the subsidy signed off by BDO, but due to extenuating circumstances, BDO was unable to provide the report within the statutory deadlines. The Head of Finance highlighted that the report was to note and did not require any decisions to be made by the Committee.

Resolved: (Unanimous) That the report be noted, subject to any further questions the Committee had regarding the report to be addressed at its next meeting on 24 July 2019.

The meeting ended at 6.55pm.

Councillor Dean Sabri (Chairman)



Working in partnership with **Eastbourne Homes**

General Licensing Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 11 March 2019 at 6.00 pm

Present:

Councillor Troy Tester (Chair)

Councillors Pat Rodohan (Deputy-Chair), Colin Belsey, Sammy Choudhury, Janet Coles, Tony Freebody, Colin Murdoch, Robert Smart, Pat Hearn and Steve Wallis

Officers in attendance:

Danielle Ball (Specialist Advisor - Licensing, Service Delivery), Ed Hele (Functional Lead (Quality Environment)) and Michele Wilkinson (Lawyer (Housing & Regulatory)) and Emily Horne (Committee Officer)

7 Minutes of the meeting held on 7 January 2019

The minutes of the meeting held on 7 January 2019 were submitted and approved and the Chair was authorised to sign them as an accurate record.

8 Apologies for absence.

Apologies for absence were received from Councillor Robinson. Absence was noted for Councillor Murray.

9 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.

There were none.

10 Questions by members of the public.

There were none.

11 Urgent items of business.

There were none.

12 Right to address the meeting/order of business.

There were none.

13 Hackney Carriage Fares

The Committee considered the report of the Interim Director of Service Delivery regarding the request for a new fare structure as proposed by the Hackney Carriage proprietors.

Members were advised that the current fares had been in place for ten years. There were currently 114 licensed hackney carriages that were allowed to apply for hire in Eastbourne.

Following informal requests made by some hackney carriage proprietors and discussions at the Taxi Forum, all hackney carriage proprietors were contacted on 1 February 2018 and were asked to contact the Licensing team to advise if they were in favour of a fare increase. They were informed that should more than 50% of the trade feel an increase was appropriate then a report would be presented to the General Licensing Committee. The letter also requested proposals for a new fare structure. A copy of this letter was included at appendix 1 of the report.

The Licensing team received 86 responses indicating that they wanted an increase in fares from hackney carriage proprietors which equated to 76% of their total number.

On 1st October 2018 a fare increase proposal was presented to the General Licensing Committee. It was unknown if the proposal had the support of the majority of the trade or if members of the public would be disadvantaged by the increase. The proposal was rejected and Officers were asked to re-consult with the trade and develop a further proposal that would be favourable to the trade, Councillors and general public.

Members of the trade returned a new proposal that had the backing from the wider trade for consideration by the General Licensing Committee. 74 Hackney Carriage Proprietors returned a signed copy of the new proposed increase as outlined in Table 2 of the report, this is 84% of their total number.

The Committee discussed the options and it was considered that whilst the proposed increase would be of significant benefit to the hackney carriage

trade, the least affluent would be disadvantaged. However, it was also acknowledged that whilst the fees had not increased in 10 years, the proposal to increase the fares had been put forward by the trade and would be consistent with other local authorities in the area. Members noted that drivers needed to pay for rising fuel and running costs etc. and had to compete with the private hire sector.

Councillor Smart proposed a motion to accept the proposal. This was seconded by Councillor Rodohan.

Resolved: (By 7 votes to 3 against) That the Leader of the Council be given delegated authority to comply with the statutory process for publishing the proposal on increasing hackney carriage fares.

The meeting ended at 6.30 pm

Councillor Troy Tester (Chair)

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Working in partnership with **Eastbourne Homes**

Licensing Act Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 11 March 2019 at 6.00 pm

Present:

Councillor Troy Tester (Chair)

Councillors Pat Rodohan (Deputy-Chair), Colin Belsey, Sammy Choudhury, Janet Coles, Tony Freebody, Colin Murdoch, Robert Smart, Steve Wallis and Pat Hearn

Officers in attendance:

Danielle Ball (Specialist Advisor - Licensing, Service Delivery), Ed Hele (Functional Lead (Quality Environment)) and Michele Wilkinson (Lawyer (Housing & Regulatory)) and Emily Horne (Committee Officer).

10 Minutes of the meeting held on 8 January 2018

The minutes of the meeting held on 8 January 2018 were submitted and approved and the Chair was authorised to sign them as an accurate record.

11 Apologies for absence.

An apology for absence was reported from Councillor Robinson. Absence was noted for Councillor Murray.

12 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.

There were none.

13 Questions by members of the public.

There were none.

14 Urgent items of business.

There were none.

15 Right to address the meeting/order of business.

There were none.

16 Review of Eastbourne Borough Council's Statement of Licensing Policy including the Cumulative Impact Policy, Licensing Act 2003

The Committee considered the report of the Functional Lead – Quality Environment to review the Council's Statement of Licensing Policy and Cumulative Impact Assessment (CIP) and authorise the Senior Specialist Advisor to start an eight week consultation of the proposed new Statement of Licensing Policy including the Cumulative Impact Assessment.

In accordance with Section 182 guidance, Section 5, the Licensing Committee was required to prepare and publish a statement of its licensing policy at least every five years and regularly review the Cumulative Impact Assessment (CIP).

The effect of adopting the Cumulative Impact Assessment (CIP) within the Statement of Licensing Policy was to create 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. Further details were contained in the report.

Inspector Rachel Barrow, Sussex Police, addressed the Committee and made reference to her representation appended to the report, stating that Sussex Police were in full support of keeping the Cumulative Impact within the Statement of Licensing Policy.

In response to a question from the Committee asking if there had been any change in the data since the last review, Inspector Barrow confirmed that there had been an increase in drugs and violent crime and although most incidents had occurred in the town centre, not all were associated with licensed premises.

The Committee asked if enough had been done by the Authority in regard to enforcement action and council policies, and whether there was anything further that could be done to assist the Police. In response, Inspector Barrow said that priority was given to this area of work and they were recruiting front line officers and working in partnership with other agencies such as the Night Watch Scheme.

Councillor Wallis proposed a motion to accept the proposal. This was seconded by Councillor Freebody.

RESOLVED: (Unanimous) that:

(1) The Committee agrees the contents of the draft policy and assessment and authorise the Senior Specialist Advisor to start an 8 week consultation on the revised Policy and Assessment.

(2) That a further report is presented to the Committee following the results of the consultation with a final Policy to be agreed and recommended to Full Council unless there are only minor amendments and these can be made by the Functional Lead in consultation with the Chair before Full Council.

The meeting ended at 6.55 pm

Councillor Troy Tester (Chair)

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Working in partnership with **Eastbourne Homes**

Cabinet

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 20 March 2019 at 6.00 pm

Present:

Councillor David Tutt (Chair)

Councillors Alan Shuttleworth (Deputy-Chair), Margaret Bannister, Jonathan Dow, Stephen Holt, Colin Swansborough and John Ungar

Officers in attendance:

Robert Cottrill (Chief Executive), Brian Mew (Interim Deputy Chief Finance Officer), Philip Evans (Director of Tourism & Enterprise), Ian Fitzpatrick (Director of Regeneration and Planning), Tim Whelan (Director of Service Delivery), Becky Cooke (Assistant Director for Human Resources and Transformation), Peter Finnis (Assistant Director for Corporate Governance), Catherine Knight (Assistant Director of Legal and Democratic Services), Jo Harper (Head of Business Planning and Performance) and Simon Russell (Committee and Civic Services Manager)

69 Minutes of the meeting held on 6 February 2019

The minutes of the meeting held of 6 February 2019 were submitted and approved and the Chair was authorised to sign them as a correct record.

70 Apologies for absence

None were reported. The Chair welcomed Brian Mew, Deputy Chief Finance Officer to his first meeting of the Cabinet.

71 Declaration of members' interests

None were declared.

72 Corporate performance - quarter 3 - 2018/19

The Cabinet considered the report of the Director of Regeneration and Planning updating members on the Council's performance against Corporate

Plan priority actions, performance indicators and targets over quarter three period for 2018/19 (1 October to 31 December 2018).

Significant achievements reported during the quarter included the opening of the Beacon on 30 November, waste mobilisation, rough sleeping initiative with Hastings Borough Council and project to reduce single use plastics in council buildings. Further details were contained in the report.

4.2 of the report detailed two areas where the Council had missed their targets for the quarter three period, including housing (emergency accommodation) and call handling.

Councillor Swansborough provided up to date statistics to the Cabinet on the average time to answer customer calls (29 seconds as at 15 March 2019) and praised the Customer Contact Centre team for their significantly improved performance.

The Cabinet discussed the national issue of homelessness and the steps the Council were taking to tackle the number of households living in emergency accommodation. The Director of Service Delivery advised the Cabinet that last week, the Council had reduced the number by 19, leaving 110 households in emergency accommodation.

The Housing Needs team set weekly targets on the number of households leaving emergency accommodation within 28 days, number of households under investigation and the average number of days in emergency accommodation. A landlord liaison scheme had been launched to incentivise private landlords. Unfortunately the private sector market was buoyant with professional tenants that was not only increasing rental cost but impacting on families most at need.

Alternative solutions were sought to assist in the supply of properties both for temporary accommodation and affordable homes. The Cabinet unanimously agreed an additional recommendation to tackle the scale and level of demand and this was detailed below.

Part B of the report detailed the Council's financial performance for the same quarter. The Deputy Chief Finance Officer reported that the general fund and housing revenue account were scheduled to be on target by the end of the financial year. Councillor Holt and the Cabinet expressed their thanks to staff at the Bandstand for their outstanding work and being above target for income.

Resolved (Non-key decision):

- (1) To note the achievements and progress against Corporate Plan priorities for 2018/19, as set out in Part A of the report.
- (2) To agree the General Fund, HRA and Collection Fund financial performance for the quarter ended December 2018 as set out in part B of this report
- (3) To agree the virements and transfer to/from reserves as set out at appendix 4 to the report.
- (4) To agree the amended capital programme as set out at appendix 5 to the report.
- (5) To agree the Treasury Management performance as set out in section 5 in part B of the report
- (6) To approve the write offs as set out in the exempt appendix.
- (7) To authorise officers, in consultation with the Leader and relevant Portfolio holder to accelerate the supply of suitable properties by Eastbourne Housing Investment Company Limited (EHICL) to mitigate the use of temporary and emergency accommodation, subject to business case. Any decisions/action taken by officers would be reported to the next available Cabinet meeting.

Reason for decisions:

To enable Cabinet members to consider specific aspects of the Council's progress and performance.

73 Equality and fairness annual report 2018 and action plan 2019

The Cabinet considered the report of the Chief Executive setting out progress against the Council's current equality objectives and 2018/19 action plan and sought approval of an action plan for 2019/20. The Head of Business Planning and Performance was in attendance to present the report.

Councillor Swansborough expressed his thanks to the Head of Business Planning and Performance and Devan Briggs, Policy and Engagement Co-ordinator for their work in co-ordinating and bringing together members from a range of protected groups across Eastbourne and Lewes to attend the Equality and Fairness Stakeholder Group.

Resolved (Key decision):

- (1) To note the Annual Report of activities carried out in 2018, set out at appendix A to the report.
- (2) To approve the Action Plan proposed at appendix B to the report.

Reason for decisions:

To promote equality and fairness and eliminate discrimination, ensuring fair access to services and opportunities and comply with the Council's duties under the Equality Act 2010.

74 Acquisition of land in Old Orchard Road

The Cabinet considered the report of the Director of Regeneration and Planning setting out proposals for the acquisition of land currently in the ownership of Homes England and Ministry of Justice. The land consisted of the former Magistrates Court and adjoining property at 35 Old Orchard Road.

The Director of Regeneration and Planning recommended a slight revision to officer recommendation two, including the option to allocate from the housing revenue account fund and this was detailed below.

Resolved (Key decision):

- (1) To delegate authority to the Director of Regeneration and Planning in consultation with the Portfolio holder for Housing and the Chief Finance Officer to take all steps to complete the purchase of Magistrates Court site and 35 Old Orchard Road, Eastbourne on terms equivalent or better than set out in the report.
- (2) To approve a corresponding Eastbourne Borough Council general fund or housing revenue account fund allocation in the 2018/19 capital programme as set out in the exempt appendix to the report.

Reason for decisions:

To enable the acquisition of land to deliver new homes and facilities for the town.

75 Exclusion of the public**Resolved:**

That the public be excluded from the remainder of the meeting as otherwise there was a likelihood of disclosure to them of exempt information as defined in schedule 12A of the Local Government Act 1972. The relevant paragraph of schedule 12A and a description of the exempt information was shown below. (The requisite notice having been given under regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.)

76 Acquisition of land in Old Orchard Road - Appendix 1

The Cabinet considered the exempt appendix to agenda item 11.

Resolved (Non-key decision):

That the appendix be noted.

Reason for decision:

As detailed in minute 74 above

Notes: (1) The appendix remained exempt. (2) Exempt information reason 3 – information relating to the financial or business affairs of any particular person (including the authority holding that information).

77 Corporate performance - quarter 3 - 2018/19 - Write-off of irrecoverable debts

As detailed in minute 72 above.

Notes: (1) The appendix remained exempt. (2) Exempt information reason 3 – information relating to the financial or business affairs of any particular person (including the authority holding that information).

78 Vote of thanks

As this was the last Cabinet meeting of the municipal year, Councillor Tutt expressed his thanks and appreciation to fellow members and officers for their work over the last 12 months.

The meeting ended at 6.28 pm

Councillor David Tutt (Chair)



Working in partnership with **Eastbourne Homes**

Planning Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 26 March 2019 at 6.00 pm

Present:

Councillor Jim Murray (Chair)

Councillors Janet Coles (Deputy-Chair), Sammy Choudhury, Paul Metcalfe, Md. Harun Miah, Colin Murdoch and Margaret Robinson

Officers in attendance:

Leigh Palmer, Senior Specialist Advisor for Planning
James Smith (Specialist Advisor for Planning),
Christopher Wright (Interim Senior Specialist Advisor - Planning),
Helen Monaghan (Lawyer, Planning), and
Emily Horne, Committee Officer

102 Minutes of the meeting held on 26 February 2019

The minutes of the meeting held on 26 February 2019 were submitted and approved as a correct record, and the Chair was authorised to sign them.

103 Apologies for absence.

An apology was reported from Councillor Taylor.

104 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 Metcalfe MBE declared a Pecuniary Interest in minute 107, 8 Solomons Close as the owner of the property and withdrew from the room while the item was considered and did not vote.

Councillor Metcalfe also declared a personal interest in minute 108, Wood Winton, 63a Silverdale Road as he knew the Architect for this item and the

Architect had also worked on 8 Solomons Close, and he remained in the room and took part in the vote.

105 Urgent items of business.

There were none.

106 Right to address the meeting/order of business.

The business of the meeting proceeded in accordance with the agenda.

107 8 Solomons Close - Application ID: 190033

Planning permission for single storey side extension – **SOVEREIGN**

Having declared a pecuniary/prejudicial interest, Councillor Metcalfe MBE was absent from the room during discussion and voting on this item.

Officers advised that this application had been brought before the Committee because the applicant was a Councillor of Eastbourne Borough Council. He was also a member of the Planning Committee.

Councillor Murray proposed a motion to approve the application, this was seconded by Councillor Murdoch.

Resolved (Unanimous): That permission be granted as set out in the officer's report.

108 Wood Winton, 63a Silverdale Road - Application ID: 181206

Outline planning permission (access) for the erection of six houses - **MEADS**

Mr Doel, local resident, addressed the Committee in objection, stating that the scheme was out of keeping with the Meads area. He also raised concerns regarding overdevelopment, the access road and footpath.

Mr Scard, Chair of Meads Community Association, addressed the Committee in objection to the application, stating that the reduction in the number of dwellings from 7 to 6 was not sufficient. He also raised concerns regarding the loss of trees, access, footpath, flood risk and overdevelopment. He said the Meads area was of high townscape value and urged the Committee not to accept the application to meet housing targets.

Councillor Smart, Ward Councillor, addressed the Committee (from the public gallery) in objection. He referred to the access, flood risk, living environment,

tree preservation orders (TPOs), and reduction of conditions. He said none of the issues had been addressed by removing one dwelling.

Mr Whiteman, agent, spoke in response and said that all the issues raised had been addressed in the officers' report and in the current design proposal. He said the consultees had raised no objection and urged the Committee to support the officers' recommendation.

The Committee discussed the removal of TPOs on the site and felt that the scheme was out of keeping, of poor design, would cause a flood risk, and was unsuitable for emergency and refuse vehicles. Councillors raised strong concern that pedestrians would use the same roadway as vehicles, stating that the development had not been improved sufficiently.

Following discussion, officers advised that the Highway Authority had raised no objection to the outline application and was satisfied with the footpath and access arrangements. A number of TPOs had been removed previously but there was no case for further action. Further conditions would be applied to any reserved matters application.

Councillor Miah proposed a motion against the officers' recommendation, to refuse the application, this was seconded by Councillor Robinson.

Resolved (Unanimous): That Outline permission be refused for the following reason:

The Council is not satisfied that seven residential properties could be adequately accommodated on the site without causing harm to the character of the wider area in the form of a cramped over-development of the site with poor access arrangement.

109 South Downs National Park Authority Planning Applications (if any).

There were none.

The meeting ended at 6.47 pm

Councillor Jim Murray (Chair)

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Conservation Area Advisory Group

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 2 April 2019 at 6.00 pm

Present:

Councillor Pat Rodohan (Chair)

Councillors Colin Swansborough (Deputy-Chair), Colin Belsey, Robert Smart, Mr Crook and Mr Howell

Officers in attendance:

Chris Connelley (Specialist Advisor, Conservation) and Sarah Lawrence (Senior Committee Officer).

43 Minutes of the meeting held on 19 February 2019

The minutes of the meeting held on 19 January 2019 were submitted and approved, and the Chair was authorised to sign them as an accurate record.

44 Apologies for absence.

No apologies had been received from the members of the Committee. Jenny Martin (Specialist Advisor - Conservation) had sent apologies as she was away on honeymoon.

45 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.

Mr Crook declared a prejudicial interest and left the meeting during discussion of Item 2, All Souls Church, Susans Road, as the design plans had been drawn up by his firm.

46 Questions by members of the public.

There were none.

47 Urgent items of business.

There were none.

48 Right to address the meeting/order of business.

There were no public speakers and the order of business was unchanged.

49 Planning Applications for Consideration**1) 190148, (LBC) 97 Wish Hill, Eastbourne**

Cons Area: Willingdon; Grade 2

Proposal: Replacement of rear window with door.

CAAG comments: The Group requested that consideration of the scheme be deferred in order for officers to request further information and photographs to show whether or not the proposed door was in keeping with the other doors and windows in the building.

2) 190129, (PP) All Souls Church, Susans Road, Eastbourne

Cons Area: n/a/ Grade 2*

Proposal: Proposed extension to north side.

CAAG comments: The Group agreed that the scheme preserved or was neutral to the character and appearance of the listed building.

3) 190185, (PP) 13 Lismore Road, Eastbourne

Cons Area: Town Centre and Seafront

Proposal: Proposed replacement of arched window to front elevation.

Note: This item was withdrawn by the applicant, in order for them to amend the window materials and submit a revised application.

4) 190183, (PP) Flat 1, Harford Battersby House, 10 Trinity Trees, Eastbourne

Cons Area: Town Centre and Seafront

Proposal: Proposed replacement of timber windows & sliding patio doors with new in white uPVC.

CAAG comments: The Group agreed that the scheme was neutral to the character and appearance of the conservation area.

5) 190166, (PP) Flat 14, Dolphin Court, 2 Cliff Road, Eastbourne

Cons Area: Meads

Proposal: Proposed replacement of timber framed aluminium windows & door with white uPVC.

CAAG comments: The Group agreed that the scheme was neutral to the character and appearance of the conservation area.

50 New Listings

There were none.

51 Dates of future meetings

It was noted that the next meeting was scheduled for 4 June 2019 at 6 pm in the Court Room at the Town Hall.

As this was the last meeting of this term, the Chair thanked Chris Connelly and Jenny Martin for their work with the Committee and their expertise and for raising the profile of conservation. He thanked the two special advisors for their work, the Councillors for their support, and the Democratic Services team for ensuring the meetings were held and recorded appropriately.

The meeting ended at 6.51 pm

Councillor Pat Rodohan (Chair)

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Working in partnership with **Eastbourne Homes**

General Licensing Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 4 April 2019 at 6.30 pm

Present:

Councillor Troy Tester (Chair)

Councillors Pat Rodohan (Deputy-Chair), Colin Belsey, Sammy Choudhury, Janet Coles, Tony Freebody, Colin Murdoch, Jim Murray, Robert Smart, Pat Hearn and Steve Wallis

Officers in attendance:

Ed Hele (Functional Lead (Quality Environment)), Stewart Bryant (Senior Specialist Advisor (Licensing and Pollution)), Michele Wilkinson (Lawyer (Housing & Regulatory)), and Emily Horne (Committee Officer)

14 Apologies for absence.

Apologies for absence were received from Councillor Robinson.

15 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.

There were none.

16 Questions by members of the public.

There were none.

17 Urgent items of business.

There were none.

18 Right to address the meeting/order of business.

There were none.

19 Taxi Licensing Guidance Review

The Committee considered the report of the Director of Service Delivery which requested that Councillors consider and review the Draft Hackney Carriage and Private Hire Licensing Guidance document and agree an 8 week consultation with the trade and stakeholders.

The Functional Lead – Quality Environment referred to Appendix 1 which set out the existing licence conditions; Hackney Carriage Byelaws, Guidelines Relating to Relevance of Conditions, the Quality Control Policy, guidance for new applicants etc. and Appendix 2, the Draft Eastbourne Hackney Carriage and Private Hire Licensing Guidance.

Members were advised and the Committee agreed that due to the change in the current landscape as detailed in the report, it was appropriate that the current guidance was reviewed in light of these issues and brought up to date to ensure the safety and welfare of the public was protected.

Discussion included:

- Whether the Council should aim higher than Euro 6 Diesel standard for vehicle engine emissions and Euro 4 for petrol vehicle emissions.
- Whether there should be a greater number of accessible vehicles for disabled people.
- Whether the consultation should include questions regarding expectation and experience of booking a taxi; type of wheelchair used and if a WAV is required.
- The issue of illegal parking by Hackney Carriage and Private Hire drivers was discussed. Officers agreed to raise the matter at the next taxi forum meeting.

Councillor Murray proposed a motion to accept the proposal. This was seconded by Councillor Coles.

Resolved: (Unanimous) that:

- 1) The Committee authorise the Senior Specialist Advisor to start an 8 week consultation with the trade and public.
- 2) The Committee agree that the result of the consultation be reported to a subsequent meeting of the General Licensing Committee, unless only minor changes are proposed as a result of the consultation responses, in

which case any changes may be made by the Functional Lead – Quality Environment in consultation with the Chair of the Licensing Committee.

The meeting ended at 7.20 pm

Councillor Troy Tester (Chair)

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Working in partnership with **Eastbourne Homes**

Planning Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 23 April 2019 at 6.00 pm

Present:

Councillor Jim Murray (Chair)

Councillors Janet Coles (Deputy-Chair), Sammy Choudhury, Paul Metcalfe MBE, Md. Harun Miah, Colin Murdoch, Margaret Robinson and Barry Taylor

Officers in attendance:

Leigh Palmer, Senior Specialist Advisor for Planning
James Smith (Specialist Advisor for Planning)
Helen Monaghan (Lawyer, Planning), and
Emily Horne (Committee Officer)

110 Minutes of the meeting held on 26 March 2019

The minutes of the meeting held on 26 March 2019 were submitted and approved as a correct record, and the Chair was authorised to sign them.

111 Apologies for absence.

No apologies were received.

112 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 Taylor declared a Pecuniary Interest in minute 115, Meads House, 26 Denton Road, as he was the owner of a care home. He withdrew from the room while the item was considered and did not vote.

113 Urgent items of business.

There were none.

114 Right to address the meeting/order of business.

The business of the meeting proceeded in accordance with the agenda.

115 Meads House, 26 Denton Road. Application ID: 190038

Planning permission the creation of lower ground floor, side/rear extension, and change of use from care home (C2) to 9 x 2-bed flats, with new car and cycle parking spaces, involving demolition of existing garage – **MEADS**

Having declared a Pecuniary Interest, Councillor Taylor was absent from the room during discussion and voting on this item.

Officers advised that prior to the meeting an amendment had been submitted by the agent regarding the car parking layout.

Mr Coomber, local resident, addressed the committee in objection, raising concern regarding parking, the size of the scheme and the potential for noise disturbance.

Mr Scard, Chair of Meads Community Association, addressed the Committee in objection to the application. He referred to the lack of parking, potential increase in footfall and overdevelopment of the site. He urged the Committee to refuse the application.

Councillor Smart, Ward Councillor, addressed the Committee (from the public gallery) in objection to the application, stating that he and the local residents were not against redevelopment of the existing building into a small number of residential units. He raised concern regarding parking, overdevelopment and the impact of the application.

Mr Barnard, agent, addressed the Committee in support of the application, he explained that the rear extension had been reduced in depth and that the parking allocation met the requirements of the Highways Authority.

The Committee discussed the application and felt that the scheme would benefit from extra parking and a reduction in the number of flats.

Councillor Murray proposed a motion to reject the application. This was seconded by Councillor Murdoch.

Resolved (Unanimous): That permission be refused for the following reasons:

1. The proposal by reason of the number of units proposed and the arrangement and number of off-street parking is such that it would result in an overdevelopment of the site.
2. The lack of off-street parking is likely to result in an increase in indiscriminate on-street parking in areas of parking stress and this increased pressure for parking would be likely to lead to highway and pedestrian safety issues.

116 Brydes, 10 Wedderburn Road. Application ID: 181127

Planning Permission for the erection of a two-storey 3 bedroom dwelling with off-street car parking and driveway access, situated in the rear garden of 10 Wedderburn Road. (Amended description following receipt of revised plans) - **RATTON.**

The Committee was advised by way of an addendum report, that the application had received two additional letters of objection commenting on overlooking and risk to trees at Hockington House. The officer response was that given the distances between the properties there would not be intrusive levels of overlooking and a protection plan for all the trees to be retained was included in the resolution.

Veronica George, local resident, addressed the committee in objection raising concern regarding overdevelopment, noise, parking, loss of greenspace and outlook.

Mr Lutterer, agent, spoke in response and said that a number of measures had been taken to satisfy the neighbours objections, such as realigning the access road, changing the windows, rotating the building and retaining the majority of trees.

The Committee discussed the application and felt it was acceptable.

Councillor Miah proposed a motion to approve the application, this was seconded by Councillor Murdoch.

Resolved (Unanimous): That permission be granted as set out in the officer's report.

117 Summary of Planning Performance for period July-December 2018

The Committee considered the report of the Senior Specialist Advisor (Planning) to provide Members with a summary of performance in relation to key areas of the Development Management Services for the relevant period.

Members noted the content of the report.

118 South Down National Park Authority Planning Applications

There were none.

The meeting ended at 6.52 pm

Councillor Jim Murray (Chair)



Working in partnership with **Eastbourne Homes**

Planning Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 28 May 2019 at 6.00 pm

Present:

Councillor Jim Murray (Chair)

Councillors Peter Diplock (Deputy-Chair), Jane Lamb, Robin Maxted, Paul Metcalfe, Md. Harun Miah, Barry Taylor and Candy Vaughan

Officers in attendance:

Leigh Palmer (Senior Specialist Advisor for Planning)
Christopher Wright (Specialist Advisor for Planning)
Helen Monaghan (Lawyer, Planning); and
Emily Horne (Committee Officer)

Also in attendance:

1 Minutes of the meeting held on 23 April 2019

The minutes of the meeting held on 23 April 2019 were submitted and approved as a correct record, and the Chair was authorised to sign them.

2 Apologies for absence.

No apologies were received.

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.

There were none.

4 Urgent items of business.

There were none.

5 Right to address the meeting/order of business.

The business of the meeting proceeded in accordance with the agenda.

6 South Cliff Court, 11 South Cliff. Application ID: 190116

Planning permission for the replacement and alterations to balconies (Resubmission) (Amended plans had been submitted to include the provision of screens on the western side of the balconies, to a height of 1700mm above the finished deck surface of the balconies). – **MEADS**

Mr Huff, local resident, addressed the Committee in objection, raising concerns regarding the future use and size of the balconies, the potential for noise disturbance and loss of privacy. He requested the Committee to impose a condition stating that the balconies should be no larger than those existing.

Officers explained that the replacement balconies had increased by 200mm in depth and were not accessed by the lounge.

Councillor Taylor proposed a motion to defer the application. This was seconded by Councillor Maxted.

Resolved (Unanimous): That permission be deferred for the following reason:

That the application is deferred to officers to seek amendments to reduce the depth of the balconies by 200mm to match existing.

7 Land adjacent to Bedfordwell Court, Bedfordwell Road. Application ID: 190345

Planning permission the erection of three temporary buildings to act as development site office and tuition space for construction training hub – **UPPERTON**

The Committee discussed the application and felt the scheme would be of benefit to Eastbourne.

Councillor Murray proposed a motion to approve the application. This was seconded by Councillor Miah.

Resolved (Unanimous): That permission be approved as set out in the report.

8 Wish Tower Cafe, King Edwards Parade. Application ID: 190157

4no roof mounted branding logo signs (3 will be illuminated/with dimmable LED). 1no white neon strapline adjacent to the entrance door. 3no illuminated menu boxes. A4 2no illuminated menu boxes. A3 2no A-frame boards. 1no Accessible signage. 1no Deliveries signage. 6no Logo to planters – **MEADS**

The Committee discussed the application and felt that it would not contribute to light pollution.

Councillor Taylor proposed a motion to approve the application. This was seconded by Councillor Miah.

Resolved (Unanimous): That permission be approved as set out in the report.

9 South Down National Park Authority Planning Applications

There were none.

10 Appeal Decision - 31 Badlesmere Road

Members noted that the Inspector had dismissed the appeal.

11 Appeal Decision - 137 Tolkien Road

Members noted that the Inspector had allowed the appeal.

The meeting ended at 6.39 pm

Councillor Jim Murray (Chair)

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Working in partnership with **Eastbourne Homes**

Conservation Area Advisory Group

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 4 June 2019 at 6.00 pm

Present:

Councillor Pat Rodohan (Chair)

Councillors Dean Sabri (Deputy-Chair), Colin Belsey, Robert Smart and Mr Howell (Eastbourne Society) and Rebecca Madell (Heritage Champion)

Officers in attendance:

Chris Connelley (Specialist Advisor, Conservation)
Jenny Martin (Specialist Advisor, Conservation); and
Emily Horne (Committee Officer)

1 Minutes of the meeting held on 2 April 2019

The minutes of the meeting held on 2 April 2019 were submitted and approved, and the Chair was authorised to sign them as an accurate record.

2 Apologies for absence.

An apology had been received from Mr Crook of the Royal Institute of British Architects.

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.

There were none.

4 Questions by members of the public.

There were none.

5 Urgent items of business.

There were none.

6 Right to address the meeting/order of business.

There were no public speakers and the order of business was unchanged.

7 Planning Applications for Consideration

1) 190272, (LBC), Congress Theatre, Carlisle Road, Eastbourne
Cons Area: n/a
Proposal: Installation of internal wayfinding signage.

CAAG comments: The group agreed that the scheme preserved rather than enhanced the listed building.

2) 190202, (LBC), Langney Priory, Etchingam Road, Eastbourne
Cons Area: n/a
Proposal: Change of use to training hotel (Use Class C1)

This item was withdrawn prior to the start of the meeting.

3) 190234, (PP), Berkeley House, Guildredge Road, Eastbourne
Cons Area: Town Centre and Seafront
Proposal: External alterations to the building following its permitted development consent for the change of use from office to residential apartments.

CAAG comments: The Group had a range of opinions on this application and were not able to agree a shared view.

8 New Listings

There were none.

9 Dates of future meetings - All at 6.00 p.m. at the Town Hall

The next meeting was scheduled for 2 July 2019 at 6pm in the Court Room at the Town Hall.

The meeting ended at 6:35 pm

Councillor Pat Rodohan (Chair)



Working in partnership with **Eastbourne Homes**

Cabinet

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 5 June 2019 at 6.00 pm

Present:

Councillor David Tutt (Chair)

Councillors Alan Shuttleworth (Deputy-Chair), Margaret Bannister, Jonathan Dow, Stephen Holt, Colin Swansborough and Rebecca Whippy

Officers in attendance:

Robert Cottrill (Chief Executive), Ian Fitzpatrick (Deputy Chief Executive and Director of Regeneration and Planning), Philip Evans (Director of Tourism & Enterprise), Tim Whelan (Director of Service Delivery), Becky Cooke (Assistant Director for Human Resources and Transformation), Peter Finnis (Assistant Director for Corporate Governance), Catherine Knight (Assistant Director of Legal and Democratic Services), Brian Mew (Interim Deputy Chief Finance Officer) and Simon Russell (Committee and Civic Services Manager)

1 Welcome

Councillor Tutt welcomed Councillor Whippy to the membership of the Cabinet, following their appointment at Annual Council on 21 May 2019.

2 Minutes of the meeting held on 20 March 2019

The minutes of the meeting held on 20 March 2019 were submitted and approved and the Chair was authorised to sign them as a correct record.

3 Apologies for absence

None were reported

4 Declaration of members' interests

Councillors Tutt and Holt declared pecuniary interests in agenda items 9 (Eastbourne Town Centre Business Improvement District) and 10 (Local Employment and Training Grants Programme) and withdrew from the room whilst the item was considered. Councillor Shuttleworth chaired the meeting for the duration of these items.

Councillor Swansborough declared a prejudicial interest in agenda item 11 (Enabling the development of community assets – Royal Hippodrome Theatre and Langney Playing Fields) and withdrew from the room during consideration of and voting on the recommendations concerning Langney Playing Fields.

Councillor Whippy declared a prejudicial interest in agenda item 11 (Enabling the development of community assets – Royal Hippodrome Theatre and Langney Playing Fields) and withdrew from the room during consideration of and voting on the recommendations concerning the Royal Hippodrome Theatre.

5 Downland Whole Estate Plan

The Cabinet considered the report of the Director of Regeneration and Planning asking them to note progress on the Downland Whole Estate Plan and agree the Council's draft vision for the Downland Estate.

Visiting member, Councillor Freebody addressed the Cabinet and commented on the need to be careful over the management of the Downland Estate and considerate towards public sensitivity. He also added that as a natural asset there should be a greater reference to the tourism opportunities in future versions of the statement.

Councillor Tutt acknowledged and agreed with the comments raised. He also clarified that although the draft contained a reference to the wider general vision and Corporate Plan for Eastbourne Borough Council including "Housing and Development" he reassured that the Council had no intention of adding any housing to the Downland Estate.

The Director of Regeneration and Planning confirmed that as a draft vision, the comments outlined by Councillor Freebody would be factored into future amendments.

Resolved (Key decision):

- (1) That progress on the Downland Whole Estate Plan be noted.
- (2) To agree the draft vision set out at paragraph 2.2 of the report.

Reason for decisions:

In order to allow officers to progress the Downland Whole Estate Plan.

6 Discretionary Housing Payment (DHP) Policy 2019/2020

The Cabinet considered the report of the Director of Service Delivery regarding the revised Discretionary Housing Payment Policy for Eastbourne Borough Council.

In response to a question from Councillor Holt, the Director of Service Delivery confirmed that the demand for Discretionary Housing Payment last year in Eastbourne was similar to the allocated grant funding.

Resolved (Key decision):

To adopt the Revised Policy for Eastbourne Borough Council

Reason for decision:

To ensure that the Discretionary Housing Payment scheme is administered consistently across the Borough

7 Eastbourne Town Centre Business Improvement District

The Cabinet considered the report of the Director of Service Delivery seeking approval for the Business Improvement District proposal, to confirm conformity with relevant Council plans and policies and to authorise the conduct of a ballot of business ratepayers and associated decisions.

Shoes, Chair of the Business Improvement District addressed the Cabinet in support of the report and officer recommendations.

The proposal was for business-funded initiatives to increase footfall and customer spending in the town as well as attracting more businesses and jobs.

Councillors Tutt and Holt declared a pecuniary interest in this item and withdrew from the room whilst the item was considered. Councillor Shuttleworth chaired the meeting for the duration of the item.

Resolved (Key decision):

(1) That the Business Improvement District (BID) Plan as set out at appendix 1 to the report be approved.

(2) To approve the BID ballot date and to authorise the Council's Returning Officer (as 'ballot holder') to proceed with the ballot and require the Functional Lead for Growth and Prosperity to supply up to date rating list information to the ballot contractor.

(3) That the Chief Finance Officer be given delegated authority to:-

i. determine the statement of baseline services and baseline agreement annually.

ii. operate a BID revenue account and pass over monies to the BID company.

(4) To confirm that the expected costs of the ballot (c. £3,400) would be met by the Council.

(5) To agree that the initial 'one off' software costs required to collect the levy (c. £22,500) would be met by the Council.

(6) To agree that the Council would pay the estimated annual BID levy cost (c. £5,600) for Council owned properties within the BID boundary.

(7) That the Director of Service Delivery be given delegated authority to:-

i. approve the operating agreement.

ii. vote in favour of the BID area in respect of the Council owned properties that fall within the BID area.

iii. administer, bill and collect the levies under the BID scheme.

iv. review the costs associated with the Council's administration and collection of the BID levy at the end of year 1, should the ballot be successful.

(8) To note that the Council's reasonable costs of collecting the levy and the associated financial management costs would be recoverable from the BID levy monies, as specified in paragraph 8.4 of the report.

(9) To note that the Council's Returning Officer be permitted to delegate his responsibilities to others and that he has engaged the services of the Electoral Reform Services Ltd to undertake the ballot on his behalf.

Reason for decisions:

To approve the revised BID Plan and approve the BID ballot.

8 Local Employment and Training Grants Programme

The Cabinet considered the report of the Director of Regeneration and Planning seeking approval of a Local Employment and Training Grants programme, utilising S106 monitoring contributions.

Councillors Tutt and Holt declared a pecuniary interest in this item and withdrew from the room whilst the item was considered. Councillor Shuttleworth chaired the meeting for the duration of the item.

Resolved (Key decision):

To approve a Local Employment and Training Grants Programme utilising S106 monitoring contributions.

Reason for decision:

To support the aims and objectives of Local Employment and Training Supplementary Planning Document.

9 Enabling Community Assets – Royal Hippodrome Theatre and Langney Playing Fields

The Cabinet considered the report of the Director of Regeneration and Planning seeking a decision about the future of two community assets in Eastbourne, namely the Royal Hippodrome Theatre and Langney Playing Fields.

Visiting member, Councillor Freebody addressed the Cabinet and praised the steps taken to mitigate risk and potential to include restrictive covenants such as overage clauses. He also suggested that a litmus test be undertaken for any future management of assets.

Councillor Swansborough declared a prejudicial interest in this item and withdrew from the room during consideration of and voting on the recommendations concerning Langney Playing Fields.

Councillor Whippy declared a prejudicial interest in this item and withdrew from the room during consideration of and voting on the recommendations concerning Royal Hippodrome Theatre.

Resolved (Key decision):

(1) To agree in principle to the transfer of the freehold of the Royal Hippodrome Theatre to The Royal Hippodrome Theatre Eastbourne CIC (company number 09353373) and in principle to the transfer of Langney Playing Fields to Acorns Charitable Trust.

(2) To delegate authority to the Director of Regeneration and Planning, in consultation with the Portfolio Holder, any other Cabinet member who indicates an interest and Chief Finance Officer to agree the final disposal terms subject to:

(i) a red book valuation undertaken by a RICS qualified Person for both assets and

(ii) further legal due diligence and exploration of the potential for including restrictive covenants controlling the future use of the properties and overage clauses enabling the Council to share in any future increase in value in the properties realised after the properties have been sold. The scope of the delegation to the Director to include the potential for disposal at an under value in accordance with circular 06 of 2003 where it is considered that this will help to secure the promotion or improvement of the economic, social or environmental well-being of the Council's area.

(3) To authorise the Director of Regeneration and Planning, in consultation with the Portfolio Holder, any other Cabinet member who indicates an interest and Chief Finance Officer to undertake all actions required to complete the disposal of the properties above including authorising completion of legal documentation.

(4) To note that a further report will be submitted to Cabinet in the Autumn of 2019 setting out the Council's approach and policy towards community assets.

Reason for decisions:

To provide community organisations the ability to manage their own estate therefore enhancing the opportunity for them to achieve inward investment and development whilst relieving pressure on the Council's limited resource.

10 Exclusion of the public

Resolved:

That the public be excluded from the remainder of the meeting as otherwise there was a likelihood of disclosure to them of exempt information as defined in schedule 12A of the Local Government Act 1972. The relevant paragraph of schedule 12A and a description of the exempt information was shown below. (The requisite notice having been given under regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.)

11 Redundancy and redeployment

The Cabinet considered the report of the Assistant Director for Human Resources and Transformation. The report set out the current activity within the redundancy and redeployment procedure and actions taken to support affected individuals.

Resolved (Key decision):

(1) That the actions taken to manage implications of change for displaced individuals be noted.

(2) That the financial implications of severance for those identified in the event that redeployment was not secured by the relevant date be agreed.

Reason for decisions:

This was Phase 3 of the Joint Transformation Programme; actions had been taken to manage the implications of this change for displaced individuals through support, redeployment and assistance with self marketing under the Redundancy and Redeployment Procedure.

Notes: (1) The report remained exempt. (2) Exempt information reasons 1 and 2 – Information relating to an individual or likely to reveal the identity of an individual.

The meeting ended at 6.45 pm

Councillor David Tutt (Chair)

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Working in partnership with **Eastbourne Homes**

Planning Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 25 June 2019 at 6.00 pm

Present:

Councillor Peter Diplock (Deputy Chair in the Chair)

Councillors Sammy Choudhury (as the duly appointed substitute for Councillor Murray), Jane Lamb, Robin Maxted, Paul Metcalfe, Md. Harun Miah, Amanda Morris (as the duly appointed substitute for Councillor Diplock), Barry Taylor and Candy Vaughan

Officers in attendance:

Leigh Palmer (Senior Specialist Advisor for Planning)
James Smith (Specialist Advisor for Planning)
Helen Monaghan (Lawyer, Planning); and
Emily Horne (Committee Officer)

1 Minutes of the meeting held on 28 May 2019

The minutes of the meeting held on 28 May 2019 were submitted and approved as a correct record, and the Chair was authorised to sign them.

2 Apologies for absence.

An apology was reported from Councillor Jim Murray.

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 Taylor declared a Prejudicial Interest in minute 7, 13 Upper Avenue, as he was the owner of a care home. He withdrew from the room while the item was considered and did not vote.

4 Urgent items of business.

There were none.

5 Right to address the meeting/order of business.

The business of the meeting proceeded in accordance with the agenda.

6 Glebe Cottage, 4 Grassington Road. Application ID: 190264

Planning permission for the demolition of existing dwelling. Proposed 16N° block of flats with associated parking to the rear. **MEADS**

The Committee was advised by way of an addendum report, that should the recommendation to refuse be overturned by members, a requirement for a local labour agreement, including monetary contributions towards monitoring, would be attached either as a planning condition or included within a Section 106 Legal Agreement.

Mr Chris Bennell, local resident, addressed the Committee in objection, raising concerns regarding parking, access and overdevelopment.

Mr Scard, Chair of Meads Community Association, addressed the Committee in objection to the application. He stated the application was out of keeping with the area and was in an area of high townscape value.

Mr Manas Chadha, applicant, spoke in response and said that the proposal would provide affordable housing and sustainable development of economic benefit.

Councillor Smart, Ward Councillor, addressed the Committee (from the public gallery) in objection to the application. He said the current consultation to extend the College Conservation Area to encompass Grassington Road would, if formally adopted, have an impact on the site.

The Committee discussed the application and felt that the resolution to refuse the application should include an additional condition regarding overdevelopment.

Councillor Taylor proposed a motion to refuse the application. This was seconded by Councillor Maxted.

Resolved (Unanimous): That permission be refused as set out in the report but with reference to overdevelopment added to reasons for refusal 1 and 2. The revised reasons for refusal are listed below:-

1. The formation of a significant car parking area to the rear of the site would result in the loss of a sizeable area of green space, which currently contributes towards the verdant character and appearance of the surrounding area, represents an overdevelopment of the site and would also introduce a more intensive level of activity to the rear of the site which would cause harm to the amenities of neighbouring residents by way of noise, air and light emissions, in conflict with chapter 12 and saved policies HO20 and NE28 of the Eastbourne Borough Plan.
2. The considerable height, bulk and mass of the proposed building combined with the use of featureless flank elevation walls and its

proximity to the neighbouring 2½ dwelling at 6 Grassington Road would lead to it appearing overly dominant in terms with its relationship to that property and oppressive in terms of its relationship towards the occupants of that property, and an overdevelopment of the site in conflict with Chapter 12 of the Revised NPPF, policy D10a of the Eastbourne Core Strategy and saved policies UHT1, UHT4 and UHT5 of the Eastbourne Borough Plan.

7 13 Upper Avenue. Application ID: 190127

Planning permission for the change of use from Class C2 Residential Care Home to a Sui-Generis HMO for no more than 34 persons with associated parking and cycle and bin storage – **UPPERTON**

Having declared a Prejudicial Interest, Councillor Taylor was absent from the room during discussion and voting on this item.

The Committee was advised by way of an addendum report, of an additional condition to the resolution, should the application be approved.

Mr Nolan, local resident, addressed the Committee in objection, raising concerns regarding loss of privacy, noise and disturbance, and the potential for occupants with multiple social needs to clash.

Mr Naveed Ali, applicant, addressed the Committee in support, stating that the HMO would provide good quality accommodation for those who could not afford a 1 bedroom apartment. He said a communal living room would be provided as well as a full time caretaker, 24hr CCTV, and an electronic entry system. Residents would be fully vetted.

Councillor Maxted, Ward Councillor (spoke on behalf of Cllr Rodohan, Ward Councillor). He said there was no guarantee the HMO would house local people and that he would prefer to see the number of beds reduced from 34 to 20, with 3 shared rooms, and a live in manager providing full time support 24hrs a day, 7 days a week.

The Committee discussed the application and felt that the scheme would benefit from a reduction in the number of HMO units/occupants.

Councillor Metcalfe proposed a motion to defer the application. This was seconded by Councillor Maxted.

Resolved (Unanimous): That permission be deferred for the following reason:

That the application is deferred to officers to seek amendments to reduce the number of HMO units/occupants, prior to being brought back to the Committee.

8 South Downs National Park Authority Planning Applications. (Verbal Update)

There were none.

9 Appeal Decision - 40-48 Seaside Road

Members noted that the Inspector had dismissed the appeal.

The meeting ended at 7.05 pm

Councillor Peter Diplock (Chair)



Working in partnership with **Eastbourne Homes**

Licensing Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 27 June 2019 at 6.00 pm

Present:

Councillor Pat Rodohan (Chair)

Councillors Robin Maxted (Deputy-Chair), Colin Belsey, Sammy Choudhury, Penny di Cara, Peter Diplock, Amanda Morris, Colin Murdoch, Barry Taylor and Candy Vaughan,

Officers in attendance:

Ed Hele (Functional Lead (Quality Environment)), Michele Wilkinson (Lawyer (Housing & Regulatory)) and Sarah Lawrence (Senior Committee Officer)

Also in attendance:

Councillor Freebody

1 Apologies for absence.

Apologies for absence was reported from Councillors Burton and Murray.

2 Minutes of the meetings held on 11 March 2019 and 4 April 2019

The minutes of the meetings of the General Licensing Committee held on 11 March 2019 and 4 April 2019 and the Licensing Act Committee held on 11 March 2019 were approved as a correct record and signed by the Chair.

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.

There were none.

4 Questions by members of the public.

There were none.

5 Urgent items of business.

There were none.

6 Right to address the meeting/order of business.

There were none.

7 Eastbourne Borough Council Draft Statement of Licensing Policy 2019-2024

The Committee considered a report of the Director of Service Delivery which requested that it review the responses to the eight week consultation on the proposed new Statement of Licensing Policy including a Cumulative Impact Assessment (CIA) and recommend the final policy for approval to Full Council. It was noted that the major changes to the policy, in comparison to the previous version, were updated to take into account the latest legislation.

The Functional Lead Quality Environment outlined the responses received, which were appended to the report. Five of the responses were from the Chamber of Commerce and its members or operators of local establishments, who were concerned that the inclusion of the CIA inhibited the night time economy. These responses asked that the CIA be rescinded and a partnership be developed with residents, statutory agencies and other stakeholders to develop a plan for the night-time economy.

Alternatively, the Police in their initial proposals and the Community Safety Partnership in its response, had asked for the CIA to be retained, and provided evidence including crime data set out in the report, that showed that crime levels in the area had increased. It was argued that the CIA was needed to support the specific licensing objectives of the prevention of crime and disorder and protecting children from harm.

The Committee discussed these main alternatives, and the additional option of supporting the inclusion of the CIA whilst still working with the Chamber of Commerce to support the night-time economy. Overall it was considered that it was important to heed the advice of the Police to retain the CIA as a measure to restrain crime in the area and keep people safe. It was felt that the policy did not prevent businesses from applying and obtaining licences where there was appropriate evidence to support such licences, and still enabled the Council to support the night-time economy.

The Functional Lead Quality Environment highlighted several amendments which were required to the policy document, including replacement of the word 'necessary' with 'appropriate' in the second and third paragraphs on page 28, and replacement of the word 'policy' with 'assessment' on page 38 paragraph 8.5, and page 40 paragraph 8.12. It was proposed that he make these typographical changes to the document prior to its submission to Council, but in the future any minor amendments be made in consultation with the Chair.

It was moved by Councillor Murdoch and seconded by Councillor Belsey that Option 1 (set out in paragraph 5.6) be adopted, and the Cumulative Impact Assessment be retained as part of the Statement of Licensing Policy.

The remaining officer recommendations (2) to (4) were moved by Councillor Rodohan and seconded by Councillor Vaughan. Accordingly, it was

RESOLVED (unanimously)–).

1. That having considered the submissions in relation to the removal of the Cumulative Impact Assessment with options outlined in paragraph 5.6 and 5.7 of the report, Option 1 be agreed: to retain the Cumulative Impact Assessment as part of the Statement of Licensing Policy;
2. To agree the final Statement of Licensing Policy and recommend the Policy to Full Council;
3. To delegate the Functional Lead Quality Environment to make any necessary changes to the Statement of Licensing Policy before submission to Full Council; and
4. To recommend to Full Council that further minor amendments during the period of the recommended Policy be made by the Function Lead Quality Environment with the agreement of the Chair of the Licensing Committee.

The meeting ended at 6.27 pm

Councillor Pat Rodohan (Chair)

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