

**Full Council
17 November 2021**



Working in partnership with **Eastbourne Homes**

Quorum: 7

Published: Tuesday, 9 November 2021

To the Members of the Borough Council

You are summoned to attend an ordinary meeting of Eastbourne Borough Council to be held at the Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 17 November 2021 at 6.00 pm to transact the following business.

This is a public meeting. However due to restricted seating, any member of the public wishing to attend the meeting is requested to email Committees@lewes-eastbourne.gov.uk to request a seat.

Agenda

1 Minutes of the meeting held on 21 July 2021 (Pages 7 - 12)

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.

A list of the Mayor's announcements in respect of his activities since the last meeting will be circulated at the meeting.

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 Review of the Eastbourne Borough Council Gambling Act Statement of Principles (Pages 13 - 66)

Report of the Director of Service Delivery

8 Motions.

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

(a) Motion - Ecological Emergency

Motion submitted by Councillor Dow:

“The Council resolves:

1) To note that:

- i. Many local authorities are playing an important role in the UK taking action to achieve net zero carbon emissions, and to protect and revitalise local wildlife and natural habitats.
- ii. Parliament in May 2019 declared an Environment and Climate Emergency and this Council has already declared a Climate Emergency.
- iii. There is a Bill before Parliament—the [Climate and Ecological Emergency Bill](#) (published as the “Climate and Ecology Bill”), which, if it became law, would require the Government to develop a strategy to address the emergency that would ensure:
 - A. the ecological emergency is tackled shoulder to shoulder with the climate crisis in a joined-up approach;
 - B. the Paris Agreement is enshrined into law to ensure that UK does its real fair share to limit global temperature rise to the most stringent end of the Paris agreement - 1.5°C.
 - C. the Leaders Pledge for Nature is enshrined into law to ensure that the UK’s ecosystems are protected and restored with a focus on biodiversity, soils and natural carbon sinks;
 - D. the UK takes full responsibility for our entire greenhouse gas footprint (ie consumption emissions plus shipping, flights and land-based transport) by accounting for all of the emissions that take place overseas to manufacture, transport and dispose of the goods and services we import and consume;
 - E. the UK takes full responsibility for our ecological footprint so that we protect health and resilience of ecosystems along both domestic and our global supply chains;

2) To declare an ecological emergency;

3) To support the Climate and Ecological Emergency Bill,

4) To inform the local media of this decision;

5) To write an open letter to Caroline Ansell MP (shared with our residents through local and social media) urging them to sign up to support the Bill, or thanking them for doing so; and

6) To write to the [CEE Bill Alliance](#), the organisers of the campaign for the Bill, expressing its support (joinus@ceebill.uk).”

(b) Motion - Anti-social driving

Motion submitted by Councillor Lamb:

“This Council, working in liaison with Sussex Police and other relevant authorities, is committed to reducing the amount of anti-social driving (including noisy vehicles) in the Borough, and will explore all preventative measures including PSPO’s.”

(c) Motion - The centenary of Eastbourne's Royal British Legion Branch

Motion submitted by Councillor Babarinde:

“Eastbourne Borough Council pays tribute to the Eastbourne branch of the Royal British Legion in recognition of its 100th Year Anniversary in 2021, and to honour the outstanding work the organisation does to support the Armed Forces community in Eastbourne.

Eastbourne Borough Council supports the branch’s efforts to provide lifelong support to service and ex-serving personal and their families as it moves into its second century of existence.”

9 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 Licensing Committee - 27 July 2021 (Pages 67 - 72)
- (b)** Minutes of Audit and Governance Committee - 28 July 2021 (Pages 73 - 78)
- (c)** Minutes of Planning Committee - 24 August 2021 (Pages 79 - 82)
- (d)** Minutes of Planning Committee - 21 September 2021 (Pages 83 - 88)
- (e)** Minutes of Cabinet - 15 September 2021 (Pages 89 - 92)
- (f)** Minutes of Scrutiny Committee - 13 September 2021 (Pages 93 - 98)
- (g)** Minutes of Audit and Governance Committee - 29 September 2021 (Pages 99 - 104)
- (h)** Minutes of Planning Committee - 19 October 2021 (Pages 105 - 108)
- (i)** Minutes of Cabinet - 3 November 2021 (to follow)

10 Date of Next Meeting

The next scheduled meeting of Full Council is 23 February 2022 at 6 pm.

A handwritten signature in black ink, appearing to read 'Robert Cottrill', enclosed within a light grey rectangular box.

**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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Telephone: 01323 410000

Council website: <https://www.lewes-eastbourne.gov.uk/>

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Working in partnership with **Eastbourne Homes**

Full Council

Minutes of meeting held in Shackleton Hall in the Welcome Building, Devonshire Quarter, Compton Street, Eastbourne BN21 4BP on 21 July 2021 at 6.00 pm.

Present:

Councillor Pat Rodohan (Mayor).

Councillors Helen Burton (Deputy Mayor), Josh Babarinde, Margaret Bannister, Colin Belsey, Sammy Choudhury, Peter Diplock, Jonathan Dow, Tony Freebody, Stephen Holt, Jane Lamb, Robin Maxted, Paul Metcalfe, Md. Harun Miah, Colin Murdoch, Amanda Morris, Kshama Shore, Alan Shuttleworth, Robert Smart, Colin Swansborough, Steve Wallis, Barry Taylor, David Tutt and Candy Vaughan.

Officers in attendance:

Robert Cottrill (Chief Executive), Simon Russell (Head of Democratic Services), Oliver Dixon (Head of Legal Services), Sarah Lawrence (Senior Committee Officer) and Ola Owolabi (Deputy Chief Finance Officer (Corporate Finance)).

30 Minutes of the meeting held on 19 May 2021

The minutes of the meeting of the Council held on 19 May 2021 were confirmed and signed as a correct record.

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The minutes of the meeting of the Council held on 19 May 2021 were confirmed and signed as a correct record.

31 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).

The following Councillors declared interests in relation to the minutes of the Cabinet meeting held on 14 July 2021, Minute 15 'Provisional Revenue and Capital Outturn 2020/21' which had been called for discussion under agenda item 9 and all remained in the room and participated in the discussion:

- Councillor Tutt declared a personal, non-prejudicial interest in the item as a Non-Executive Director of Eastbourne Housing Investment Company Limited and as a member of the Aspiration Homes LLP Executive Committee.
- Councillor Bannister declared a personal, non-prejudicial interests in the item as a Non-Executive Director of Eastbourne Housing Investment Company Limited.
- Councillor Shuttleworth and Councillor Taylor declared personal, non-

prejudicial interests in the item as members of the Aspiration Homes LLP Executive Committee.

32 Mayor's announcements.

The Mayor drew Council's attention to the list of activities undertaken by the him and the deputy mayor since the last meeting. He extended his thanks to everyone who supported his charity walk on Sunday 18 July 2021.

33 Notification of apologies for absence.

Apologies for absence were received from Councillors di Cara, Murray and Whippy.

34 Public right of address.

No members of the public had registered to speak.

35 Order of business.

The Mayor confirmed the order of business would be as set down on the agenda.

36 Matters referred from Cabinet or other council bodies.

36a Treasury management annual report 2020/21

Councillor Holt (as Cabinet Member for Finance) moved and Councillor Tutt seconded the recommendation made by Cabinet on 14 July 2021 to approve the annual Treasury Management Report for 2020/21 and the 2020/21 prudential and treasury indicators included in the Cabinet Report.

In speaking to the recommendation, Councillor Holt advised that the External Assurance Auditors were currently carrying out their review and had thanked the Council for its openness and transparency in relation to the work.

Resolved (unanimously):

1. To approve the annual Treasury Management Report for 2020/21; and
2. To approve the 2020/21 prudential and treasury indicators included in the Cabinet Report.

37 Motions.

37a Motion - Engagement in Planning

Councillor Smart moved and Councillor Lamb seconded the following motion, as set out on the agenda paper, subject to the inclusion of the words 'local and' before neighbourhood plans:

"This Council believes planning works best for residents when

developers and the local community work together to shape local areas and deliver necessary new homes and related infrastructure.

The Council therefore resolves to support the right of communities to be able to engage easily in the planning process by: the full use of digital technology, participation in the making of **local and** neighbourhood plans, and maintaining the right to object to individual applications.”

The motion was debated and received support from across the Council. Councillor Smart expressed his wish that, if approved, this position be communicated to the Government.

The motion was put to the vote and declared carried.

Resolved that (unanimously) –

This Council believes planning works best for residents when developers and the local community work together to shape local areas and deliver necessary new homes and related infrastructure.

The Council therefore resolves to support the right of communities to be able to engage easily in the planning process by: the full use of digital technology, participation in the making of local and neighbourhood plans, and maintaining the right to object to individual applications.

37b Motion - Deregulation of Planning

Councillor Swansborough moved and Councillor Diplock seconded the following motion as set out on the agenda paper:

"This Council is concerned that Government proposals to deregulate planning will remove the rights of residents to influence or object to inappropriate development where they live.

Also, that the Government's proposals will decimate the character of our Borough and give carte blanche to developers to build what they please across large areas without needing planning permission.

The Council believes that residents have the right to a say over development that will change the area in which they live and that local councils, in consultation with businesses and residents, are best placed to understand the issues in their area and to respond with a strategy tailored to that area.

This Council calls on the Government to scrap its Planning White Paper and instead:

- to undertake a wholesale review of Permitted Development Rights,
- to make the national Planning Inspectorate more accountable to local people; and

- to implement stronger controls to ensure Ministers making decisions on planning applications are not connected either financially or personally with Developers or related parties to the application."

Councillor Smart moved and Councillor Lamb moved an amendment to the motion (which was tabled at the meeting):

1. To erase the whole of the second paragraph and the final bullet point.
2. In the fourth paragraph to change "scrap" to "amend" and erase "instead".

The motion and the amendment were debated in full.

The amendment was put to the vote and declared as lost (by 8 votes to 16 with one abstention).

The original motion was put to the vote and declared as carried (by 16 votes to 8 with one abstention).

Resolved that (by 16 votes to 8 with 1 abstention):

This Council is concerned that Government proposals to deregulate planning will remove the rights of residents to influence or object to inappropriate development where they live.

Also, that the Government's proposals will decimate the character of our Borough and give carte blanche to developers to build what they please across large areas without needing planning permission.

The Council believes that residents have the right to a say over development that will change the area in which they live and that local councils, in consultation with businesses and residents, are best placed to understand the issues in their area and to respond with a strategy tailored to that area.

This Council calls on the Government to scrap its Planning White Paper and instead:

- to undertake a wholesale review of Permitted Development Rights,
- to make the national Planning Inspectorate more accountable to local people; and
- to implement stronger controls to ensure Ministers making decisions on planning applications are not connected either financially or personally with Developers or related parties to the application.

37c Motion - Honorary Alderman (John Joseph Ungar)

Councillor Diplock moved and Councillor Belsey seconded the following

motion as set out on the agenda paper:

“That a special meeting of the Council be convened at which the Council consider a motion to be put before it to exercise its powers under Section 249 (1) of the Local Government Act, 1972 and confer the title of Honorary Alderman upon John Joseph Ungar, who has in the opinion of the Council rendered eminent service as a member of the Eastbourne Borough Council from May 1991 – May 1998 and May 2011 until his retirement on 2 May 2019.”

The motion received support from across the Council and it was agreed that full speeches in support would be made at the special meeting.

The motion was put to the vote and declared carried.

Resolved (unanimously):

That a special meeting of the Council be convened at which the Council consider a motion to be put before it to exercise its powers under Section 249(1) of the Local Government Act, 1972 and confer the title of Honorary Alderman upon John Joseph Ungar, who has in the opinion of the Council rendered eminent service as a member of the Eastbourne Borough Council from May 1991 – May 1998 and May 2011 until his retirement on 2 May 2019.

37d Motion - Honorary Alderman (Sandie Howlett)

Councillor Belsey moved and Councillor Tutt seconded the following motion as set out on the agenda paper:

“That a special meeting of the Council be convened at which the Council consider a motion to be put before it to exercise its powers under Section 249 (1) of the Local Government Act, 1972 and confer the title of Honorary Alderman upon Sandie Howlett, who has in the opinion of the Council rendered eminent service as a member of the Eastbourne Borough Council from 2 May 2002 until her retirement on 11 May 2015.”

The motion received support from across the Council and it was agreed that full speeches in support would be made at the special meeting.

The motion was put to the vote and declared carried.

Resolved (unanimously):

That a special meeting of the Council be convened at which the Council consider a motion to be put before it to exercise its powers under Section 249 (1) of the Local Government Act, 1972 and confer the title of Honorary Alderman upon Sandie Howlett, who has in the opinion of the Council rendered eminent service as a member of the Eastbourne Borough Council from 2 May 2002 until her retirement on 11 May 2015

38 Discussion on minutes of council bodies.

The minutes of the following Council bodies were submitted to the meeting:

Licensing Committee – 24 May 2021
Planning Committee – 26 May 2021 and 29 June 2021
Cabinet – 2 June 2021 and 14 July 2021
Scrutiny Committee – 12 July 2021

Councillor Smart raised for discussion, Minute 12 'Reset and Recovery Programme' from Cabinet on 14 July, and asked questions in relation to the certainty of the £6.6m shortfall. Councillor Tutt gave assurance of the figures and offered to answer any detailed questions outside the meeting.

Councillor Smart raised for discussion, Minute 15 'Provisional Revenue and Capital Outturn 2020/21' from Cabinet on 14 July, and asked about the final costs in relation to the Devonshire Quarter Project and confirmation that the £4.6m of savings last year were correctly calculated. Councillor Holt gave assurance of the figures and advised that he understood the Chief Finance Officer was in the process of providing the detailed breakdown requested by Councillor Smart at the Cabinet meeting and he would follow up the response.

Councillor Freebody raised for discussion, Minute 17 'Housing development update' from Cabinet on 14 July, and his disappointment that the points raised by the Scrutiny Committee on 12 July 2021 in relation to concerns about costs of the project had not been taken on board. Councillor Wallis as deputy chair of Scrutiny Committee supported his concerns about the volatility of the market and cost of materials. Councillor Shuttleworth responded that the Cabinet had heard the concerns and gave assurance as set out in the resolutions that the project would only go ahead if there was a sound and financially viable business case, which would take account of these considerations.

39 Date of Next Meeting

It was noted that the next scheduled meeting of Full Council was 17 November 2021 at 6 pm.

The meeting ended at 7.35 pm

Councillor Pat Rodohan (Mayor)

Agenda Item 7

Report to:	Full Council
Date:	17 November 2021
Title:	Review of the Eastbourne Borough Council Gambling Act Statement of Principles
Report of:	Tim Whelan – Director Service Delivery
Ward(s):	All
Purpose of report:	To provide an update to Full Council following consultation and feedback on the revised Gambling Act Statement of Principles for the period 2022 -2025 and ask Full Council to approve the Statement of Principles.
Officer recommendation(s):	That Council approves the Gambling Statement of Principles made under S349 of the Gambling Act 2005 for 2022-2025.
Reasons for recommendations:	Statutory requirement to review the Statement of Principles every three years.
Contact Officer(s):	Name: Rebecca Wynn Post title: Regulatory Services Lead E-mail: Rebecca.wynn@lewes-eastbourne.gov.uk Telephone number: 07920 251841

1 Introduction

- 1.1 The Gambling Act 2005 requires Licensing Authorities to prepare and publish a Statement of Gambling Principles for their area covering a period of three years. The current Statement of Gambling Principles was approved by this Council and came into effect on 20 February 2019.
- 1.2 The Act requires Licensing Authorities to review their Statement of Principles every three years.
- 1.3 Following a decision by the Licensing Committee on 27 July 2021, the amended Statement of Principles attached as Appendix A was subject to a 6-week consultation period from 9 August to 20 September 2021 which included members of the trade, responsible authorities, current licence holders and elected members.
- 1.4 Further details of who was consulted can be found in section 1.5 of the Statement of Principles (Appendix 1).

1.5 It was agreed at the Licensing Committee on 27 July 2021, that the Regulatory Services Lead in conjunction with the Chair of Licensing Committee would be delegated to consider the consultation responses and make any minor changes that were necessary and then recommend the Gambling Statement to Full Council. If substantial changes were suggested by the consultation, it would be brought back to the Licensing Committee for consideration.

2 Changes to the Statement of Principles

2.1 There are no significant changes to the Statement of Principles being recommended.

2.2 There is a minor amendment to the procedure for obtaining a permit for three or more Gaming Machines in Licensed Premises.

2.3 Currently Premises licensed for the sale of alcohol for consumption on site are automatically permitted to have two Gaming Machines of Category C or D. To have three or more, an application must be made to the Licensing Authority

2.4 The current Statement requires applicants to show how the extra machines will be monitored and those under 18 will be prevented from using them.

2.5 The amendment adds a requirement by the applicant to supply a plan of the premises showing the intended positions of the extra machines. This will assist the Council when determining the application for the maximum supervision of the machines by the premises staff.

2.6 The change is highlighted in Part C Section 2 page 34 on of the Statement in Appendix 1.

3 Consultation Result

3.1 The consultation responses were supportive of the new minor changes and the comments were not significant or relevant to the proposed change.

3.2 A summary of the consultation responses can be found in Appendix 2.

3.3 As there were no substantial changes suggested by the consultation, and no additional minor changes considered necessary except those set out in paragraph 2, it has been agreed with the Chair of Licensing Committee to recommend the Gambling Statement directly to Full Council for approval as set out in Appendix 1.

4 Financial appraisal

4.1 There are no additional financial implications to this report.

5 Legal implications

- 5.1 Under Section 349 Gambling Act 2005 a Licensing Authority shall before each successive period of three years prepare a statement of the principles which they will apply in exercising their functions under the Act during that period. The same section states that the Licensing Authority shall consult with the Chief Officer of Police, those who represent the interests of people carrying on gambling businesses in the authority's area and those who appear to the authority to represent the interests of people who are likely to be affected by the exercise of the authority's functions.
- 5.2 The Licensing Authority should also take account of The Gambling Act 2005 (Licensing Authority Policy Statement) Regulations 2006 which states the legal rules for the form of the Statement and the procedure to be followed in preparing and publishing a Statement.
- 5.3 This Report was considered by the Legal Section on 9 November 2021 (IKEN-5567-EBC-MW).

6 Risk management implications

- 6.1 In accordance with the Council's Risk Management Strategy, consideration has been given to the potential risks associated with the recommendations set out in this report. A failure by the Council to review and adopt a Statement of Principles contravenes Section Gambling Act 2005 and renders it impossible for the Gambling Sector within the District to be properly administered and enforced

7 Equality analysis

- 7.1 There are no equality implications associated with this report.

8 Environmental sustainability implications

- 8.1 There are no sustainability and/or carbon reduction implications associated with this report.

9 Appendices

Appendix 1 – Proposed new Gambling Act 2005 Statement of Principles.
Appendix 2 – Summary of Consultation Responses

10 Background papers

Gambling Commission Guidance to Licensing Authorities.
<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>.

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EASTBOURNE BOROUGH COUNCIL STATEMENT OF GAMBLING PRINCIPLES 2022 - 2025

Gambling Act 2005 Licensing Authority Policy Statement to take effect from 31st
January 2022 for 3 years

Eastbourne Borough Council
Licensing
Eastbourne Town Hall
Grove Road
East Sussex BN21 4UG
customerfirst@lewes-eastbourne.gov.uk
Tel no: 01323 410000

DRAFT V2 08.11.2021

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This Statement of Licensing Principles was approved by **Eastbourne Borough Council**

All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, 5th Edition.

1.0 Introduction

The Gambling Statement of Principles sets out how Eastbourne Borough Council, acting as the Licensing Authority for gambling, intends to exercise its functions under the Gambling Act 2005 for the next three years. The Policy, which incorporates the 'Statement of Principles' as required by the Act, has been prepared having regard to the Licensing Objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission and stakeholders' comments.

The ability of the Council to regulate gambling activities in the Borough provides an opportunity for the Council and its partners to have more direct influence on the determination of licence applications. Residents who are, or who could be, affected by the premises providing gambling will have an opportunity to influence decisions and the Council will be able to work with others to protect children and vulnerable people from being harmed or exploited by gambling activities.

Gambling is defined in the Act as either gaming, betting or taking part in a lottery:

- 'Gaming' means playing a game for the chance to win a prize;
- 'Betting' means making or accepting a bet on the outcome of a race, competition or other event;
- the likelihood of anything occurring or not occurring;
- whether something is true or not;
- a 'Lottery' is where participants are involved in an arrangement where prizes are allocated wholly by a process of chance.

The responsibility for regulating gambling is shared between the Gambling Commission and Local Authorities. The Gambling Commission is responsible for issuing operating licences to organizations and individuals who provide facilities for gambling and personal licences to persons working in the gambling industry. The Commission will take the lead role on ensuring that gambling is conducted in a fair and open way through the administration and enforcement of operating and personal licence requirements. The Commission will also be responsible for remote gambling activities such as facilities provided via the Internet, television or radio.

The main functions covered by Licensing Authorities are:

- licensing premises for gambling activities;
- considering notices for the temporary use of premises for gambling;

- granting permits for gaming and gaming machines in clubs;
- regulating gaming and gaming machines in alcohol licensed premises;
- granting permits for family entertainment centers with lower stake gaming machines;
- granting permits for prize gaming;
- considering occasional use notices for betting at tracks;
- registering small lotteries.

2.0 Geographical Area

2.1 Eastbourne Borough Council is situated in the County of East Sussex, which contains five Local Authorities in total. Eastbourne Borough Council has within its administration a population of 99,400 persons making it the second most populous Local Authority in the County. In terms of area it is the second smallest, covering 4532 hectares.

2.3 Licensing authorities are required by the Gambling Act 2005 to publish a Statement of the Principles which they propose to apply when exercising their functions under the Act. This Statement must be consulted upon and published at least every three years. The Statement must also be reviewed from "time to time," and any amended parts re-consulted upon. The Statement must be then re-published.

PART A

1.0 The Licensing Objectives

1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the Licensing Objectives as set out in Section 1 of the Act. The Licensing Objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

1.2 This Licensing Authority is aware that, as per Section 153, in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- Is in accordance with any relevant code of practice issued by the Gambling Commission;
- Is in accordance with any relevant guidance issued by the Gambling Commission;
- Is reasonably consistent with the licensing objectives
- Is in accordance with the Authority's Statement of Gambling Principles .

1.3 Eastbourne Borough Council consulted widely on this Statement before finalising and publishing it. A list of those persons consulted is provided below.

1.4 The Gambling Act requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be

affected by the exercise of the authority's functions under the Gambling Act 2005.

1.5 List of persons this Authority consulted:

- Sussex Police Service;
- Eastbourne Borough Council Planning Team;
- East Sussex County Council Child Protection Services;
- Primary Healthcare Care Trust;
- East Sussex County Council Adult Social Services;
- Gambling Industry Trade Associations;
- Eastbourne Resident and Community Group Associations;
- Eastbourne Borough Council Economic Development Team;
- Eastbourne Borough Council Tourism Development Team;
- Eastbourne Hospitality Association.
- Eastbourne Chamber of Commerce
- Eastbourne Borough Councillors
- GamCare
- The Gambling Commission

1.6 The consultation took place from 9 August to 20 September 2021. The Statement was published via our website with an online survey to invite comment. As part of the process, the HM Government Code of Principles was considered:

<https://www.gov.uk/government/publications/consultation-principles-guidance>

1.7 The full list of comments made in relation to the consultation and the consideration by the Council of those comments is available by request to customerfirst@lewes-eastbourne.gov.uk

1.8 The final Statement of Principles was approved at a meeting of the Full Council on **xxxxxxx** and was published via our website on **xxxxxxx**.

1.9 It should be noted that this Statement of Licensing Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence. Each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

2.0 Declaration

- 2.1 In producing the final statement, this Licensing Authority declares that it has had regard to the Licensing Objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the Statement.

3.0 Responsible Authorities

- 3.1 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the Authority about the protection of children from harm. The principles are:
- The need for the body to be responsible for an area covering the whole of the licensing authority's area; and
 - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 3.2 In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the East Sussex Local Safeguarding Children Board for this purpose.
- 3.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available at **Appendix 3**.

4.0 Interested parties

- 4.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence at any time. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this Act, a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or

c) represents persons who satisfy paragraph (a) or (b)“

- 4.2 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:
- Each case will be decided upon its merits.
 - This Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities
 - It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
 - Where it deviates from the Commission's guidance, the Authority will detail its reasons for doing so.
- 4.3 Interested parties can also be persons who are democratically elected such as Councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the Councillor / MP represent the Ward likely to be affected.
- 4.4 Other than these however, this Authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- 4.5 If individuals wish to approach Councillors to ask them to represent their views, then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Department.
- 4.6 The Licensing Authority will not take into account representations which are:
- Repetitive, vexatious or frivolous.
 - From a rival business where the basis of the representation is unwanted competition.

- Moral objections to gambling.
- Concerns about the expected demand for gambling.
- Anonymous.

4.7 Details of applications and representations referred to a Licensing Sub Committee for determination will be published in reports that are made publically available and placed on the Councils website in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details will however be removed from representations in the final website version of reports.

4.8 Names and addresses of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of public safety where the Licensing Authority is specifically asked to do so.

5.0 Exchange of Information

5.1 Licensing Authorities are required to include in their Statements the principles to be applied by the Authority in exercising the functions under Sections 29 and 30 of the Act. This relates to the exchange of information between it and the Gambling Commission, and the functions under Section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

5.2 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information to include the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

5.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

6.0 Enforcement

6.1 Licensing Authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under

Section 346 of the Act to institute criminal proceedings in respect of the offences specified.

- 6.2 This Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:
- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
 - Consistent: rules and standards must be joined up and implemented fairly;
 - Transparent: regulators should be open, and keep regulations simple and user friendly; and
 - Targeted: regulation should be focused on the problem, and minimise side effects.
- 6.3 As per the Gambling Commission's Guidance to Licensing Authorities, this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 6.4 This Licensing Authority has adopted and implemented a risk-based inspection programme, based on;
- The Licensing Objectives
 - Relevant Codes of Practice
 - Guidance issued by the Gambling Commission
 - The principles set out in this Statement of Licensing Policy
- 6.5 The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licence and other permissions which it authorises.
- 6.6 The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.

6.7 This Licensing Authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of Local Authorities.

6.8 Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements are available upon request to EBC, Customer First, 1 Grove Road, Eastbourne, East Sussex, BN21 4TW Email: customerfirst@lewes-eastbourne.gov.uk

7.0 Licensing Authority Functions

- 7.1 We as a Licensing Authority are required under the Act to:
- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
 - Issue Provisional Statements
 - Regulate members clubs and miners welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming permits and/or Club Machine Permits
 - Issue Club Machine Permits to Commercial Clubs
 - Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
 - Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
 - Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
 - Register small society lotteries below the prescribed thresholds
 - Issue Prize Gaming Permits
 - Receive and endorse Temporary Use Notices
 - Receive Occasional Use Notices for betting tracks
 - Provide information to the Gambling Commission regarding details of licences, permits and other permissions issued
 - Maintain registers of the permits and licences that are issued under these functions

8.0 Illegal Gaming Machines

- 8.1 The Licensing Authority has particular concerns about illegally cited "gaming machines." The provision of these machines may be illegal because they are:
- Provided in prohibited places such as takeaways and taxi offices;
 - Provided without a relevant permit;
 - The gaming machines are provided from an unregistered supplier and/or are uncategorised.
- 8.2 There are a variety of reasons why the provision of gaming machines may be illegal and operators are advised to seek the advice of the Licensing Authority or the Gambling Commission before making them available.
- 8.3 In circumstances where illegal machines are being provided, the following actions may be taken by the Authority.
- Initial enforcement, visit and verbal/written warning issued to remove the machines;
 - Removal of the machines by the Licensing Authority or in partnership with the Gambling Commission and/or Sussex Police
 - Prosecution and/or destruction of machines.

PART B
Premises Licences
Consideration of Applications

1.0 General Principles

1.1 Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

(i) Decision-making

1.2 This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the Licensing Objectives; and
- in accordance with the Authority's Statement of Licensing Policy.

1.3 It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos) and also that unmet demand is not a criterion for a Licensing Authority.

(ii) Definition of "premises"

1.4 In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in

place. However, Licensing Authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

1.5 The Gambling Commission, in its Guidance to Licensing Authorities, states that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

1.6 This Licensing Authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that:

Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or

premises with a permit.

- Customers should be able to participate in the activity named on the premises licence.

1.7 The Guidance also gives a list of factors which the Licensing Authority should be aware of, which may include:

- Do the premises have a separate registration for Business Rates;
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

1.8 This Authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission's relevant access provisions for each premises type are reproduced below:

Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.23 of the Guidance;)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

Betting Shops

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence;
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect

there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino;
 - an adult gaming centre.

Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino;
 - an adult gaming centre;
 - a betting premises, other than a track.

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino;
 - an adult gaming centre;
 - a betting premises, other than a track.

1.9 Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this Authority will also take into account in its decision-making.

(iii) Premises "ready for gambling"

1.10 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

1.11 In accordance with the guidance and case law, if the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made.

- 1.12 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-
- First, whether the premises ought to be permitted to be used for gambling;
 - Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 1.13 Applicants should note that this Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 1.14 More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.59-7.66 of the Guidance.

(iv) Location

- 1.15 This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the Licensing Objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 1.16 Should further legislative amendments be forthcoming this statement will be updated.

(v) Planning

- 1.17 The Gambling Commission Guidance to Licensing Authorities states at 7.59

"In determining applications, the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval

for their proposal.”

- 1.18 This Authority will not take into account irrelevant matters as per the above guidance. In addition, this Authority notes the following excerpt from the Guidance:

“7.66 - When dealing with a premises licence application for finished buildings, the Licensing Authority should not take into account whether those buildings have, or comply with, the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents Licensing Authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.”

(vi) Duplication with other regulatory regimes

- 1.19 This Licensing Authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 1.20 When dealing with a premises licence application for finished buildings, this Authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

Licensing objectives

- 1.21 Premises licences granted must be reasonably consistent with the Licensing Objectives. With regard to these objectives, this

Licensing Authority has considered the Gambling Commission's Guidance to Licensing Authorities, and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

- 1.22 This Licensing Authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this Licensing Objective. Thus, where an area has known high levels of organised crime, this Authority will consider carefully whether gambling premises are suitable to be located there, and whether conditions may be suitable such as the provision of door supervisors.
- 1.23 In accordance with the view of the Gambling Commission, this Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way

- 1.24 This Licensing Authority has noted that the Gambling Commission states that it generally does not expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' sections (see pages 15 and 24).

Protecting children and other vulnerable persons from being harmed or exploited by gambling

- 1.25 This Licensing Authority has noted the Gambling Commission's Guidance, which identifies that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children).

- 1.26 The Licensing Authority will therefore consider, as suggested, in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this Licensing Objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.
- 1.27 This Licensing Authority is also aware of the Gambling Commission Codes of Practice as regards this Licensing Objective, in relation to specific premises.
- 1.28 As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs."
- 1.29 This Licensing Authority will consider this Licensing Objective on a case by case basis.

2.0 Conditions

- 2.1 Under the Gambling Act 2005 premises are subject to robust mandatory and default conditions. In the vast majority of applications, these conditions will be sufficient. Any further additional conditions will only be required where there are specific risks within a locality and will be:
- Relevant to the need to make the proposed building suitable as a gambling facility;
 - Directly related to the premises and the type of licence applied for;
 - Fairly and reasonably related to the scale and type of premises; and
 - Reasonable in all other respects.
- 2.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need. This may include the use of door supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below.

- 2.3 This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.
- 2.4 This Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the Licensing Objectives. These matters are in accordance with the Gambling Commission's Guidance.
- 2.5 This Licensing Authority will also ensure that where Category C or above machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where these machines are located;
 - access to the area where the machines are located is supervised;
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 2.6 These considerations will apply to premises including buildings where multiple premises licences are applicable.
- 2.7 This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.
- 2.8 As per the Gambling Commission's Guidance, this Licensing Authority will consider the impact upon the third Licensing Objective, and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 2.9 It is noted that there are conditions which the Licensing

Authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated;) and
- conditions in relation to stakes, fees, winning or prizes.

3.0 Door Supervisors

3.1 The Gambling Commission advises in its Guidance to Licensing Authorities that if a Licensing Authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

3.2 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be Security Industry Authority (SIA) licensed, or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

4.0 Adult Gaming Centres

4.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling, and will expect the applicant to satisfy the Authority that there will be sufficient measures to protect children. For example, to ensure that under 18 year olds do not have access to the premises.

4.2 This Licensing Authority may consider measures to meet the Licensing Objectives such as:

- Proof of age schemes;
- Close Circuit Television Cameras (CCTV;)
- Supervision of entrances / machine areas;
- Physical separation of areas;

- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

4.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

5.0 (Licensed) Family Entertainment Centres:

5.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. It will expect the applicant to satisfy the Authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

5.2 This Licensing Authority may consider a range of measures to meet the Licensing Objectives such as:

- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare;
- Measures / training for staff on how to deal with suspected truant school children on the premises.

5.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

5.4 This Licensing Authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the Category C machines should be delineated.

5.5 This Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences,

when they have been published.

6.0 Casinos

- 6.1 This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

Casinos and competitive bidding – Small/Large casinos

- 6.2 This Licensing Authority is aware that where a Licensing Authority area is enabled to grant a Premises Licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino.
- 6.3 In such situations the Local Authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This Licensing Authority will run such a competition in line with the Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008, as well as following the procedure set out in Part 17 of the Guidance.
- 6.4 Licence considerations / conditions – This Licensing Authority will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance at paragraph 9, bearing in mind the mandatory conditions listed in paragraph 17 of the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission.
- 6.5 Betting machines - This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

7.0 Bingo premises

7.1 This Licensing Authority notes that the Gambling Commission's Guidance at 18.4 states:

"Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas."

7.2 This Authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

7.3 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

8.0 Betting premises

8.1 Betting machines - This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

9.0 Tracks

9.1 This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling

Commission's Guidance, this Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

- 9.2 This Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 9.3 This Licensing Authority may consider measures to meet the Licensing Objectives such as:
- Proof of age schemes;
 - CCTV;
 - Supervision of entrances / machine areas;
 - Physical separation of areas;
 - Location of entry;
 - Notices / signage;
 - Specific opening hours;
 - Self-exclusion schemes;
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.
- 9.4 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 9.5 **Gaming machines** - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 9.6 **Betting machines** - This Licensing Authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when

considering the number/nature/circumstances of betting machines an operator proposes to offer.

10.0 Applications and plans

- 10.1 The Gambling Act (Section 51) requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Licensing Authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, para 20.28).
- 10.2 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities, para 20.29).
- 10.3 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities, para 20.31).
- 10.4 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined. (See Guidance to Licensing Authorities, para 20.32).
- 10.5 This Authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, para 20.33).

10.6 The Council will need to be satisfied there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 10, for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises, and have policies, procedures and control measure to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement.

The LCCP say that licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstances, including those identified in this policy statement;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

The Council will expect the local risk assessment to consider as a minimum:

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
- the demographics of the area in relation to vulnerable groups;
- whether the premises is in an area subject to high levels of crime and/or disorder.

Local risk assessments should show how vulnerable people, including people with gambling dependencies are protected.

11.0 Travelling Fairs

11.1 This Licensing Authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

11.2 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

11.3 It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

12.0 Provisional Statements

12.1 Developers may wish to apply to this Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

12.2 Section 204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

12.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

12.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

12.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises

licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

12.6 In addition, the Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan, and this Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.

13.0 Reviews:

13.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the Licensing Authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Authority's statement of principles.

13.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

13.3 The Licensing Authority can also initiate a review of a particular

premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

- 13.4 Once a valid application for a review has been received by the licensing authority, representations can be made by Responsible Authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 13.5 The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 13.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-
- add, remove or amend a licence condition imposed by the licensing authority;
 - exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - suspend the premises licence for a period not exceeding three months; and
 - revoke the premises licence.
- 13.7 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.
- 13.8 In particular, the Licensing Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 13.9 Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:
- the licence holder
 - the applicant for review (if any)
 - the Gambling Commission
 - any person who made representations

- the Chief Officer of Police; and
- Her Majesty's Commissioners for Revenue and Customs

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PART C

Permits/Temporary & Occasional Use Notices

1.0 Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

- 1.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 1.2 The Gambling Act 2005 states that a Licensing Authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the Licensing Objectives and shall have regard to any relevant guidance issued by the Commission under Section 25.
- 1.3 The Gambling Commission's Guidance to Licensing Authorities also states: "In their three year Licensing Policy statement, Licensing Authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits, Licensing Authorities will want to give weight to child protection issues." (24.6)
- 1.4 Guidance also states: "...An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre (FEC) if the Chief Officer of Police has been consulted on the application. Licensing authorities might wish to consider asking applications to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
 - that staff are trained to have a full understanding of the maximum stakes and prizes. (24.7)
- 1.5 It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

2.0 Statement of Principles

- 2.1 This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.
- 2.2 This Licensing Authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

3.0 (Alcohol) Licensed premises gaming machine permits (Schedule 13 paragraph 4(1))

Automatic entitlement: 2 machines

- 3.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority to take up this entitlement.
- 3.2 The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives;
 - gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
 - the premises are mainly used for gaming; or

- an offence under the Gambling Act has been committed on the premises.

Permit: 3 or more machines

- 3.3 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the Licensing Objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "such matters as they think relevant."
- 3.4 This Licensing Authority considers that "such matters" will be decided on a case by case basis. Generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling. The Licensing Authority expects the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.
- 3.5 Measures which will satisfy the Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 3.6 The Council will expect applicants to submit a plan showing the precise location of all machines applied for in this section. The plan should be the same version as that currently submitted with the Licensing Act 2003 Premises Licence
- 3.7 If it is not satisfied that appropriate measures have been taken by the applicant to comply with the policy the Licensing Authority will refuse to grant the permit or it may vary the number or category of machines authorised by the permit.
- 3.8 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 3.9 It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or

a different category of machines than that applied for.
Conditions (other than these) cannot be attached.

- 3.10 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

4.0 Prize Gaming Permits

4.1 The Gambling Act 2005 states that a Licensing Authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

4.2 This Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law;
- Clear policies that outline the steps to be taken to protect children from harm.

4.3 In making its decision on an application for this permit the Licensing Authority does not need to (but may) have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

4.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one

day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;

- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

5.0 Club Gaming and Club Machines Permits

- 5.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations.
- 5.2 Members Clubs and Miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB: Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.
- 5.3 Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."
- 5.4 The Commission Guidance also notes that "Licensing Authorities may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has

applied;

(b) the applicant's premises are used wholly or mainly by children and/or young persons;

(c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;

(d) a permit held by the applicant has been cancelled in the previous ten years; or

(e) an objection has been lodged by the Commission or the police.

5.5 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

(a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;

(b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or

(c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

5.6 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

6.0 Temporary Use Notices

6.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission,

would include hotels, conference centres and sporting venues.

- 6.2 The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 6.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 6.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".
- 6.5 In considering whether a place falls within the definition of "a set of premises", the Licensing Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 6.6 This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

7.0 Occasional Use Notices:

- 7.1 The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

Part D Annexes

Annex 1: Local Responsible Authorities

Gambling Commission

The Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Phone: 0121 233 1058

Email: info@gamblingcommission.gov.uk

HM Revenue and Customs

Crown House

11 Regent Hill Brighton

BN1 3ES Phone:0845 300 0627

Child Protection

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

Phone: 01273 481000

Police

Sussex Police
Licensing Unit
Police Station
Terminus Road
Bexhill on Sea
East Sussex
TN39 3NR

Phone: 0845 6070999

Fire Authority

Fire Safety Officer
East Sussex Fire and Rescue Service
Eastbourne Fire Safety Office
Whitley Road
Eastbourne
BN22 8LA

Phone: 0845 1308855
Fax: 01323 462026

Health and Safety

Health and Safety Team
Environmental Health
Eastbourne Borough Council
1 Grove Road
Eastbourne
BN21 4TW

Phone: 01323 410000

Environmental Health - Pollution Control

Environmental Health
Eastbourne Borough Council
1 Grove Road
Eastbourne
BN21 4TW

Phone: 01323 410000

Planning

Development Control Manager
Eastbourne Borough Council
1 Grove Road
Eastbourne
BN21 4TW

Phone: 01323 410000

Annex 2: Glossary of Terms

Glossary of Terms

Adult Gaming Centres	<p>Adult gaming centres (AGCs) are a new category of premises introduced by the Act. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the Council. They will be able to make category B, C and D gaming machines available to their customers.</p> <p>Although the term "adult gaming centre" has been commonly used in relation to some premises with licences under section 34 of the Gaming Act 1968, such as amusement arcades, that is perhaps a misleading description. Arcades licensed by virtue of section 34 are not permitted to have machines that are the equivalent of category B machines, nor is there a statutory ban on children and young persons entering the premises (though most arcades located in city centres choose not to admit under 18s)</p>
Alcohol licensed premises gaming machine permits	<p>The Council can issue such permits for any number of category C or D machines in licensed premises. There is an automatic entitlement for alcohol on licence holders to make available 2 gaming machines of category C or D for use in alcohol licensed premises.</p>
Applications	<p>Applications for licences and permits.</p>
Authorisations	<p>This policy relates to all authorisations, permits, licences etc, which the Council is responsible for under the Gambling Act 2005.</p>
Betting Machines	<p>A machine designed or adapted for the use to bet on future real events (not Gaming Machine).</p>
Bingo	<p>A game of equal chance.</p> <p>Bingo has no statutory definition. It is to have its ordinary and natural meaning. Under the previous legislation, two types of bingo could be offered:</p> <ul style="list-style-type: none"> • Cash bingo, where the stakes paid made up the cash prizes that were won; or • Prize bingo, where various forms of prizes were won, not directly related to the stakes paid. <p>Traditionally cash bingo was the main type of bingo played in commercial bingo halls (Part II of the Gaming Act 1968). They could also offer prize bingo, largely as interval games (section 21 of the 1968 Act). Under the 2005 Act, the distinction between these two versions of the game is being abolished for commercial operators, and the holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. That means that premises with a bingo premises licence, or a casino premises licence (where the operator holds a bingo as well as a casino operating licence), will be able to offer bingo in all its forms.</p> <p>Apart from commercial bingo halls, prize bingo is traditionally a game played in arcades, especially seaside amusement arcades, or travelling funfairs. For these operators, prize bingo is being</p>

	<p>subsumed within the allowances for prize gaming in the Act. This means that adult gaming centres, both licensed and unlicensed family entertainment centres, and travelling fairs,(or any premises with a prize gaming permit) will be able to offer prize gaming, which includes prize bingo.</p> <p>In this form of gaming , the nature of the prize must not be determined by reference to the number of people playing the game and the nature or the size of the prize must not be determined by reference to the amount paid for or raised by the gaming.</p>
Casino	An arrangement whereby people are given an opportunity to participate in one or more casino games.
Children	Individual who is less than 16 years old.
Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines (3 machines of Category B, C or D).
Club Gaming Permits and Club Machine Permits	Club gaming permits allow members' clubs and miners' welfare institutes (but not a commercial club) to provide gaming machines and games of chance. These clubs and commercial clubs may apply for a club machine permit which allows the holder to have up to 3 gaming machines of Category B, C or D.
Code of Practice	Means any relevant current code of practice under section 24 of the Gambling Act 2005.
Default Conditions	Conditions that will apply unless the Council decide to exclude them. This may apply to all Premises Licenses, to a class of Premises Licence or Licenses for specified circumstances.
Disorder	Disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
FECs	Family entertainment centres.
Gaming	Prize gaming if the nature and size of the prize is not determined by the number of people playing the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences.
Gaming Change Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.
Occasional Use Notices	Where there is betting on a track on up to eight days in a calendar year, betting may be permitted by an occasional use notice without the need for a premises licence. A track includes a horse race course, dock track and temporary tracks for races or sporting events.
Operating Licence	Authorised individuals or companies to provide facilities for certain types of remote or non remote gambling. These licenses are issued by the Gambling Commission and generally cover the principal commercial forms of gambling operating. A single licence cannot authorise both remote and non remote activities; separate operating licenses are needed for this. Conditions may be attached.

Personal Licence	Except for small scale operations, for each operating licence, at least one person who holds a specified management office must hold a personal licence. These licences are issued by the Gaming Commission with the aim of ensuring that individuals who control facilities for gambling or are able to influence the outcome of gambling are suitable to carry out those functions. These licences are not transferable and cannot be held by companies but companies are likely to want their key staff to hold a personal licence.
Premises	Premises is defined in the Act as "any place". Different premises licence cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being separate premises will always be a question, of fact in the circumstances. However, the Council does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
Premise Licence	Authorises the provision of facilities for gambling on premises for casinos, bingo, betting including tracks, adult gaming centres and family entertainment centres. The premises licence may also include details of conditions. These licences will be valid for the life of the premises, subject to any review that may be triggered and lapse in certain circumstances, with no annual renewal required, although there is an annual fee. These licenses are transferable to someone else holding a valid operating licence.
Prize Gaming Permits	This permit allows the provision of facilities for gaming and prizes on specified premises. "Prize gaming" refers to gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming.
Temporary Use Permits	These licences authorise the person or company holding a relevant operating licence to use the premises temporarily for providing facilities for gambling where there is no premises licence. Such premises may include hotels, conference centres and sporting venues.
Unlicensed Family Entertainment Centre Gaming Machine Permits	These allow the use of Category D gaming machines in these premises to a person who occupies or plans to occupy the premises to be used as an unlicensed family entertainment centre. An application for this permit cannot be made where a premises licence is in effect on the same premises.
Vulnerable Persons	The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Commission will not seek to define "vulnerable persons", but it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs.
Young Person	Persons who are 16 to 18 years old

Annex 3: Categories of Gaming Machine

Machine category	Maximum stake (from January 2014)	Maximum prize (from January 2014)	Allowed premises
A	Unlimited	Unlimited	Regional Casino
B1	£5	£10,000 (with the option of a maximum £20,000 linked progressive jackpot on a premises basis only)	Large Casino, Small Casino, Pre-2005 Act casino and Regional Casinos
B2	£2	£500	Betting premises and tracks occupied by pool betting and all of the above
B3	£2	£500	Bingo premises, Adult gaming centre and all of the above
B3A	£2	£500	Members' club or Miners' welfare institute only
B4	£2	£400	Members' club or Miners' welfare club, commercial club and all of the above.
C	£1	£100	Family entertainment centre (with Commission operating licence), Qualifying alcohol licensed premises (without additional gaming machine permit), Qualifying alcohol licensed premises (with additional LA gaming machine permit) and all of the above.
D money prize	10p	£5	Travelling fairs, unlicensed (permit) Family entertainment centre and all of the above
D non-money prize (other than crane grab machine)	£1	£50	All of the above.

D non-money prize (crane grab machine)	£1	£50	All of the above.
D combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)	All of the above.
D combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)	All of the above.

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Annex 4: Table of Exemptions

Table of Exemptions


Exemptions from	Types of Gambling Permissions
Operating Licence	<ul style="list-style-type: none"> • Small society lotteries • Incidental non commercial lottery • Private lottery • Customer lottery
Premises Licence	<ul style="list-style-type: none"> • Occasional use notice • Football pools • Temporary use notice
Operating Licence and Premises Licence	<ul style="list-style-type: none"> • Family entertainment centre gaming machine permit • Club/miners' welfare institute: equal chance gaming • Club gaming permit • Club machine permit • Equal chance gaming, on licensed premises • Gaming machines: automatic entitlement, on licensed premises • Licensed premises gaming machine permit • Travelling fair gaming machine • Prize gaming permit • Other prize gaming • Ancillary equal chance gaming at travelling fairs • Private gaming and betting • Non commercial prize gaming • Non commercial equal chance gaming






Annex 5: Table of Delegations of Licensing Functions

Table of Delegations of Licensing Functions

Matter to be Dealt with	Full Council	Sub-Committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting – where appropriate			Strategic Manager – Public Protection
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where representations have been received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where representations have been received and not withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where representations have been received and not withdrawn
Cancellation of club gaming/club machine permits			X
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consider for temporary use notice			X
Decision to give a counter notice to a temporary use notice			

Consultation Responses on EBC Statement of Gambling Principles.

Please tell us in what capacity you are responding to this consultation:				
Answer Choices			Response Percent	Response Total
1	An individual		100.00%	78
2	An organisation		0.00%	0
			answered	78

How much do you agree or disagree with the proposal that alcohol licensed premises should provide a plan of their premises when submitting an application for more than two Gaming Machines?				
Answer Choices			Response Percent	Response Total
1	Strongly agree		58.44%	45
2	Agree		32.47%	25
3	Disagree		1.30%	1
4	Strongly disagree		1.30%	1
5	Don't know		6.49%	5
			answered	77
			skipped	1

Comments 7 responses








- 3 No need for gambling machines in alcohol licensed premises
- 2 How does this help Eastbourne

Do you have any other comments about the council's Gambling Statement of Principles

Comments 11 responses

- 5 No need for gambling machines in alcohol licensed premises
- 2 Should be upper limit / Is there a need for more than 2 anyway

What is your age?

Answer Choices			Response Percent	Response Total
1	Under 18		0.00%	0
2	18 - 24		0.00%	0
3	25 - 34		4.17%	2
4	35 - 44		10.42%	5
5	45 - 54		16.67%	8
6	55 - 64		20.83%	10
7	65 - 74		33.33%	16
8	75 +		12.50%	6
9	Prefer not to say		2.08%	1
			answered	48
			skipped	30



Working in partnership with **Eastbourne Homes**

Eastbourne Licensing Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 27 July 2021 at 6.00 pm.

Present:

Councillor Robin Maxted (Chair).

Councillors Josh Babarinde, Colin Belsey, Sammy Choudhury, Amanda Morris, Colin Murdoch, Jim Murray, Colin Swansborough and Candy Vaughan.

Officers in attendance:

Paul Thornton (Specialist Advisor – Licensing), Jo Dunk (Senior Specialist Advisor – Environmental Health), Michele Wilkinson (Lawyer – Housing & Regulatory) and Emily Horne (Committee Officer).

10 Introductions

Members of the Committee and Officers present introduced themselves via roll call during the meeting.

11 Minutes of the meeting held on 24 May 2021

The minutes of the meeting held on 24 May 2021 were submitted and approved, and the Chair was authorised to sign them as a correct record.

12 Apologies for absence/declaration of substitute members

An apology for absence had been received from Councillor Peter Diplock, Councillor Penny di Cara and Councillor Barry Taylor.

13 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.

14 Questions by members of the public

There were none.

15 Urgent items of business

There were none.

16 Right to address the meeting/order of business

There were none.

17 Review of the Eastbourne Borough Council Cumulative Impact Assessment part of the' Statement of Licensing Act Policy 2019-2024 (Licensing Act Policy)

The Committee considered the report of the Director of Service Delivery to review the Council's Cumulative Impact Assessment part of the Statement of Licensing Act Policy 2019-2024 (Licensing Act Policy) and authorise the Senior Specialist Advisor to start a six-week public consultation of the Cumulative Impact Assessment.

Appended to the report at Appendix 1 was the Statement of Licensing Policy 2019-2024 including the Cumulative Impact Assessment.

In accordance with Section 182 guidance, the Licensing Committee was required to regularly review the Cumulative Impact Assessment to assess whether it was needed any longer or if those which were contained in the statement of licensing policy should be amended. It was noted that the Cumulative Impact Assessment must be reviewed every 3 years. Following consultation, the Statement of Licensing Policy 2019-2024 including a Cumulative Impact Assessment was last approved by Full Council on 10 July 2019.

The effect of adopting the Cumulative Impact Assessment 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 and would not undermine the promotion of the Licensing Objectives. Further details were contained in the report.

The Specialist Advisor Regulatory Services, Paul Thornton, presented the report. The Committee was asked to consider the following options that would form part of the consultation, to:

- a. Keep the current Cumulative Impact Assessment.
- b. Change the area covered by the current Cumulative Impact Assessment.
- c. Remove the whole Cumulative Impact Assessment part of the policy at this time with an option to reintroduce if it becomes necessary.
- d. Remove the current Cumulative Impact Assessment part of the policy but replace with a set of principles (para 3.9 of the report) that the Licensing Authority would expect to be considered on all new or variation applications.

Members' discussion included:

- Would the Principles suggested to take the place of the Cumulative Impact Assessment carry the same weight on appeal as the Cumulative Impact Assessment? Officers clarified that on appeal consideration would be given to the Licensing Act Policy and the reasoning behind the decision.
- If the Cumulative Impact Assessment was removed, could a nightclub appear in Langney? Officers clarified that if the Committee decided to remove the Cumulative Impact Policy and did not replace it, there would be no benchmark to judge such an application. The decision would be based on whether the licensing objectives would be promoted or not.
- What were the considerations that had stopped other Local Authorities from removing their Cumulative Impact Assessment Policy and what were the successes and failures of those authorities who have removed their Cumulative Impact Assessment Policy and were Officers in conversation with other Local Authorities? Officers confirmed that not all Local Authorities had a Cumulative Impact Policy. Due to the cycle of when Licensing Act Policies were reviewed by Local Authorities there was little data on the impact of the removal of CIAs. Officers were not in conversation with other Local Authorities.
- What was the difference between the Cumulative Impact Policy that was put in place in 2007 and now? Were there less people wanting to open up a business in the Town Centre because of the Cumulative Impact Policy? Officers confirmed that the demand was not as it was and that most premises have what they need. The former Licensing Act required a 'need' for a particular premises licence. The 2005 Licensing Act provided greater flexibility.
- The report stated that if there was not enough evidence to justify keeping a special policy it should be removed. However, the evidence was not easy to obtain because of a reduction in criminal activity during the last 18 months. Officers clarified that one of the main reasons for adopting the Policy was due to crime and disorder and in particular the crime figures. If having reviewed the Policy there was a fall away in crime and antisocial behaviour then that would be a reason to consider removing the Policy.
- Does the law require the Local Authority to have principles instead of a Cumulative Impact Assessment? Officers clarified that there was no legal requirement to have principles instead of a Cumulative Impact Assessment (or that it was required to have a CIA) but that it was advisable to have a range of consultation options.
- Does the Cumulative Impact Assessment dissuade businesses from coming into the town? Officers clarified that there was no evidence to suggest the CIA dissuades businesses. There are a number of applicants who are not familiar with the CIA, mainly those who don't take pre-application legal advice.

- Had the police been consulted on the report? It was confirmed that the local Inspector of Police had been consulted and was in agreement with the Cumulative Impact Policy being reassessed and would provide a detailed reply in response to the consultation.

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

RESOLVED: (Unanimous) that:

- 1) The Committee authorise the Senior Specialist advisor to start a six-week consultation with the public, trade and interested parties; and
- 2) That following the consultation period that a report be brought to a Licensing Committee to consider the consultation response in relation to the Community Impact Assessment and recommend a decision for approval to Full Council.

18 Review of Eastbourne Borough Council Gambling Act Statement of Principles

The Committee considered the report of the Director of Service Delivery which requested the Committee review the Eastbourne Borough Council Gambling Act Statement of Gambling Principles and authorise the Senior Specialist Advisor to start a six-week public consultation on the Statement of Gambling Principles.

Appended to the report was the Gambling Act 2005 Licensing Authority Statement of Gambling Principles 2022-2025.

In accordance with Section 349 Gambling Act 2005, the Act required Licensing Authorities to review every three years the Statement of Gambling Principles to promote the Licensing Objectives. The Statement of Gambling Principles was last approved by Full Council on 20 February 2019.

The Specialist Advisor Regulatory Services, Paul Thornton, presented the report and highlighted one minor amendment to the procedure for obtaining a permit for three or more Gaming Machines in a Licensed Premises. Further details were contained in the report and at Appendix 1, Part C, Section 2 of the Statement of Gambling Principles.

Councillor Swansborough proposed a motion to accept the proposal. This was seconded by Councillor Morris.

RESOLVED: (Unanimous) that:

- 1) The Committee authorise the Senior Specialist advisor to start a six-week consultation with the public, trade and interested parties; and
- 2) That following the consultation period the Functional Lead Quality Environment Specialist, in conjunction with the Chair of the Licensing Committee, be delegated to consider the consultation responses and make any minor changes to the Statement of Gambling Principles and

then recommend the same to Full Council for approval. That in the event of substantial changes being suggested by the consultation to the Statement of Gambling Principles that a report be brought back to a Licensing Committee.

19 Date of the next meeting

Resolved:

- 1) That the next meeting of the Licensing Committee scheduled for 11 October 2021, be re-scheduled to allow additional time for officers to consider and report back to the Licensing Committee on the response of the public consultation.
- 2) Democratic Services Officers be requested to liaise with other Officers and the Chair of the Licensing Committee to agree a revised meeting date.

The meeting ended at 7.04 pm

Councillor Robin Maxted (Chair)

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Working in partnership with **Eastbourne Homes**

Audit and Governance Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 28 July 2021 at 6.00 pm.

Present:

Councillor Robin Maxted (Chair).

Councillors Amanda Morris (Deputy-Chair), Helen Burton, Sammy Choudhury, Tony Freebody, Md. Harun Miah and Kshama Shore.

Officers in attendance:

Jackie Humphrey (Chief Internal Auditor), Ola Owolabi (Deputy Chief Finance Officer (Corporate Finance)) and Elaine Roberts (Committee Officer).

Also in attendance:

Ben Sheriff (External Auditor - Deloitte).

1 Minutes

The Minutes of the last meeting on 3 March 2021 were approved.

2 Apologies for absence/declaration of substitute members

Apologies were received from Councillor Diplock and CFO, Homira Javadi.

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 no declarations of interest.

4 Questions by members of the public.

The Chair reported that no questions had been submitted.

5 Urgent items of business.

There were none.

6 Right to address the meeting/order of business.

The Chair reported a request from Councillor Smart to address the Committee regarding items 7 and 9. The Chair agreed that Councillor Smart could speak for up to five minutes before the commencement of each item.

7 External Auditor (Deloitte) report on the 2018/19 Statement of Accounts

The Chair then invited Councillor Smart to address the Committee regarding item 7 and thanked him for his comments.

The Chair invited Ola Owolabi, Deputy Chief Finance Officer (DFCO), to present the report.

The DFCO explained that the Statement of Accounts was an update of the version considered by the Committee at the November meeting and that the outstanding issues at that time had been resolved. The Council was now in a position to sign a Letter of Representation, to formally and publicly confirm the correctness and completeness of the auditing of accounts for 2018/19. The DFCO then invited Ben Sheriff, Deloitte, to present the report from Deloitte, External Auditors, (Appendix A of the report) regarding ISA 260.

The Chair thanked Ola Owolabi, DCFO, and Ben Sheriff, Deloitte, and invited comments and questions from Members as they considered the report.

During the following discussion Members noted the volume and complicated nature of the material associated with the agenda and requested that Officers consider the amount, relevance and accessibility of agenda materials going forward.

Points of clarification from Officers included:

- That there were statutory requirements regarding what should be included in the Statement of Accounts and how it should be presented, in compliance with the International Financial Reporting Standards/CIPFA Code, and that the main purpose of the covering report was to provide a more accessible, narrative summary.
- That a segmental income analysis could be provided. However, it was noted that the detail had significantly changed since the time of the report i.e. 2018/19.
- That the original timescale for delivery of externally audited accounts agreed with Deloitte at the start of 2021 was: 2018/19 by April / May; 2019/20 by end of July 2021 and 2020/21 by end of September 2021. Work on the 2019/20 accounts had now started.
- Deloitte noted that resource issues at Deloitte had contributed to the delays.
- That the Chief Internal Auditor would liaise with CMT regarding possible inclusion of risks identified in the External Accounting within the Strategic Risk Register.
- That Officers would provide an explanation of the increased employment costs to Members of the Committee.

- That Officers would liaise with the Chair to set up pre-committee briefing meetings, to aid Members' understanding of material due to be considered by the Committee that was of a particularly complicated nature.

Regarding ICE (Investment Company Eastbourne Ltd) in particular:

- Officers clarified that the complicated nature of the ICE joint venture (the Council's investment company) had contributed to the delay of the audit, but that there was now an agreed accounting model which would be used going forward. The cash receipt of £2m was banked but that there had been changes in the way the ICE transaction and accounting were presented within the accounts. Officers also clarified that the report's comment that "the final contractual structure [of ICE] was not the one approved by Council in 2017", referred to the structure for accounting and not the structure of the commercial venture / business proposition itself, which was essentially the same.
- Deloitte noted that ICE increased the number of risk variants for the Council, which in turn impacted the Council's risk profile. Deloitte acknowledged the difficulties associated with the complicated nature of the ICE accounting, compounded by a loss of institutional knowledge due to Officers having left the organisation since the venture was set up, and confirmed that the Council had followed proper governance procedures and had sought appropriate legal and other expert advice at the proper times, throughout the process prior to transaction of ICE.
- At the request of Members, Ola Owolabi, DCFO, provided a short, high-level overview of the ICE joint venture, including its initial set up and its terms going forward.

The members then proceeded to consider the recommendations of the report. In the course of the discussion, Ben Sheriff, Deloitte, was asked to provide his verbal update for the 2019/20 Statement of Accounts (originally scheduled as Agenda Item 8) so that all four recommendations could be considered together.

Resolved (unanimous):

1. To note the Independent Auditor's (Deloitte) report to those charged with governance on EBC Accounts, and the Value for Money conclusion report.
2. To approve the Audited 2018/19 Statement of Accounts.
3. To authorise the Chief Finance Officer to sign the formal Letter of Representation to Deloitte; and
4. To note the 2019/20 Statement of Accounts audit update.

8 External Audit 2019/20 Report

With agreement of the Chair, this Item was taken together with Item 7 and the decision noted in resolution point 4, Item 7.

9 Redmond Review update and MHCLG External Audit Consultations

The Chair invited Councillor Smart to address the Committee re item 9. Councillor Smart spoke for five minutes and the Chair thanked him for his comments.

The Chair invited Ola Owolabi, Deputy Chief Finance Officer (DCFO), to present the report.

The DCFO summarised the scope and progress to date of the Redmond Report and the recent response to the report from Central Government, as outlined in the White Paper, 'Restoring trust in audit and corporate governance'.

A key recommendation of the Redmond Review was to create an Office of Local Audit and Regulation (OLAR). The Government's White Paper recommended creating a new body – the Audit, Reporting and Governance Authority (ARGA) – which would replace the Finance Reporting Council (FRC) and would also be charged with providing oversight of local authority audit.

The PSAA (Public Sector Audit Appointments Ltd) would continue to have oversight of appointing individual local authority auditors.

The Audit and Accounts Regulations had been amended to extend the date to produce audited accounts from 31 July to 30 September for a period of 2 years until 2023.

Resolved (unanimous)

1. To note this report

10 Treasury Management Annual Report 2020/21

Ola Owolabi, Deputy Chief Finance Officer (DCFO), presented the report, which was a statutory requirement. The report had been previously approved by Cabinet and had come before the Audit and Governance Committee to be noted. The Chair thanked the DCFO for his presentation and the Committee considered the report.

Officers clarified queries regarding the changes in projections, and the impacts of COVID-19 – including interest rate forecasts and the requirement of the Council to manage significant amounts of money from Central Government for local business support grants.

Resolved (unanimous):

1. To note the report.

11 Annual Governance Statement Report

Jackie Humphrey, Chief Internal Auditor (CIA), presented the report, which included explanations of the Audit Team's work to review and improve accessibility of the information contained in the report, how the 'manager feedback' had been analysed and presented, and the Council's approach to document retention requirements.

It was noted that work over past months regarding the new Housing System software had meant that this was now no longer classed as a 'significant' issue. Specific additions to the report included sections on Covid-19 and the Council's investment company, ICE.

At the request of the external auditors, Deloitte, additional information for the previous years would be published as an addendum.

The Chair thanked the CIA for the report and invited comments and questions from the Committee Members.

Officers responded to Members' questions regarding the inclusion of companies in the Annual Governance Statement.

Resolved (unanimous)

1. To approve the Draft Annual Governance Statement 2020-21; and
2. To approve the addendum to the Annual Governance Statements for 2018-19 and 2019-20.

12 Internal Audit and Counter Fraud Report for the financial year 2020-2021

Jackie Humphrey, Chief Internal Auditor (CIA), presented the report to the Committee.

The report highlighted some of the key effects of Covid-19, including: impacts on the Audit Team's resources, that the Tourism Team had not been audited as had not been active, and that the Audit Team structure was currently under review.

The work of the Counter Fraud Team was reviewed and two new projects were highlighted: the performance analysis of the grants portal, and one to recoup money from housing debtors.

An error in Appendix C was brought to the attention of the Committee, and Members were assured that it did not affect the quoted net annual total.

The next external review had been scheduled for 2022/23; the slightly later date was due to alignment of work across both Councils.

Following concerns raised by Members regarding the rates of assurance, Officers clarified that all items rated less than 'substantial' were followed up.

However, in the interests of managing the amount of information shared with Members, only unresolved items were brought back to the Committee. Officers agreed to consider ways to provide updates of the items which were followed up to the Committee going forward.

The CIA clarified in relation to a reported instance of 'no assurance', that whilst an investigation had found that there were no incorrect processes in use, the process itself was not formally recorded.

Resolved:

1. To note the report; and
2. That Officers review the additional information requirements identified by Members during the meeting for future reporting.

13 Strategic Risk Register Quarterly Review

Jackie Humphrey, Chief Internal Auditor (CIA), presented her report. It was noted that, following a review by the Corporate Management Team (CMT), the Covid-19 risk level had been reduced, apart from the financial element.

The Chair thanked the CIA and the Committee considered the report.

Officers clarified the distinctions between amber and red classifications and explained that amber and red issues were addressed through a cascade from CMT down to the relevant departments and management teams. Officers confirmed that the current review cycle was quarterly. The Chief Internal Auditor agreed to take comments from the Committee back for consideration by CMT, and to report back at the next Committee meeting.

Resolved (unanimous)

1. To note the report.

The meeting ended at 8.10 pm

Councillor Robin Maxted (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 24 August 2021 at 6.00 pm.

Present:

Councillor Jim Murray (Chair).

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

Officers in attendance:

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

19 Introductions

Members of the Committee and Officers present introduced themselves to all those who were present during the meeting.

20 Apologies for absence and notification of substitute members

There were none.

21 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 Maxted and Councillor Taylor declared a personal interest in item 26, Bedfordwell Depot, as they were members of the Bedfordwell Road Project Board.

22 Minutes of the meeting held on 29 June 2021

The minutes of the meeting held on 29 June 2021 were submitted and approved as a correct record, and the Chair was authorised to sign them.

23 Urgent items of business.

There were no urgent items. An officer addendum, however, was circulated to the Committee prior to the start of the meeting, updating the main reports on the agenda with any late information (a copy of which was published on the Council's website).

24 Bedfordwell Depot, Bedfordwell Road. ID: 210247 & 210248 (Listed Building)

ID: 210247 - Mixed use development comprising construction of 80no. dwellings (59no. houses and 21no. flats) and conversion of existing Pump House and Annexe into 20no. flats and 1no. commercial unit (Use Class E) and associated access, circulation road, parking, drainage and landscaping.

ID: 210248 - Listed Building application for internal and external works to Grade II Listed Pump House and Annexe in relation to conversion into 20no. flats and 1no. commercial unit – **UPPERTON**.

The Committee was advised by way of an addendum report of two additional representations that had been received, an amendment to the recommendation and an additional and amended condition. The Head of Planning First proposed five additional conditions (Nos. 42, 43 and 44, and Nos. 4 and 5) to the planning and listed building applications.

The Head of Planning First informed the committee that the consultation response had been received from Natural England regarding the Habitats Regulations requirements. Recommendation (a) to delegate the Head of Planning to receive and evaluate the consultation response was therefore removed from the recommendation.

Mr Paul Humphreys (Bespoke & Eastbourne Eco Action (EEAN)), addressed the Committee in objection to the application. Karen Tipper (Agent) spoke in support of the application.

Members discussed the proposal in detail and raised concerns regarding the design, materials, width of the cycle route, junction and pedestrian crossing.

The Head of Planning First addressed the matters raised by the objectors and members and confirmed that negotiations with the applicant had been achieved to widen the site access and for a cycle route across the site and safe route into town. Furthermore, the cycle route could, in the future, be joined and extended northwards into Eastbourne Park. ESCC highways had fully endorsed the scheme. The S278 agreement to cover off-site highway works would include the design of the junction. Members concerns regarding the materials could be negotiated with the applicant and concerns regarding the junction and pedestrian crossing would be raised with ESCC Highways.

ID: 210247 - Councillor Vaughan proposed a motion to approve the application in line with the officers' recommendation for delegated authority to seek agreement from ESCC SuDS and S106 Agreement; the conditions set out in the Addendum, the additional conditions reported by the Head of Planning First and to negotiate the materials with the applicant. This was seconded by Councillor Taylor and was carried.

RESOLVED: (Unanimously) that the Head of Planning be delegated to seek agreement from ESCC SuDS on the final detailed matters related to access

and maintenance of the SuDS for the site and on the provision that no objections are received then planning permission be granted, subject to a S106 Agreement to secure affordable housing; a local labour agreement; car club; travel plan and S278 for off-site highway works, the conditions set out in the officers report and in the Addendum and the following additional conditions:-

Condition No. 42 - Details of pedestrian crossing to be submitted;
Condition No. 43 - The Listed Building has to be fully refurbished in accordance with approved details prior to the occupation of the 50th unit; and
Condition No. 44 - 100% of homes with in-curtilage parking should be provided with the facility for electric vehicle charging.

ID: 210248 - Councillor Diplock proposed a motion to approve the Listed Building application in line with the officers' recommendation for delegated authority to seek agreement from ESCC SuDS and S106 Agreement; the conditions set out in the Addendum and additional conditions reported at the meeting reported by the Head of Planning First and to negotiate the materials with the applicant. This was seconded by Councillor Miah and was carried.

RESOLVED: (Unanimously) that the Head of Planning be delegated to seek agreement from ESCC SuDS on the final detailed matters related to access and maintenance of the SuDS for the site and on the provision that no objections are received then Listed Building Consent be granted, subject to a S106 Agreement to secure affordable housing; a local labour agreement; car club; travel plan and S278 for off-site highway works, the conditions set out in the officers report and in the Addendum and the following additional conditions:-

Condition No.4 - Large Scale details of windows/doors/window aperture alterations in Pump House (prior to the commencement of pump house works);
Condition No.5 - Construction methodology for all structural works to the listed building.

25 Former site of Wood's Cottages and adjoining land. ID: 210485

Erection of 49 dwellings together with parking, access, and landscaping – **LANGNEY.**

The Specialist Advisor (Planning) presented the report.

The Committee was advised by way of an Addendum of an additional representation that had been received and updates to: revised plans/conditions, drainage, community infrastructure levy (CIL), attenuation pond, relocation of fish and the policy headings.

Mr Laurence Hulkes (Agent), addressed the Committee in support of the application. The objector, Jackie Field, was not present to speak at the meeting.

The Committee discussed the proposal including issues around the pond;

gates and electric charging points. Members welcomed the development and the 106 legal agreement to secure £105K to go towards supporting affordable housing provision.

Councillor Taylor proposed a motion to approve the application in line with the officers' recommendation, S106 Agreement, the conditions set out in the officers report, and the amended conditions set out in the Addendum. This was seconded by Councillor Lamb and was carried.

RESOLVED: (unanimously) that planning permission be granted subject to a Section 106 Agreement to secure Affordable Housing (if found to be viable), Travel Plan Monitoring Fee, Traffic Regulation Order and Local Labour Agreement, the conditions set out in the officers report, and the amended conditions set out in the Addendum.

26 Date of next meeting

Resolved:

That the next meeting of the Planning Committee is scheduled to commence at 6:00pm on Tuesday, 21 September 2021, be noted.

The meeting ended at 7.32 pm

Councillor Jim Murray (Chair)



Working in partnership with **Eastbourne Homes**

Planning Committee

Minutes of meeting held in Shackleton Hall in the Welcome Building, Devonshire Quarter, Compton Street, Eastbourne, BN21 4BP on 21 September 2021 at 6.00pm.

Present:

Councillor Jim Murray (Chair).

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

Officers in attendance:

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

27 Introductions

Members of the Committee and Officers present introduced themselves to all those who were present during the meeting.

28 Apologies for absence and notification of substitute members

There were none.

29 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 Diplock declared a personal and prejudicial interest in item 34, 38a Motcombe Road, as he was close friends with some of the residents and had lived in the neighbourhood for 10 years. He left the room for the discussion of the item.

30 Minutes of the meeting held on 24 August 2021

The minutes of the meeting held on 24 August 2021 were submitted and approved as a correct record, and the Chair was authorised to sign them.

31 Urgent items of business.

There were no urgent items. An officer addendum, however, was circulated to the Committee prior to the start of the meeting, updating the main reports on the agenda with any late information (a copy of which was published on the Council's website).

32 Right to address the meeting/order of business.

The business of the meeting was reordered from the agenda and taken in the following order: Items 11, 9, 10, 7 and 8.

33 59-63 Summerdown Road. ID: 200968 & 200983

200968 - Demolition of existing Nursing Home and erection of 9no houses (2no x 3bed and 7no x 4bed) and 3no 1bed flats (12no residential units in total).

200983 - AMENDED DESCRIPTION - Demolition of existing Nursing Home and erection of 6no houses (1no x 3bed and 5no x 4bed) and 6no 2bed flats (12no residential units in total) – **OLD TOWN**

The Specialist Advisor (Planning) presented the report.

The Committee was advised by way of an Addendum of an additional representation that had been received from the Eastbourne Borough Council's Heritage Champion.

Mr Robert Strange addressed the Committee in objection to the application. Mr Simon Franks (Agent) spoke in support of the application. East Sussex County Councillor, Councillor Ungar, spoke in objection of the application. The County Councillor declared for completeness that a relative of his was a neighbour to the site.

Members discussed the proposal and raised concerns regarding the height and mass of the scheme, stating that it was out of keeping and unsympathetic with area.

The Specialist Advisor (Planning) informed the Committee that new information had recently been received from the agent for a modified scheme and that officers had not had time to assess it, and therefore sought to defer the application.

Members sought clarification on why the application could not be determined as per the recommendation for refusal in the officer's report.

The Committee was advised that the Council had a duty to consider additional submitted information prior to decision and, if the information is within the scope of the application, to fulfil its statutory public consultation requirements. Members would then be provided at future Planning Committee meeting with all of the material considerations available to determine the application.

ID: 200968 & ID: 200983 - Councillor Murray proposed a motion to defer both applications to enable officers to assess the information received. This was seconded by Councillor Diplock and was carried.

RESOLVED: (by 6 votes for to 2 against) that the applications be deferred for the information to be assessed; and to be determined at a future Planning

Committee meeting following any required consultation.

34 38a Motcombe Road. ID: 200598

Having declared a prejudicial interest, Councillor Diplock left the room and did not take part in the discussion or voting on this item.

Demolition of garages and commercial unit and erection of three dwellings and two Flats, site improvements including new access gate – **OLD TOWN**

The Specialist Advisor (Planning) presented the report.

The Committee was advised by way of an Addendum of an additional representation that had been received from East Sussex County Council Highways, that confirmed that their initial objections relating to the safety of the site access had been addressed.

The Specialist Advisor advised that East Sussex Fire & Rescue Service had confirmed its officers would evaluate the access point during the Building Regulations stage and if the access was not accessible, the development would not be permitted. Refuse bins for the site could be serviced by the bin crew and not manoeuvred the residents.

Mr Tom Handsley addressed the Committee in objection to the application. A written representation was read aloud by the Senior Specialist Advisor on behalf of Councillor Dow, in his capacity as the Eastbourne Borough Ward Councillor.

Members discussed the proposal in detail including issues surrounding the access, safety of pedestrians and vehicles, visibility splay, collection of refuse bins, surfacing and lack of green space.

Councillor Miah proposed a motion against the officer's recommendation, to refuse the application. This was seconded by Councillor Taylor and was carried.

RESOLVED: (Unanimous) that Planning permission be refused for the following reasons:-

1. The narrow width of the site access and limited visibility available as it emerges onto highway roads would result in an unacceptable risk to highway risk as a result of more frequent usage raising the possibility of conflict between vehicles and pedestrians. The development is therefore in conflict with policies B2 and D1 of the Eastbourne Core Strategy and para. 111 of the NPPF and would also fail to provide safe access for pedestrians and cyclist contrary to policy D8 of the Eastbourne Core Strategy and para. 108 and para.112 of the NPPF.
2. The development, as a consequence of its scale and proximity to neighbouring dwellings would result in an unacceptable adverse impact

upon residential amenities, contrary to policy HO20 of the Eastbourne Borough Plan, policies B2 and D1 of the Eastbourne Core Strategy and para. 130 of the NPPF.

The Chair paused the meeting for a 10 minute comfort break.

35 5-7 Enys Road. ID: 210333

Conversion of Doctor's Surgery (Use Class E) to provide 9no residential flats (Use Class C3 - 3no 2bed 3 person, 4no 1bed 2persons and 2no 1bed 1person) with 9no off-street car parking spaces and external alterations –
UPPERTON

The Senior Specialist Advisor (Planning) presented the application.

The Committee was advised by way of an Addendum of 6 additional representations that had been received in objection to the application, and an additional proposed condition to secure the agreement of a lighting scheme at the rear of the property.

The Senior Specialist Advisor confirmed that two additional representations had been received after the Addendum had been published.

Mr Roy Fisher addressed the Committee in objection to the application. Mr Simon Franks (Agent) spoke in support of the application. Councillor Rodohan, Eastbourne Borough Ward Councillor, spoke in objection to the application.

Members discussed the application and raised concerns regarding noise and disturbance, parking, lack of outside space, carbon neutrality measures and the potential for a future HMO. Members supported the removal of the ramp and felt the concerns had been mitigated by the separation of the two buildings and conditions in the officer's report.

The Senior Specialist Adviser addressed the matters raised by objectors and members and confirmed that the previous application for an HMO (ID: 210026) had been withdrawn by the applicant. This application sought consent for flats, not an HMO. Any further sub-division of the building, or use as a large HMO, would require planning permission. Any unauthorised development/use would be for Planning Enforcement investigation. As it was not a major application and was for conversion of an existing building, there was no specific sustainability requirements for the scheme, but electric vehicle charging points could be recommended if members proposed it.

Councillor Taylor proposed a motion to approve the application in line with the officers' recommendation. This was seconded by Councillor Vaughan and was carried, subject to an additional condition to include electric vehicle charging points. Councillor Maxted requested that there be a named vote and this was approved.

RESOLVED: (by 7 votes for (Councillors Diplock, Lamb, Miah, Murdoch,

Murray, Taylor and Vaughan) **and 1 vote against** (Councillor Maxted) that planning permission be granted, subject to the conditions set out in the officers report and in the Addendum and a further condition to include electric vehicle charging points.

36 2 Mill Road. ID: 210339

Demolition of the existing building and redevelopment of the site to provide 14 flats with associated off-street car parking – **UPPERTON**.

The Senior Specialist Advisor (Planning) presented the report.

Mr Richard Parrett addressed the Committee in objection to the application.

The Committee discussed the proposal in detail, raising concerns regarding the height of the four-storey building, the proximity to the road which might mean a reduction in tree screening, access and number of flats. They felt that it was too overbearing and dominant for the character of the area. Members also welcomed the design, underground parking and retention of trees.

Councillor Miah proposed a motion to defer the application to seek a reduction in height/scale. This was seconded by Councillor Lamb and was carried.

RESOLVED: (by 6 votes for to 2 against) that the application be deferred to seek a reduction in the height/scale of the building and reduce overbearing impacts upon neighbouring occupants.

37 Land at 57-63 Cavalry Crescent and 25-31 North Avenue. ID: 210339

Demolition of 8no houses (Cavalry Crescent and North Avenue) and erection of 6no houses and 14no apartments with associated landscaping, parking and sustainability measures – **OLD TOWN**

The Senior Specialist Advisor (Planning) presented the report.

The Committee was advised by way of an Addendum that the response from East Sussex County Council (ESCC) Highways regarding the revised car parking layout was awaited, as was the revised Heads of Terms for the S106 Agreement to omit a Travel Plan and include a bus transport infrastructure improvements contribution.

Members discussed the application and welcomed the re-development of existing housing stock. Members sought clarification on the appraisal of the design, amenity and refuse/recycling storage, which the Senior Specialist Advisor explained in more detail in relation to adopted policy and guidance.

Councillor Murray proposed a motion to approve the application in line with the officer's recommendation for delegated authority to conclude consultation with ESCC Highways on the revised car parking layout, subject to a S106 Agreement and the conditions set out in the Addendum. This was seconded by

Councillor Diplock and was carried.

RESOLVED: (unanimously) that the Head of Planning be delegated to conclude consultation with ESCC Highways on the revised car parking layout and following agreement, to approve subject to a S106 agreement and the revised Heads of Terms to secure local labour agreement, affordable housing provision, bus infrastructure contribution, TRO contribution and car club contribution as set out in the Addendum, and the conditions set out in the officers' report.

38 Date of next meeting

Resolved:

That the next meeting of the Planning Committee is scheduled to commence at 6:00pm on Tuesday, 19 October 2021, be noted.

The meeting ended at 9.40 pm

Councillor Jim Murray (Chair)



Working in partnership with **Eastbourne Homes**

Cabinet

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 15 September 2021 at 6.00 pm.

Present:

Councillor David Tutt (Chair).

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

Officers in attendance:

Robert Cottrill (Chief Executive), Homira Javadi (Chief Finance Officer), Ian Fitzpatrick (Deputy Chief Executive and Director of Regeneration and Planning), Tim Whelan (Director of Service Delivery), Becky Cooke (Assistant Director for Human Resources and Transformation), Oliver Dixon (Head of Legal Services), Ola Owolabi (Deputy Chief Finance Officer (Corporate Finance)) and Simon Russell (Head of Democratic Services).

Also in attendance:

Councillor Penny di Cara (Opposition Deputy Leader), Councillor Kshama Shore OBE (Shadow Cabinet Member) and Councillor Robert Smart (Opposition Leader).

20 Minutes of the meeting held on 14 July 2021

The minutes of the meeting held on 14 July 2021 were submitted and approved and the Chair was authorised to sign them as a correct record.

21 Apologies for absence

None were reported.

22 Declaration of members' interests

None were declared.

23 Corporate performance - quarter 1 - 2021/22

The Cabinet considered the report of the Chief Finance Officer and Deputy Chief Executive/Director of Regeneration of Planning, updating members on the Council's performance against Corporate Plan priority actions, performance indicators and targets for the first quarter of the year 2021-22.

Performance highlights for the quarter included benefits processing, planning applications processing and social media engagement. Thanks were conveyed to officers for these highlights. Commentary on those performance indicators

that were currently below target was detailed in the report.

Part B of the report detailed the Council's financial performance for the same quarter. Based on the information to date, the report detailed that the expected use of the capitalisation direction was likely to be reduced by £3.5m to £2.5m, mainly because of the additional Recovery & Reset (R&R) savings and Cultural Recovery Fund grant. Thanks were conveyed to officers on their continued work on the R&R programme.

Visiting members, Councillors di Cara, Shore and Smart addressed the Cabinet on this item. A breakdown of the figures related to household waste sent for reuse, recycling and composting would be circulated following the meeting. The Cabinet also advised that the Council was waiting for a Central Government announcement on possible funding to assist those authorities that don't currently collect food waste.

Resolved (Non-key decision):

(1) To note the achievements and progress against Corporate Plan priorities for 2021-22, as set out in Part A of this report.

(2) To note the General Fund, HRA and Collection Fund financial performance for the quarter, as set out in Part B of the report.

Reason for decisions:

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

24 Medium Term Financial Strategy

The Cabinet considered the report of the Chief Finance Officer, providing them an update on the process and approach to the Council's Medium Term Financial Strategy for the period 2021/22 to 2024/25.

The Medium Term Financial Strategy (MTFS) sets the strategic financial direction for the Council and is regularly updated as it evolves and develops throughout the year to form the framework for the Council's financial planning. The report outlined the proposed process for the MTFS for the period 2021/22 to 2024/25, which ultimately leads to the setting of the Council's budget in February 2022.

The MTFS is shaped by the national economic background and external factors such as the impact of Covid-19 and Brexit, inflation, interest rates, Public Sector Pay and Factors affecting demand-led services would be analysed in undertaking a mid-year review of the Strategy.

Visiting member, Councillor Smart addressed the Cabinet on this item.

Resolved (Key decision):

To note the background to the Medium Term Financial Strategy for 2022/23 and approve the approach outlined in this report.

Reason for decision:

To progress the Medium Term Financial Strategy process and update Cabinet on the background to this.

25 Planning Technical Advice Notes for Sustainability

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, seeking their approval for the publication and use of three Planning Technical Advice Notes. The Notes would advise developers and planning applicants on how they can contribute towards achieving sustainability in new developments.

Visiting member, Councillors di Cara addressed the Cabinet on this item.

Resolved (Key decision):

(1) To agree the publication and use of the Sustainability in Development Technical Advice Note contained at Appendix 2 to the report.

(2) To agree the publication and use of the Biodiversity Net Gain Technical Advice Note contained at Appendix 3 to the report.

(3) To agree the publication and use of the Electric Vehicle Charging Point Technical Advice Note contained at Appendix 4 to the report.

(4) To provide delegated authority to the Director of Regeneration and Planning, in consultation with the Portfolio Holder for Place Services and Special Projects, to make minor or technical amendments to the Technical Advice Notes prior to their publication or as otherwise required following publication.

Reasons for decisions:

(1) To publicise the Council's expectations for the incorporation of sustainability issues, biodiversity net gain and electric vehicle charging points in planning applications

(2) To make minor amendments to address technical or drafting issues.

The meeting ended at 7.07 pm

Councillor David Tutt (Chair)

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Working in partnership with **Eastbourne Homes**

Scrutiny Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 13 September 2021 at 6.00 pm.

Present:

Councillors Josh Babarinde, Helen Burton, Penny di Cara, Jane Lamb, Robin Maxted and Robert Smart.

Officers in attendance:

Philip Brown (Property Lawyer), Gary Hall (Head of Homes First), Homira Javadi (Chief Finance Officer), Ola Owolabi (Deputy Chief Finance Officer (Corporate Finance)) and Nick Peeters (Committee Officer).

Also in attendance: Councillor Colin Swansborough

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17 Minutes of the meeting held on 12 July 2021

The minutes of the meetings held on 12 July 2021 were submitted and approved and signed as a correct record by the Chairman.

Matters arising – Councillor Smart requested that responses be provided on the following points:

Minute 10 - **Provisional revenue and capital outturn 2020/21** - To reassess the business case for items in the capital programme and to look at the associated costs.

Minute 11 - **Treasury management annual report 2020/21** - It was noted that the Finance team had agreed to provide details of the Council's cashflow.

Minute 15 - **Housing Development update - Southfields Road Car Park** – That the business plan for the scheme should be included as part of the Cabinet's consideration of the report.

18 Nomination of Chair for the meeting

Prior to the first item on the agenda, it was proposed and seconded that Councillor Di Cara be nominated as Chair for the meeting.

Resolved that Councillor Di Cara take the Chair for the duration of the meeting.

19 Apologies for absence / declaration of substitute members

Apologies were received from Councillor Freebody, Wallis, Diplock and Burton. Councillors Di Cara, Maxted and Miah were substitutes for the meeting.

20 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.

21 Questions by members of the public

There were none.

22 Urgent items of business

There were none.

23 Right to address the meeting/order of business

There were none.

24 Update on homelessness placements into Eastbourne by Brighton and Hove City Council

Gary Hall, Head of Homes First, provided the update. During discussion the following points were highlighted:

- The number of households placed in Eastbourne had reduced from 205 in February 2021 to 117 in April. The numbers had increased gradually but reduced again with a figure of 122 households recorded in September.
- The ideal figure was for zero people in temporary accommodation but realistically it was hoped that the numbers would reduce to at least pre-Covi19 levels of approximately 70 households.
- Although comparisons with other authorities had not been made, out of borough/district placements took place nationally, but not on the scale experienced in Eastbourne. Homes First representatives had regular engagement with the Ministry of Housing, Communities & Local Government (MHCLG) and sought advice. A further meeting with the MHCLG was due in November to discuss the issue further.
- Concern was expressed at the level of progress being made by Brighton and Hove City Council in reducing numbers and a further meeting with Brighton and Hove City Council was requested. Members also requested that the Chair of the Scrutiny Committee write to local Members of Parliament requesting an update on the issue and asking for urgent action.

Resolved to note the update.

25 Corporate performance - Q1 2021/22

The Chair, Councillor Di Cara, introduced the item. Members requested further detail on the following performance indicators and projects:

15. Housing: Rent arrears of current tenants (expressed as a percentage of rent debit).

22. Recycling & Waste: Percentage of household waste sent for reuse, recycling and composting.

Projects – Sovereign Centre Review.

Resolved to note the report.

Part B – Quarterly Financial Performance

The Chief Finance Officer, Homira Javadi, presented the report. During discussion the following points were highlighted:

- The borrowing strategy included a diverse portfolio with a mixture of short-term and long-term borrowing. The trend for interest rate forecasting indicated an increase but this was judged against the profiling of short-term interest rates.
- Advice was regularly sought from the Council's treasury advisors and the Council ensured annually that, based on projected capital expenditure, the Council was able to access the preferred borrowing rate that included a 2 percent reduction on the borrowing rate.
- The majority of the Council's borrowing was driven by its Capital Programme and any opportunities for preferential borrowing rates were explored. Most of the Council's short-term borrowing was for operational requirements. The Council would not benefit from converting its short-term debt into long-term debt.
- It was agreed that a breakdown of the Council's current debt and an analysis the length of terms for borrowing would be provided. The interest rate review detailed in 5.9 of the report was highlighted to Members

Resolved to note the report.

26 Medium Term Financial Strategy

The Chief Finance Officer, Homira Javadi, presented the report. During discussion the following points were highlighted:

- There had been demands on Housing Services which in turn placed pressure on revenue and expenditure. It was agreed that future updates would include a more detailed analysis of the Council's Housing Revenue

Account.

- The concerns expressed over the profiling of the budget and its presentation, and the scale of the saving identified, were recognised. Members were assured that the governance structure included continuous reviews, performance monitoring, and provided background and context to the savings identified.

Councillor Smart put forward the following additional recommendation which was seconded by Councillor Di Cara:

- 1) That the Committee approves a root and branch (or line-by-line) review of current budgets and suggest that proposed changes to expenditure are presented as absolute amounts in order to assess their credibility. Further, the Medium Term Financial Strategy should include an analysis of proposed capital expenditure, cash flow and funding with estimated debt compared to borrowing capacity.

The additional recommendation was put to a vote and rejected by a majority.

Resolved to note the report.

27 Forward Plan of Cabinet Decisions

The Chair, Councillor Di Cara, introduced the Forward Plan of Cabinet Decisions.

There were no items requested from the Forward Plan for inclusion on the agenda for the Scrutiny Committee's next meeting.

Resolved to note the Forward Plan of Cabinet Decisions.

28 Scrutiny Committee Work Programme 2021/22

The Chair, Councillor Di Cara, introduced the Scrutiny Committee Work Programme. Members requested that an additional meeting be arranged with representatives from Brighton and Hove City Council in attendance to discuss the ongoing issue of homelessness placements by B&HCC in Eastbourne.

Resolved to note the Work Programme

29 Date of the next meeting

Resolved to note that the date of the next meeting of the Scrutiny Committee is scheduled for Monday 29 November 2021, in the Court Room, Eastbourne Town Hall, Grove Road, Eastbourne, BN21 4UG.

The meeting ended at 7.35 pm

Councillor

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Working in partnership with **Eastbourne Homes**

Audit and Governance Committee

Minutes of meeting held in Court Room - Town Hall, Eastbourne on 29 September 2021 at 6.00 pm.

Present:

Councillor Robin Maxted (Chair).

Councillors Sammy Choudhury, Peter Diplock, Tony Freebody, Md. Harun Miah and Kshama Shore and Candy Vaughan.

Officers in attendance:

Jackie Humphrey (Chief Internal Auditor), Homira Javadi (Chief Finance Officer), Ola Owolabi (Deputy Chief Finance Officer (Corporate Finance) and Elaine Roberts (Committee Officer).

14 Apologies for absence/declaration of substitute members

Apologies were received from Councillor Burton and Councillor Morris. Councillor Vaughan attended as substitute for Councillor Burton.

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 Minutes

The Committee considered the minutes of the meeting held on 28 July 2021. Councillor Shore raised a question over whether additional information should have been included in the minutes. The Committee Officer clarified that the primary purpose of the minutes was to record any decisions, along with a brief summary of the areas of discussion in reaching the decision rather than be a full account, and the Chief Finance Officer confirmed that what was included was factually accurate.

Resolved - That the minutes of the meeting held on 28 July 2021 be approved as a correct record and signed by the Chair.

(Councillor Shore requested that her opposition to approving the minutes as a correct record be recorded).

17 Questions by members of the public.

There were none.

18 Urgent items of business.

There was one item of urgent business.

Homira Javadi, Chief Finance Officer, presented a verbal report following receipt of a letter from the PSAA (Public Sector Audit Appointments), which confirmed deadlines and invited the Council to opt into its external auditing scheme for 2023 onwards.

The PSAA's deadline for receiving a Council's decision for its external auditing arrangements was 11 March 2022. Consequently, Full Council would need to consider a recommendation from the Audit and Governance Committee at its meeting on 23 February 2022.

It was agreed that, in order to ensure members felt properly informed to make a decision for future arrangements at their next meeting, the Finance Services Team would arrange an informal briefing session for members on this matter.

Resolved (unanimous):

1. To note the verbal report;
2. To request that Officers circulate a summary of the decision requirement, the timeframe, and the letter from the PSAA to members by email; and
3. To request that Officers organise an informal briefing session, via Teams, in early November for Members and Reserve Members of the Committee.

19 Right to address the meeting/order of business.

There were no requests to address the meeting.

20 External Audit 2019-2020

The Chair checked that Members had received a copy of the supplementary report, which had been received from Deloitte after publication of the main agenda.

Homira Javadi, Chief Finance Officer (CFO) presented the report submitted from Deloitte. In conclusion, the CFO confirmed that the Audit Team and Finance Officers were concentrating their efforts on the 2019/20 accounts and noted special thanks to Ola Owolabi, Deputy Chief Finance Officer for his efforts to help progress the audit work.

The Chair invited comments from Members, and the Committee considered the report.

Concerns were raised over the repeated delays and the slippage to the deadlines previously agreed for delivery of Audit Statements. Officers confirmed they were waiting for a revised timeline from Deloitte. There was general agreement that Deloitte had not assigned adequate resources in the past, contributing to the current state of delay.

Resolved (unanimous) – To note the report.

21 Treasury Management Monitoring Report - Q1

Ola Owolabi, Deputy Chief Finance Officer (DCFO), presented the report.

The DCFO highlighted the impact of the Covid-19 pandemic on the market's low and negative interest rates and its subsequent impact on the Council's investment position.

The Chair invited comments from the Members, and the Committee considered the report.

In response to queries, the DCFO explained that 'Commercial Activities' noted in the report related to the Council's companies and financing requirements.

Members asked for assurance on the forecasts in the Link report. The Officers confirmed the credentials of the Council's Treasury Management specialists, Link. There was an acknowledgement of past differences between forecasts and actual market rates, and the particular difficulties of the current market were recognised.

Officers clarified that the large variation in figures reported in the General Fund was due to the impact of Covid, which had restricted the predicted spending activity on the capital programme.

It was noted that a request for Officers to provide an explanation of the increased employment costs to Members of the Committee was outstanding and it was agreed that this would be responded to outside the meeting.

Some Members highlighted the need for Members to develop a greater understanding of the subjects within the Committee's remit, including treasury management reports, which were considered to be very technical.

Officers advised that this had been recognised and the Finance Team:

- Had arranged for a specialist Treasury Management training session via Teams for Committee Members on 20 October;
- Had started to produce quarterly Treasury Management reports for the Committee. This additional incremental reporting would help increase Members' familiarity with and understanding of the topic, in support of their consideration of the required Annual Treasury Management Report; and
- Would continue to review how reports could be made more user friendly, whilst still adhering to stipulated financial reporting requirements.

Councillor Freebody requested that an amendment be made to the second recommendation to add the words 'as far as members understand', and this was agreed.

RESOLVED (unanimous)

1. To note the report; and
2. The Committee accepts that Treasury Management Activity for the period 1 April to 31 July 2021 has been in accordance with the approved Treasury Strategies as far as members understand.

22 Internal Audit and Counter Fraud Quarterly Report

Jackie Humphrey, Chief Internal Auditor (CIA), presented the report setting out the position for the first quarter of the financial year 2021-22 (1 April 2021 to 30 June 2021), and invited suggestions for improvements to the report's presentation.

The Chair thanked the CIA and the Committee considered the report.

Following comments and questions from members, the CIA:

- Confirmed that the team had had to focus on managing 12 audits in the last quarter;
- Talked through Appendices A and B and clarified that Appendix A now listed all 'below substantial' instances, not the current year's instances as in previous reports, to give members a more complete picture; and
- Confirmed that her work to make the reports more accessible was ongoing and that the format of the appendices would be included in her review.

Members queried how the Committee could best help tackle risk issues identified in the reports. Officers confirmed that, where the Committee had concerns over a particular situation, which was still outstanding despite a follow up, it could agree to either call in a manager or head of service to explain the situation or request the CIA to conduct further investigation / progress reporting in that particular area.

In addition, Officers clarified that the purpose of the reports was to identify and highlight areas of risk, rather than to seek to solve the underlying problems or issues.

RESOLVED: (unanimous)

1. To note the information set out in the report;
2. That there were no further information requirements identified by the Committee; and
3. To approve the updated Audit Charter set out in report Appendix D.

23 Strategic Risk Register Quarterly Review

Jackie Humphrey, CIA, presented the report and the Committee considered the contents.

Members requested that the report should provide explanation notes for all elements, citing a couple of illustrative examples. The CIA thanked members for highlighting that some explanations were missing from the report and confirmed that this would be taken into account in the preparation of the next report.

RESOLVED: (unanimous): - To receive and note the update to the Strategic Risk Register.

24 AOB - N/A

25 Date of the next meeting

It was noted that the next meeting of the Committee would be held on Wednesday 24 November 2021 at 6pm.

The meeting ended at 7.43 pm

Councillor Robin Maxted (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 19 October 2021 at 6.00 pm.

Present:

Councillor Jim Murray (Chair).

Councillors Sammy Choudhury, Peter Diplock (Deputy-Chair), Jane Lamb, Colin Murdoch, Barry Taylor and Candy Vaughan.

Officers in attendance:

Neil Collins (Senior Specialist Advisor for Planning), Leigh Palmer (Head of Planning First), Helen Monaghan (Lawyer, Planning), and Emily Horne (Committee Officer).

39 Introductions

Members of the Committee and Officers present introduced themselves to all those who were present during the meeting.

A short period of silence was held in memory of Sir David Amess MP who tragically passed away on Friday, 15th October 2021.

40 Apologies for absence and notification of substitute members

Apologies had been received from Councillor Miah and Councillor Maxted. Councillor Choudhury confirmed that he was acting as substitute for Councillor Maxted.

41 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.

42 Minutes of the meeting held on 21 September 2021

The minutes of the meeting held on 21 September 2021 were submitted and approved as a correct record, and the Chair was authorised to sign them.

43 Urgent items of business.

There were no urgent items. An officer addendum, however, was circulated to the Committee prior to the start of the meeting, updating the main reports on the agenda with any late information (a copy of which was published on the Council's website).

44 35 Windermere Crescent. ID: 210410

Outline application with all matters reserved for the conversion/extension of the existing house to provide 2no. 1-bed and 2no. 2-bed units and erection of new-build block to the rear comprising 2no. 2-bed and 2no. 1-bed units with associated parking, refuse, recycling and bicycle storage and amenity space – **ST. ANTHONY'S**

The Senior Specialist Advisor (Planning) presented the report.

Mr Connell addressed the Committee in objection to the application.

Members discussed the proposal and raised concerns regarding the lack of detail in the application: density, overbearing and parking.

The Senior Specialist Advisor (Planning) informed the Committee that if the outline application was approved, full details - including design, would be provided in the following application for Reserved Matters.

Councillor Taylor proposed a motion against the officer's recommendation, to refuse the application. This was seconded by Councillor Diplock and was carried.

RESOLVED: (Unanimous) that Outline Planning permission be refused for the following reason:-

Residential impact due to scale: In order to accommodate the amount of units proposed, the development would require a building of a size that would have an unacceptable overbearing impact upon the occupants of neighbouring sites as a consequence of its scale and positioning and is therefore in conflict with saved policies: HO20 and NE28 of the Eastbourne Borough Plan, policies B2, D1 and D10a of the Eastbourne Core Strategy and para. 130 of the National Planning Policy Framework.

45 1 Laleham Close. ID: 210184

Erection of a single storey dwelling – **UPPERTON**

The Senior Specialist Advisor (Planning) presented the report.

Members welcomed the reduced scheme.

Councillor Taylor proposed a motion to approve the application in line with the officers' recommendation, this was seconded by Councillor Lamb and was carried.

RESOLVED: (Unanimous) that Planning permission be approved, subject to the conditions set out in the report.

Councillor Taylor left the room for another engagement and took no further part in the meeting.

46 2 Mill Road. ID: 210339

Demolition of the existing building and redevelopment of the site to provide 14 flats with associated off-street car parking – **UPPERTON.**

The Senior Specialist Advisor (Planning) presented the report. The Committee was reminded that the application had been amended following concerns raised at the previous meeting to seek a reduction in the height and scale of the building. The proposal had been amended to decrease the number of units by 14 to 13 self-contained flats, off-street car parking had been reduced by 14 to 13 spaces, and the rear dormer removed and eaves height lowered. Screening had increased.

The Committee was advised by way of an Addendum of 13 additional representations that had been received from local residents. Further revisions to the building design had been received and the removal of a duplicated condition at paragraph 10.13 of the officer's report was noted.

Mr Holman-Dine addressed the Committee in objection to the application. Mr Patel (Agent), spoke in support of the application.

The Committee discussed the application and agreed that a reduction of 1 unit was not sufficient; the scheme lacked parking for the number of flats sought and the height of the proposed building would still have an impact on the neighbouring properties.

Councillor Murray proposed a motion to defer the application to enable officers to seek a reduction in the height/scale, with the removal of a floor. This was seconded by Councillor Lamb and was carried.

RESOLVED: (unanimously) that the application be deferred for officers to negotiate a reduction in the height and scale of the scheme; and to be determined at a future Planning Committee meeting following any required consultation.

47 Date of next meeting

Resolved:

That the next meeting of the Planning Committee is scheduled to commence at 6:00pm on Tuesday, 23 November 2021, be noted.

The meeting ended at 7.17 pm

Councillor Jim Murray (Chair)

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