

# Eastbourne Licensing Committee 15 January 2024



Working in partnership with **Eastbourne Homes**

**Time and venue:**

**6.00 pm in the Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG**

**Membership:**

**Councillor Amanda Morris (Chair); Councillors Daniel Butcher (Deputy-Chair) Kathy Ballard, Colin Belsey, Andy Collins, Penny di Cara, Nigel Goodyear, Jane Lamb, Anita Mayes, Hugh Parker, Teri Sayers-Cooper and Jenny Williams**

**Quorum: 3**

*Published: Friday, 5 January 2024*

## Agenda

- 1 Minutes of the meeting held on 5 December 2023 (Pages 5 - 12)**
- 2 Apologies for absence/declaration of substitute members**
- 3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**

**4 Questions by members of the public**

On matters not already included on the agenda and for which prior written notice has been given (total time allowed 15 minutes).

**5 Urgent items of business**

The Chair to notify the Committee of any items of urgent business to be added to the agenda.

**6 Right to address the meeting/order of business**

The Chair to report any requests received to address the Committee from a member of the public or from a Councillor in respect of an item listed below and to invite the Committee to consider taking such items at the commencement of the meeting.

One spokesperson is permitted to speak for 3 minutes and must register by 12noon on Thursday, 11<sup>th</sup> January 2024. Email: [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk)

Note: Normally only one speaker is allowed to address the Committee on an item for three minutes and that one person should act as spokesperson for the group.

No more than one speaker can be allowed except in exceptional circumstances with prior agreement of the Chair at the registration deadline.

- 7 Supporting the transition to lower or zero emission vehicles in the taxi and private hire sector (Pages 13 - 54)**  
Report of the Chief Executive
- 8 Review of the Licensing Act 2003 Eastbourne Borough Council Statement of Licensing Policy (Pages 55 - 168)**  
Report of the Chief Executive
- 9 Date of the next meeting**  
Additional meetings of the Committee will be scheduled as and when required.

## Information for the public

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### 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

### 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).

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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 5 December 2023 at 6.00 pm.**

### **Present:**

Councillor Amanda Morris (Chair).

Councillors Daniel Butcher (Deputy-Chair), Kathy Ballard, Colin Belsey, Penny di Cara, Nigel Goodyear, Jane Lamb, Hugh Parker and Teri Sayers-Cooper.

### **Officers in attendance:**

Jo Dunk (Lead for Regulatory Services), Dee O’Leary (Senior Specialist Advisory – Resolution Team, Licensing) Michele Wilkinson (Lawyer – Housing & Regulatory) and Emily Horne (Committee Officer).

### **10 Minutes of the meeting held on 26 June 2023**

The minutes of the meeting held on 26 June 2023 were submitted and approved, and the Chair was authorised to sign them as a correct record.

### **11 Apologies for absence/declaration of substitute members**

Apologies for absence had been received from Councillors Andy Collins, and Anita Mayes. Absence was noted from Councillor Jenny Williams.

### **12 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**

Councillor Goodyear declared a prejudicial interest in item 9, Amendments to the Hackney Carriage and Private Hire Licensing Guidance, as he was Deputy Chair, Treasurer and Trustee of the Eastbourne Blind Society and shared the same views as the speaker from the Society. He confirmed that he would leave the room for the discussion of the item.

### **13 Questions by members of the public**

There were none.

### **14 Urgent items of business**

There were none.

**15 Right to address the meeting/order of business**

A request to speak had been received from Mr Mark Simmons of Eastbourne Blind Society on behalf of the Eastbourne Access Group regarding Agenda Item 9, Hackney Carriage and Private Hire Guidance Consultation Results.

**16 Approval of Licensing Fees 2024/2025**

The Committee considered the report of the Director of Service Delivery which sought its recommendation to Full Council that the licensing fees set out in the appendix to the report be applied from 1 April 2024 to 31 March 2025.

The Regulatory Services Lead (RSL) presented the report highlighting the fees proposed for the year.

Members asked if the fee increases were set centrally. Officer advised that some licensing fees were set centrally and others licensing fees were set locally. In relation to the locally set fees Officers had been mindful of the effect of the increase on certain sectors and the proposed licensing fees had been set in consultation with colleagues in Finance.

Councillor Parker proposed a motion to agree the officer recommendations listed in the report. This was seconded by Councillor Sayers-Cooper.

**Resolved (Unanimous) that the Licensing Committee:**

- 1) That Full Council be recommended to approve the Licensing fees as set out in Appendix 1 of the report, to apply from 1 April 2024.

**17 Hackney Carriage and Private Hire Guidance Consultation Results**

Having declared a prejudicial Interest, Councillor Nigel Goodyear left the room during the discussion and voting on this item.

The Committee considered the report of the Director of Service Delivery to review the results of the six-week public consultation on the revised Hackney Carriage and Private Hire Licensing Guidance, to seek to agree the changes to be adopted on a date to be agreed on a date to be agreed with the Chair of the Licensing Committee and to review the Guidance every three years.

Appended to the report at Appendix 1 was the Eastbourne Borough Council Hackney Carriage and Private Hire Licensing Guidance and at Appendix 2, the summary of results in the Consultation Report.

The Regulatory Services Lead (RSL) presented the report, highlighting suggested changes to the Guidance and summarised the submissions received. It was reported that a consultation response had been received after the deadline which had been circulated to the Committee from the Wheelchair Transport Service (WTS).

Members were advised that an Equality and Fairness Analysis Impact Assessment had been circulated to the Committee as a background document and that due regard should be made to protected characteristics when making a decision.

Mr Mark Simmons, Chief Executive of Eastbourne Blind Society, spoke on behalf of the Eastbourne Access Group to state their opposition to the proposed removal of the requirement that all new Hackney Carriage vehicles should be wheelchair accessible and contended that was a need to improve the provision of accessible travel in Eastbourne.

Members' questions included:

- Could a discount or incentive be provided to encourage drivers to purchase a WAV? The RSL stated were other community transport options available that did not have to be licenced. The consultation feedback had identified some disabled users were not aware of the community service. Officers confirmed that they would look broadly at methods to incentivise the number of WAVS in Eastbourne, to explore more eco-friendly vehicles and to review any Government financial schemes or grants.
- How many WAVs were there and how many new drivers had applied within the last 3 or 4 years? RSL confirmed that since 2019, three new Hackney Carriage WAV's had been licenced by Eastbourne Borough Council.
- What does the routes section of the knowledge test imply? RSL explained the routes test was a topographical assessment that covered points of interest rather than learning the roads. This was not the same as a knowledge test.

Members discussed the importance of the disability legislation, and the need for WAVS to be available at all times. They felt there would be a decline in community groups providing WAVs if it was mandatory for taxis to be WAVs and that the community groups should be supported to ensure vehicles were available regularly at the right times.

The Committee discussed the results of the online public consultation (paragraph 4.3 of the Officers report) and resolved as follows:

**Question 2 – Introduce a Private Hire-only Licence for new applicants.**

- Members questions included: Was the introduction of a Private Hire-only Licence for new applicants an incentive to join the trade and if so, why? The RSL explained that the Private Hire only licence would mean that applicants would not be required to undertake the route section of the knowledge test, but they would be required to undertake a topographical test. The feedback from the trade was that the dual drivers licence was a barrier and they felt that lowering the requirements would incentivise new drivers into the trade.

Councillor Butcher proposed a motion to implement the change as proposed. This was seconded by Councillor Parker.

**Resolved (Unanimously) – To implement the change to introduce a Private Hire-only Licence for new applicants.**

**Question 3 – New Hackney Carriage vehicles would no longer be required to be WAVs.**

Councillor Belsey proposed a motion to amend the wording. This was seconded by Councillor Parker.

**Resolved (Unanimously) – To amend the wording to state ‘New Hackney Carriage Vehicles will no longer be required to be WAVs, but Officers are delegated to look at ways to incentivise and strongly encourage an increase in the number of licensed WAV’s vehicles. In addition, Officers are delegated to more broadly work with partner agencies, other local authorities and community groups to consider improved access to community transport WAV’s, including but not limited to consideration of available funding.**

**Question 4 - Reword the Penalty Point scheme to make it easier for licence holders to understand.**

Councillor Belsey proposed a motion to implement the change as proposed. This was seconded by Councillor Lamb.

**Resolved (Unanimously) To implement the change to reword the Penalty Point scheme to make it easier for licence holders to understand.**

**Question 5 – Bring in a customer and driver charter that sets out what passengers (customers) should expect when travelling in a Hackney Carriage or Private Hire vehicle in Eastbourne and what a driver can expect from a customer travelling in the vehicle.**

- Members questions included: How would passengers know what the Charter was and how would someone with a visual impairment would find it or know CCTV was being used? Did drivers carry brail cards? The RSL confirmed the Charter would be available on the Council’s website.

Councillor Ballard proposed a motion to implement the change as proposed. This was seconded by Councillor Lamb.

**Resolved (Unanimously) - To bring in a customer and driver charter that sets out what passengers (customers) should expect when travelling in a Hackney Carriage or Private Hire vehicle in Eastbourne and what a driver can expect from a customer travelling in the vehicle.**

**Question 6 and 7 – Whether audio recording should be permitted via**



**CCTV in licensed vehicles other than private hire vehicles issued with a plate exemption for executive and VIP work (those vehicles solely used for this purpose), and if Members were to agree audio whether that would be a/ all the time or b/ in limited circumstances.**

- There were some questions and discussion on this matter which included that Officers confirmed that CCTV was mandatory, but audio would not be. The RSL informed the Members that the suppliers' costs for fitting audio may be £80 to £150. It was noted that having an audio switch may escalate conflict if one party was not in agreement with being recorded. Officers noted that if audio was used then it was considered that the Council would be the data controller for the audio as well.

After various votes to agree motions in part Councillor Parker proposed a motion. This was seconded by Councillor Lamb.

**Resolved (Unanimously) To permit audio in limited circumstances. The limited circumstances to be a/ via a trigger switch and b/ in vehicles on a school run.**

**Question 8 – To introduce the condition for all licensed vehicles to carry a spare wheel or an appropriate alternative in the boot of the vehicle and the necessary tools to fit the spare wheel.**

Councillor Butcher proposed a motion to implement the change as proposed. This was seconded by Councillor Lamb.

**Resolved (by 4 votes to 3 against and 1 abstention) –To implement the change as proposed to introduce the condition for all licensed vehicles to carry a spare wheel or an appropriate alternative in the boot of the vehicle and the necessary tools to fit the spare wheel.**

**Question 9 –** The RSL advised question 9 was already included in the guidance and did not need to be discussed.

**Question 10 – Drivers shall sign up to the Disclosure and Barring Service.**

Councillor Sayers-Cooper proposed a motion to implement the change as proposed. This was seconded by Councillor Parker.

**Resolved (Unanimously) –To implement the change as proposed that drivers sign up to the Disclosure and Barring Service.**

**Question 11 – A grant of a licence will be subject to a tax code check being made with the HMRC.**

Councillor Lamb proposed a motion to implement the change as proposed. This was seconded by Councillor Sayers-Cooper.

**Resolved (Unanimously) – To implement the change as proposed that a grant of a licence will be subject to a tax code check being made with the HMRC.**

**Question 12 – All new applicants are required to undergo a proficiency test to demonstrate their ability to communicate effectively in the English language. Any person found cheating on the test will be disqualified and will not be granted a licence for at least three years.**

Councillor di-Cara proposed a motion to implement the change as proposed. This was seconded by Councillor Lamb.

**Resolved (Unanimously) –To implement the change as proposed that any person found cheating on the test will be disqualified and will not be granted a licence for at least three years.**

**Question 13 – Propose to introduce a Privacy Notice.**

Councillor Ballard proposed a motion to implement the change as proposed. This was seconded by Councillor Butcher.

**Resolved (Unanimously) – To implement the change as proposed to introduce a Privacy Notice.**

**Question 14 – Do you think that there are other changes that should be made to the Guidance?**

No further changes were proposed by the Licensing Committee.

Councillor Belsey proposed that the Committee agreed the officer recommendations as listed in the report. This was seconded by Councillor Parker.

**RESOLVED (Unanimously):**

1. To delegate to the Lawyer to discuss points raised in Appendix C (part of Appendix 2) with those making the submissions and seek to agree changes;
2. To delegate to the Senior Specialist Advisor to take the necessary steps to implement any changes; to produce the final Guidance and publish it on a date to be agreed with the Chair of the Licensing Committee; and
3. To agree that the Guidance be reviewed every three years.

## **18 Date of the next meeting**

It was noted that the next meeting of the Licensing Committee was scheduled to commence at 6:00pm on Monday, 15 January 2024.

Any additional meetings of the Committee would be scheduled as and when required.

The meeting ended at 7.58 pm

Councillor Amanda Morris (Chair)

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# Agenda Item 7

<b>Report to:</b>	<b>Licensing Committee</b>
<b>Date:</b>	<b>15<sup>th</sup> January 2024</b>
<b>Title:</b>	<b>Supporting the transition to lower or zero emission vehicles in the taxi and private hire sector.</b>
<b>Report of:</b>	<b>Chief Executive</b>
<b>Ward(s):</b>	<b>All</b>
<b>Purpose of report:</b>	<b>For Members to consider the results of the study into supporting the transition to lower and zero emission vehicles</b>
<b>Officer recommendation:</b>	<b>(1) The Licensing Committee agrees that, the Hackney Carriage and Private Hire Licensing Guidance, be amended so that new and relicensed vehicles defined by the Vehicle Certification Agency as low, hybrid, ultra-low or zero emission vehicles shall be age exempt</b>
<b>Reasons for recommendations:</b>	<b>To support the transition to lower and zero emission vehicle</b>
<b>Contact Officer(s):</b>	<b>Name: Joanna Dunk Post title: Lead for Regulatory Services E-mail: <a href="mailto:jo.dunk@lewes-eastbourne.gov.uk">jo.dunk@lewes-eastbourne.gov.uk</a> Telephone number: 07342065628</b>

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## **1 Introduction**

- 1.1 Eastbourne Borough Council is responsible for the licensing of drivers, vehicles and operators in relation to the hackney carriage and private hire trade.
- 1.2 In exercising its discretion in carrying out its licensing functions, the Licensing Authority shall have regard to the Hackney Carriage and Private Hire Licensing Guidance.
- 1.3 The current Hackney Carriage and Private Hire Licensing Guidance applies to all drivers, vehicles and operators and was implemented on the 4<sup>th</sup> April 2022.

## **2 Background**

- 2.1 On 7<sup>th</sup> July 2022 the Licensing Committee agreed that a taxi survey (referred to originally as a feasibility study) into all options to support the transition to low and zero emission vehicles be undertaken for the taxi and private hire sector in Eastbourne. The study took place between May to July 2023 across all authorities in East Sussex. The Energy Savings Trust were granted funding

from Defra for this activity on behalf of local authorities. There was no cost implication to Eastbourne Borough Council. 297 responses to the survey were received across East Sussex, 85% of engagement was from the taxi trade.

2.2 The results of the taxi survey undertaken for Lewes and Eastbourne are presented in Appendix 1. Members are asked to note that Page 8 of the results shows that hybrid vehicles are listed as popular vehicles for both private hire and hackney carriage vehicles.

2.3 The Department for Transport taxi and private hire best practice guidance has been recently updated on 17<sup>th</sup> November 2023. In relation to vehicle age the guidance states:

*“The setting of an arbitrary age limit may be inappropriate, counterproductive and result in higher costs to the trade and ultimately passengers. For example, a maximum age for first licensing may have adverse unintended consequences. A 5-year-old used electric vehicle will produce less emissions than a new Euro 6 diesel or petrol car – enabling the trade to make use of previously owned vehicles will assist it to transition more rapidly to zero emission vehicles and improve air quality.*

*Licensing authorities should not impose age limits for the licensing of vehicles instead they should consider more targeted requirements to meet their policy objectives on emissions, safety rating and increasing wheelchair accessible provision where this is low”.*

2.4 Members are advised that there are now 3 sites for charge points of vehicles in Eastbourne located at Hyde Gardens and Devonshire Park each with 6 publicly available chargers and at the Redoubt with 2 publicly available charge points. There are also a number of new private sites which can be found on zap-map.com. There are a number of different locations throughout Eastbourne which include supermarkets, petrol stations and public car parks there is estimated to be 10 rapid charging points and 18 fast charging points located throughout the town.

2.5 Eastbourne Borough Council continues to work in partnership with colleagues from East Sussex County Council in supporting the increased take up of electric vehicles.

2.6 Members are asked to note that plug in taxi grants are also available by government. The plug-in taxi grant is an incentive scheme which is designed to support the uptake of purpose built ULEV taxis. The scheme offers a discount on eligible taxis of up to a maximum of £7,500 or £3,00.

<https://www.gov.uk/government/publications/plug-in-taxi-grants-eligibility-and-applications/plug-in-taxi-grant-eligibility-and-applications>

### **3 Recommendations**

3.1 The following is the recommended change, at page 6 of the Guidance:

- For new and relicensed vehicles defined by the Vehicle Certification Agency as *Low Emission, Hybrid*, Ultra Low Emission Vehicles and Zero Emission Vehicles shall be age exempt. From 15 years of age onwards vehicles are subject to additional checks in the form of an annual emission certificate check and provision of an emission certificate.

### **4 Financial appraisal**

4.1 There are no financial implications with this report.

### **5 Legal implications**

5.1 The Legal Section considered this Report on 3 January 2024 (IKEN 12610-EBC-MW).

### **6 Risk Management Implications**

6.1 There are no implications around risk.

### **7 Equality analysis**

7.1 There are no implications around equalities.

### **8 Environmental sustainability implications**

8.1 This report supports a more sustainable environment and reduction of emission of vehicles.

### **9 Appendices**

9.1 Appendix 1 - Taxi Survey Results.

### **10 Background papers**

10.1 [Licensing Committee Report on Supporting the Transition to Low Vehicle or Zero Emission Vehicles - 7<sup>th</sup> July 2022](#)

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Page 17 **East Sussex taxi &  
private hire survey**

Final report

Abby McDougall

Oct 2023



# Overview

This report contains a summary of the results from the East Sussex engagement survey, a fleet profile for Eastbourne & Lewes and recommended next steps to encourage the uptake of electric vehicles. The report is split up into the following sections:

1. **Fleet profile**
2. **Characteristics**
3. **Driving patterns**
4. **Opinions on electric vehicles (EVs)**
5. **Key recommendations**



# Section 1

## Fleet profile

(Lewes & Eastbourne only)

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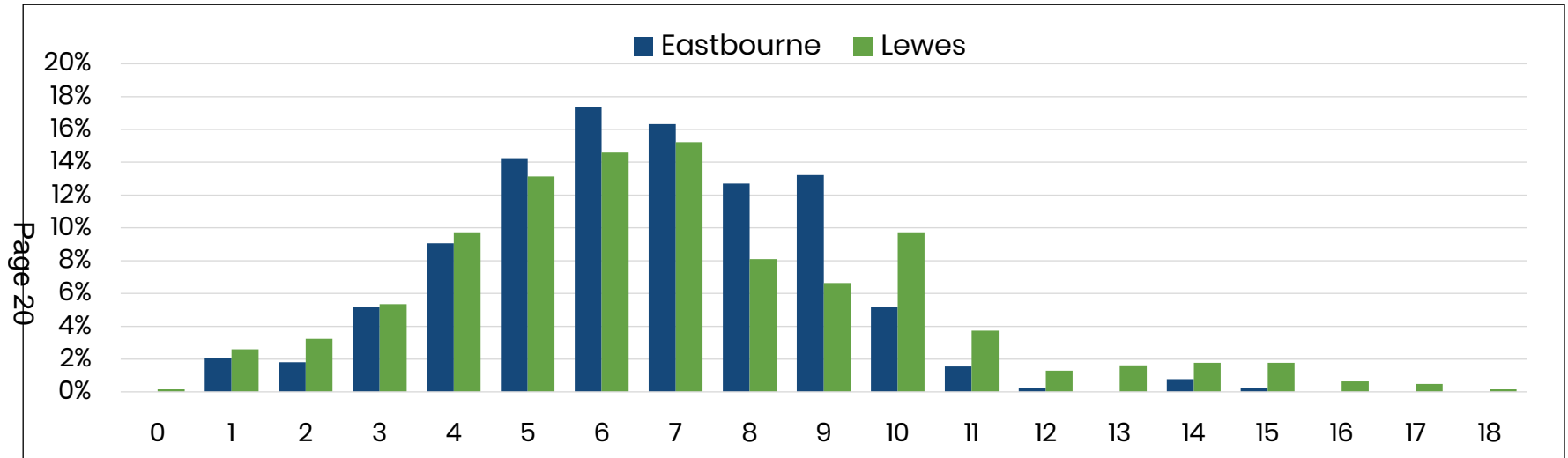
How old are vehicles?

What fuel types make up the total fleet?

Which vehicle models are most popular?

# Age profile by licensed location

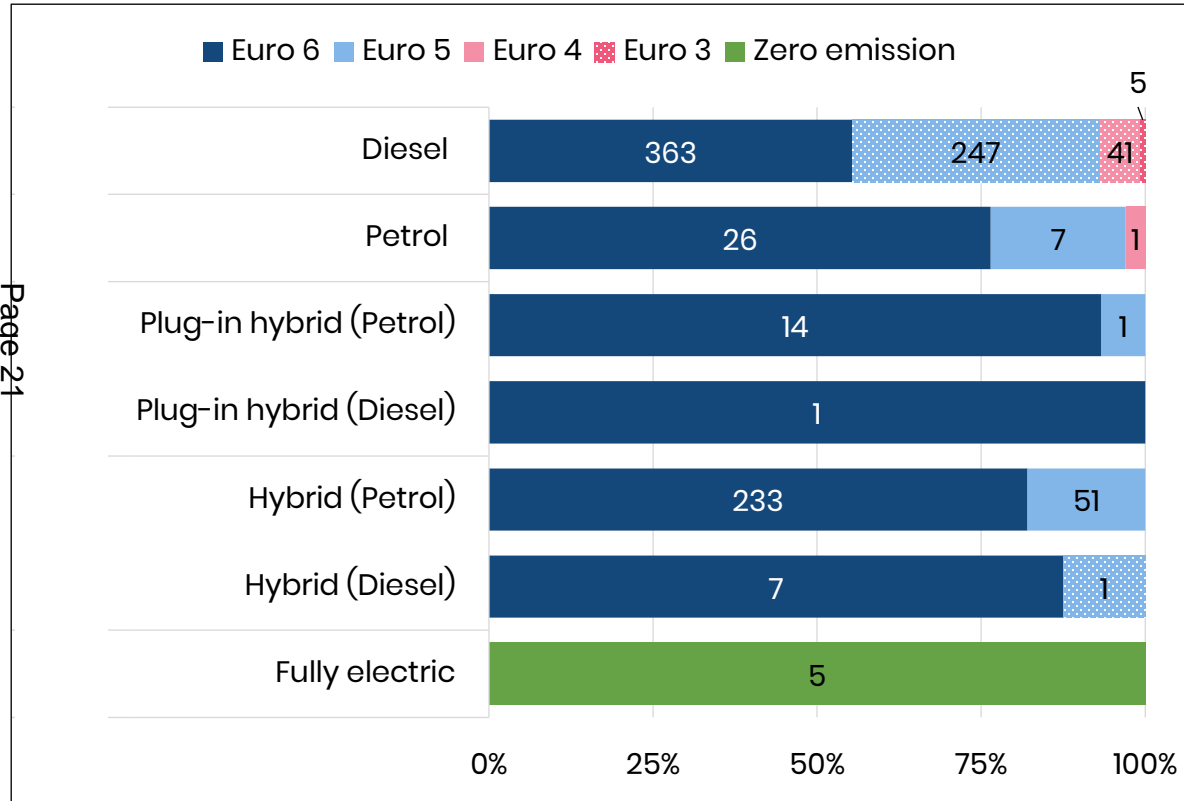
(Lewes & Eastbourne only)



- Four in five vehicles (80%) are over 5 years old.
- The average age of all vehicles is just over 7 years old.
- One in five vehicles (21%) in Lewes are over 10 years old, compared to 8% in Eastbourne.

# Fuel types and ULEZ compliance

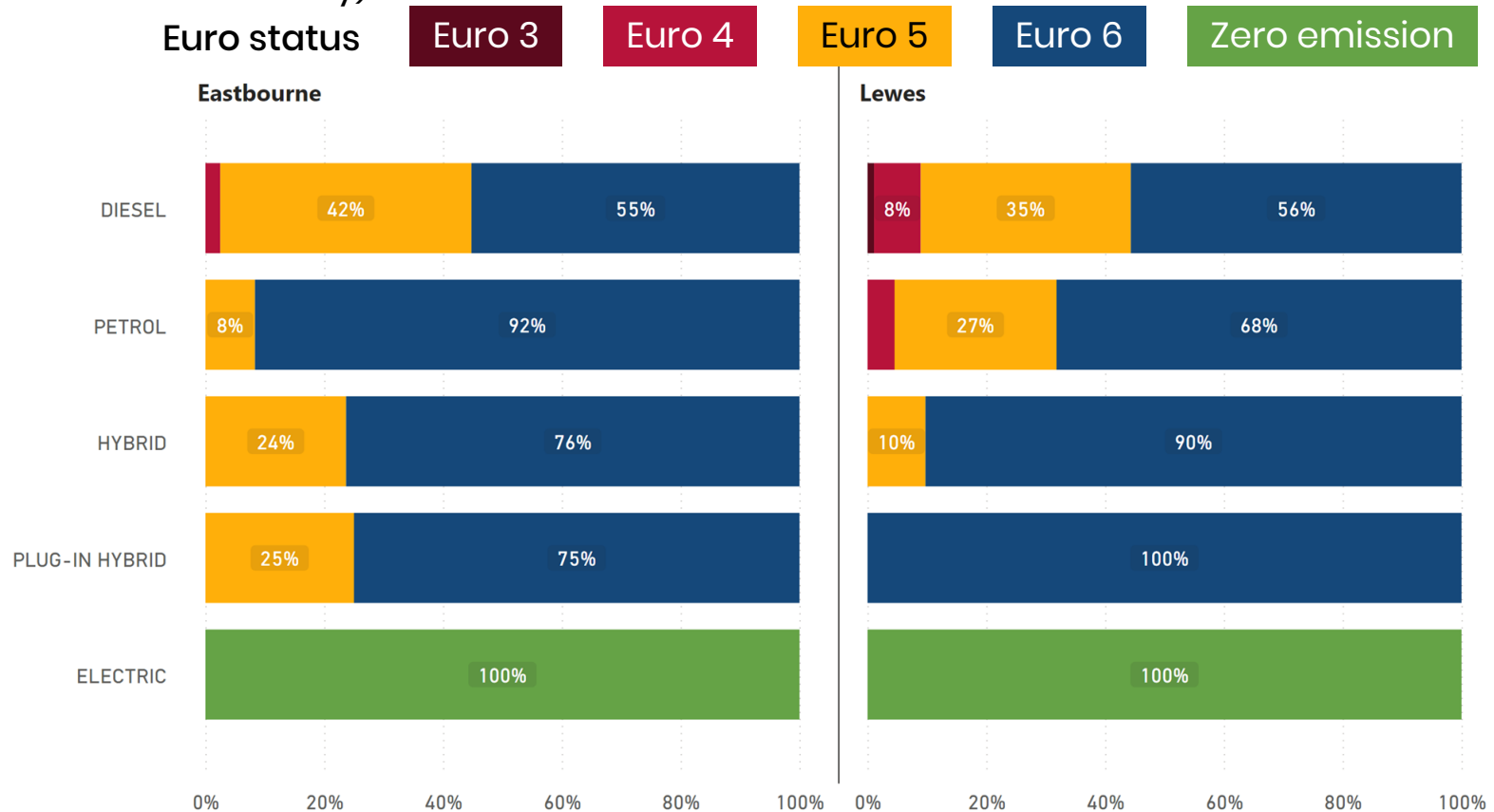
(Lewes & Eastbourne only)



- **Data shown applies to vehicles licensed by Lewes & Eastbourne only.** The other authorities did not provide vehicle details.
- **Nearly one in three vehicles (29%) would not be compliant** with London's Ultra Low Emission Zone (ULEZ).
- **Currently only five fully electric vehicles.**

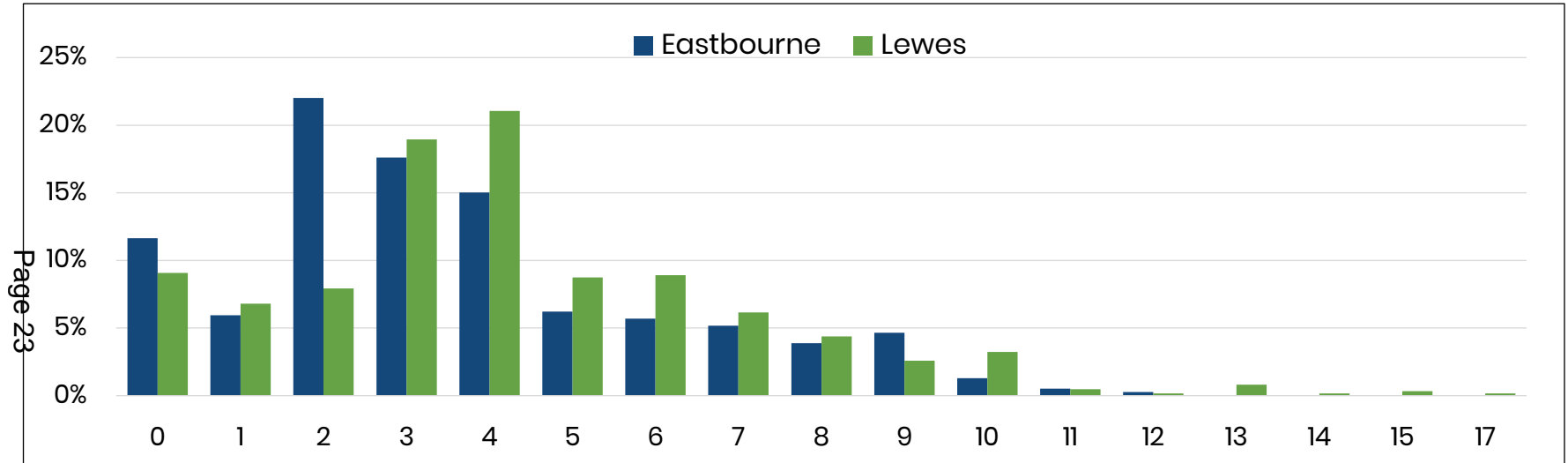
# Euro status by licensing authority

(Lewes & Eastbourne only)



# Age when purchased by current owner

(Lewes & Eastbourne only)



- Two in five vehicles (40%) in Eastbourne were less than 3 years old when acquired by their current owner (as estimated using the last change to the vehicle logbook or “V5C”).
- Vehicles in Lewes appear to be slightly older when acquired by their current owner.

# Popular vehicles

(Lewes & Eastbourne only)

Total vehicles (by make) licensed by each authority

Make	Eastbourne	Lewes	Total
TOYOTA	143	73	216
SKODA	59	65	124
MERCEDES-BENZ	34	71	105
FORD	12	42	54
VOLKSWAGEN	13	39	52
HYUNDAI	19	28	47
RENAULT		41	41
VAUXHALL	7	18	25
AUDI	1	13	14
BMW	3	10	13
<b>Total</b>	<b>291</b>	<b>400</b>	<b>691</b>

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Most popular vehicles by licence type

Private Hire	No. licensed	Hackney Carriage	No. licensed
Toyota Prius Hybrid	79	Toyota Prius Hybrid	16
Skoda Octavia	75	Skoda Octavia	15
Mercedes E-Class	73	Toyota Auris Hybrid	14
Toyota Auris Hybrid	58	Ford Mondeo	14
Renault Master	41	Hyundai Ioniq Hybrid	12



# Section 2

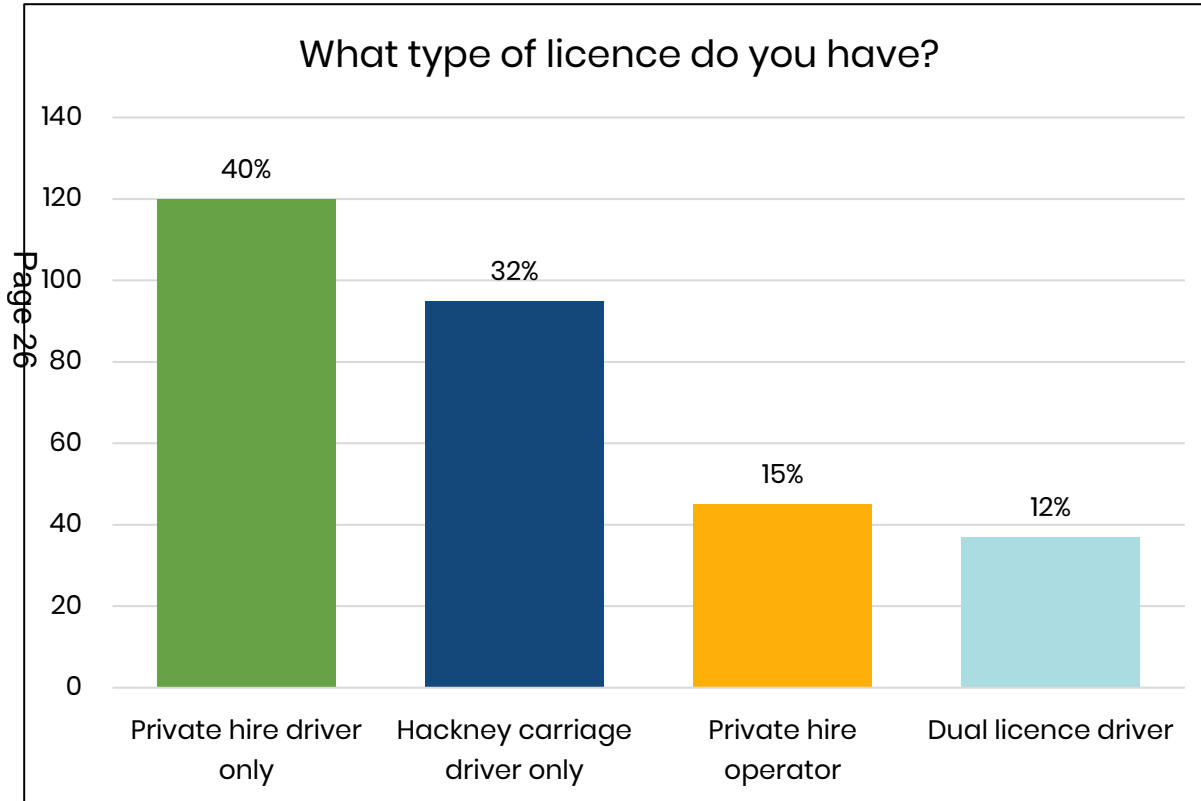
## Characteristics

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Who responded to the survey?

What vehicles do they drive or operate?

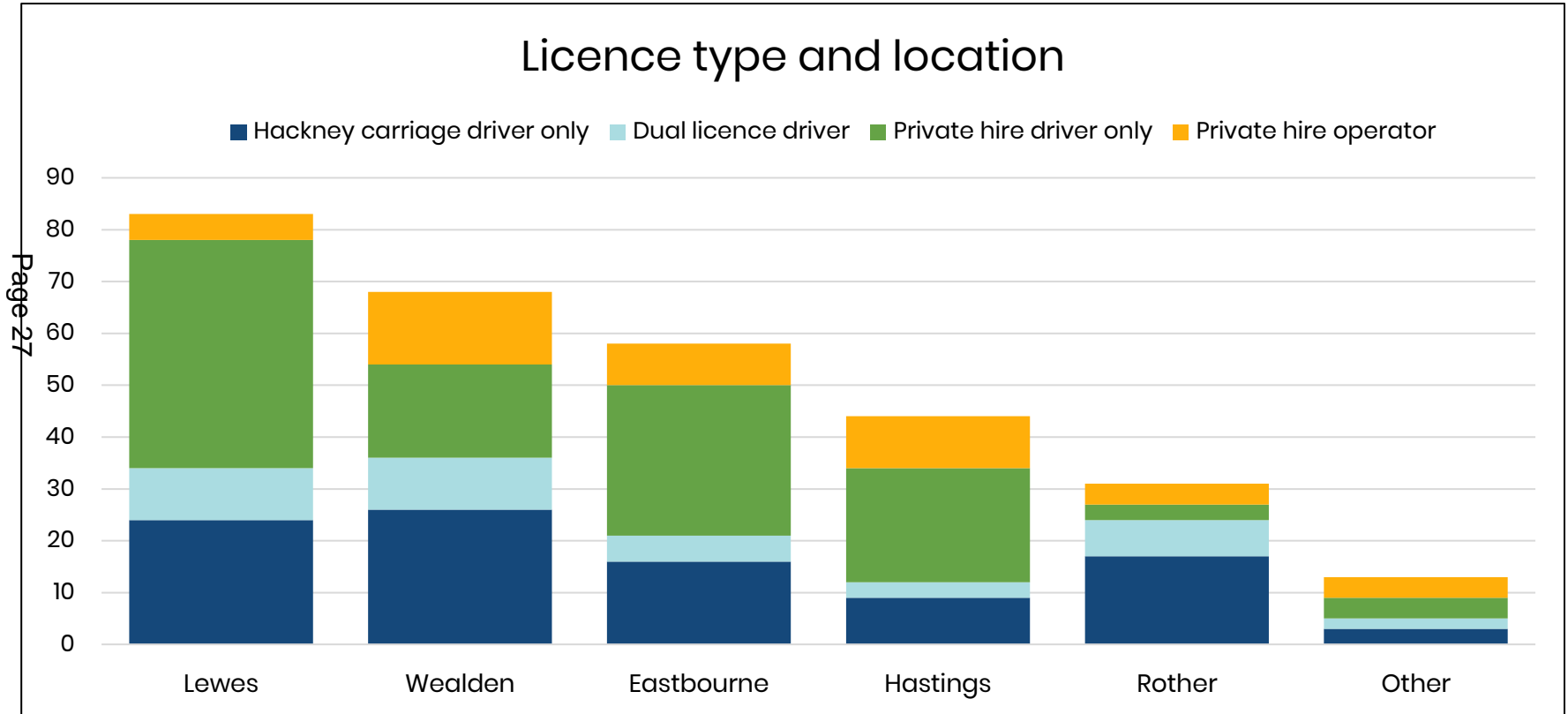
# Licence types



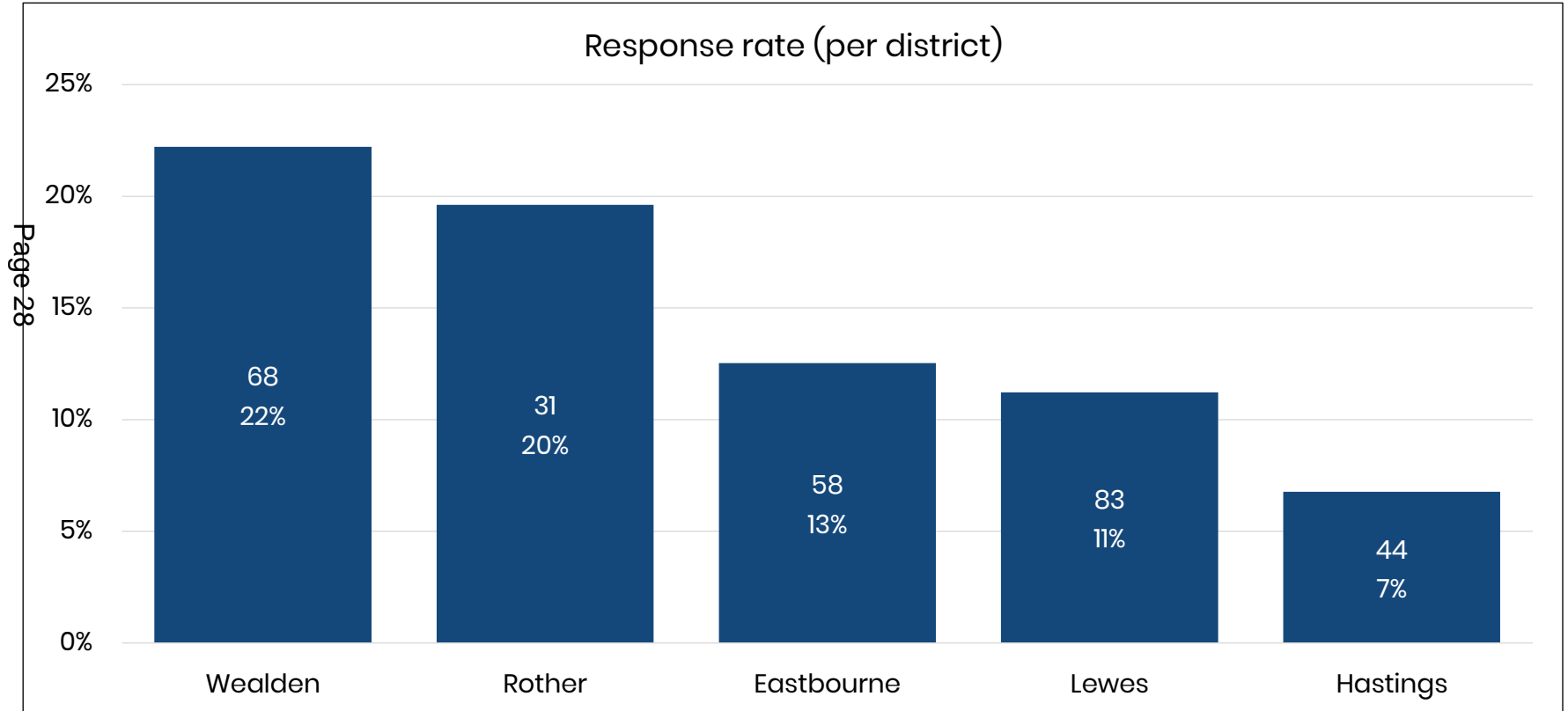
- 297 responses
- Estimated 13% response rate\*
- 85% of responses were from drivers
- More than four in five operators (84%) also selected they have a driver licence

\* Based on an estimated 2,317 drivers licenced in 5 districts across East Sussex.

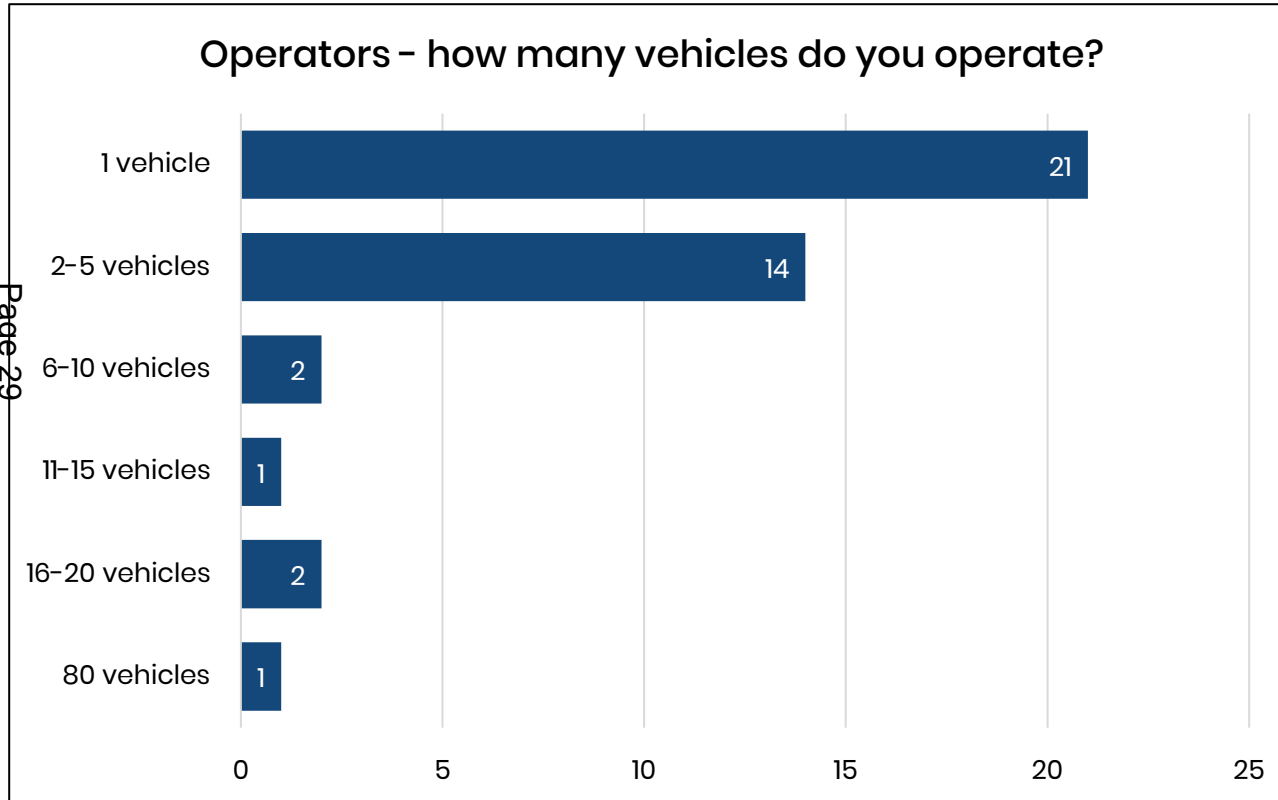
# Where are you licensed?



# Response rates



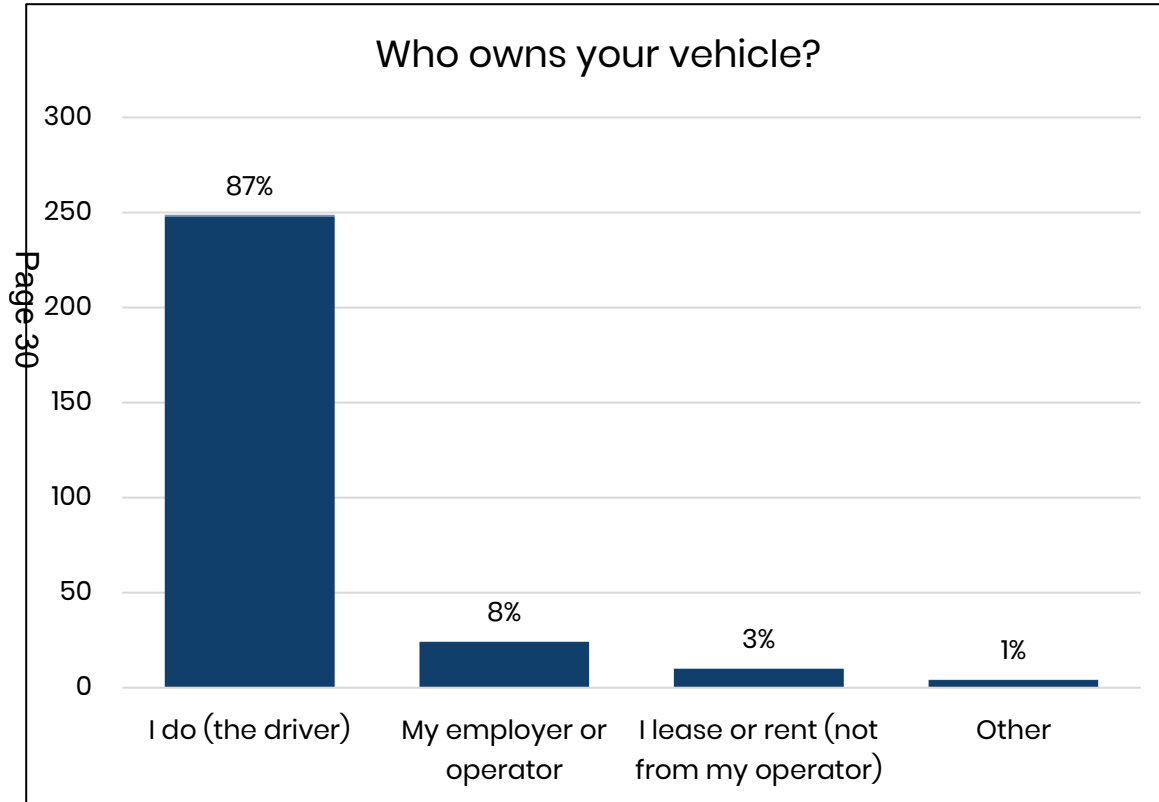
# Operators – fleet size



Page 29

- 21 operators who responded are running just one vehicle
- Collectively, those who responded to the survey are operating 209 vehicles
- 9 of these operators (20%) have minibuses on their fleet.

# Who owns your vehicle(s)?



- **Vehicle ownership** impacts who will be responsible for, or able to make, decisions about switching a vehicle to an electric vehicle (EV).
- High driver ownership (87%) shows that understanding drivers' opinions and barriers will be key to transitioning the trade to cleaner vehicles.

# Section 3

## Driving patterns

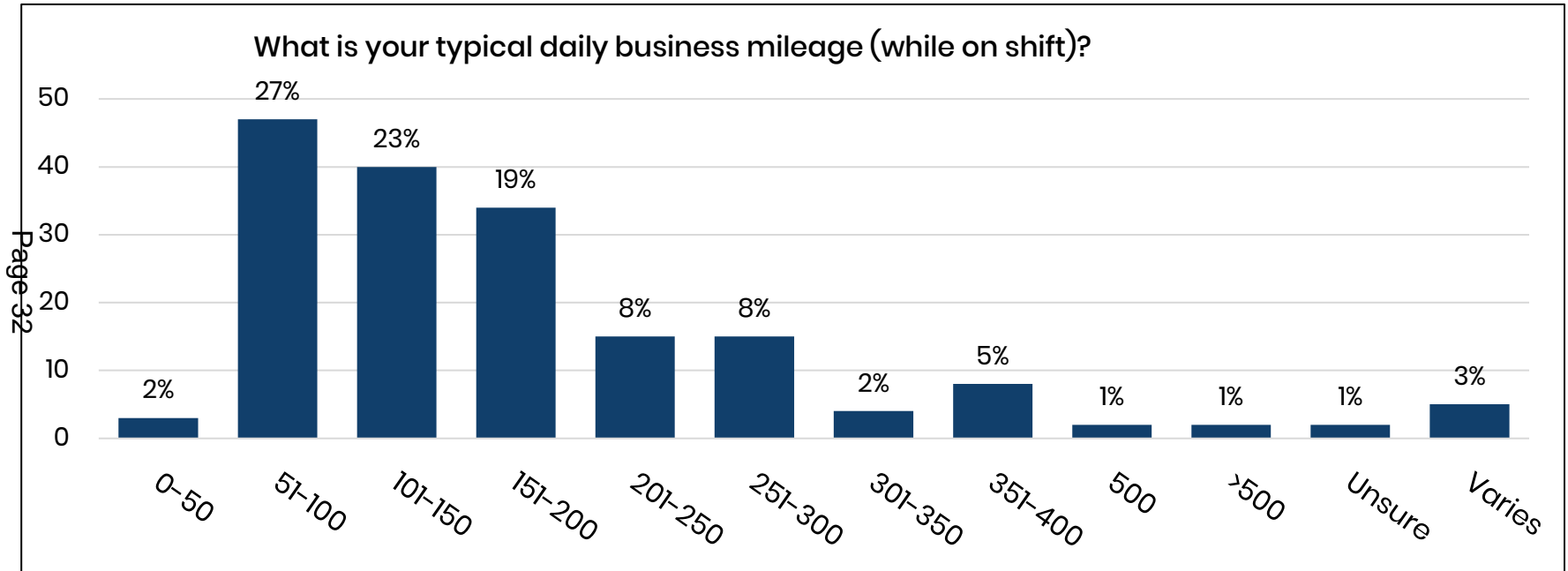
Page 31

How far are vehicles travelling, and where?

Where are vehicles kept while not on shift?

Popular taxi ranks

# Daily mileage – drivers

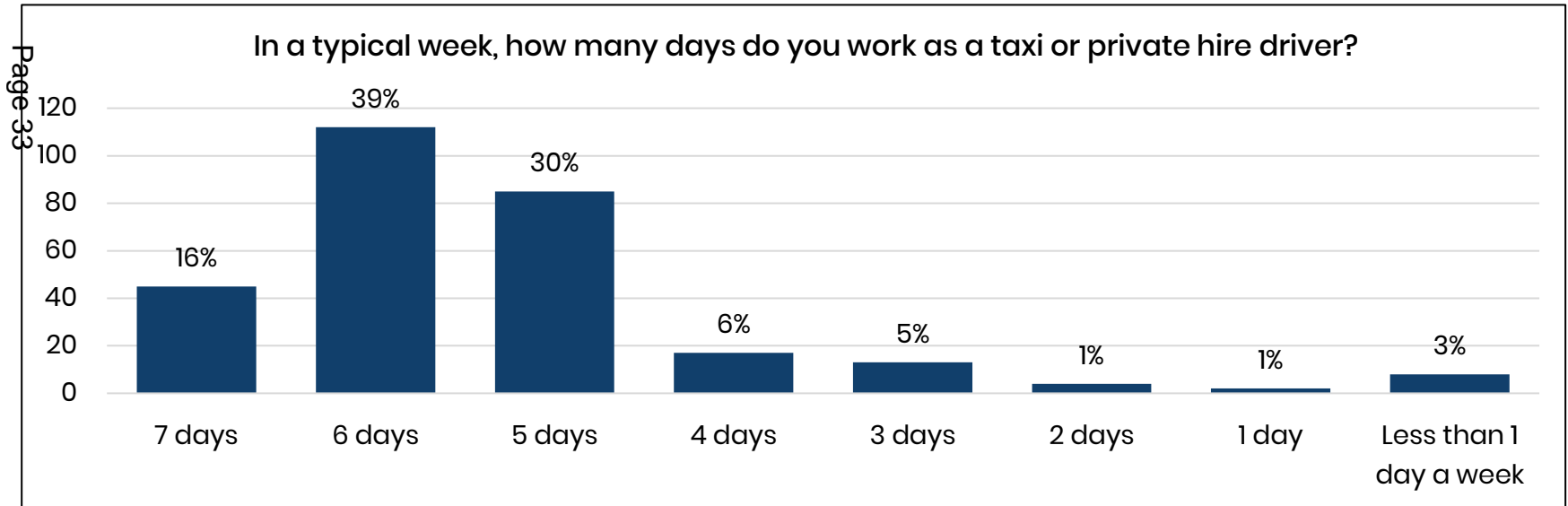


- The average (median) daily mileage while on shift is between 101-150 miles
- 70% of drivers travel less than 200 miles in a typical shift

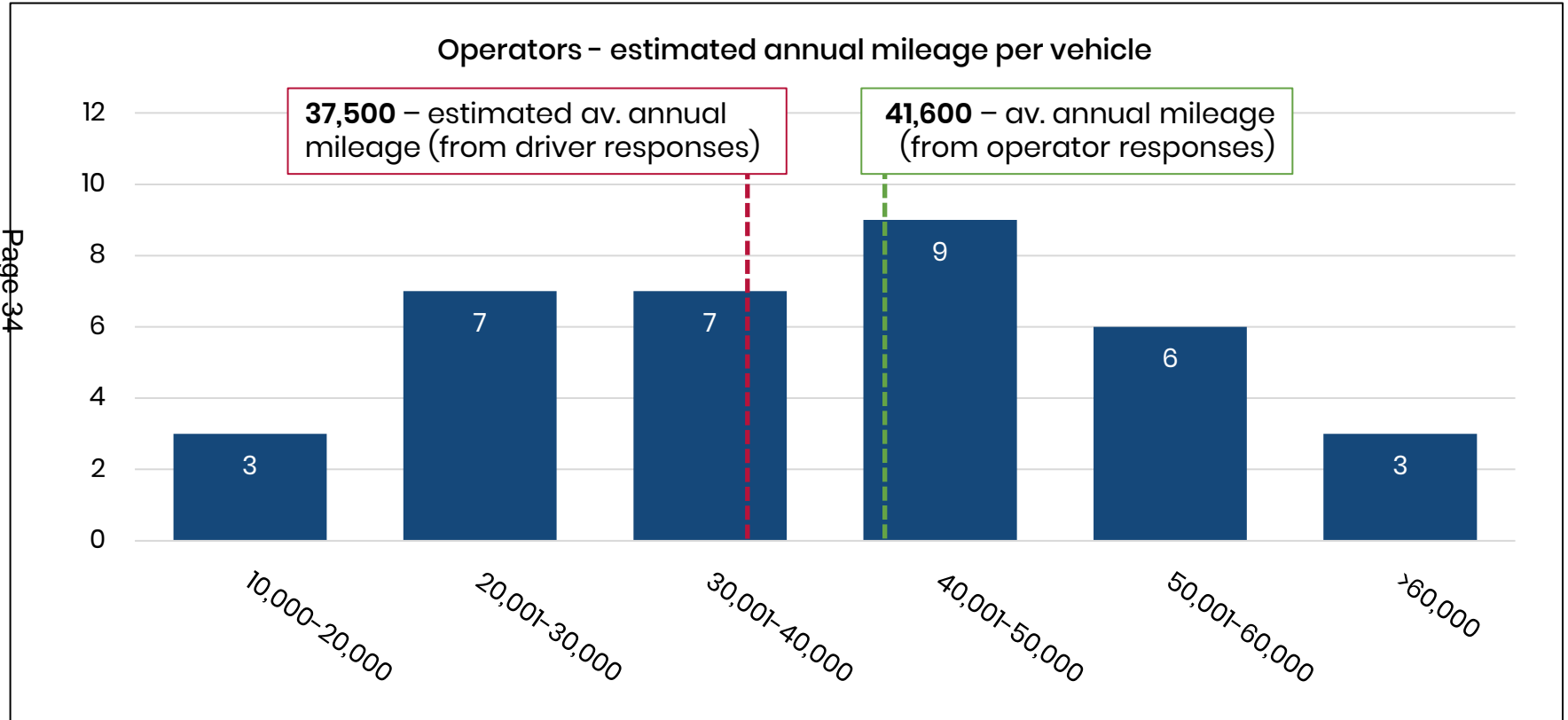


# Working days & annual mileage

- More than four in five (85%) work as a taxi or private hire driver at least 5 days a week
- Estimated **average annual mileage of 37,500 miles** based on an average of 6 working days a week (over 50 weeks) and 125 miles per day.

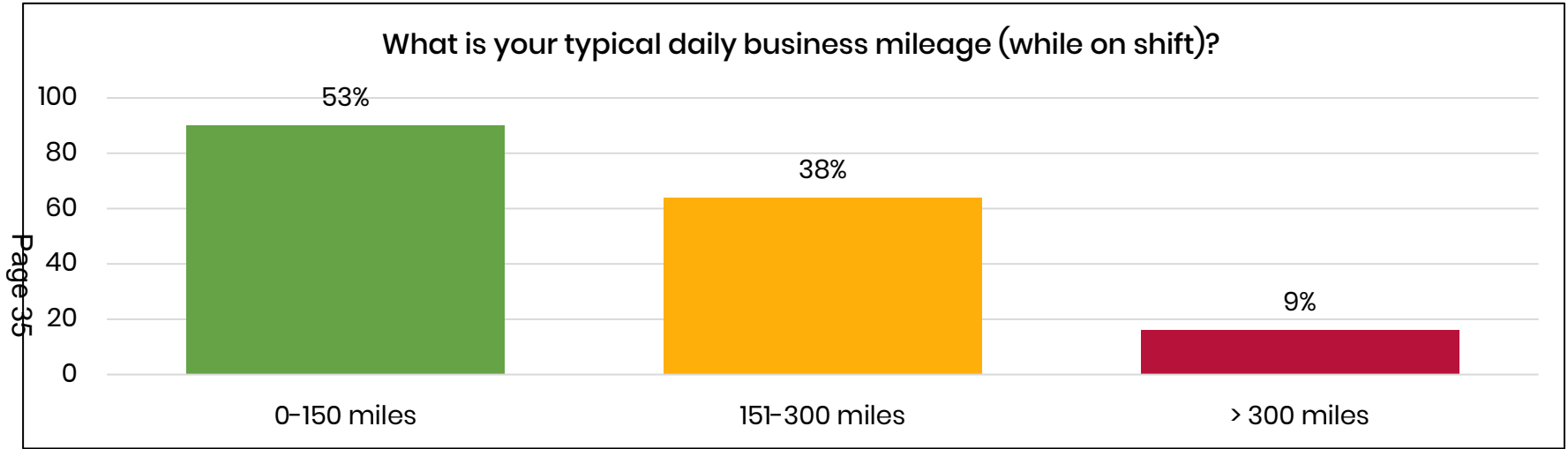


# Annual mileage – operators



# Charging required during shifts

What is your typical daily business mileage (while on shift)?



Based on an average EV range of 150 miles:

**53%** would likely **not need to charge** during their shift

**38%** would likely need **one full recharge** during their shift

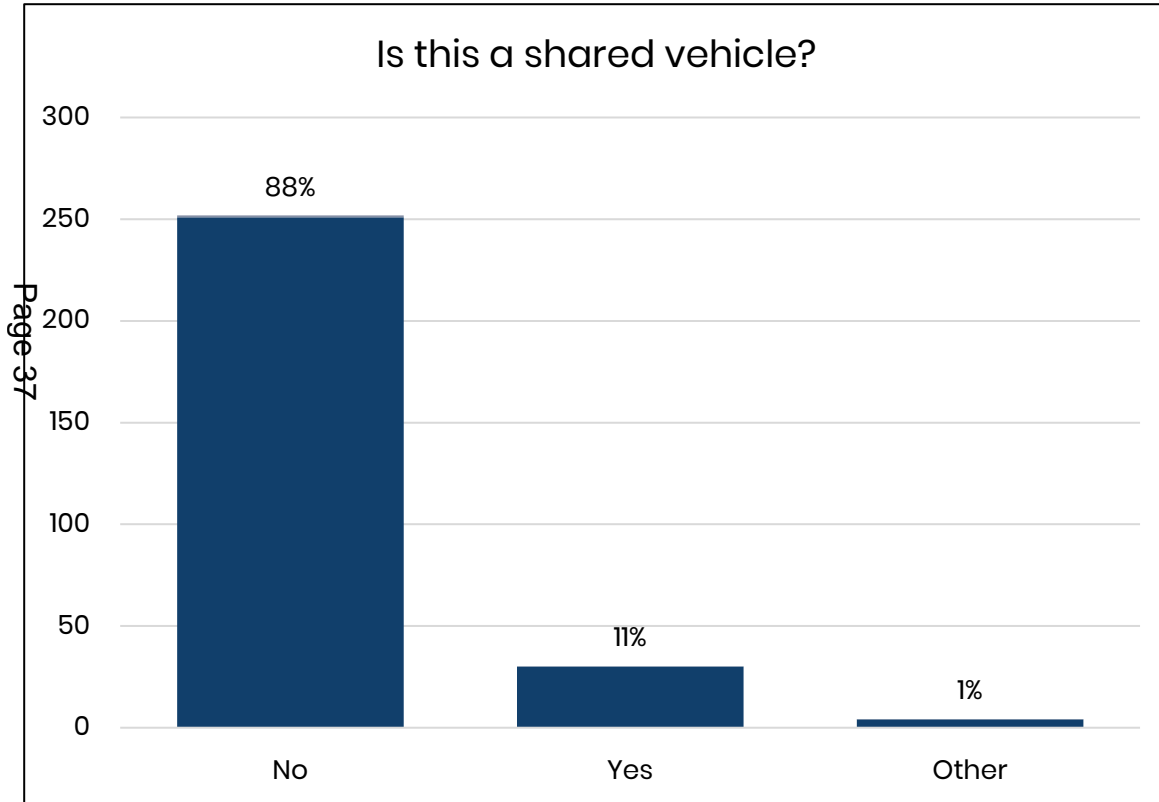
**9%** might need **two or more full recharges** during their shift

# Rapid charging – 50 kW

- **30 minutes** plugged into a 50 kW rapid chargepoint could add roughly **50-75 miles of additional range** to these EVs

Vehicle	Range added using a 50 kW chargepoint (in miles)			
	60 min	45 min	30 min	15 min
Skoda Enyaq iV 80	135	101	68	34
MG MG5 EV Long Range	143	107	71	36
Ford Mustang Mach-E ER	123	92	62	31
Tesla Model 3 Performance	152	114	76	38
Citroen e-SpaceTourer M	98	73	49	24
Peugeot e-Rifter Long	107	80	53	27

# Shared vehicles

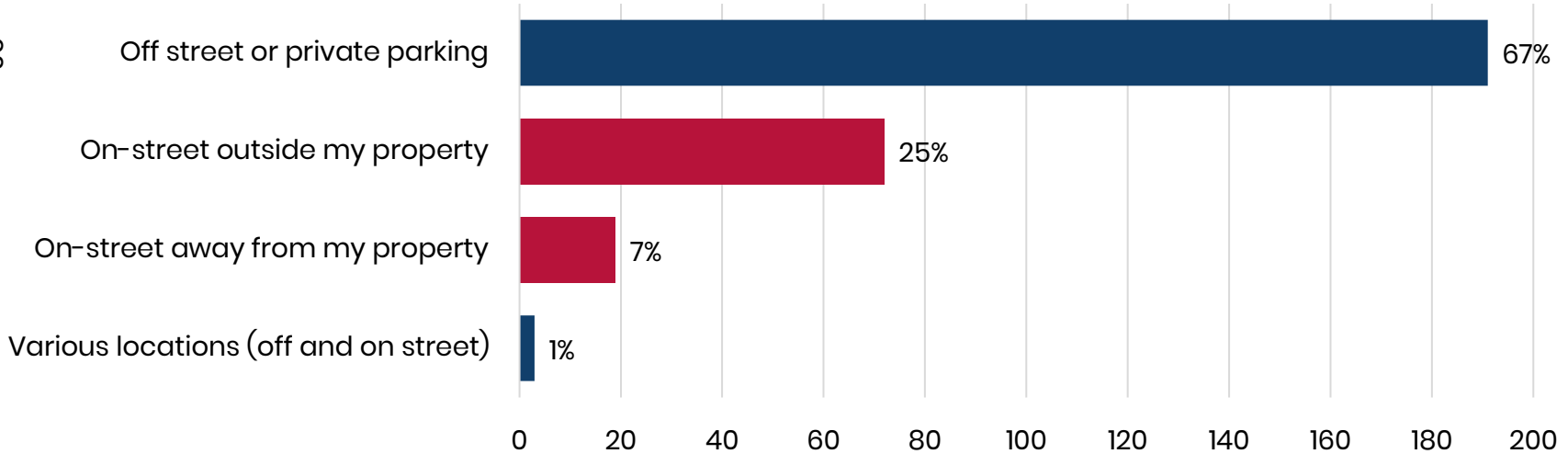


- **Shared vehicles** may regularly be used by another taxi driver or for an entirely different purpose (e.g. the driver's personal use).
- Shared use will affect the overall mileage and time available for charging a vehicle outside of a shift – both impact how easy it is to switch a vehicle to an EV.

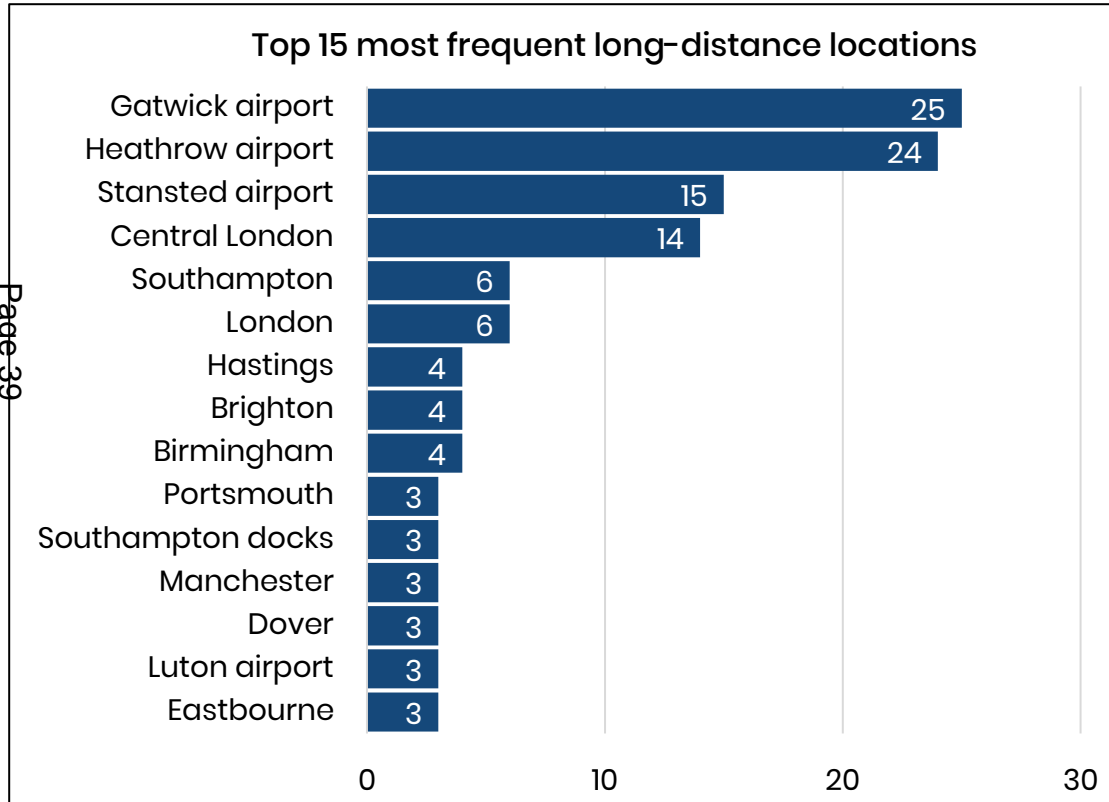
# Parking while off-shift

- One in three (32%) park their vehicle in a **public location** while not on shift.
- These drivers would be likely to rely on slow public charging nearby.

Where is your vehicle kept when not on shift?



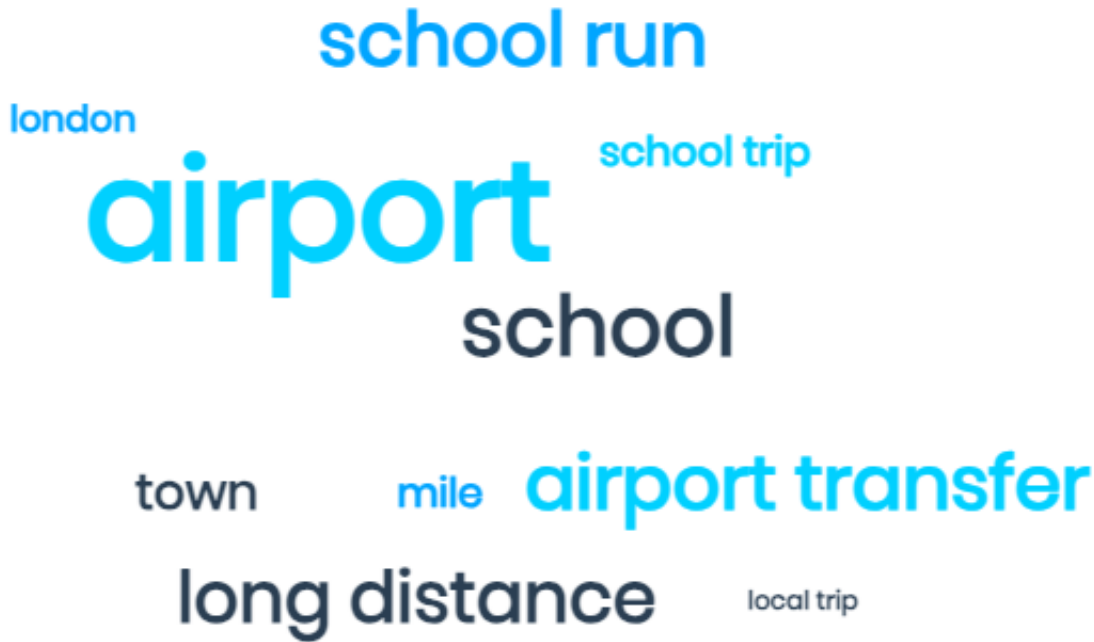
# Frequent long-distance fares



- **107 unique locations** (top 15 shown here).
- Major London airports dominated responses to this question.
- From 29 August 2023, the London Ultra Low Emission Zone (ULEZ) will expand to cover Greater London. This will affect drivers with non-compliant vehicles\* travelling to Heathrow Airport.

\*Vehicles must be a minimum of either Euro 4 petrol or Euro 6 diesel to be [compliant](#) with the London ULEZ.

# What kind of trips do you do?



- **252 responses provided.** This was an open text question. The word cloud shown here pulls out common words that were provided.
- “Airport” or “airport transfer” were mentioned 88 times.
- “School” or “school run” were mentioned 49 times.



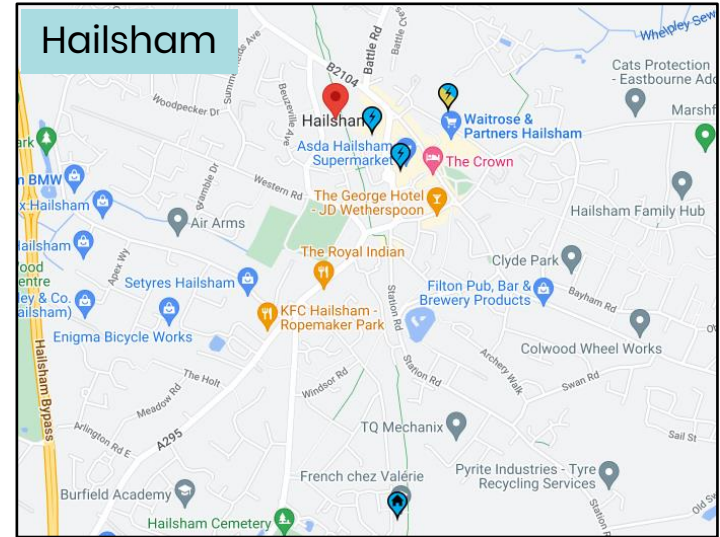
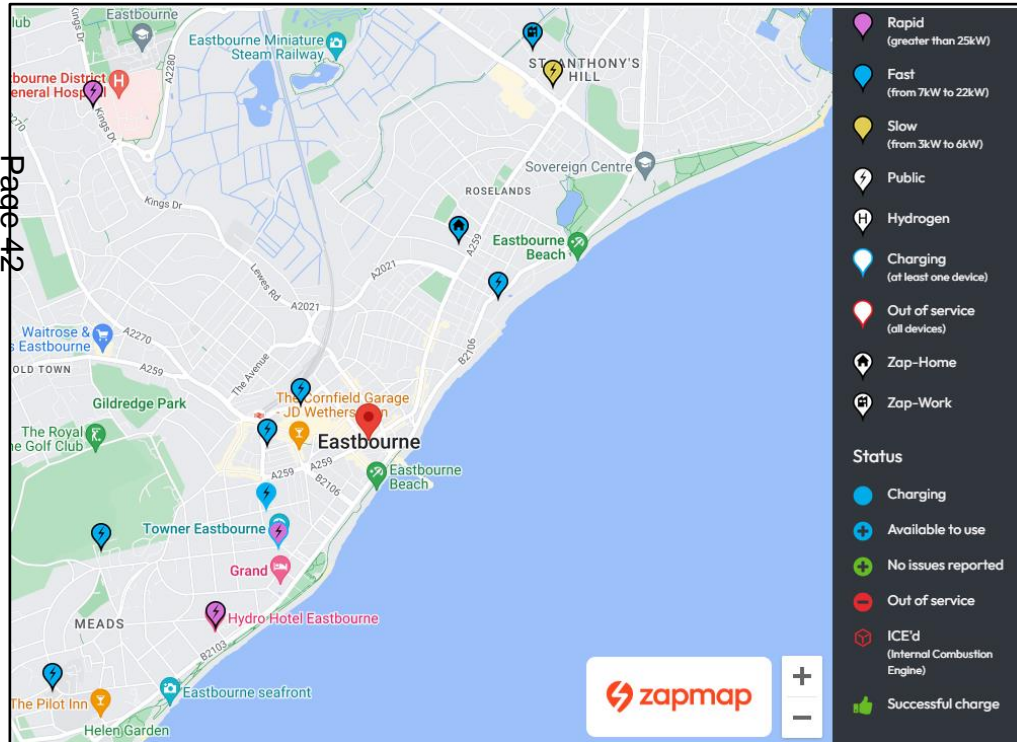
# Popular taxi ranks – top 15 sites

Taxi rank	Mentions
Old Orchard Road, Eastbourne	23
High Street, Hailsham	19
Bolton Road, Eastbourne	16
Havelock Road, Hastings	14
Devonshire Road, Bexhill on Sea	12
Town Hall Square, Bexhill on Sea	11
Station Approach, Seaford	11
Queens Road (Priory Meadow)	11

Taxi rank	Mentions
Newhaven Railway Station	10
George Street, Hailsham	9
Croft Road, Crowborough	8
Broad Street, Seaford	8
Dacre Road, Newhaven	8
De La Warr Parade, Bexhill on Sea	7
Hastings Train Station	6
<i>Another rank not listed (various)</i>	<i>71</i>

# Existing infrastructure via Zapmap

## Eastbourne



# Section 4

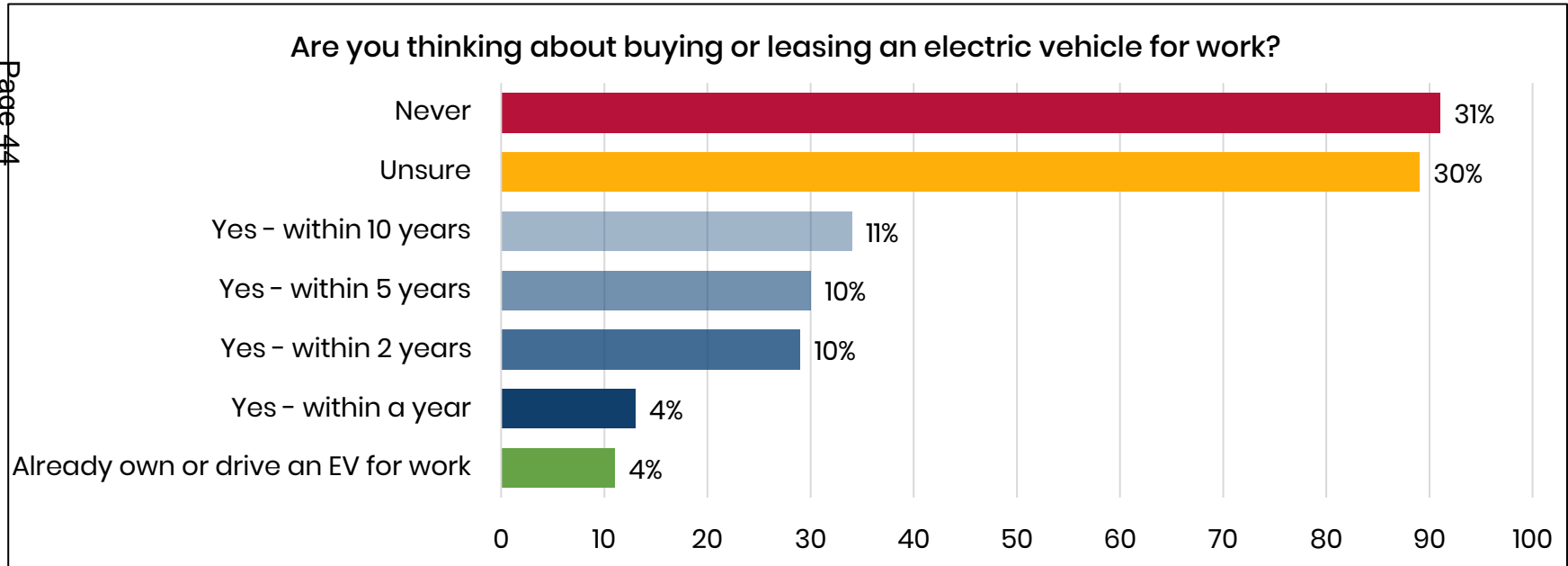
## Opinions on EVs

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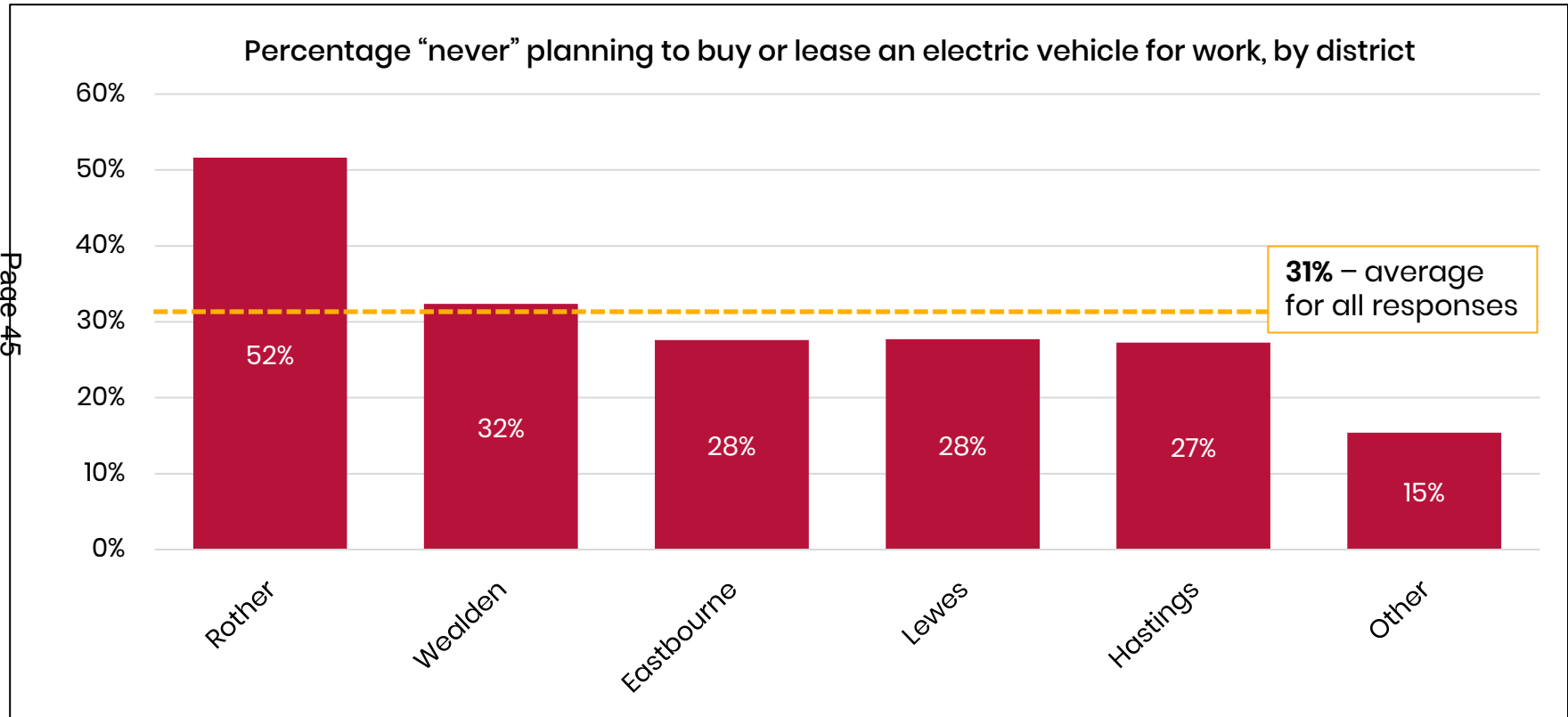
Benefits or challenges for existing EV drivers  
What's preventing others from switching?  
What would encourage them to switch?

# Plans to switch to EV

- One in three (36%) plan to switch to an EV in the next 10 years or sooner.
- **Nearly one in three said they will never make the switch to an EV.**

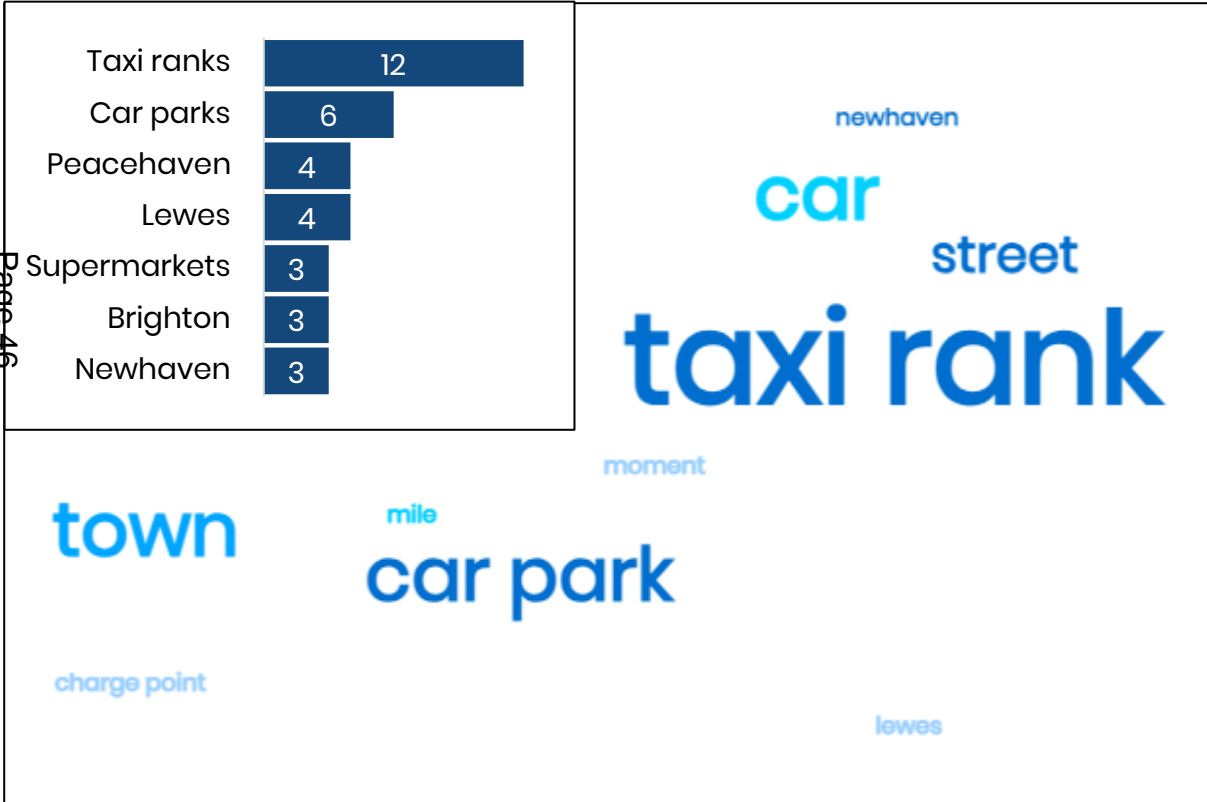


# Plans to switch by district



# Suggested chargepoint locations

Where would you like to see chargepoints installed?



- **111 responses provided.** This was an open text question. The word cloud pulls out common words that were provided.
- The inset chart is based on summarised responses to identify key themes from the open text responses.

# Have you experienced any benefits or challenges from switching to an EV?

- 11 respondents to the survey are already operating an EV.

## Good – 7 comments

- Considerable savings
- Extended age limit [Lewes DC]
- Avoid paying ULEZ or road tax
- Much easier to drive
- Quieter and cleaner
- Customers are more comfortable

## Bad – 4 comments

- “If you can find a charge point working, it’s nearly always occupied and slow at charging”
- Downtime at charging stations
- Issues with hybrid or plug-in hybrid vehicles: limited battery size

# 111 general comments – recurring themes:

## CHARGEPOINT AVAILABILITY

- “Lack of investment in charging infrastructure is the biggest barrier to switching to EV”.
- Regular queues of drivers waiting to charge at existing chargepoints.
- “Waiting around for charging points to become available will be a costly exercise”.
- Live in a flat so cannot charge at home overnight – public infrastructure “is just not there”.
- *From an operator who currently operate 57 hybrid vehicles:* Unlikely EVs will work for them as “few would have access to charging at home”.

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## RANGE

- EVs are good for local, short distance jobs but not for long distances.
- True mileage of EVs are lower than the manufacturers’ claims.
- The range of an EV minibus is about 100 miles – can’t cover my school run both ways.

*Continued on next page.*



# 111 general comments – recurring themes (cont.):

## COST TO PURCHASE (& RUN)

- Suitable EVs (i.e. with long enough range or larger vehicles) are too expensive.
- Cost of charging at public chargepoints is increasing.
- “Will have to spend a fortune every 2-3 years on replacement batteries.”

## LOCAL ISSUES

- Several mentioned knowing drivers who switched to an EV and have since switched back to petrol.
- Affordable EVs (e.g. Hyundai Ioniq, Nissan Leaf) may not meet council rules on boot space.
- Working as a taxi driver for over 24 years I have seen a big drop in work.
- “Needs to be huge discounts for taxi drivers and charging points for taxi drivers only.”
- “The current age limit within Rother... does not make it cost effective to own an EV!”

# Section 5

## Key recommendations

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Suitable EV alternatives

Next steps & recommendations

# Suitable EV alternatives

The following EVs have been identified as suitable alternatives to vehicles that are currently popular among taxi and private hire drivers in East Sussex (based on data for Eastbourne & Lewes):

Vehicle model	Potential EV alternative	Used vehicle cost*	Range (from EV Database)
Skoda Octavia / Ford Mondeo	MG MG5 EV	£12k - £34k	205 miles
Toyota Prius / Auris	Nissan Leaf	£5k - £35k	145-210 miles
Mercedes E-Class	Tesla Model 3	£19k - £54k	235-300 miles
Renault Master	Citroen eSpaceTourer / Vauxhall Vivaro-e Life Combi	£26k - £35k £23k - £36k	115 miles

\*Used vehicle costs sourced from [AutoTrader](#) based on vehicles nationally available as of 31 October 2023. These costs are illustrative and will vary depending on location and availability at the time of searching.

# Key recommendations & Next steps



## Provide independent advice to drivers and operators

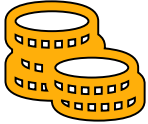
- Raise awareness of the current EV market e.g. suitable models available, their typical range, how long they take to charge and their realistic running costs.
- Provide advice on how and where to purchase second-hand EVs, such as visiting reputable dealerships.
- Provide guidance on using Zap-Map and other chargepoint location websites.



## Build confidence in local charging infrastructure

- Build a better understanding of where the one in three drivers without access to off-street parking are based across East Sussex.
- Engage with private chargepoint operators and council colleagues responsible for EV charging infrastructure to ensure:
  - Drivers without access to off-street parking have access to reliable slow public charging,
  - Rapid charging is widely available in popular destinations and close to key taxi ranks and rest-stops.

# Key recommendations & Next steps



## Explore opportunities for financial support

- Raise awareness of existing grants available for purchasing EVs and associated charging infrastructure. For example: [Plug-in grant for Taxis](#), [EV Chargepoint grant for renters and flat owners](#), [Workplace Charging Scheme](#).
- Explore introducing additional financial incentives for taxi and private hire drivers to support the business case of switching to an EV. This could include:
  - Extending (or removing) age limits for EVs to enable drivers to purchase more affordable second-hand vehicles
  - Grants or subsidies to purchase new or second-hand EVs
  - Cheaper charging at public chargepoints



## Further engagement with drivers & operators

Based on 297 responses to the survey:

- 24% would attend an online workshop (34% said maybe)
- 15% would attend an in-person workshop (33% said maybe)

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# Agenda Item 8

<b>Report to:</b>	<b>Licensing Committee</b>
<b>Date:</b>	<b>15<sup>th</sup> January 2024</b>
<b>Title:</b>	<b>Licensing Act 2003 Eastbourne Borough Council Statement of Licensing Policy</b>
<b>Report of:</b>	<b>Rob Cottrill Chief Executive of Lewes and Eastbourne Borough Council</b>
<b>Ward(s):</b>	<b>All</b>
<b>Purpose of report:</b>	<b>To review Licensing Act 2003 Eastbourne Borough Council Statement of Licensing Policy and agree a six-week public consultation.</b>
<b>Officer recommendation(s):</b>	<b>(1) The Committee review the Licensing Act 2003 Eastbourne Borough Council Statement of Licensing Policy</b> <b>(2) The Committee authorise the Senior Specialist Advisor to start a six-week consultation with the public, trade and interested bodies.</b> <b>(3) That following the consultation period the Lead for Regulatory Services, in conjunction with the Chair of the Licensing Committee, be delegated to consider the consultation responses and make any minor changes to the Eastbourne Borough Council Statement of Licensing Policy and then recommend the same to Full Council for approval. That in the event of substantial changes being suggested by the consultation a report be brought back to a Licensing Committee.</b>
<b>Reasons for recommendations:</b>	<b>Statutory requirement to review the Statement of Licensing Act Policy every five years.</b>
<b>Contact Officer(s):</b>	<b>Name: Jo Dunk Post title: Lead for Regulatory Services E-mail: jo.dunk@lewes-eastbourne.gov.uk Telephone number: 07342065628</b>

---

## **1 Introduction**

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

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

## **2 Significant Changes to the Statement of Principles**

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



### **3 Financial Impact**

3.1 There are no additional financial implications to this report.

### **4 Legal implications**

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

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

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

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

### **5 Risk management implications**

5.1 There are no risk management implications.

### **6 Equality analysis**

6.1 There are no Equality implications associated with this Report.

### **7 Environmental sustainability implications**

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

### **8 Appendices**

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

### **9 Background papers**

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

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## **LICENSING ACT 2003**

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

Eastbourne Borough Council  
Town Hall  
Eastbourne  
East Sussex  
BN21 4UG

[customerfirst@eastbourne.gov.uk](mailto:customerfirst@eastbourne.gov.uk)

Tel no: 01323 410000

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## ~~Executive Summary~~

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

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

- ~~• The Prevention of Crime and Disorder;~~
- ~~• Public Safety;~~
- ~~• The Prevention of Public Nuisance; and~~
- ~~• The Protection of children from Harm.~~

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

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

~~The Policy does not seek to artificially introduce staggered closing times. Shops and supermarkets will generally be permitted to sell alcohol at any time during their normal trading hours unless there are very strong reasons for restricting those hours. The Act gives licensed premises the opportunity to operate for longer periods. However, with these opportunities come additional responsibilities and the Council will have regard to its obligations under Section 17 of the Crime and Disorder Act 1998 when dealing with licensing applications. That law places a duty on the Council to do all it reasonably can to exercise its functions with due regard to the likely effect on crime and disorder, alongside the need to prevent it.~~

~~The Policy also identifies that the Council will bear in mind its duties in relation to closure orders under the Anti-Social Behaviour Crime and Policing Act 2014. That power can be used if it is reasonably believed that a public nuisance is being caused by noise emanating from licensed premises, or premises subject to a temporary event notice where closure is necessary to prevent that nuisance.~~

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

—

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

—

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

—

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

—

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

—

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

—

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

—

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

—

The Council expects that in the majority of cases, it will not receive representations about the effect of an applicant's proposals on one or more of the Licensing Objectives. In these cases, the Council will grant the licence subject to conditions which reflect the applicant's proposals and any mandatory conditions required by law.—

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

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

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

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

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

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

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

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

#### **1.0 Introduction and Purpose—**

—  
1.1 Eastbourne Borough Council (the Council) is the Licensing Authority under the Licensing Act 2003 (the Act) and is responsible for granting premises licences, club premises certificates, temporary event notices and personal licences in the Borough in respect of the sale and/or supply of alcohol, the provision of regulated entertainment and late-night refreshment.—

—  
1.2 The Act requires the Licensing Authority to publish a ‘Statement of Licensing Policy’ which sets out the policies the Licensing Authority will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.—

—  
1.3 This ‘Statement of Licensing Policy’ has been prepared in accordance with the provisions of the Act and Government Guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Act, as revised in April 2018.—

—  
1.4 Licensing is about the regulation of licensed premises, qualifying clubs and temporary events within the terms of the Act. Conditions, where attached to the various permissions, will focus on matters that are within the control of individual operators and others granted relevant permissions.—

—  
1.5 These matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. Whether or not incidents can be regarded as being “in the vicinity” of licensed premises or places is ultimately a matter of fact to be decided by the Courts in cases of dispute.—

—  
1.6 In addressing such matters consideration will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned.—

—  
1.7 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and, therefore, beyond the direct control of the individual licensees. There are a range of mechanisms including:—



-

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

-

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

-

~~1.9 This Licensing Policy does not:~~

-

- ~~undermine the right of any individual to apply for a variety of permissions and to have each application considered on its individual merits,~~

-

- ~~Override the right of any person to make representations on an application, or seek a review of a licence or certificate, where the 2003 Licensing Act allows,~~

-

-

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

-

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

-

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

## ~~2.0 Policy Consultation and Review~~

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

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

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

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

## ~~3.0 Fundamental Principles~~

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

- ~~• the prevention of crime and disorder~~

- ~~• public safety~~
- ~~• the prevention of public nuisance~~
- ~~• the protection of children from harm~~

~~3.2 This Policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers.~~

~~3.3 The Licensing Authority will not take 'need' for premises into account when considering matters. This is interpreted for the purposes of this policy as the commercial demand for premises offering a particular type of licensable activity. 'Need' is not a matter that the Licensing Authority can take into consideration when discharging its licensing function. It is a matter for the local Planning Authority and for the market to decide.~~

~~3.4 Conditions attached to licences and certificates will be tailored to the individual style and characteristics of the premises, and the events concerned. Conditions will relate to the licensing objectives and will be restricted to matters within the control of individual licence holders.~~

~~3.5 Licence holders will be required to ensure compliance with any conditions attached to a licence. The Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.~~

~~3.6 All relevant representations will be considered during the decision-making process, unless they are considered to be frivolous, vexatious or repetitious.~~

~~3.7 Each application will be considered on its own merits. Nothing in this Policy will undermine the right of any individual to apply for the variety of permissions needed to operate or the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Licensing Act 2003.~~

~~3.8 Changes to statute, statutory instruments and case law may give rise to binding legal considerations that may appear to invalidate a part or parts of this statement. If this occurs, the policy overall is deemed to continue in effect, following the minimum amount of amendment. The requirement for a full consultation will be determined with reference to the material changes to the statement.~~

## **4.0 Local Features**

4.1 Eastbourne is a thriving seaside town and a spectacular gateway to the South Downs National Park and beauty spot, Beachy Head. It has a resident population of approximately 103,000 persons.

4.2 Eastbourne has five miles of beaches, an extensive marina complex and over 4,000 acres of South Downs countryside. Tourism is crucial to this cosmopolitan area and is Eastbourne's primary industry.

4.3 One of the largest accommodation stocks in the South East, Eastbourne has approximately 7,500 bed spaces. The town stages a busy events programme which includes international tennis, theatre shows direct from the West End and an international four-day air show, Airbourne, bringing over 800,000 visitors.

4.4 In addition, a 10-year Tourism Strategy seeks to secure investment in the town. It develops new marketing initiatives which will add new audiences for Eastbourne in the future, targeting 35+ age groups with higher spending capability.

## **5.0 Decision Making Process**

5.1 The types of applications covered by the Act and relevant to this policy are:

- Personal licences
- New Premises licence applications
- Provisional statements
- Full and Minor Variations to Premises Licence
- Transfers
- Temporary Event Notices
- Interim Authorities
- Reviews
- Club Premises Certificates
- Matters involving the Designated Premises Supervisor

5.2 Licensing decisions and functions may be taken or carried out by the appropriate Licensing Committee of Eastbourne Borough Council, except for those relating to the making of a Statement of Licensing Policy, or delegated to the Licensing Sub-committee, or in appropriate cases to Officers of the Authority.

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

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

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

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

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

## **6.0 Integration and the Promotion of Other Strategies**

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

- Liaising and consulting with the East Sussex Fire & Rescue Service;
- Liaising and consulting with the Local Strategic Partnerships, Safety Advisory Groups and other Community Safety Partnerships;
- Liaising and consulting with the Planning and Highways Authority;
- Liaising and consulting with tourism, stakeholder groups, such as the Business Forum and the economic development functions for the Council;

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

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

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

## **7.0 Other Regulatory Regimes and Avoidance of Duplication**

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

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

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



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

- **Gambling Act 2005:** Where the principal purpose is gaming, the sale of alcohol and the provision of entertainment in such premises is generally incidental to gaming. However, in some instances, permissions may be required under the Licensing Act. Applicants will have regard to the licensing objectives of both regimes, but duplication of conditions will be avoided where possible.

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

## **8.0 Trading Hours**

8.1 The Licensing Authority recognises that longer; more flexible licensing hours can contribute to easing crime and disorder by avoiding large concentrations of customers leaving premises simultaneously. This, in turn, reduces congestion and potential conflict at other locations, for example, taxi ranks and fast-food outlets.

8.2 This Policy does not set fixed trading hours and does not seek to artificially introduce staggered closing times. The Council will consider each particular case on its merits having regard to representations, including:

- Are the licensed activities likely to cause an adverse impact on local residents and businesses, for example crime, noise and disturbance. If there is potential to cause an adverse impact, what, if any, measures will be put in place to prevent it;
- Will there be a substantial adverse increase in the cumulative impact from these or similar activities, on adjacent residential areas;
- Is there a suitable level of public transport and taxi/private hire provision accessible at the appropriate times to facilitate dispersal of patrons;
- The representations of the Police, or other relevant agency or representative.

8.3 The Licensing Authority will closely scrutinise extended hours applications to ensure that the Licensing Objectives are met.

8.4 The Licensing Sub-Committee may decide that the circumstances are such that a restriction on hours is the only appropriate means to promote the Licensing Objectives.

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

### **~~9.0 Mandatory Licensing Conditions~~**

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~~9.1 The Licensing Act 2003 (Mandatory Conditions) order 2014 sets out the mandatory licence conditions relating to irresponsible marketing of alcohol that apply to all licensed premises and those with a club premises certificate. These conditions include:-~~

~~-~~

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

~~-~~

~~9.2 Substantially similar activities to those described are also prohibited.-~~

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~~9.3 In respect of on-trade premises, such as a pub, hotel or bar, or a member's club, all five conditions apply. In the case of off-trade premises, such as an off-licence or supermarket, then only the conditions relating to age verification apply.-~~

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~~9.4 The legislation makes clear that an irresponsible promotion is one that is "carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children."-~~

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~~9.5 If there is any doubt as to whether the promotion planned falls foul of the mandatory conditions, operators are advised to discuss proposals with Eastbourne Borough Council and/or Sussex Police beforehand.~~

## **10.0 The Operating Schedule**

10.1 The Operating Schedule sets out how the premises propose to operate when carrying on licensable activities. It also enables the Licensing Authority, any Responsible Authority or any other person to assess whether the steps taken to promote the licensing objectives are satisfactory. It must include the following information:

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

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

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

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

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

## **11.0 Prevention of Crime and Disorder**

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

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

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

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

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

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

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

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

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

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

(vii) Any other such measures as may be appropriate, including; participation in a local Pubwatch or Nightwatch scheme, or other body designed to ensure effective liaison and partnership with the local community, the use of 'music wind-down policies' and 'chill out areas'.

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

(ix) Other examples of industry Best Practice.

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

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

11.5 Where applicable, applicants must show that they can comply with the Home Office guidance in relation to the control of illegal drugs on their premises. They shall also adhere to the protocol with the Police on the handling of illegal drugs found on their premises.

11.6 The Licensing Authority expects that the Designated Premises Supervisor (DPS) will spend a significant amount of time on the licensed premises. When not on the premises, it is essential that the DPS is contactable, has given their written consent and has left a competent, authorised person in charge to act in their absence. It is expected that this person, will normally be a personal licence holder.

11.7 The Licensing Authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence, disorder and nuisance are occurring so it can take full account of the facts and avoid exacerbating problems.

11.8 Where licensed premises are found to cause nuisance or be associated with disorder, unreasonable disturbance, powers of revocation or the imposition of conditions may be considered. Conditions may include:

- The installation and use of CCTV and associated recording equipment to a standard specification
- Inclusion of a drugs and search policy of customers
- The use of SIA registered door supervisors
- Earlier closing times or last admissions time

- Action Plans for premises failing to meet the required standards
- Closure Orders
- Review and revocation proceedings
- Use of other mechanisms to effectively control an area where there is alcohol related crime and disorder, including powers under the Violent Crime Act 2006.

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

## **12.0 Public Safety**

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

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

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

12.3 The Council would expect relevant places or premises to have carried out a risk assessment with regard to the promotion of the Licensing Objectives. A separate Fire Risk Assessment should also be undertaken to ensure that any protective and preventive measures identified are taken to ensure the safety of any relevant persons. This may include the provision of fire-fighting equipment, emergency lighting and an appropriate means of raising the alarm in the event of an emergency. Applicants and responsible persons should make themselves aware of the Regulatory Reform (Fire Safety) Order 2005.

12.4 The Licensing Authority may review what measures are in place to aid the dispersal of patrons in a quick and safe manner in order to avoid opportunities for disorder and disturbance. This may include the availability of taxis, location of taxi ranks and other late night transport systems, as well as the use of registered staff to control queues and external areas.

12.5 Where appropriate, licence holders or their authorised representatives will attend Safety Advisory Group Meetings and other planning meetings prior to large scale events which take place within licensed premises and/or in an open space. Applicants should have regard to relevant guidance and publications.

12.6 Prior consent will be required for; performance of stage Hypnotism, fireworks and lasers. Applications should contain details prescribed by the Licensing Authority. Conditions may be applied to any consent.

### **13.0 Prevention of Public Nuisance**

13.1 The Licensing Authority will require operators to demonstrate how matters will be addressed to limit public nuisance, prevent disturbance and protect amenities.

13.2 In considering an application, the Licensing Authority will consider the adequacy of proposed measures to remove or effectively manage the potential for noise, nuisance and anti-social behaviour.

13.3 Amplified music or other entertainment noise from within the premises shall be inaudible within any residential premises. The test for compliance with 'inaudibility' will be that noise should be no more than barely audible outside of nearby business and residential properties.

13.4 The Licensing Authority will take into consideration a range of issues, and consider the imposition as appropriate of conditions, including:

- The proximity of residential accommodation.



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

13.5 Such measures may include:

- Keeping windows and doors shut save for access and egress.
- The installation of soundproofing, air conditioning, acoustic lobbies, acoustic devices and sound limitation devices.

- Operators to undertake regular checks and assessments in the vicinity of the premises and take steps to limit disturbance and noise breakout
- Limiting the number of patrons at any one time in any external areas, particularly where it is in close proximity to residential accommodation.

#### **14.0 Protection of Children from Harm**

14.1 The Licensing Authority will require the details and measures taken in relation to the protection of children from harm. This includes moral, psychological and physical harm which may be associated with licensed premises and certificated club premises. This may include exposure to strong language and sexual expletives, in the context of film exhibitions or where adult entertainment or material is provided.

14.2 It is intended that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed, without restricting conditions unless the 2003 Act itself imposes such conditions or there are good reasons to restrict entry or to exclude children completely.

14.3 It is recognised by the Licensing Authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, the Licensing Authority recommends that all operators should implement a suitable 'Proof of Age' scheme, for example 'Challenge 25' and ensure that appropriate photographic identification is requested prior to entry and when alcohol is requested by a person appearing to be under the age of 18.

14.4 Appropriate provenance forms of identification are currently considered to be those recommended by the Police, Licensing Authority, and Trading Standards Officers.

14.5 The Licensing Authority expects that all staff responsible for the sale of intoxicating liquor receive information and training on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent underage sales and proxy purchasing.

14.6 The Licensing Authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them. Each application will be considered on its own merit.

14.7 To reduce alcohol-induced problematic behaviour by under 18-year-olds, to enforce underage purchases and to assist in the protection of children from harm, the Licensing Authority supports the following measures: -

- Police to exercise powers to remove alcohol from young people on the street as well as the implementation of Dispersal Orders.
- Test purchasing operations and the carrying out age challenges to reduce underage drinking in pubs and licensed venues.
- Further take-up of proof of age schemes will be promoted, for example “Challenge 25.”
- In-house, “mystery shopper” type schemes operated by local businesses will be supported.
- Providers of licensed events specifically catering for persons under the age of 18 should consider the ratio of SIA accredited Supervisors to children, normally 1:50 to assist in the control and supervision of events, and whether all staff at such events need to be Disclosure Barring Service checked.
- Measures to prevent proxy purchase of alcohol.

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

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

14.9 The Licensing Authority may consider the following: -

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

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

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

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

### **15.0 Sex Establishment Policy**

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

### **16.0 The Health Act 2006 & Associated Smoke Free Issues**

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

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

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

- Develop a management plan on how to manage smoking on the premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented.
- Noise from people smoking and talking can be intermittent, vary in character and volume and be intrusive. An effective smoking management plan will help prevent neighbours being disturbed.
- Comply with any planning conditions restricting the use of outdoor areas
- Ensure that any structures used by smokers comply with the design criteria and requirements detailed in the Health Act 2006 and that any structures, awnings, retractable canopies, etc have the relevant planning permission. • Any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.
- Ensure that the conditions on the premises licence are complied with.
- Consideration is given to the siting of any smoking areas, to protect against the potential of second-hand smoke drifting back into the premises or adjacent properties so as not to cause a nuisance to patrons and neighbours.
- Signage in the designated areas asking customers to keep noise levels to a minimum.
- Consideration given to the availability, type and siting of litter bins to cater for smoking related litter.
- Conditions restricting the hours of use of gardens and outdoor areas. Having reviewed the contents of the premises licence, applicants may find it necessary to request a variation of the premises licence.
- Any tables and chairs on the Public Highway require a tables and chairs licence under the provisions of the Highways Act 1980. Again, licences may have conditions restricting

the times that the area can be used.

- Controls on drinks, glasses and bottles being removed from the premises.
- Steps to discourage smokers from remaining in gardens and outdoor areas, including conditions on the premises licence or the premises management policy may include a requirement that drinks are prohibited in outside areas, or prohibited after a certain time.
- A system could be introduced that after a certain time the number of smokers outside are restricted to a maximum number.
- Staff positioned on the doors can help to encourage customers not to cause a noise problem.

## **17.0 Premises Licences**

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

- The required fee,
- An Operating Schedule,
- 2 plans of the premises in a prescribed form, including any external areas,
- Copies of the appropriate certificates

- If the application involves the supply of alcohol, a form of consent from the individual who is to be specified in the licence as the Designated Premises Supervisor (DPS). This person will normally have been given day to day responsibility for running the premises by the premises licence holder and the person through whom all alcohol sales are authorised.

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

## **18.0 Planning Permission**

18.1 The Licensing Authority recognises that planning, building control and licensing regimes should be properly separated.

18.2 Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent already in place for the property concerned.

18.3 The Licensing Authority recognises that Licensing applications should not be a rerun of the planning process and should not cut across decisions taken by the Local Authority Planning Committee or following appeals against decisions taken by that Committee.

18.4 Similarly the granting by a Licensing Sub Committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control or other consents where appropriate.

18.5 Proper integration should be assured by the Licensing Committee, where appropriate, by providing regular reports to the Planning committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder.

## **19.0 Applications for Personal Licences**

19.1 A personal licence is issued to an individual authorising them to make or authorise the sale of alcohol in accordance with a premises licence. Every premises licence that authorises the sale of alcohol must specify an individual who acts as the designated premises supervisor (DPS). The DPS must hold a personal licence.

- (a) The applicant is aged 18 or over
- (b) The applicant is entitled to work in the United Kingdom
- (c) The applicant possesses a licensing qualification or is a person of a prescribed description

(d) The applicant has not forfeited a personal licence in the five year period prior to their application being made

(e) The applicant has not been convicted of any relevant offence or any foreign offence or required to pay an immigration penalty

19.2 The licensing authority must reject an application if the applicant fails to meet one or more of the requirements set out in (a) to (d) above.

Where the applicant meets the requirements in (a) to (d) but does not meet the requirements of (e), the licensing authority must give the chief officer of police for its area a notice to this effect. Having received such a notice, if the chief officer of police is satisfied that the granting of the application would undermine the crime prevention objective, he must within 14 days, give the licensing authority a notice to that effect.

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

19.3 Where an objection to the grant of a personal licence is received from either the chief officer of police or the Home Office, the applicant is entitled to a hearing before the licensing authority. If no objections are received, the licensing authority must grant the application.

19.4 At a hearing to determine a personal licence application to which the chief officer of police or Home Office have objected, the licensing authority will have regard to all of the circumstances including the following:

- The need to assess each case on its merits
- The duty to promote the crime prevention objective
- The objection notice given by the Police or Home Office
- The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
- The seriousness of the relevant offence
- The sentence or penalty imposed on the applicant for the relevant offence.

19.5 If, having considered all of the circumstances, the licensing authority considers that it is appropriate for either the promotion of the crime prevention objective or for the prevention of illegal working in licensed premises to reject the application, it must do so. In all other cases the application must be granted.

19.6 If an application is refused, the applicant will be entitled to appeal against the decision they make. Similarly, if the application is granted despite a police objection notice or an objection from the Home Office, the chief officer of police or Home Office are entitled to appeal against the licensing authority's determination. The licensing authority will therefore record in full the reasons for any decision that it makes.



## **20.0 Personal Licences – Suspension and Revocation**

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

20.2 When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017. Only magistrates' courts can order the forfeiture or suspension of a personal licence for convictions received prior to 6 April 2017.

20.2 The process which must be undertaken by the licensing authority to suspend or revoke a personal licence is set out at section 132A of the 2003 Act. The decision to revoke or suspend a personal licence must be made by the licensing committee or sub-committee, but the actions required before making a final decision may be made by a licensing officer.

20.3 The licensing authority may not take action if the licence holder has appealed against the conviction or the sentence imposed in relation to the offence, until the appeal is disposed of. Where an appeal is not lodged, the licensing authority may not take action until the time limit for making an appeal has expired.

20.4 If a licensing authority is considering revoking or suspending a personal licence, the authority must give notice to the licence holder. This notice must invite the holder to make representations about the conviction, any decision of a court in relation to the licence, or any decision by an appellate court if the licence holder has appealed such a decision. The licence holder may also decide to include any other information, for example, about their personal circumstances.

20.5 The licence holder must be given 28 days to make their representation, beginning on the day the notice was issued. The licensing authority does not need to hold a hearing to consider the representations. Before deciding whether to revoke or suspend the licence the licensing authority must consider any representations made by the licence holder, any decisions made by the court or appellate court in respect of the personal licence of which the licensing authority is aware, and any other information which the licensing authority considers relevant.

20.6 The licensing authority may not be aware of whether the court considered whether to revoke or suspend the licence, and there is no obligation on the licensing authority to find this out before making a decision themselves. Where the court has considered the personal licence and decided not to take action, this does not prevent the licensing authority from deciding to take action itself. Licensing authorities have different aims to courts in that they must fulfil their statutory duty to promote the licensing objectives, and therefore it is appropriate for the licensing authority to come to its own decision about the licence.

20.7 If the licensing authority, having considered a suspension and revocation and subsequently considered all the information made available to it, proposes not to revoke the licence it must give notice to the chief officer of police in the licensing authority's area, and invite the chief officer to make representations about whether the licence should be suspended or revoked, having regard to the prevention of crime. The chief officer may make representations within the period of 14 days from the day they receive the notice from the licensing authority.

20.8 Any representations made by the chief officer of police must be taken into account by the licensing authority in deciding whether to suspend or revoke the licence.

20.9 Convictions may come to light via police in another area, for example if the personal licence holder no longer lives in the area of the licensing authority which issued the licence, or if the offence took place in another police force area. In this instance it would be good practice for the police providing the information to notify the police force in the licensing authority area, because it is the local chief officer who must provide representations if the licensing authority proposes not to revoke the licence.

20.10 Where the licence holder is convicted of immigration offences or has been required to pay a civil penalty for immigration matters, the licensing authority should notify Home Office Immigration Enforcement and allow representations to be made in the same way.

20.11 In deciding whether to suspend or revoke a personal licence, the licensing authority will have regard to all of the circumstances including the following:

- The need to assess each case on its merits
- The duty to promote the licensing objectives
- The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
- The seriousness of the relevant offence
- The sentence or penalty imposed on the licence holder for the relevant offence
- Any representations made by the Police or Home Office Immigration Enforcement
- Any representations made by the holder of the licence
- Any evidence as to the previous character of the holder of the licence

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

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

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

## **21.0 Immigration Act 2016 – Entitlement to Work**

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

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

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

- Premises licences to sell alcohol or provide late night refreshment and personal licences cannot be issued to an individual who does not have permission to be in the UK, or is not entitled to undertake work relating to the carrying on of a licensable activity;
- Licences issued to those with limited permission to be in the UK will lapse when their permission to be in the UK and work in a licensable activity comes to an end;
- Immigration offences, including civil penalties, are 'relevant offences' as defined by the 2003 Act;
- The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences) and applications to transfer premises licences, and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence; and
- Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.

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

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

## **22.0 Live Music Act 2012 and Entertainment Licensing Deregulation**

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

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

22.2 Where licensable activities continue to take place on premises any licence conditions relating to 'live' music will be suspended, but it will be possible to impose new, or reinstate existing conditions following a review.

22.3 When considering whether an activity constitutes the provision of regulated entertainment each case will be treated on its own merits. There will inevitably be a degree of judgment as to whether a performance is live music or not, so organisers are encouraged to check with the licensing authority if in doubt.

22.4 There was a further deregulation of entertainment licensing in June 2013 when the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013) came into force on 27 June 2013. The effect of the order is that no authorisation is required for the following activities to the extent that they take place between 08:00-23:00 on any day:

- a performance of a play in the presence of any audience of no more than 500 people
- an indoor sporting event in the presence of any audience of no more than 1000 people
- a performance of dance in the presence of any audience of no more than 500 people

22.5 Entertainment licensing requirements were further deregulated as a result of the Legislative Reform (Entertainment Licensing) Order 2014, which came into force on 6 April 2015.

22.6 The 2014 Order deregulated entertainment licensing in the following ways: The provision of regulated entertainment by or on behalf of local authorities, health care providers, or schools on their own defined premises became exempt from entertainment licensing between 08.00-23.00 on the same day, with no audience limit.

- The audience limit for a performance of live amplified music in relevant alcohol licensed premises or in a workplace between 08.00-23.00 on the same day was raised from 200 to 500.
- Local authorities, health care providers and schools are now exempt from entertainment licensing when making their own defined premises available to third parties for live and recorded music activities between 08:00-23:00 on the same day for audiences of up to 500.
- Community premises not licensed to supply alcohol are now exempt from entertainment licensing requirements for live and recorded music between 08:00-23:00 on the same day for audiences of up to 500.
- Travelling circuses are now exempt from entertainment licensing in respect of all descriptions of entertainment, except an exhibition of a film or a boxing or wrestling entertainment, where the entertainment or sport takes place between 08:00-23:00 on the same day, with no audience limit.
- Greco-Roman and freestyle wrestling are now deregulated between 08:00-23:00 for audiences of up to 1000 people.
- An exhibition of film that is incidental to another activity (where that other activity is not itself a description of entertainment set out in paragraph 2 of Schedule 1 to the 2003 Act) is exempt now from licensing.

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

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

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

## 23.0 Temporary Event Notices

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

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

23.3 Who can give a TEN:

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

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

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

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

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

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

23.9 The objection notice must give reasons for the objection and must be given to the licensing authority, other relevant persons and the premises user.

23.10 In the case of a standard TEN, where an objection is received, the licensing authority must hold a hearing to consider the matter unless all parties agree that no hearing is necessary. The licensing authority must send a counter notice to the premises user if it considers it appropriate for the promotion of a licensing objective. In the case of late TENS, the licensing authority must issue a counter notice if objections are received from the police or local authority exercising environmental health functions.

23.11 Organisers of temporary events are strongly advised to contact the Licensing Authority and other appropriate agency for advice at the earliest opportunity when planning events. This may avoid any unnecessary objections being made that may arise from misunderstandings or confusion concerning the proposed event.

## **24.0 Appeals**

24.1 Entitlements to appeal for parties aggrieved by decisions of the Council are set out in Schedule 5 to the Licensing Act 2003. Appeals must be made to the Magistrates' Court and made within 21 days beginning with the day on which the Appellant was notified of the Council decision. An appeal can be made by any party involved in the decision. This includes applicants, Responsible Authorities and anyone else.

24.2 The Act also covers appeals in relation to temporary event notices, personal licences and closure orders. In relation to temporary event notices, premises users may appeal against the decision by a Council to give a counter notice. Applicants for personal licences may appeal against the decision to reject an application for or application to renew a licence. Where the Police lodge an objection notice to the grant or renewal of a personal licence and the Council grants or renews the licence, the Police may appeal.



## **25.0 Problem Premises**

25.1 The Council expects licensed premises to be properly controlled and managed by responsible operators. This should prevent or minimise problems to any of the other groups affected by it, including residents and businesses in the vicinity, as well as Responsible Authorities.

25.2 However, legitimate concerns will sometimes be raised about particular operations. In those instances the Council will encourage the individuals or groups affected to raise those concerns directly with the operator in the first instance. In the Council's experience this approach can often be successful as the operator may not be fully aware of the problems and can introduce changes to improve the situation.

25.3 Where concerned individuals or groups do not wish to approach operators directly (perhaps fearing abuse or reprisals,) the Council will approach the operator to discuss the concerns and seek improvements, if required.

25.4 The Council works closely with Responsible Authorities and will intervene at an early stage where it is found that the provision of licensable activities is being carried on in a manner which does not promote the four Licensing Objectives.

25.5 The Council expects all licensees to co-operate with the agencies concerned and to deal promptly and properly with the concerns raised. Where a premises fails to meet the required standards or comply with legislation, they may be placed on an "Action Plan" or face prosecution proceedings.

25.6 The Council has a joint enforcement protocol with Sussex Police on enforcement and inspection issues to provide for the efficient and effective deployment of its staff and police officers in enforcing licensing law. This includes the targeting of resources where 'hotspot' crime and disorder premises and/or areas have been identified.

25.7 When necessary, the enforcement action will be taken in accordance with the principles of Eastbourne Borough Council's Enforcement Policy.

25.8 The Council recognises that once away from premises a minority of consumers will behave badly and unlawfully. However, licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.

25.9 However, the Council recognises that there are mechanisms both within and outside of the licensing regime that are available for addressing such issues. These are detailed within points 12.0 - 15.0 of this policy.

25.10 The Council does not seek to prevent any individual or group from using the formal procedures for review of a premises licence or club premises certificate. Neither does it seek to constrain the powers of the police to close premises where they consider it necessary to do so in the interests of public safety or to prevent a public nuisance.

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

## **26.0 Enforcement Policy**

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

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

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

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

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

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

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

- Community Safety & Crime Reduction Strategies
- Drugs and alcohol Strategies
- Aims and objectives of the Private Security Industry Authority
- The Anti-Social Behaviour Act 2003
- The Health Act 2006
- The Violent Crime Reduction Act 2006
- Section 182 Guidance as revised in October 2012 in conjunction with amendments to the Licensing Act 2003

## **27.0 Dealing with Representations**

27.1 Where a representation is made to the Licensing Authority, it will consider whether it is valid. In determining whether a representation is valid, the Licensing Authority will first consider if the representation made appears irrelevant, vexatious, frivolous or repetitive.

27.2 Where someone or a Responsible Authority has made a valid representation about a licensed premises, or a valid application for a licence to be reviewed, then the Council's Licensing Team may initially arrange a mediation meeting to facilitate communication between all parties and attempt to address, clarify and resolve the issue of concern.

27.3 This process will not override the right of the Licensing Authority to consider a valid representation in a committee environment or for any licence holder or other party to refuse to participate in a mediation meeting.

27.4 At any stage, following the grant of a premises licence, a Responsible Authority, such as the Police or the fire authority, or any other person, such as a resident living in the vicinity of the premises, may ask the Licensing Authority to review the licence/certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

27.5 Where the Licensing Authority considers that action under its statutory powers is necessary it may seek to:

- Modify the conditions/hours of the premises licence/certificate;
- Exclude a licensable activity from the scope of the licence;
- Remove the DPS where the sale or supply of alcohol is a feature;
- Suspend the licence for up to 3 months;
- Issue a warning, verbal or written
- Issue a Simple Caution
- Initiate prosecution proceedings;
- Revoke the licence/certificate.

## **28.0 Reviews**

28.1 A key protection for the community is contained within the Licensing Act 2003. This is a review of the premises licence, or club premises certificate. It can be initiated at any time, where it can be shown that the licensing objectives of crime and disorder, public safety, public nuisance or the protection of children from harm are being undermined.

28.2 At any stage following the grant of a premises licence a 'Responsible Authority' which includes the Police, Council's Noise Team, Trading Standards or any other person such as a local resident, residents' association, Ward Councillor, local business or trade organisation may ask the Licensing Authority to review a premises licence at any time because of a matter arising at the premises in connection with the promotion of the four Licensing Objectives.

28.3 Revocation or suspension of premises licences or certificates will normally be considered where offences, such as sale of alcohol to persons who are drunk or sale of alcohol to persons under 18, occur on a regular basis. Review proceedings are often the last stage in a process where other steps have failed to address the issues that may arise:

- Action needed should seek to promote the licensing objectives but be balanced against the financial impact on the business.
- Action should be proportionate.
- Action should support the local community safety, crime reduction and drugs strategies, particularly those relating to alcohol misuse.

28.4 A review of a premises licence would normally follow any action by the Police to close down a premises for up to 24 hours on the grounds of serious crime or disorder or noise nuisance as following a closure notice, issued by a Magistrates' Court which is then sent to the Licensing Authority.

28.5 The Secretary of State has recommended that ordinarily no more than one review should be permitted by a Licensing Authority from any person unless in compelling circumstances or arising following a closure order.

28.6 Section 182 Guidance, the Guidance, issued in connection with the Licensing Act 2003 stipulates that any representation made must be in writing, relate to particular licensed premises and be relevant to the promotion of the four licensing objectives.

28.7 The value of detailed evidence to support a representation cannot be over emphasized. Persons making a representation can attend the Review hearing. The person making the representation can amplify this at the hearing, but not extend this to other matters outside of the original representation.

28.8 Partnership working and warnings:

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

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

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

28.10 'Not relevant'

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

28.11 'Vexatious'

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

## 28.12 'Frivolous'

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

## 28.13 Repetitious

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

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

## 28.14 Arranging the Hearing

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

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

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

## **29.0 Administration, Exercise and Overview of Functions**

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

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

29.3 A Sub Committee may also refer to the Full Licensing Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

29.4 Each decision of the Licensing Committee or its Sub Committee(s) shall be accompanied with clear reasons for the decision.

29.5 The Council's Authorised Officers will deal with all other licence applications where either no representations have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

29.6 Council Officers will make the decisions on whether representations or applications for licence applications should be referred to the relevant Licensing Committee and whether representations are frivolous, repetitive or vexatious. When representations are rejected, the person making that representation will be given a written explanation as to why that is the case.

## **Appendix 1:**

### **Glossary of terms**

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

#### **Act**

The Licensing Act 2003

#### **Club Premises Certificate**

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

#### **Current applications**

A schedule of all applications currently under consideration.

#### **DCMS**

Department of Media Culture & Sport

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

#### **Designated Premises Supervisor (DPS)**

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

#### **Full Licensing Committee**

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

#### **Guidance**

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



## **Licensing Act 2003 – Guidance Booklet**

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

### **Hearing**

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

### **Justices Licence**

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

### **Late night refreshment**

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

### **Licensing Authority**

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

### **Licensable activities**

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

### **Licensing objectives**

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

Each objective is of equal importance.

### **Licensing qualification**

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

## **Licensing Sub Committee**

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

## **Mandatory Conditions**

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

## **Minor Variation**

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

## **Negotiation**

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

## **Objection notice**

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

## **Operating Schedule**

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

## **Personal Licences**

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

## **Premises**

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

## **Premises Licence**

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

## **Premises User**

The person applying for a Temporary Event Notice (TEN)

## **Procedure and policy**

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

## **Registered club activities**

Licensable activities carried on at premises holding a Club Premises Certificate

## **Regulated entertainment**

See regulated entertainment under the Act.

## **Regulations**

Regulations and Order to be made under the Licensing Act 2003

## **Relevant Representations**

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

## **Responsible Authority**

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

**Sussex Police**  
**East Sussex Fire and Rescue Authority**  
**Health and Safety**  
**Environmental (Noise) Pollution**  
**Planning**  
**Child Protection East Sussex County Council**  
**Trading Standards**  
**Licensing Authority**  
**Primary Care Trust**  
**Home Office**

### **Review**

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

### **Second Appointed Day**

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

### **Statement of Licensing Policy**

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

### **Steps**

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

### **Temporary Event Notices (TENs)**

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

**Vary/Variation**

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

**Vicinity**

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

## **Appendix 2:**

### **List of Useful Websites:**

Department For Culture Media and Sport

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

East Sussex Drug and Alcohol Action Team

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

Alcohol Licensing (Licensing Act 2003)

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

Gambling Commission

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

Health and Safety Executive, 'Managing Crowds Safely'

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

Portman Group – Age Verification

[www.portmangroup.org.uk](http://www.portmangroup.org.uk)

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

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

Section 182 Guidance issued in conjunction with the Licensing Act 2003

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/98101/guidance-section-182-licensing.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/98101/guidance-section-182-licensing.pdf)

Security Industry Authority (SIA)

Registered Door Supervisors

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

Smoke free Legislation

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

Temporary Event Notice Guidance (Licensing Act 2003)

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

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

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

**Appendix 3:  
Contact Details of Responsible Authorities:**

**Eastbourne Borough Council**

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

**Fire Safety Officer**

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

**Sussex Police**

The Chief Officer of Police  
Licensing Department  
Battle Police Station  
North Trade Road  
Battle  
TN33 0EX  
Tel: 101

For Non-council owned premises    Council owned premises:

**Health & Safety Officer    Enforcement Liaison Officer**

Eastbourne Borough Council	Health & Safety Executive
Grove Road	Phoenix House
Eastbourne	23-25 Cantelupe Road
East Sussex	East Grinstead
BN21 4TW	RH19 3BE
Tel: 01323 410000	Tel: 01342 334200

**Planning**

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

**Environmental Health**

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

**Child Protection**

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

**Trading Standards**

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

**Primary Care Trust**

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



**LICENSING ACT 2003**  
**EASTBOURNE BOROUGH COUNCIL STATEMENT**  
**OF LICENSING POLICY 2024-2029**

Eastbourne Borough Council  
Town Hall  
Grove Road  
Eastbourne  
East Sussex  
BN21 4UG

[customerfirst@eastbourne.gov.uk](mailto:customerfirst@eastbourne.gov.uk)

Tel no: 01323 410000

## Summary

This is the Statement of Licensing Policy as determined by the Council in respect of its licensing functions, with regard to the Licensing Act 2003. This document sets out the position and view of the Licensing Authority in respect of matters in connection with the discharge of its licensing function.

This Statement of Licensing Policy commences XXXXXXX and continues for a five year period. During the five year period the Policy will be kept under review and the Authority will make such revision to it as it considers appropriate. Further licensing statements will be published every five years thereafter or earlier as necessary.

All references to the Guidance refer to the latest version of the Home Office Guidance to Licensing Authorities issued under section 182 of the Licensing Act 2003.

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

- The Prevention of Crime and Disorder;
- Public Safety;
- The Prevention of Public Nuisance; and
- The Protection of children from Harm.

The aims of this Statement of Licensing Policy, in line with the four licensing objectives, are to:

- Minimise nuisance and disturbance to the public through the licensing process
- Help build a fair and prosperous society that balances the rights of people and their communities
- Integrate its aims and objectives with other initiatives:
  - i. Reduce crime and disorder
  - ii. Encourage tourism
  - iii. Encourage an early evening and night time economy which is viable, sustainable and socially responsible
  - iv. Reduce alcohol misuse
  - v. Encourage employment
  - vi. Encourage the self-sufficiency of local communities
  - vii. Reduce the burden of unnecessary regulation on business
  - viii. Encourage and promote live music, dancing and theatre for the wider cultural benefit of communities generally

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**Appendix 1** - Glossary of terms

**Appendix 2** - List of Useful Websites

**Appendix 3** - Contact Details of Responsible Authorities

**Appendix 4** - Licensing Hearing procedure

## 1.0 Introduction and Purpose

- 1.1 Eastbourne Borough Council (the Council) is the Licensing Authority under the Licensing Act 2003 (the Act) and is responsible for granting premises licences, club premises certificates, temporary event notices and personal licences in the Borough in respect of the sale and/or supply of alcohol, the provision of regulated entertainment and late-night refreshment.
- 1.2 The Act requires the Licensing Authority to publish a 'Statement of Licensing Policy' which sets out the policies the Licensing Authority will generally apply to promote the Licensing Objectives.
- 1.3 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Act and [Government Guidance under Section 182](#) of the Act, as revised in **December 2023**.
- 1.4 Licensing is about the regulation of licensed premises, qualifying clubs and temporary events within the terms of the Act. Conditions, where attached to the various permissions, will focus on matters that are within the control of individual operators and others granted relevant permissions.
- 1.5 The licensable activities as defined by the Act include:
- Sale and/or supply of alcohol
  - The provision of regulated entertainment which includes:
    - i. The performance of a play
    - ii. An exhibition of a film
    - iii. An indoor sporting event
    - iv. Boxing or wrestling entertainment
    - v. A performance of live music
    - vi. Performance of dance
    - vii. Entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance
    - viii. Provision of late night refreshment, limited to hot food or hot drink between 23.00 - 05.00
- 1.6 Following the introduction of the Live Music Act 2012, the legislative reform (Entertainment Licensing) Order 2014 and the Deregulation Act 2015, a licence is not required to stage a performance of live music, or the playing of recorded music if:
- It takes place between 8am and 23:00; and
  - It takes place at an alcohol on licensed premises; and
  - The audience is no more than 500 people

You also do not need a licence

- To put on unamplified live music at any place between the same hours; or
- To put on unamplified live music at a workplace between the same hours and provided the audience is no more than 500 people

1.7 The types of premises likely to be included within the licensing regime include:

- Pubs and night clubs
- Off licences (includes supermarkets/shops selling alcohol)
- Restaurants serving alcohol
- Restaurants serving hot food and drink after 23:00
- Private members clubs/social clubs
- Hotels/guest houses selling alcohol
- Cinemas/theatres
- Community premises and village halls
- Providers of temporary events involving licensable activities and any other premises at which licensable activities are to be provided

1.8 The Policy will apply across a range of applications which include the following;

- New premises Licences and Club Premises Certificates
- Variations to Premises Licences and Club Premises Certificates
- Provisional Statement for proposed premises yet to be built
- Transfer of Premises Licences
- Disapplication of mandatory condition in respect of alcohol sales at community premises
- Variations of licences to change the Designated Premises Supervisor
- Reviews of Premises Licences and Club Premises Certificates
- Personal Licences
- Temporary Events Notices

1.9 The Licensing Authority also regulates other activities at licensed premises which include gambling this is outlined in the [Eastbourne Borough Council Gambling Policy](#) .

1.10 Consultation

The Statement of Licensing Policy will be kept under review and where any significant amendments are considered necessary these will only be made after consultation have taken place in accordance with section 5 of the Licensing Act 2003. Amendments required due to a change in legislation that do not impact on the aims and objectives will be made by Lead for Regulatory Services in consultation with the Chair of the Licensing Committee, In order for Policy to remain legislatively correct

Proper weight in accordance with the Guidance, has been given to the views of all those consulted. Those consulted in the preparation of the Policy included:

- The Chief Office of Police in Sussex
- The Superintendent of Police for the Eastbourne Borough Area
- The Fire and Rescue Service for Eastbourne Borough Area
- One or more person who appear to the authority to represent the interested of persons carrying on licensed businesses in the council area
- One or more persons who appear with the authority to represent the interests of persons who are likely to be affected by the exercise of the authorities functions under the Act
- Any other bodies the council deemed appropriate

## **2.0 Statement of Guiding Principles**

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

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

2.2 This Policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers.

2.3 Conditions attached to licences and certificates will be tailored to the individual style and characteristics of the premises, and the events concerned. Conditions will relate to the licensing objectives and will be restricted to matters within the control of individual licence holders.

2.4 All relevant representations will be considered during the decision-making process, unless they are considered to be frivolous, vexatious or repetitious.

2.5 Each application will be considered on its own merits. Nothing in this Policy will undermine the right of any individual to apply for the variety of permissions needed to operate or the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Licensing Act 2003.

### 3.0 GUIDING PRINCIPLES

The following principles have been adopted by the Council as a licensing authority. These principles will serve as a general guide to the Council when it carries out its licensing functions.

#### 3.1 PRINCIPLE 1

3.1.1 Issues of nuisance, noise, public safety and crime and disorder associated with the character, number and proximity of licensed premises in any one area (cumulative impact) will be addressed by the means set out in 18.0 of this Statement. However, if there is evidence to suggest that these means are unsuccessful in combating the issues referred to above, then the Council will consider reviewing its policy with a view to restricting the grant of licences to new premises in the affected areas.

3.1.2 This is intended to:

- Promote the prevention of crime and disorder
- Promote public safety
- Address the issue of cumulative impact

3.1.3 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment (for large numbers of people) can be a source of crime and disorder and applicants are recommended to seek advice from the Council's Licensing Section and the Police as well as taking into account local planning and transport policies, tourism, cultural and crime prevention strategies and local social demographic characteristics when preparing application and operation schedules which will be of benefit to the Licensing Authority when determining the application. Guidance regarding these policies and other specific local matters can be obtained from the Council's Licensing Section.

3.1.4 The Council will support:

- diversity of premises to ensure a mix of a different type of licensed premises, particularly in areas where there is a high density of such premises
- care and control of premises by effective management and supervision both within and outside the premises. This is a key factor in reducing crime and disorder and applicants for premises licences in particular should address these issues within their respective operating schedules
- good quality training for staff employed within the licensing trade and the obtaining of the accredited licensing qualification for bar staff and personal licence holders. The Council believes that proper staff training plays an important role in the promotion of the licencing objectives

- café bar conditions where the sale of alcohol and other beverages are by a waiter/waitress service for consumption by persons seated at tables or equivalent and substantial refreshments are available during operating hours.

3.1.5 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the licence holder the club or responsible person concerned. Nonetheless, it is a key aspect of such control and licensing plays a part in the management of the night-time economy. If there are problems in a particular area with nuisance, crime and disorder and those problems are associated with the character, number or proximity of licenced premises in the area, the Council will seek to address those problems by the following means:

- Planning Controls
- The use of relevant and appropriate licence conditions.
- Positive measures to create a safe and clean environment in partnership with local businesses, transport operations and other Council departments
- Application of the powers of the Council to designate parts of the district as places where alcohol may not be consumed in public and the confiscation of alcohol from adults and children in such designated places
- Liaise with Police over the enforcement of disorder and anti-social behaviour, including the issue of fixed penalty notices
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk or under age
- Work in partnership with Police to utilise powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance.
- The Licensing Authority does not anticipate granting permission for outside patio/garden areas to be used by the public beyond 2300 hours throughout the borough other than in exceptional circumstances. We do not consider a record of good management or financial considerations to constitute exceptional circumstances.

3.1.6 The list is not exhaustive of the measures that the Council may consider or take.

3.1.7 Any objection to a licence application or variation on the grounds of negative cumulative impact must be relevant and impact on one or more of the licensing objectives.



## 3.2 PRINCIPLE 2

3.2.1 The Council acknowledges that longer opening hours can help to ensure that the number of people leaving licensed premises at the same time is reduced.

3.2.2 This is intended to:

- promote the prevention of crime and disorder
- promote public safety
- promote the prevention of public nuisance

3.2.3 It is recognised by the Council that longer licensing hours (with regard to the sale of alcohol) may help to ensure that the number of customers leaving premises simultaneously is avoided. Fixed and artificially early closing times can encourage, in the case of sales of alcohol, rapid binge drinking close to closing times and are a key cause of disorder and disturbance when large numbers of customers are required to leave premises at the same time.

3.2.4 However, there is no general presumption in favour of lengthening licensing hours. The four licensing objectives will be paramount considerations at all times and each case judged on its individual merits.

3.2.5 Any person has a right to make representations concerning applications for premises licences and club certificates and hours of trading and to have those representations given due regard.

3.2.6 In each case that arises following objections/representations the Council will:

- consider the potential for public nuisance, crime and disorder and/or danger to public safety associated with the style, characteristics and activities of the business involved and the rights of residents to peace and quiet • examine the potential steps which could be taken to reduce the risk of public nuisance, crime and disorder and/or danger to public safety, particularly in areas of dense residential accommodation
- consider restricting the hours of trading in cases where there are good grounds for believing that the licensing objectives will be or are being undermined

### 3.3 PRINCIPLE 3

3.3.1 The Council will limit the access of children to licenced premises where this is necessary to protect them from harm.

3.3.2 This is intended to:

- promote the protection of children from harm
- address the issue of children in licensed premises, including cinemas and other public entertainment

3.3.3 No policy can anticipate every issue of concern that could arise in respect of children with regard to individual premises. Consideration of the individual merits of each application are therefore the best mechanism for judging such matters.

3.3.4 The Council will take particular account when:

- there have been convictions for serving alcohol to minors
- there is evidence of underage drinking
- there is evidence of drug taking or dealing
- there is a strong element of gambling
- entertainment of an adult or sexual nature is commonly provided
- the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at those premises

3.3.5 Complete bans will be rare, but the options for limiting the access of children, where appropriate, to prevent harm include:

- limitations on the hours when children may be present
- age limitations (below 18 years)
- limitations or exclusions when certain activities are taking place
- requirements for an accompanying adult full exclusion of people under 18 years from the premises when any licensable activities are taking place

3.3.6 The Council will not impose conditions that require licensed premises to admit children. Where it is not appropriate for a licensing restriction the decision to admit children will be a matter for the discretion of the individual licensee or club.

3.3.7 Children and Cinemas

In the case of premises giving film exhibitions, the Council expects licensees to impose conditions that children will be restricted from viewing age-restricted films classified in accordance with the recommendations of the British Board of Film Classifications or the Local Authority.

### 3.3.8 Children and Public Entertainments

Where such entertainments are due to take place, the Council will expect an adequate number of adults to be present for health and safety reasons. The number of adults required should be calculated on the basis of a risk assessment. The Council will also take into account considerations such as the size of the venue, the number and ages of the children present and the type of activity involved.

## 4.0 Local Features

- 4.1 Eastbourne is a thriving seaside town and a spectacular gateway to the South Downs National Park and beauty spot, Beachy Head. It has a resident population of approximately 103,000 persons.
- 4.2 Eastbourne has five miles of beaches, an extensive marina complex and over 4,000 acres of South Downs countryside. Tourism is crucial to this cosmopolitan area and is Eastbourne's primary industry.
- 4.3 One of the largest accommodation stocks in the South East. The town stages a busy events programme which includes international tennis, theatre shows direct from the West End and an international four-day air show, Airbourne, bringing over 800,000 visitors.

## 5.0 OTHER CONSIDERATIONS

### 5.1 Live Music, Dancing & Theatre

- 5.1.1 The Council recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefits of the community. The Council will seek to obtain a balance between the potential for limited neighbourhood disturbance and the benefits of cultural activities, particularly for children, and will not allow the views of the few to predominate over the general interests of the community.
- 5.1.2 The Council will only attach licence conditions that are reasonable, proportionate and appropriate for the promotion of the licencing objectives. The Council is aware of the need to avoid measures as far as possible that deter live music, dancing and theatre for example by imposing indirect costs of a disproportionate nature.
- 5.1.3 The Council is aware of the value to the community of a broad range of cultural entertainments, particularly live music, dancing and theatre. The Council wishes to encourage them for the benefit of all.

### 5.2 Shops, Stores and Supermarkets

- 5.2.1 Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises throughout the period they are open for general trading, unless there are good reasons, based on the licensing objectives, for restricting those hours.

5.2.2 In certain circumstances, however, it may be appropriate to impose a limitation, for example, when representations are received.

5.2.3 Mindful of the details contained in Principles 1,2 and 3 we do not anticipate granting permission to such establishments (described in 6.2.1) for the sale of alcohol outside the hours of 0600hrs to 2300hrs save in exceptional circumstances. We do not consider a record of good management or financial considerations to constitute exceptional circumstances.

5.2.4 When determining an application for a premises licence the Council has no obligation to consider the rights of workers employed. These are covered by separate legislation.

5.2.5 The impact on workers of extended hours permitted by a premises licence is a contractual matter to be resolved between the employer and employee, and the Council will not seek to intervene in these matters.

### 5.3 Integration Of Strategies

5.3.1 The Council is ensuring that this Statement of Policy integrates with crime prevention, anti-social behaviour, planning, transport, tourism and cultural strategies by:

- Having regard to the Lead Agency Protocol drawn up between Sussex Police, Local Authorities, the Fire and Rescue Service and Trading Standards.
- Liaising and consulting with Sussex Police, with the Community Safety Partnership and by following the guidance in community safety and crime disorder strategies
- Liaising and consulting with East Sussex Fire and Rescue Service and by following the guidance in fire safety strategies and protocols
- Liaising and consulting with the Planning Authorities
- Liaising and consulting with the Highway Authority
- Liaising and consulting with the East Sussex Healthcare NHS Trust
- Liaising and consulting with UK Visas and Immigration
- Liaising and consulting with tourism, stakeholder and business groups such as the local Chamber of Commerce
- Liaising and consulting with East Sussex County Council's Trading Standards Department
- Having regard to any future guidance issued in relation to the Private Security Industry Act 2001 including any liaison or information sharing protocols

5.3.2 Specific conditions may be attached to premises licences to reflect local crime prevention strategies (however see paragraph 6.5).

Such conditions may include:

- the use of closed circuit television cameras
- the provision and use of shatterproof drinking containers
- a drugs and weapons search policy
- the use of registered door supervisors under Private Security Industry Act 2001
- specialised lighting requirements
- restrictions on hours opening

5.3.3 Certificates issued to club premises will reflect local crime prevention strategies and may include any or all of the requirements listed above. Account will also be taken of any public spaces protection orders and guidelines that regulate street drinking.

5.3.4 Club owners and promoters will be expected to have regard to safer clubbing guidance for Licencing Authorities, club managers and promoters. The Council will ensure that licenced premises are designed and run in a way that maximises the safety of customers and staff.

5.3.5 The Council will take account of the need to disperse people quickly and safely from town centres to avoid concentrations which may produce disorder and disturbance. The Council will also take into account any protocols agreed between the police and other licencing enforcement agencies.

5.3.6 The Council's planning and licencing regimes are separate, they involve consideration of different (albeit related) matters. The Licencing Committee will not consider representations that relate to planning rather than licencing issues and will not be bound by decisions that are made by the Planning Committee, and vice versa.

5.3.7 The grant of a premises licence shall not be regarded as an indication that planning permission or building regulations approval has been (or will in the future be) granted. A separate application for planning consent, change of use and/or building regulations approval must always be made. Ideally, planning consent should be obtained before a licencing application is submitted.

#### 5.4 Other Legislation

5.4.1 This policy shall avoid duplication with other regulatory regimes wherever possible. In this regard, reference shall be made to the following:

##### 5.4.2 Health And Safety

The Council's Environmental Protection inspection staff will normally have visited licenced premises to assess/enforce health and safety requirements. Certain

premises will fall outside the responsibility of the Environmental Protection Team and will be subject to regulation/enforcement by the Health and Safety Executive (HSE). Health and Safety regulations impose a range of general and specific duties on employees, employers, operators of venues and members of the public. Matters arising out of the Health and Safety at Work etc Act 1974 and associated regulations will not be addressed by the imposition of licensing conditions unless they are appropriate for the promotion of the licencing objectives.

#### 5.4.3 Smoking

The Health Act 2006 introduced the smoke free provisions that protect employees and the public from the harmful effects of second hand smoke. The Council will be responsible for enforcing these provisions and will offer information advice and support to businesses so they can meet their legal obligations. Managers of licensed premises will have a legal responsibility to prevent smoking.

#### 5.4.4 Fire Safety

Operators of licensed premises have duties under various fire safety regulations and the same considerations as above will apply.

#### 5.4.5 Food Hygiene

Premises selling alcohol and/or premises engaged in a food business will be registered with Eastbourne Borough Council and subject to risk-based food hygiene inspections at regular intervals.

#### 5.4.6 Noise

Statutory and Public nuisances are dealt with by the Environmental Protection Team under the Environmental Protection Act 1990 and associated legislation. Noise from commercial premises may also be covered by the legislation.

#### 5.4.7 Waste

Complaints relating to the accumulation and storage of waste will be dealt with by the Council under the provisions of any appropriate legislation.

### **6.0 Licensing Authority general policy considerations**

6.1 The Licensing Authority encourages the development of premises which are not alcohol led and which are aimed at different sectors of the population, including age and gender. Premises that promote the arts, a food offer, or other cultural activities are particularly encouraged

6.2 Where premises such as pubs are alcohol- based, they are encouraged to consider diversifying their provisions so as to encourage a mixed customer- base and wider attractions, including community uses, soft refreshments, snacks and live entertainment. Diversification is important in the promotion of the licensing objectives as well as ensuring a sustainable economic future for premises.

- 6.3 The Licensing Authority recognises the need to promote and encourage live and recorded music, dancing, theatre and other forms of entertainment for the wider cultural benefit of communities generally. The potential for limited disturbance in neighbourhoods will be carefully balanced with the wider benefits.
- 6.4 The Licensing Authority expects applicants to have researched and understood the relevant law and the area surrounding the vicinity of the proposed premises, in relation to their application and their particular business plans as well as this policy.
- 6.5 Supermarkets and other “Off” licensed premises selling alcohol. The Licensing Authority will generally consider licensing, shops, stores and supermarkets to sell alcohol for consumption off the premises throughout opening times. However where there are reasons for restricting or amending hours, for example, where premises become the focus of disorder and /or disturbance such restrictions or amendments will be considered where relevant representations have been made.
- 6.6 All Off licensed premises must comply with the Licensing Act 2003 Mandatory Conditions order in relation to age related sales. The Licensing Authority also expects such premises to implement additional measures to prevent and deter proxy sales on behalf of under 18's
- 6.7 Licensees should also carefully consider alcohol sales to customers who have or appear to have alcohol related health issues, and whether those customers appear to be under the influence of alcohol when attempting to make purchases.
- 6.8 The Licensing Authority expects adequate checks to be made and all reasonable steps taken to ensure alcohol delivered by way of online shopping services (as provided by most large supermarket chains) is not delivered to minors to prevent a risk of underage consumption. Therefore the authority requests that as part of the application the Operating Schedule should include the procedures the applicant is intending to operate to ensure the following:
- The person they are selling alcohol to is over the age of 18
  - That alcohol is only delivered to a person over the age of 18
  - That a clear document trail of the order proceed from order, despatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer
  - The time that the alcohol deliveries/despatch takes place. This is to assist with the prevention of public nuisance to the neighbouring properties
- 6.9 Where self-pay till points are made available in stores selling alcohol, provision, must be included for alcohol sales to be identified and approved prior to completion of the purchase.
- 6.10 Designated Premises Supervisor (DPS) at alcohol licensed premises. Whilst this role has a limited definition under the Licensing Act 2003, it is expected that this person nominated on a licence will have overall responsibility for the day to day management and control of the licensed premises and in particular be responsible for the safe receipt, storage and sale of alcohol.

- 6.11 The Licensing Authority expects the DPS to provide training to staff in relation to alcohol sales and to authorise the employees the DPS considers competent to sell alcohol on their behalf in writing
- 6.12 The Licensing Authority may wish to satisfy itself that the premises in question can be effectively managed by that person whilst responsibly promoting the licensing objectives.
- 6.13 Film Exhibitions the Licensing Authority expects Licence and Club Certificate holders to include in their operating schedules arrangements for restricting children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification or the licensing authority itself.
- 6.14 It is acknowledged the implementation of the Live Music Act in 2012 has resulted in a lighter touch regulation of live music up to 11pm on alcohol licensed premises, and this is seen as a positive approach for premises wishing to provide live music. However, the Licensing Authority does not see this as an opportunity for licensees to provide live music events that cause nuisance and disturbance to local residents or businesses
- 6.15 The Licensing Authority expects that where unregulated live music is proposed at licensed premises, all due care and consideration is taken to prevent disturbance. The council will consider using its powers under the Environmental Protection Act 1990 to prevent and control public nuisance caused by poorly managed live music at licensed premises.
- 6.16 The Legislative reform (Entertainment Licensing) Order 2014 and the Deregulation Act 2015 has reduced the regulatory control on some regulated entertainment however the Licensing Authority will expect licence holders to ensure that no nuisance or disturbance is caused to local residents and businesses when providing the deregulated activities. The Licensing Authority will consider using alternative powers.
- 6.17 Late Night Levy (LNL) Whilst it is acknowledged that the provisions for implementing a late night levy arise from the Police Reform and Social Responsibility Act 2011, any levy will potentially have a direct impact on all licensed premises within the borough. The Licensing Authority has considered the options around the imposition of a LNL but has no plans, at this time, of reviewing this policy. Should evidence arise to support implementing a levy the statutory consultation process will be followed and the authority will very carefully use its discretion in relation to design and impact of a levy.
- 6.18 In advance of any decision to implement a LNL, this authority will enter into discussions with the Police to agree the allocation of the Police share of the levy to support the policing of the night time economy within this Borough.



- 6.19 The licensing legislation is not the primary mechanism, for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and therefore beyond the direct control of the individual, club or business holding the licence certificate or authorisation.
- 6.20 The use of a licensed premises or place, may be subject to planning controls. This is a separate regulatory regime outside the scope of the Licensing Act 2003. The Licensing Authority recognises that there is no legal basis for refusing a licence application in the absence of any planning permission for the business to which the licence application relates.
- 6.21 Need concerns the commercial demand for particular licensed premises such as a pub club or hotel. This is a 'market forces' matter and is not of concern to the Licensing Authority. Cumulative Impact means the potential impact on the promotion of the licensing objectives by a significant or excessive number of licensed premises concentrated in one locality. This is a matter for consideration by the Licensing Authority.
- 6.22 The Licensing Authority acknowledges that a concentration of some types of licensed premises in a locality can result in increased footfall. Congregation of the public in the streets and potential for increased crime and disorder, litter and antisocial behaviour, as well as noise nuisance to local residents. This would be a result of the presence of the number of premises and not attributable to individual businesses.

## **7.0 Responsible Authorities and other persons**

- 7.1 Responsible authorities are public bodies that are statutory consultees that must be notified of applications by the applicant. The full list of contact details can be found at Appendix 3 and are contained on Eastbourne Borough Council website.
- 7.2 When dealing with applications for licences and reviews of premises licences, the Licensing Authority is obliged to consider representations from two categories of persons, referred to as 'Responsible Authorities' and other person. This allows for a broad range of people to comment both for and against applications for premises licenses and club premises certificates and for reviews.
- 7.3 The Licensing Authority may only consider representations that are relevant. In that they relate to the promotion of the licensing objectives, or that they raise issues in relation to this Statement of Licensing Policy or Home Office Guidance
- 7.4 The Licensing Authority will examine closely representations to ensure that they are not frivolous, repetitive or vexatious. Matters that this authority will look at are likely to include:
- Who is making the representation, and whether there is a history of making representations that are not relevant or which have been previously considered vexatious or frivolous:
  - Whether the representation raises issues specifically to do with the premises and/or the licensable activities that are the subject of the application

- 7.5 Nothing in this Policy should be taken to undermine the right of any person to make a representation on an application or to seek a review of a licence where provision to do so exists.
- 7.6 The Health Authority as a Responsible Authority. It is acknowledged that they may be useful in providing evidence of alcohol related health harms that are directly linked to premises or a cluster of premises. It may also be able to provide relevant information on alcohol related admissions and sickness that relate to specific licensed premises.
- 7.7 The Licensing Authority as a Responsible Authority. The Licensing Authority has carefully considered its role as a Responsible Authority under the Act. It will achieve a separation of responsibilities through procedures and approved delegations within the authority to ensure procedural fairness and eliminate conflicts of interest. A separation is achieved by allocating distinct functions (i.e. those of Licensing Authority and Responsible Authority)
- 7.8 The Licensing Authority does not expect to act as a Responsible Authority on behalf of third parties but accepts that there may be rare circumstances where this approach may be required. An example may be where matters arise at premises of which the licensing authority is aware that impact negatively on the promotion of the licensing objectives and residents, and other third parties are unwilling or unable to either request a review or make a representation.

## **8.0 Exchange of Information**

- 8.1 The Licensing Authority will act in accordance with the provisions of the Licensing Act 2003, the General Data Protection Regulations (GDPR) and the Data Protection Act 2018 in its exchange of information with other regulatory bodies, any such protocol will be made publicly available.

## **9.0 Human rights and Equalities opportunities**

- 9.1 The Human Rights Act 1998 makes it unlawful for a local authority to act in a way which is incompatible with the European Convention on Human Rights. In making decisions and determining appropriate action the council will have due regard to the Human Rights 1998 Act. The Licensing Authority will interpret the Licensing Act 2003 in a manner consistent with the Human Rights 1998 Act.
- 9.2 The Licensing Authority will consider the effect upon peoples human rights and adopt a principle of proportionality and the need to balance the rights of the individual with the rights of the community as a whole. Action taken by the council which affects rights must be no more onerous than is necessary in a democratic society.
- 9.3 The Equality Act 2010 requires public bodies to consider all individuals when carrying out their functions – in shaping Policy, in delivering services and in relation to their own employees. It requires public bodies to have due regard to the need to eliminate discrimination, advance quality of opportunity, and foster

good relations between different people when carrying out their activities.

- 9.4 The Equality Duty supports good decision making – it encourages public bodies to understand how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people’s needs. By understanding the effect of their activities on different people and how inclusive public services can support and open up people opportunities, public bodies can be more efficient and effective.
- 9.5 Immigration Act 2016 and the Modern Slavery Act 2015 – The Licensing Authority has responsibilities the relates to the prevention of immigration crime, specifically the prevention of illegal working in licensed premises. Licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity.
- 9.6 These provisions apply to premises licence for alcohol and late night refreshment, (but not entertainment only licences) and personal licences. Other types of authorisation under the Licensing Act 2003 (Club premises certificates and temporary event notices are not covered.

## **10.0 Compliance and enforcement**

- 10.1 There are a range of offences detailed under Part 7 of the Licensing Act 2003. The Licensing Authority will liaise with the Responsible authorities to determine enforcement of specific offences in a case by case basis. Offences related to sales of alcohol to minors will be enforced by the Police or Trading Standards Authority unless they form part of a range of offences identified by the Licensing Authority.
- 10.2 The Licensing Authority has an approved Enforcement Policy which complies with the Regulatory Compliance Code.
- 10.3 A risk based inspection programme is in place, which includes the targeting of high risk premises which require greater attention, whilst operating a lighter touch in respect of low risk and well managed premises. The risk-based approach is based on Home Office Guidance, the activities authorised and premises compliance history.
- 10.4 The authority acknowledges that where annual fee payments for premises licences or club premises certificates are not made it must notify the holder in writing and specify the date on which the suspension takes effect; this date must be at least two working days from receipt of letter

## **11.0 Decision Making Process**

- 11.1 The types of applications/notices covered by the Act and relevant to this policy include:
- Personal licences
  - New Premises licence applications

- Provisional statements
- Full and Minor Variations to Premises Licence
- Transfers
- Temporary Event Notices
- Interim Authorities
- Reviews
- Club Premises Certificates
- Matters involving the Designated Premises Supervisor

11.2 Licensing decisions and functions may be taken or carried out by the Licensing Committee of Eastbourne Borough Council, except for those relating to the making of a Statement of Licensing Policy, or delegated to the Licensing Sub-committee, or in appropriate cases to authorised Officers of the Authority.

11.3 Many of the decisions will be largely administrative and it is anticipated that authorised Officers will make them, in the interests of speed, efficiency, and cost effectiveness.

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

<b>Matter to be dealt with</b>	<b>Full Licensing Committee</b>	<b>Sub-committee</b>	<b>Officers</b>
Application for personal licence		If the police or immigration enforcement give an objection	If no objection notice is given by the police or immigration enforcement
Decision whether to suspend or revoke a personal licence		All cases	
Application for personal licence with unspent convictions		If a police objection	
Application for premises licence/club premises certificate		If relevant representation	If no relevant representation made or all representations made are withdrawn
Application for provisional Statement		If relevant representation made	If no relevant representation made or all representations made are withdrawn
Application to vary premises licence/club premises		If relevant representation made	If no relevant representation made or all

certificate			representations made are withdrawn
Application to vary designated premises supervisor		If a police or immigration enforcement objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police or immigration enforcement objection	All other cases
Application for interim authorities		If a police or immigration enforcement objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application			All cases
Minor Variation			All cases
Determination of a police or Environmental Protection objection to a temporary event notice		All cases	

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

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

11.7 Due consideration should be given to appropriate counterterrorism measures or

advice when considering licence applications. It is particularly relevant to consider conditions around health care provision in this regard.

## **12.0 Integration and the Promotion of Other Strategies**

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

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

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

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

## **13.0 Other Regulatory Regimes and Avoidance of Duplication**

13.1 This Policy avoids duplication with other regulatory regimes wherever possible.

The following are generally considered under separate regimes:

- Health and Safety: Certain premises will be the subject of health and safety enforcement by the Local Authority or the Health and Safety

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

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

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

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

## 14.0 Trading Hours

- 14.1 The Licensing Authority recognises that longer; more flexible licensing hours can contribute to easing crime and disorder by avoiding large concentrations of customers leaving premises simultaneously. This, in turn, reduces congestion and potential conflict at other locations, for example, taxi ranks and fast-food outlets.
- 14.2 This Policy does not set fixed trading hours and does not seek to artificially introduce staggered closing times. The Council will consider each particular case on its merits having regard to representations, including:
- Are the licensed activities likely to cause an adverse impact on local residents and businesses, for example crime, noise and disturbance. If there is potential to cause an adverse impact, what, if any, measures will be put in place to prevent it;
  - Will there be a substantial adverse increase in the cumulative impact from these or similar activities, on adjacent residential areas;
  - Is there a suitable level of public transport and taxi/private hire provision accessible at the appropriate times to facilitate dispersal of patrons;
  - The representations of the Police, or other relevant agency or representative.
- 14.3 The Licensing Authority will closely scrutinise extended hours applications to ensure that the Licensing Objectives are met.
- 14.4 The Licensing Sub-Committee may decide that the circumstances are such that a restriction on hours is the only appropriate means to promote the Licensing Objectives.
- 14.5 It will be the normal Policy of the Licensing Authority to allow shops, and supermarkets to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless there is evidence for restricting hours.
- 14.6 The government has extended temporary off-sales until 31 March 2025 in order to continue to provide vital support to the hospitality sector.

## 15.0 The Operating Schedule

- 15.1 The Operating Schedule sets out how the premises propose to operate when carrying on licensable activities. It also enables the Licensing Authority, any Responsible Authority or any other person to assess whether the steps taken to promote the licensing objectives are satisfactory. It must include the following



information:

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

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

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

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

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

## **16.0 Prevention of Crime and Disorder**

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

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

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

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

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

- Procedures for risk assessing promotions such as 'happy hours,' and cheap drink promotions which may contribute to the impact on excessive alcohol consumption as well as associated crime and disorder and plans for minimising such risks. This will need to be considered in conjunction with the mandatory licence conditions.
- The measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies;
- Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks.
- The likelihood of any violence, public order or policing problem if the licence is granted.
- The measures taken to control admission to the premises, including the use of Security Industry Authority (SIA) licensed door supervisors.
- Any other such measures as may be appropriate, including; participation in a local Pubwatch or Nightwatch scheme, or other body designed to ensure effective liaison and partnership with the local community, the use of 'music wind-down policies' and 'chill out areas.'
- Measures to effectively control the premises during key events, for example; during sporting events, during Freshers Week, Airbourne and other significant times.
- Other examples of industry Best Practice.
- Any representations made by the Police, or other relevant agency or representative.
- Steps taken to train staff in licensing law and raise awareness of issues in relation to licensed premises, including; excessive consumption of alcohol, underage and proxy sales of age restricted products, drug misuse and associated crime prevention strategies.

16.5 Where applicable, applicants must show that they can comply with the Home Office guidance in relation to the control of illegal drugs on their premises. They shall also adhere to the protocol with the Police on the handling of illegal drugs found on their premises.

16.6 The Licensing Authority expects that the Designated Premises Supervisor (DPS)

will spend a significant amount of time on the licensed premises. When not on the premises, it is essential that the DPS is contactable, has given their written consent and has left a competent, authorised person in charge to act in their absence. It is expected that this person, will normally be a personal licence holder.

16.7 The Licensing Authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence, disorder and nuisance are occurring so it can take full account of the facts and avoid exacerbating problems.

16.8 Where licensed premises are found to cause nuisance or be associated with disorder, unreasonable disturbance, powers of revocation or the imposition of conditions may be considered. Conditions may include:

- The installation and use of CCTV and associated recording equipment to a standard specification
- Inclusion of a drugs and search policy of customers
- The use of SIA registered door supervisors
- Earlier closing times or last admissions time
- Action Plans for premises failing to meet the required standards
- Closure Orders
- Review and revocation proceedings
- Use of other mechanisms to effectively control an area where there is alcohol related crime and disorder, including powers under the Violent Crime Act 2006.

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

## **17.0 Public Safety**

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

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

- Specified maximum occupancy limits on the premises licence or certificate were considered necessary for the promotion of public safety or the prevention of crime and disorder.
- Provision of CCTV and associated recording equipment installed to a standard specification
- Use of shatterproof drinking vessels and bottles, requiring the use of toughened glass or plastic throughout the licensed premise.
- The use of SIA Registered Door Supervisors, and a requirement of a minimum of such, namely 1 per 100 customers where the event is

attended by persons over 18 and 1 per 50 customers where the event is attended predominantly by persons under 18.

- The provision of designated and suitably qualified and trained first aiders.
- Strategies to prevent binge drinking and promote 'safer socialising' and responsible drinking.
- Systems in place to prevent the theft of items and 'spiking' of drinks.
- SIA Registered Door staff to maintain order inside and outside venues, protecting customer safety as well as participation in Nightwatch/ Pubwatch schemes to alert Police and other venues where customers and staff are perceived to be at risk
- The provision of chill out rooms/quiet areas to allow patrons to relax and unwind.

17.3 The Council would expect relevant places or premises to have conducted a risk assessment with regard to the promotion of the Licensing Objectives. A separate Fire Risk Assessment should also be undertaken to ensure that any protective and preventive measures identified are taken to ensure the safety of any relevant persons. This may include the provision of fire-fighting equipment, emergency lighting and an appropriate means of raising the alarm in the event of an emergency. Applicants and responsible persons should make themselves aware of the Regulatory Reform (Fire Safety) Order 2005.

17.4 The Licensing Authority may review what measures are in place to aid the dispersal of patrons in a quick and safe manner in order to avoid opportunities for disorder and disturbance. This may include the availability of taxis, location of taxi ranks and other late night transport systems, as well as the use of registered staff to control queues and external areas.

17.5 Where appropriate, licence holders or their authorised representatives will attend Safety Advisory Group Meetings and other planning meetings prior to large scale events which take place within licensed premises and/or in an open space. Applicants should have regard to relevant guidance and publications.

17.6 Prior consent will be required for; performance of stage Hypnotism, fireworks and lasers. Applications should contain details prescribed by the Licensing Authority. Conditions may be applied to any consent.

## **18.0 Prevention of Public Nuisance**

18.1 The Licensing Authority will require operators to demonstrate how matters will be addressed to limit public nuisance, prevent disturbance and protect amenities.

18.2 In considering an application, the Licensing Authority will consider the adequacy of proposed measures to remove or effectively manage the potential for noise, nuisance and anti-social behaviour.

18.3 Amplified music or other entertainment noise from within the premises shall be inaudible within any residential premises. The test for compliance with 'inaudibility' will be that noise should be no more than barely audible outside of nearby business and residential properties.

18.4 The Licensing Authority will take into consideration a range of issues, and consider the imposition as appropriate of conditions, including:

- The proximity of residential accommodation.
- The type of use proposed, including the likely numbers of customers, proposed hours of operation, nature of regulated entertainment and the frequency of activity.
- Steps taken or proposed to be taken to prevent noise, disturbance and vibration breaking out from the premises. This may include music, noise from ventilation equipment, and human voices.
- Steps taken to prevent disturbance by customers arriving at or leaving the premises will also need to be detailed. This will usually be of greater importance between 22.30 and 07.00. than at other times of the day.
- The steps taken or proposed to be taken by the applicant to prevent customers queuing. If queuing is inevitable, then queues should be diverted away from neighbouring premises and residential accommodation or be otherwise managed to prevent disturbance or obstruction.
- The steps taken to ensure staff and customers leave the premises quietly, including the provision of appropriate “leave quietly” signage.
- Arrangements made or proposed for parking by customers specific to the licensed premises where relevant, and the effect of parking by patrons on local residents.
- The provision for public transport in the locality, including taxis and private hire vehicles for customers to facilitate dispersal.
- The level of likely disturbance from associated vehicular movement.
- The delivery and collection areas and delivery/collection times.
- The siting of external lighting, including security lighting which may cause light pollution and/or disturbance to neighbouring properties.
- The impact on refuse storage and litter.
- The history of previous nuisance complaints proved against the premises; particularly where statutory notices have been served on the present premises licence operators.
- The history of the applicant in controlling anti-social behaviour and preventing nuisance.
- The generation of odour, e.g. from the preparation of food.
- Any other relevant activity likely to give rise to nuisance.
- Any representations made by the Responsible Authorities or other relevant agency/representative.
- The use and control of gardens and other open-air areas.

18.5 Such measures may include:

- Keeping windows and doors shut save for access and egress.
- The installation of soundproofing, air conditioning, acoustic lobbies, acoustic devices and sound limitation devices.

- Operators to undertake regular checks and assessments in the vicinity of the premises and take steps to limit disturbance and noise breakout
- Limiting the number of patrons at any one time in any external areas, particularly where it is in close proximity to residential accommodation.

## **19.0 Protection of Children from Harm**

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

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

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

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

19.9 The Licensing Authority may consider the following: -

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

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

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

19.12 The Licensing Authority will expect Operating Schedules to specify the measures and management controls in place to prevent alcohol being served or supplied to

children, other than in those limited circumstances permitted by the Licensing Act 2003.

## **20.0 Sex Establishment Policy**

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

## **21.0 The Health Act 2006 & Associated Smoke Free Issues**

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

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

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

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



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

## **22.0 Premises Licences**

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

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

## **23.0 Planning Permission**

23.1 The Licensing Authority recognises that planning, building control and licensing

regimes should be properly separated.

- 23.2 Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent already in place for the property concerned.
- 23.3 The Licensing Authority recognises that Licensing applications should not be a rerun of the planning process and should not cut across decisions taken by the Local Authority Planning Committee or following appeals against decisions taken by that Committee.
- 23.4 Similarly the granting by a Licensing Sub Committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control or other consents where appropriate.

#### **24.0 Applications for Personal Licences**

- 24.1 A personal licence is issued to an individual authorising them to make or authorise the sale of alcohol in accordance with a premises licence. Every premises licence that authorises the sale of alcohol must specify an individual who acts as the designated premises supervisor (DPS). The DPS must hold a personal licence.
  - a) The applicant is aged 18 or over
  - b) The applicant is entitled to work in the United Kingdom
  - c) The applicant possesses a licensing qualification or is a person of a prescribed description
  - d) The applicant has not forfeited a personal licence in the five year period prior to their application being made
  - e) The applicant has not been convicted of any relevant offence or any foreign offence or required to pay an immigration penalty
- 24.2 The licensing authority must reject an application if the applicant fails to meet one or more of the requirements set out in (a) to (e) above.
  - 24.2.1 Where the applicant meets the requirements in (a) to (d) but does not meet the requirements of (e), the licensing authority must give the chief officer of police for its area a notice to this effect. Having received such a notice, if the chief officer of police is satisfied that the granting of the application would undermine the crime prevention objective, he must within 14 days, give the licensing authority a notice to that effect.
  - 24.2.2 Where the applicant fails to meet the requirements of (e) as a result of a conviction for an immigration offence or because they have been required to pay an immigration penalty, the licensing authority must give a notice to the Secretary of State for the Home Department to that effect. The Home Office may object to an application on grounds that granting the personal licence would be prejudicial to the prevention of illegal working in licensed premises.

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

## **25.0 Personal Licences – Suspension and Revocation**

- 25.1 Section 138 of the Policing and Crime Act 2017 amended the Licensing Act 2003 and gave the power to a licensing authority to suspend or revoke personal licences that it has issued with effect from 6 April 2017.
- 25.2 When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017. Only magistrates' courts can order the forfeiture or suspension of a personal licence for convictions received prior to 6 April 2017.
- 25.3 The process which must be undertaken by the licensing authority to suspend or revoke a personal licence is set out at section 132A of the 2003 Act. The decision to revoke or suspend a personal licence must be made by the licensing

committee or sub-committee, but the actions required before making a final decision may be made by a licensing officer.

- 25.4 The licensing authority may not take action if the licence holder has appealed against the conviction or the sentence imposed in relation to the offence, until the appeal is disposed of. Where an appeal is not lodged, the licensing authority may not take action until the time limit for making an appeal has expired.
- 25.5 If a licensing authority is considering revoking or suspending a personal licence, the authority must give notice to the licence holder. This notice must invite the holder to make representations about the conviction, any decision of a court in relation to the licence, or any decision by an appellate court if the licence holder has appealed such a decision. The licence holder may also decide to include any other information, for example, about their personal circumstances.
- 25.6 The licence holder must be given 28 days to make their representation, beginning on the day the notice was issued. The licensing authority does not need to hold a hearing to consider the representations. Before deciding whether to revoke or suspend the licence the licensing authority must consider any representations made by the licence holder, any decisions made by the court or appellate court in respect of the personal licence of which the licensing authority is aware, and any other information which the licensing authority considers relevant.
- 25.7 The licensing authority may not be aware of whether the court considered whether to revoke or suspend the licence, and there is no obligation on the licensing authority to find this out before making a decision themselves. Where the court has considered the personal licence and decided not to take action, this does not prevent the licensing authority from deciding to take action itself. Licensing authorities have different aims to courts in that they must fulfil their statutory duty to promote the licensing objectives, and therefore it is appropriate for the licensing authority to come to its own decision about the licence.
- 25.8 If the licensing authority, having considered a suspension and revocation and subsequently considered all the information made available to it, proposes not to revoke the licence it must give notice to the chief officer of police in the licensing authority's area, and invite the chief officer to make representations about whether the licence should be suspended or revoked, having regard to the prevention of crime. The chief officer may make representations within the period of 14 days from the day they receive the notice from the licensing authority.
- 25.9 Any representations made by the chief officer of police must be taken into account by the licensing authority in deciding whether to suspend or revoke the licence.
- 25.10 Convictions may become known via police in another area, for example if the personal licence holder no longer lives in the area of the licensing authority which issued the licence, or if the offence took place in another police force area. In this instance it would be good practice for the police providing the information to notify the police force in the licensing authority area, because it is the local chief officer who must provide representations if the licensing authority proposes not to revoke the licence.

25.11 Where the licence holder is convicted of immigration offences or has been required to pay a civil penalty for immigration matters, the licensing authority should notify Home Office Immigration Enforcement and allow representations to be made in the same way.

25.12 In deciding whether to suspend or revoke a personal licence, the licensing authority will have regard to all of the circumstances including the following:

- The need to assess each case on its merits
- The duty to promote the licensing objectives
- The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
- The seriousness of the relevant offence
- The sentence or penalty imposed on the licence holder for the relevant offence
- Any representations made by the Police or Home Office Immigration Enforcement
- Any representations made by the holder of the licence
- Any evidence as to the previous character of the holder of the licence

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

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

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

## **26.0 Immigration Act 2016 – Entitlement to Work**

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

26.2 The statutory prevention of crime and disorder licensing objective in the Licensing Act 2003 includes the prevention of immigration crime and the prevention of

illegal working in licensed premises. The Council will work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.

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

- Premises licences to sell alcohol or provide late night refreshment and personal licences cannot be issued to an individual who does not have permission to be in the UK, or is not entitled to undertake work relating to the carrying on of a licensable activity;
- Licences issued to those with limited permission to be in the UK will lapse when their permission to be in the UK and work in a licensable activity ends;
- Immigration offences, including civil penalties, are 'relevant offences' as defined by the 2003 Act;
- The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences) and applications to transfer premises licences, and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence; and
- Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.

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

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

## **27.0 Live Music Act 2012 and Entertainment Licensing Deregulation**

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

- amplified 'live' music between 08:00 and 23:00 before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises
- amplified 'live' music between 08:00 and 23:00 before audiences of no

more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)

- unamplified 'live' music between 08:00 and 23:00 in all venues
- the provision of entertainment facilities

27.2 Where licensable activities continue to take place on premises any licence conditions relating to 'live' music will be suspended, but it will be possible to impose new, or reinstate existing conditions following a review.

27.3 When considering whether an activity constitutes the provision of regulated entertainment each case will be treated on its own merits. There will inevitably be a degree of judgment as to whether a performance is live music or not, so organisers are encouraged to check with the licensing authority if in doubt.

27.4 There was a further deregulation of entertainment licensing in June 2013 when the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 came into force on 27 June 2013. The effect of the order is that no authorisation is required for the following activities to the extent that they take place between 08:00 - 23:00 on any day:

- a performance of a play in the presence of any audience of no more than 500 people
- an indoor sporting event in the presence of any audience of no more than 1000 people
- a performance of dance in the presence of any audience of no more than 500 people

27.5 Entertainment licensing requirements were further deregulated as a result of the Legislative Reform (Entertainment Licensing) Order 2014, which came into force on 6 April 2015.

27.6 The 2014 Order deregulated entertainment licensing in the following ways: The provision of regulated entertainment by or on behalf of local authorities, health care providers, or schools on their own defined premises became exempt from entertainment licensing between 08.00 - 23.00 on the same day, with no audience limit.

- The audience limit for a performance of live amplified music in relevant alcohol licensed premises or in a workplace between 08.00 - 23.00 on the same day was raised from 200 to 500.
- Local authorities, health care providers and schools are now exempt from entertainment licensing when making their own defined premises available to third parties for live and recorded music activities between 08:00 - 23:00 on the same day for audiences of up to 500.
- Community premises not licensed to supply alcohol are now exempt from entertainment licensing requirements for live and recorded music between 08:00 - 23:00 on the same day for audiences of up to 500.
- Travelling circuses are now exempt from entertainment licensing in respect of all descriptions of entertainment, except an exhibition of a film or a

boxing or wrestling entertainment, where the entertainment or sport takes place between 08:00 - 23:00 on the same day, with no audience limit.

- Greco-Roman and freestyle wrestling are now deregulated between 08:00 - 23:00 for audiences of up to 1000 people.
- An exhibition of film that is incidental to another activity (where that other activity is not itself a description of entertainment set out in paragraph 2 of Schedule 1 to the 2003 Act) is exempt now from licensing.

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

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

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

## **28.0 Temporary Event Notices**

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

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

28.3 Who can give a TEN:

- A TEN can be given by any individual aged 18 or over, but cannot be given by a business or organisation;
- The individual giving the notice is 'the premises user;'
- An individual who holds a personal licence under the Licensing Act 2003 may give up to 50 TENs in any calendar year, up to 10 of which may be 'late' TENs;



- Individuals not holding a valid personal licence are restricted to 5 TENs in any calendar year, up to 2 of which may be late TENs;
  - Standard and late TENs, in any combination count towards these overall total limits for TENs;
  - A TEN which relates to an event taking place within 2 calendar years counts against the limits for that individual in respect of both calendar years;
  - A maximum of 15 TENs can be given in relation to the same premises in any calendar year; and
  - Any premises cannot be used for activities authorised by TENs for more than 21 days in any calendar year.
- 28.4 The notice has been given on the licensing authority (or licensing authorities where the premises is situated in more than one authority area), with copies to the police and the local authority exercising environmental protection functions - This must normally be done no later than 10 working days prior to the proposed event although there is provision for a limited number of late TENs to be served up to 5 working days, but no earlier than 9 working days, prior to the event.
- 28.5 A TEN can be sent electronically to the licensing authority which will forward it to the police and local authority exercising environmental protection functions by the end of the working day after which the TEN was received.
- 28.6 The prescribed form of a TEN must be used and all required information provided. There must be a minimum of 24 hours between event periods in relation to the same premises.
- 28.7 On receipt of a TEN, the licensing authority must acknowledge receipt of the notice before the end of the first working day after the day of receipt (or the day after where the TEN is served on a weekend day).
- 28.8 The police and local authority exercising environmental protection functions (relevant persons) have three working days to give an objection to a TEN where they consider that the proposed activities will undermine a licensing objective.
- 28.9 The objection notice must give reasons for the objection and must be given to the licensing authority, other relevant persons and the premises user.
- 28.10 In the case of a standard TEN, where an objection is received, the licensing authority must hold a hearing to consider the matter unless all parties agree that no hearing is necessary. The licensing authority must send a counter notice to the premises user if it considers it appropriate for the promotion of a licensing objective. In the case of late TENS, the licensing authority must issue a counter notice if objections are received from the police or local authority exercising environmental protection functions.
- 28.11 Organisers of temporary events are strongly advised to contact the Licensing Authority and other appropriate agency for advice at the earliest opportunity when planning events. This may avoid any unnecessary objections being made that may arise from misunderstandings or confusion concerning the proposed event.

## **29.0 Appeals**

- 29.1 Entitlements to appeal for parties aggrieved by decisions of the Council are set out in Schedule 5 to the Licensing Act 2003. Appeals must be made to the Magistrates' Court and made within 21 days beginning with the day on which the Appellant was notified of the Council decision. This includes applicants, Responsible Authorities and anyone else.
- 29.2 The Act also covers appeals in relation to temporary event notices, personal licences and closure orders. In relation to temporary event notices, premises users may appeal against the decision by a Council to give a counter notice. **However, there is no right of appeal in relation to a late temporary notice following an objection for the Police or Environmental Protection.** Applicants for personal licences may appeal against the decision to reject an application for or application to renew a licence. Where the Police lodge an objection notice to the grant or renewal of a personal licence and the Council grants or renews the licence, the Police may appeal.

## **30.0 Problematic Premises**

- 30.1 The Council expects licensed premises to be properly controlled and managed by responsible operators. This should prevent or minimise problems to any of the other groups affected by it, including residents and businesses in the vicinity, as well as Responsible Authorities.
- 30.2 However, legitimate concerns will sometimes be raised about particular operations. In those instances the Council will encourage the individuals or groups affected to raise those concerns directly with the operator in the first instance. In the Council's experience this approach can often be successful as the operator may not be fully aware of the problems and can introduce changes to improve the situation.
- 30.3 Where concerned individuals or groups do not wish to approach operators directly (perhaps fearing abuse or reprisals,) the Council will approach the operator to discuss the concerns and seek improvements, if required.
- 30.4 The Council collaborates closely with Responsible Authorities and will intervene at an early stage where it is found that the provision of licensable activities is being carried on in a manner which does not promote the four Licensing Objectives.
- 30.5 The Council expects all licensees to co-operate with the agencies concerned and to deal promptly and properly with the concerns raised. Where a premises fails to meet the required standards or comply with legislation, they may be placed on an "Action Plan" or face prosecution proceedings.
- 30.6 The Council has a joint enforcement protocol with Sussex Police on enforcement and inspection issues to provide for the efficient and effective deployment of its staff and police officers in enforcing licensing law. This includes the targeting of

resources where 'hotspot' crime and disorder premises and/or areas have been identified.

- 30.7 When necessary, the enforcement action will be taken in accordance with the principles of Eastbourne Borough Council's Enforcement Policy.
- 30.8 The Council recognises that once away from premises a minority of consumers will behave badly and unlawfully. However, licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.
- 30.9 However, the Council recognises that there are mechanisms both within and outside of the licensing regime that are available for addressing such issues. These are detailed within points 16.0 - 19.0 of this policy.
- 30.10 The Council does not seek to prevent any individual or group from using the formal procedures for review of a premises licence or club premises certificate. Neither does it seek to constrain the powers of the police to close premises where they consider it necessary to do so in the interests of public safety or to prevent a public nuisance.
- 30.11 However, the Council believes that by working in partnership with all the groups involved in the licensing process the formal review procedures and exercise of the police powers to close premises should be instituted in general after voluntary measures have been attempted.

### **31.0 Enforcement Policy**

- 31.1 Premises that generate disorder, threaten public safety, generate public nuisance or pose a risk to the wellbeing of children will be targeted for enforcement action. Action will be focused on those responsible at the premises for its management.
- 31.2 The Council has an established Enforcement Policy based around the principles of consistency, transparency and proportionality in accordance with the Regulators Compliance Code.
- 31.3 A graduated response will be taken where offences against legislation are found, or where premises licence conditions have been breached. The action taken may range from verbal advice, written warnings, placement of the premises on an Action Plan and/or Formal Caution. Enforcement action may include prosecution proceedings.
- 31.4 Enforcement action is generally progressive. This does not prevent the Licensing Authority or any of the other enforcement Partners, taking more robust action where it is considered appropriate.

- 31.5 The Licensing Authority will seek to collaborate with the Police, East Sussex Fire and Rescue Service and Trading Standards and other enforcement partners in the enforcement of licensing and other legislation.
- 31.6 Enforcement will be focused on premises or persons found to be failing to promote the Licensing Objectives.
- 31.7 A number of other Council and government policies, strategies and guidance documents may also be taken into account to complement this policy, including:
- Community Safety & Crime Reduction Strategies
  - Drugs and alcohol Strategies
  - Aims and objectives of the Private Security Industry Authority
  - The Anti-Social Behaviour, Crime & Policing Act 2014
  - The Health Act 2006
  - The Violent Crime Reduction Act 2006
  - Section 182 Guidance as revised in December 2023 in conjunction with amendments to the Licensing Act 2003

## **32.0 Dealing with Representations**

- 32.1 Where a representation is made to the Licensing Authority, it will consider whether it is valid. In determining whether a representation is valid, the Licensing Authority will first consider if the representation made is relevant and also whether it is, vexatious, frivolous or repetitious.
- 32.2 Where someone or a Responsible Authority has made a valid representation about a licensed premises, or a valid application for a licence to be reviewed, then the Council's Licensing Team may initially arrange a mediation meeting to facilitate communication between all parties and attempt to address, clarify and resolve the issue/s of concern.
- 32.3 This process will not override the right of the Licensing Authority to consider a valid representation in a committee environment or for any licence holder or other party to refuse to participate in a mediation meeting.

## **33.0 Reviews**

- 33.1 A key protection for the community is contained within the Licensing Act 2003. This is a review of the premises licence, or club premises certificate. It can be initiated at any time, where it can be shown that the licensing objectives of crime and disorder, public safety, public nuisance or the protection of children from harm are being undermined.
- 33.2 At any stage following the grant of a premises licence a 'Responsible Authority' which includes the Police, Council's Environmental Protection Team, Trading Standards or any other person such as a local resident, residents' association,

Ward Councillor, local business or trade organisation may ask the Licensing Authority to review a premises licence at any time because of a matter arising at the premises in connection with the promotion of the four Licensing Objectives.

- 33.3 Revocation or suspension of premises licences or certificates will normally be considered where offences, such as sale of alcohol to persons who are drunk or sale of alcohol to persons under 18, occur on a regular basis. Review proceedings are often the last stage in a process where other steps have failed to address the issues that may arise:
- Action needed should seek to promote the licensing objectives but be balanced against the financial impact on the business.
  - Action should be proportionate.
  - Action should support the local community safety, crime reduction and drugs strategies, particularly those relating to alcohol misuse.
- 33.4 A review of a premises licence would normally follow any action by the Police to close down a premises for up to 24 hours on the grounds of serious crime or disorder or noise nuisance as following a closure notice, issued by a Magistrates' Court which is then sent to the Licensing Authority.
- 33.5 The Secretary of State has recommended that ordinarily no more than one review should be permitted by a Licensing Authority from any person unless in compelling circumstances or arising following a closure order.
- 33.6 Section 182 Guidance, the Guidance, issued in connection with the Licensing Act 2003 stipulates that any representation made must be in writing, relate to particular licensed premises and be relevant to the promotion of the four licensing objectives.
- 33.7 The value of detailed evidence to support a representation cannot be over emphasized. Persons making a representation can attend the Review hearing. The person making the representation can present this at the hearing, but not extend this to other matters outside of the original representation. If the review is in public any person can attend but will be unable to speak.
- 33.8 Where the Licensing Authority considers that action under its statutory powers is appropriate it may seek to:
- Modify the conditions/hours of the premises licence/certificate;
  - Exclude a licensable activity from the scope of the licence;
  - Remove the DPS where the sale or supply of alcohol is a feature;
  - Suspend the licence for up to 3 months;
  - Issue a warning, verbal or written
  - Issue a Simple Caution
  - Initiate prosecution proceedings;
  - Revoke the licence/certificate.

### 33.9 Partnership working and warnings:

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

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

### 33.10 'Not relevant'

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

### 33.11 'Vexatious'

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

### 33.12 'Frivolous'

The national guidance notes that frivolous requests would be noticeable by their lack of seriousness.

### 33.13 Repetitious

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

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

### 33.14 Arranging the Hearing

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

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

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

### **34.0 Administration, Exercise and Overview of Functions**

34.1 The Licensing Committee will consist of councillors who will sit at least annually to discuss policy. The Council will review the Statement of Licensing Policy at least every 5 years. Any major changes to the Policy will include full consultation with the Responsible Authorities and others.

34.2 Sub Committees of 3 Councillors will determine applications when representations have been received from any person and/or Responsible Authorities. A 'Hearings Procedure' has been developed to assist decision makers, applicants, any other person and the Responsible Authorities with the process. This is included at Appendix 4.

34.3 A Sub Committee may also refer any matters to the Full Licensing Committee

34.4 Each decision of the Licensing Committee or its Sub Committee(s) shall be accompanied with clear reasons for the decision.

34.5 The Council's Authorised Officers will deal with all other licence applications where either no representations have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

### **Appendix 1:**

#### **Glossary of terms**

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

## **Act**

The Licensing Act 2003 (as amended)

## **Club Premises Certificate**

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

## **Current applications**

A schedule of all applications currently under consideration.

## **Designated Premises Supervisor (DPS)**

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

## **Guidance**

Guidance issued by the Home Office under Section 182 of the Licensing Act 2003, as revised in December 2023

## **Hearing**

When an application goes to a Licensing Sub Committee for consideration.

## **Late Night Refreshment**

Under the terms of the Licensing Act 2003, the supply of hot food or hot drink between 23:00 and 05:00 whether for consumption on or off the premises

## **Licensable Activities**

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

## **Licensing Objectives**

The Prevention of Crime and Disorder;  
Public Safety;  
The Prevention of Public Nuisance; and  
The Protection of Children from Harm.

Each objective is of equal importance.



## **Licensing Qualification**

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

## **Licensing Sub Committee**

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

## **Mandatory Conditions**

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

## **Minor Variation**

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

## **Objection notice**

A procedure whereby the Police or Environmental Protection can object to the grant of a personal licence or to a Temporary Event Notice. (See also Relevant Representation)

## **Operating Schedule**

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

## **Personal Licences**

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

## **Premises**

Means any place and includes a vehicle, vessel or moveable structure providing licensable activities under the Licensing Act 2003

## **Premises Licence**

A licence granted in relation to specific premises and will specify the nature of the

licensable activity and any applicable conditions.

### **Premises User**

The person applying for a Temporary Event Notice (TEN)

### **Procedure and Policy**

The regulations to be applied at hearings for matters under the [Licensing Act 2003 \(Hearings\) Regulations 2005](#)

### **Registered club activities**

Licensable activities continued at premises holding a Club Premises Certificate

### **Regulations**

Regulations and Order to be made under the Licensing Act 2003

### **Relevant Representations**

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

### **Responsible Authority**

Responsible authorities are public bodies that must be fully notified of applications and that are entitled to make representations to the Licensing Authority in relation to grant, variation or review

### **The Responsible Authorities are:**

Sussex Police  
East Sussex Fire and Rescue Authority  
Health and Safety  
Environmental Protection  
Planning  
Child Protection East Sussex County Council

Trading Standards  
Licensing Authority  
Public Health  
Home Office

## **Review**

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

## **Statement of Licensing Policy**

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

## **Steps**

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

## **Temporary Event Notices (TENs)**

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

## **Vary/Variation**

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

## **Appendix 2 - List of Useful Websites:**

[Department For Culture Media and Sport](#)

[East Sussex Drug and Alcohol Action Team](#)

[Alcohol Licensing \(Licensing Act 2003\)](#)

[Gambling Commission](#)

[Health and Safety Executive, 'Managing Crowds Safely'](#)

[Portman Group – Age Verification](#)

[Safer Pubbing and Clubbing Guide for Licensing Authorities, Club Managers and Promoters](#)

[Section 182 Guidance issued in conjunction with the Licensing Act 2003](#)

[Security Industry Authority \(SIA\) Registered Door Supervisors](#)

[Smoke free Legislation](#)

[Temporary Event Notice Guidance \(Licensing Act 2003\)](#)

[What to do if you are worried about the safety of a child](#)

## **Appendix 3 - Contact Details of Responsible Authorities:**

### **Eastbourne Borough Council**

Licensing Team  
Eastbourne Borough Council  
Town Hall  
Grove Road  
Eastbourne  
East Sussex  
BN21 4UG  
Email: [licensing@lewes-eastbourne.gov.uk](mailto:licensing@lewes-eastbourne.gov.uk)  
Tel:01323 410000

### **Fire Safety Officer**

East Sussex Fire and Rescue Service  
Eastbourne Borough Fire Safety Office  
Whitley Road  
Eastbourne  
BN22 8LA  
Email: [firesafety.consultations@esfrs.org](mailto:firesafety.consultations@esfrs.org)  
Tel: 0845 1308855

### **Sussex Police**

The Chief Officer of Police  
Licensing Department  
Battle Police Station  
North Trade Road  
Battle  
TN33 0EX  
Email: [EastSussex.Licensing@sussex.police.uk](mailto:EastSussex.Licensing@sussex.police.uk)  
Tel: 101

For Non-council owned premises:

### **Health & Safety**

Health & Safety Team  
Eastbourne Borough Council  
Town Hall  
Grove Road  
Eastbourne  
East Sussex  
BN21 4UG  
Email: [Health&Safety@lewes-eastbourne.gov.uk](mailto:Health&Safety@lewes-eastbourne.gov.uk)  
Tel:01323 410000

For Health and Safety at Council owned premises please contact HSE:

### **Enforcement Liaison Officer**

Health & Safety Executive  
Phoenix House  
23-25 Cantelupe Road  
East Grinstead  
RH19 3BE  
Website: [www.hse.gov.uk](http://www.hse.gov.uk)  
Tel: 01342 334200

### **Planning**

Planning Team  
Eastbourne Borough Council  
Town Hall  
Grove Road  
Eastbourne  
East Sussex  
BN21 4UG  
Email: [planning@lewes-eastbourne.gov.uk](mailto:planning@lewes-eastbourne.gov.uk)  
Tel:01323 410000

### **Environmental Protection**

Environmental Protection Team  
Eastbourne Borough Council  
Town Hall  
Grove Road  
Eastbourne  
East Sussex  
BN21 4UG  
Email: [environmentalprotection@lewes-eastbourne.gov.uk](mailto:environmentalprotection@lewes-eastbourne.gov.uk)  
Tel:01323 410000

### **Child Protection**

East Sussex County Council  
Head of Children's Safeguards and Quality Assurance  
P.O Box 5  
East Sussex County Council  
County Hall  
Lewes  
BN7 1SW  
Email: [childprotectionpremisegaminglicencenotifications@eastsussex.gov.uk](mailto:childprotectionpremisegaminglicencenotifications@eastsussex.gov.uk)  
Tel: 01273 481000

## **Trading Standards**

Trading Standards Team  
East Sussex County Council  
St Marys House  
52 St Leonards Road  
Eastbourne  
East Sussex  
BN21 3UL  
Email: [trading.standards@eastsussex.gov.uk](mailto:trading.standards@eastsussex.gov.uk)  
Tel: 01323 418200

## **Public Health**

Public Health Network & Business Manager  
E1C County Hall  
St Anne's Crescent  
Lewes  
East Sussex  
BN7 1UE  
Email: [publichealth@eastsussex.gov.uk](mailto:publichealth@eastsussex.gov.uk)

## **Appendix 4 – Hearing Procedure**

1. Nomination of Chair
2. Introduction of Members, Officers, Applicant/Representative, then the Representor/s.
3. Specialist Advisor to introduce Report.
4. Members to ask questions of Specialist Advisor, then the Applicant/Representative and then the Representor/s may ask questions.
5. Applicant/Representative to address the Sub-Committee
6. Members to ask questions of the Applicant/Representative, then the Representor/s may ask questions.
7. The Representor to address the Sub-Committee
8. Members to ask questions of the Representor, then the Applicant/Representative may ask questions.
9. Closing remarks from the Applicant/Representative
10. Closing remarks from the Representor

Note: The Applicant and the Representor/s will be given equal amounts of time to address the Sub Committee.

11. Sub Committee retire to make decision. Note that the decision may not be given on the day of the hearing and in those circumstances the decision will be sent to the parties within the legal time limits