

# Full Council

## 22 May 2024



Quorum: 7

*Published: Tuesday, 14 May 2024*

To the Members of the Borough Council

You are summoned to attend an ordinary/annual meeting of Eastbourne Borough Council to be held at the Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 22 May 2024 at 6.00 pm to transact the following business.

## Agenda

### A - Business of Annual Council

- 1 Election of the Mayor.
- 2 Appointment of Deputy Mayor.
- 3 Notification of apologies for absence.
- 4 Declarations of disclosable pecuniary interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct (please see note at end of agenda).
- 5 Minutes of the meeting held on 28 February 2024 (Pages 5 - 26)
- 6 Investiture of Mayor's Consort.
- 7 Mayor's Chaplain - Notification of Appointment.
- 8 Mayor's announcements.

For the Mayor to provide any announcements.

### 9 Executive Arrangements

Note: The election of Leader of the Council took place at the Annual Meeting on 24 May 2023. The Leader was appointed to a 4-year term of office.

Leader of the Council to report:

(a) Any changes in respect to the names of those Councillors serving on the Cabinet and the Councillor appointed as Deputy Leader of the Council (and Deputy Chairman of the Cabinet) and the respective areas of responsibility for each member of the Cabinet.

(b) That the terms of reference and constitution of the Cabinet be as set out in the

Council's Constitution.

(c) To confirm if any delegations to individual Cabinet members in respect of executive functions have been made at this time.

**10 Appointments Report (Pages 27 - 42)**

To consider the report of the Head of Democratic Services.

**11 Calendar of Meetings 2024/25 (Pages 43 - 44)**

To ratify the Calendar of Meetings of 2025/26 as attached. This is as approved at Full Council in February subject to the following changes:

- **Full Council** – to add an additional reserve date for Full Council on 11 September 2024 to be used only if there is substantial business referred from Cabinet or another Committee for decision.
- **Conservation Advisory Group** – has been moved from 28 May to 11 June 2024 in agreement with the Chair.
- **Licensing Committee** – 24 June 2024 – There is currently no normal business for this meeting, so unless any urgent matter arises, this date will be used for licensing member training only.

**B - Business of Full Council**

**12 Order of business.**

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

**13 Public right of address.**

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

**14 Annual Pay Policy Statement 2024-25 (Pages 45 - 52)**

To consider the report of the Director for Tourism, Culture and Organisational Development.

**15 Licensing Act 2003 Eastbourne Borough Council Statement of Licensing Policy (Pages 53 - 112)**

To consider the report of the Chief Executive.

**16 Discussion on minutes of council bodies.**

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

*The following are appended to this agenda:-*

- (a) **Minutes of Scrutiny Committee - 5 February 2024** (Pages 113 - 120)
- (b) **Minutes of Planning Committee - 26 February 2024** (Pages 121 - 124)
- (c) **Minutes of Audit and Governance Committee - 11 March 2024** (Pages 125 - 130)
- (d) **Minutes of Planning Committee - 18 March 2024** (Pages 131 - 132)
- (e) **Minutes of Cabinet - 20 March 2024** (Pages 133 - 138)

**17 Date of next meeting.**

The next meeting of Full Council is scheduled to take place at 6 pm on 17 July 2024.



**Robert Cottrill**  
**Chief Executive**

## **Information for the public**

### **Accessibility:**

Please note that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired. If you would like to use the hearing loop please advise Democratic Services (see below for contact details) either in advance of the meeting or when you arrive so that they can set you up with the relevant equipment to link into the system.

This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

### **Filming/Recording:**

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

### **Public participation:**

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

# Information for Councillors

## Items for discussion:

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

## Disclosure of interests:

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

In the case of a disclosable pecuniary interest (DPI), if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

# Democratic Services

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

**Email:** [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk)

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Working in partnership with **Eastbourne Homes**

## Full Council

**Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 28 February 2024 at 6.00 pm.**

### **Present:**

Councillor Candy Vaughan (Mayor).

Councillors Amanda Morris (Deputy Mayor), Nick Ansell, Kathy Ballard, Margaret Bannister, Colin Belsey, Daniel Butcher, Penny di Cara, Andy Collins, Ali Dehdashty, Peter Diplock, Christina Ewbank, Nigel Goodyear, Stephen Holt, Jane Lamb, Robin Maxted, Jim Murray, Hugh Parker, Pat Rodohan, Teri Sayers-Cooper, Alan Shuttleworth, David Small, Robert Smart and Jenny Williams.

### **Officers in attendance:**

Robert Cottrill (Chief Executive), Homira Javadi (Director of Finance and Performance (Section 151 Officer)), Kate Slattery (Head of Legal Services), Simon Russell (Head of Democratic Services and Monitoring Officer) and Sarah Lawrence (Committee Team Manager).

### **46 Minute's Silence**

The Council held a minute's silence in memory of former Councillor and Mayor, Olive Woodall, who had passed away since the last scheduled meeting.

### **47 Minutes of the meetings held on 15 November 2023 and 24 January 2024**

**RESOLVED:** That the minutes of the meetings held on 15 November 2023 and 24 January 2024 were signed as a correct record, subject to a correction to the Minutes of 15 November 2023, Minute 38c (Motion – Southern Water), to add the name of Councillor Murray at the bottom of page 7, as the proposer of the original motion.

### **48 Declarations of disclosable pecuniary interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct (please see note at end of agenda).**

Councillor Holt and Councillor Ewbank both declared personal interests in Agenda Item 11(b), To support the Youth Voice in Eastbourne, as they were involved in the organisation who was a supporter of the Youth Market.

Councillor Holt and Councillor Ewbank also declared personal interests in relation to Agenda Item 9(a), in relation the mention of EDEAL, an organisation they worked for, which was in receipt of an ongoing grant.

Councillor Williams declared a personal interest in relation to Agenda Item 11(b), Motion - To support the Youth Voice in Eastbourne, as she was on the board for Towner and delivery partner with Eastbourne Alive.

Councillors Ballard, Belsey, di Cara, and Shuttleworth declared personal interests on agenda item 11e, Motion – Health Services at the Eastbourne DGH, as they were members of the East Sussex Health Overview Scrutiny Committee (HOSC). In addition, Councillor Shuttleworth and Councillor Belsey advised they were also on the HOSC review panel looking at the paediatric provision. All advised that they would leave the room to avoid any conflict of interest when considering the matter at HOSC in the future.

#### **49 Mayor's announcements.**

The Mayor drew the Council's attention to the civic events that she and the Deputy Mayor had attended between November 2023 and February 2024, as set out on the agenda.

She highlighted in particular: the event celebrating 100 years of the Eastbourne Blind Society, the Turner Prize award, Christmas Day events including Alone at Christmas and Rotary Club hosting over 70 people, chairing the Alderman ceremony, citizenship ceremonies, celebration of the Chinese New Year, and the range of choirs and orchestras in Eastbourne.

#### **50 Notification of apologies for absence.**

The Head of Democratic Services reported apologies from Councillors Mayes, Shore and Swansborough.

#### **51 Public right of address.**

The Mayor advised that the following public speakers had registered to speak during the meeting and would be called up at the start of the relevant agenda item:

- Loretta Lock (Managing Director, Defiant Sports) as the petition organiser had 5 minutes to present the petition at item 8 under the Council's petition scheme.
- Martin Smith of Eastbourne Palestine Solidarity Campaign had 3 minutes to speak on Agenda Item 11(a) – Motion on Gaza.
- Dennis Scard (Chair of Meads Community Association) had 3 minutes to speak on Agenda item 11(c), Motion – HMO study.
- Serena Stallard had 3 minutes to speak on Agenda Item 11(d), Corporate Plan 2024-28, in relation to 'Sustainability and Environment'.

**52 Order of business.**

The Mayor advised that she had agreed to change the order of business to take account of public speakers and attendees and the agenda items would be considered in the following order:

- Agenda Item 8 - The petition regarding Defiant Sports.
- Agenda Item 11A – Motion on Gaza.
- Agenda Item 11B – Motion to support the Youth Voice in Eastbourne.
- Agenda Item 11C – Motion on HMO study
- Agenda Item 7C - Corporate Plan 2024-28.

All remaining items would proceed in the order set out on the agenda.

**53 Petition - EBC must give Defiant Sports compensation, an alternative site and hold a public meeting regarding Fort Fun**

The Council received a petition signed by 1,938 people in relation to Defiant Sports. In accordance with the Council's petition scheme, Loretta Lock as the petition organiser presented the petition, and then the Council debated the matter for up to 15 minutes.

Councillor Holt thanked those who had signed the petition and thanked Loretta Lock for the constructive discussions that had taken place over the last few months. He confirmed that earlier that day the Council had signed new heads of terms with Defiant Sports for a 25-year lease on space at the Archery building and sports courts as its new home. In recognition of the volunteer hours spent on Fort Fun, this included an initial rent-free period, and small community grant to enable work to start. In addition, Councillor Holt advised that the Council would be bringing forward a Seaside Strategy later in the year for consultation.

Councillor Holt moved and Councillor Parker seconded a proposal:

“To thank the petitioners, and that the Council notes the petition and the action already taken by the Council on this matter, and the Leader of the Council and Cabinet be requested to consider any further action required”.

Councillor Smart welcomed the action taken to sign the lease for Archery and looked forward to seeing the Seaside Strategy when published.

The proposal was put to a vote and carried.

**RESOLVED (unanimously):** To thank the petitioners, and that the Council notes the petition and the action already taken by the Council on this matter, and the Leader of the Council and Cabinet be requested to consider any further action required.

**54 Motion - Gaza Conflict**

Councillor Holt moved and Councillor Ballard seconded the motion in relation to Gaza as set out on the agenda.

The public speaker, Mr Martin Smith of the Eastbourne Palestine Solidarity Campaign, spoke in relation to the proposals.

In moving the motion Councillor Holt explained that the motion had been brought to show the Council's support for the need for a ceasefire in Gaza, and in particular to explore how the Council can encourage communities to come together, and to support those affected by the conflict in the Eastbourne area.

The motion was debated by the Council. The proposals to better support and facilitate events for people of all faiths and none, and offer support to any local resident who needs our assistance as a result of these violent events, was supported across the Council. However, some Councillors indicated that they could not support the call on Government for the end to the conflict and whether it should be the subject of an Eastbourne Council motion.

The motion was put to a vote and carried.

**RESOLVED** (By 17 votes for, 0 against, 7 abstentions) –

This Council:

- Expresses deep sympathy for all those affected by the conflict in Israel and Palestine. To those in Eastbourne who have been affected by this conflict we offer our support in this difficult time.
- Condemns the murder of Israeli civilians, the taking of hostages by Hamas and subsequent death and destruction in Gaza, killing tens of thousands of Palestinians.
- Believes that the urgent priority must be to stop the deaths and suffering of any more civilians in Gaza, Israel and the rest of Palestine.
- Hopes for an immediate further release of all hostages and release of Palestinian prisoners held without charge and an immediate permanent ceasefire to allow more aid and the possibility of a peaceful resolution.
- Believes that the only credible basis for long-term peace is the delivery of a Palestinian state alongside a safe and secure Israel.
- Believes the tragic recent events in Israel, Gaza and Palestine must not be allowed to divide our communities in Eastbourne.
- Condemns the increase in anti-Semitic and Islamophobic violence and abuse in the UK and that all forms of racism have no place in Eastbourne.

The Council resolves to:

1. Explore how the Council can better support and facilitate events for people of all faiths and none, where they can come together and express solidarity and sadness in response to these events.
2. Offer appropriate support to any local resident who needs our assistance as a result of these violent events.
3. Ask the Leader of the Council to write to the Secretary of State for Foreign,



Commonwealth and Development Affairs to call on the UK Government:

a) to press all parties to agree:

1. To an urgent permanent, bilateral ceasefire in Gaza, Israel and the rest of Palestine and to make every effort to resume the peace process;
2. To guarantee that international humanitarian law is upheld and that civilians are protected in accordance with those laws;
3. To allow the Red Cross immediate access to hostages in Gaza, in order to provide urgent medical aid to the elderly, the sick and the wounded and to ensure all civilians have access to humanitarian support, including unfettered access to medical supplies, food, electricity, other fuel and water.

b) to do all in its powers to support those that are committed to a permanent peace and a 2-state solution.”

## 55 Motion - To support the youth voice in Eastbourne

Councillor Williams moved and Councillor Holt seconded the motion as set out on the agenda.

Councillor di Cara and Councillor Lamb seconded an amendment as below:

- To amend the initial statement and delete the following words: ‘The Council will: ~~adopt a new and co-created approach to local democracy by seeking to:~~’
- To amend the first sentence under the ‘Connect with Young People’ to add reference to the East Sussex Youth Cabinet: “To encourage all local Councillors to connect with existing youth structures and seek such as the East Sussex Youth Cabinet to provide a platform for young people to offer an input on policies and participate in discussions on local issues.”
- To amend the first sentence under ‘Collaboration’ to add reference to the East Sussex Youth Cabinet: “For the relevant Cabinet Members and members appointed by Full Council to hold a ‘youth brief’, to seek to engage with the East Sussex Youth Cabinet who collaborate with local schools, youth and community groups to encourage young people to be consulted and involved in decision-making processes and civic activities.

In proposing the motion, Councillor Williams, welcomed students from the East Sussex College to the meeting, she explained the work with students which had led to the motion, and the importance of co-creation. She advised that she was happy to accept the reference to East Sussex Youth Cabinet in the amendment to the motion but could not accept the deletion of the first sentence or to limiting the work to just the Youth Cabinet. Councillor Holt as seconder confirmed the acceptance of the change to the motion to include reference to the East Sussex Youth Cabinet.

The motion was debated across the Council and engagement with young people was supported. In the course of the discussion, Councillor Goodyear as a trustee of Leaf Hall, offered its use to young people's events and meetings, and Councillor Ewbank offered the youth cabinet the opportunity to join the future leaders group run by the Chamber of Commerce.

The amendment was put to a vote and was lost (7 votes for, 17 against).

The original motion as amended to include reference to the youth cabinet, was put to a vote and carried.

**RESOLVED** (unanimously):

The Council will adopt a new and co-created approach to local democracy by seeking to:

Connect with Young People:

To encourage all local Councillors to connect with existing youth structures, such as the East Sussex Youth Cabinet, to provide a platform for young people to offer an input on policies and participate in discussions on local issues.

To offer an annual open forum at the Town Hall hosted by Councillors, allowing young people to express their views to elected members on matters important to them.

Promote Youth-Friendly Spaces:

To actively promote youth-friendly spaces and events where young people can express their ideas, concerns, and aspirations for the community.

Collaboration:

For the relevant Cabinet Members and members appointed by Full Council to hold a 'youth brief', to seek to engage with the East Sussex Youth Cabinet, who collaborate with local schools, youth and community groups to encourage young people to be consulted and involved in decision-making processes and civic activities.

Promote Street Art and Young Artists:

To promote street art, murals, and showcasing the talent of young artists, reflecting the desire of young people to see themselves reflected in the town through 'colour' and life.

Support Young Artists Market:

To support the Youth Market and ensure it provides creative opportunities to showcase young people's talent, fostering town-wide pride in our youth.

**56 Motion - Houses in Multiple Occupation (HMO) Study**

Councillor Smart moved and Councillor Goodyear seconded the motion.

Councillor Murray moved and Councillor Bannister seconded the amendment which had been tabled as follows:

“This Council ~~requests~~ **welcomes** the issuing of the updated report by Aecom entitled ‘Eastbourne Houses in Multiple Occupation (HMO) Study’, a draft of which was produced in June 2023, subject to Aecom having all required information. With this additional information, it will allow the Council, as a matter of urgency to bring forward and consider through a future committee report the intervention options that might be proposed in the final report. ~~including but not limited to Article 4 intervention.~~

It is important that the Council looks at this particular area of housing, as it supports those with specific needs, with the housing crisis that we are facing and fills in some of the gaps that are being left by the traditional housing supply chain. It is important that the Council addresses these issues to support those most in need, whilst ensuring that the local community has a mixed tenure of housing in its area. The report will guide the Council in delivering options to deal with HMO’s including, but not limited to, Article 4 intervention.”

The public speaker, Mr Dennis Scard (Chair of the Meads Community Association), spoke for up to 3 minutes.

In presenting his motion, Councillor Smart confirmed that he would support the amendment from Councillor Murray, and this was confirmed by the seconder Councillor Goodyear.

The motion as amended was debated, and then put to a vote and carried.

**RESOLVED** (unanimously):

“This Council welcomes the issuing of the updated report by Aecom entitled ‘Eastbourne Houses in Multiple Occupation (HMO) Study’, a draft of which was produced in June 2023, subject to Aecom having all required information. With this additional information, it will allow the Council, as a matter of urgency to bring forward and consider through a future committee report the intervention options that might be proposed in the final report.

It is important that the Council looks at this particular area of housing, as it supports those with specific needs, with the housing crisis that we are facing and fills in some of the gaps that are being left by the traditional housing supply chain. It is important that the Council addresses these issues to support those most in need, whilst ensuring that the local community has a mixed tenure of housing in its area. The report will guide the Council in delivering options to deal with HMO’s including, but not limited to, Article 4 intervention.”

Councillor Holt moved and Councillor Ewbank seconded the recommendations of the Cabinet held on 7 February 2024, to approve the Corporate Plan 2024-28, following a consultation process.

The public speaker, Ms Serena Stallard spoke on the matter in relation to Sustainability and Environment in the Corporate Plan, and in objection to the Council's declaration of a climate emergency and proposals for achieving net zero.

Councillor Holt in presenting the Corporate Plan, advised that the Council had had 254 responses to the corporate plan consultation, and he thanked all who had taken the time to respond. Councillor Holt and Councillor Murray thanked the public speaker but re-iterated the Council's commitment to be a net zero Council by 2030.

The matter was debated by the Council and then the recommendations were put to a vote and approved.

**RESOLVED** (unanimously): To adopt the Corporate Plan as its overarching corporate policy document for the next 4 years (as attached to the referral report as Appendix 1).

(The meeting was adjourned for 10 minutes at the end of this item).

## **58 Council Budget and Setting of the Council Tax for 2024/25**

Councillor Maxted moved and Councillor Holt seconded the recommendations set out in the agenda in relation to the Council Budget and setting of the Council Tax for 2024/25. This incorporated recommendations from Cabinet regarding the General Fund Revenue Budget 2024/25 and Capital Programme, the Treasury Management and Prudential Indicators 2024/25, Capital Strategy and Investment Strategy, the Housing Revenue Account (HRA) Revenue Budget and Rent Setting 2023/24 and HRA Capital Programme 2024-27, and the Council Tax Discounts and Premiums 2024-25.

The Council noted an email sent in by Mr and Mrs Tilbury in relation to Council Tax Discount and Premiums, which has been circulated to Councillors as Mr Tilbury had been unable to attend as a public speaker.

Councillor Maxted (Portfolio Holder for Finance) presented the budget and set out the context of the funding of Councils, the cost-of-living crises and high inflation, and the housing and homelessness crisis. He thanked the Chief Finance Officer, deputy Chief Finance Officer and their team for preparing the budget and managing the financial pressures affecting the Council. He also thanked Jamie Wainwright-Jones and her team for the work they had done around homelessness, in mitigating the adverse effects on the people that they have helped, and also supporting the Council's finances.

Councillor Maxted advised that the Council had now heard from the

Department of Levelling up, Housing and Communities (DLUHC), that the Council had been granted exceptional financial support for two years, with the agreement that the Council would use its capital resources to fund exceptional revenue pressures, which would allow time for longer term savings plans to be put in place.

The Shadow Portfolio Holder for Finance responded to the budget on behalf of the opposition, criticising the administration for the management of the budget and its record over the last few years.

The Council then debated the proposals and the matter was put to a recorded vote as follows and carried:

For (17): Councillors Ballard, Bannister, Butcher, Collins, Dehdashty, Diplock, Ewbank, Holt, Maxted, Morris, Murray, Parker, Rodohan, Sayers-Cooper, Shuttleworth, Vaughan and Williams)

Against (7): Councillors Ansell, Belsey, di Cara, Goodyear, Lamb, Small and Smart)

Abstentions: none

**RESOLVED** (by 17 votes for, 7 against, 0 abstentions):

1. To approve the recommendations as detailed in the reports from the Chief Finance Officer to Cabinet on 7 February 2024:

- I. Continue to lobby the UK Government for additional funding in recognition of the exceptional financial pressures placed on Local Councils in tackling the cost of homelessness, which in Eastbourne is projected to be £4.9m for 23/24 to pay for temporary accommodation.
  - a. In this circumstance, EBC Council Tax would increase for a Band D property to 2.99% and deliver £3.8m of savings over two years as per previous MTFs and reporting. This is Eastbourne Borough Councils preferred option.
  - b. Our preference is that the Government recognise the extreme pressures placed on Councils of all political persuasions, and agrees, as they have done with social care, to provide exceptional, emergency support to Councils to cover the costs of EA/TA in the Budget.
  - c. However, in appreciation that this may be unlikely, the Council have put forward three other alternatives as we continue dialogue with DLHUC to provide support for this authority.
- II. To approve the following options in respect to the General Fund Budget 2024/25 dependent on the outcome of the Councils application to the Department of Levelling Up Housing & Communities for Exceptional Financial Support, noting that option C has now been withdrawn.
  - a. Option A is based on Department of Levelling Up Housing & Communities recognising and directly funding the increased

number of homelessness and temporary accommodation placements activity from 2023/24 onwards (Appendices 1A, 2A, 3A & 4A to the Cabinet report).

- b. Option B which assumes the acceptance of Exceptional Financial Support by Department of Levelling Up Housing & Communities but does not include additional Council Tax setting powers over and above the existing pre-referendum limit of 2.99% (Appendices 1B, 2B, 3B & 4B to the Cabinet report).
  - d. Option D which assumes the refusal of Exceptional Financial Support by Department of Levelling Up Housing & Communities (Appendices 1D, 2D, 3D & 4D to the Cabinet report).
- III. To give delegated authority to the Section 151 Officer and Chief Executive in consultation with the Leader of the Council and the Cabinet Member for Finance to set the 2024/25 budget.
  - IV. Further to recommendation III above, if the outcome of DLUHC's decision results in the Council having to adopt option D officers will immediately implement plans already in place to develop an Emergency Budget with the purpose of finding additional savings of £3m in 2024/25 which will be presented to the next Full Council meeting in May.
  - V. To approve an increase in the Council Tax for Eastbourne Borough Council of 2.99% resulting in a gross Band D charge of £277.74 for 2024/25 an increase of £8.06 per annum.
  - VI. To approve the flexible use of Capital Receipts to fund improvement and transformation costs in line with the Statutory Guidance updated in August 2022.
  - VII. The revised General Fund & Housing Revenue Account Capital Programme 2024/25 as set out at Appendix 5 to the Cabinet report.
  - VIII. The rates of Fees and Charges proposed within Appendix 6 of the Cabinet report to apply from 1 April 2024 and to implement changes to statutory fees and charges for services shown within Appendix 6 of the Cabinet report as and when notified by Government.
  - IX. To note the Section 151 Officer's sign off as outlined in the report.
  - X. To approve the Treasury Management Strategy and Annual Investment Strategy for 2024/25.
  - XI. To approve the Minimum Revenue Provision Policy Statement 2024/25.
  - XII. To approve the Prudential and Treasury Indicators 2024/25 to 2026/27.

- XIII. To approve the Capital Strategy 2024/25.
- XIV. To approve the Housing Revenue Account (HRA) income and expenditure proposals, including revised HRA budget for 2022/23 and the budget for 2023/24, rents and service charges and the HRA Capital Programme, including:
- a. That social and affordable rents (including Shared Ownership) are increased by 7.7% with effect from 1st April 2024 in line with government policy.
  - b. That, with effect from 1 April 2024, when social-rented properties are relet to new tenants, the applicable rent will be increased by 5% above target rent.
  - c. That the revised service charges as set out in paragraphs 2.3 to 2.6 of the report are implemented with effect from 1 April 2024.
  - d. That Garage Rents are increased by 6.7%.
  - e. To grant delegated authority to the Chief Executive, in consultation with the Cabinet Portfolio holder for Finance and Resources and the Chief Finance Officer to finalise Eastbourne Homes' Management Fees and Delivery Plans for both 2023/24 and 2024/25.
- XV. To approve the Council Tax Discount and Premiums from 1 April 2024 and 1 April 2025, as set out in Appendix 5 of the report.
2. That delegated authority is given to the Chief Finance Officer to amend the budget for any presentational changes ensuring the Council Tax Requirement at 6 below remains unchanged.
  3. That it be noted, that since the Cabinet meeting on 7 February the Business Rates return to the Government (NNDR1) has been finalised with no changes to the previous net budget assumptions.
  4. That consequent upon a General Fund budget of £9,911,763 and other matters, the basic amount (Band D) of Council Tax for the Borough Council's functions will be £277.74 (representing an increase of 2.99%) calculated.

However, as a result of the uncertainty of DLUHC decision regarding recommendation II above, the following tables reflect the likely outcome of the application as follows:

**I. Option A – DLUHC directly fund the increased number of homelessness and temporary accommodation.**

	£'000	£'000
<b>Gross Expenditure:</b>		
General Fund		98,645
HRA		21,582

Business Rates Tariff payable and deficit		12,427
		<u>132,874</u>
<b>Less Income:</b>		
Service Income	-79,030	
HRA	-21,582	
Other Government Grants	-6,040	
Business Rates income	-14,122	
Additional EA/TA Funding	-2,181	
Collection Fund Surplus (Council Tax)	-7	
		<u>-122,962</u>
<b>COUNCIL TAX REQUIREMENT</b>		<u><u>9,912</u></u>
<b>Band 'D' Council Tax</b>		<b>£277.74</b>

## II. Option B - Acceptance of Exceptional Financial Support by DLUHC

	£'000	£'000
<b>Gross Expenditure:</b>		
General Fund		99,684
HRA		21,582
Business Rates Tariff payable and deficit		<u>12,427</u>
		<u>133,693</u>
<b>Less Income:</b>		
Service Income	-79,030	
HRA	-21,582	
Other Government Grants	-6,040	
Business Rates income	-14,122	
Capitalisation Direction	-3,000	
Collection Fund Surplus (Council Tax)	-7	
		<u>-123,781</u>
<b>COUNCIL TAX REQUIREMENT</b>		<u><u>9,912</u></u>
<b>Band 'D' Council Tax</b>		<b>£277.74</b>

## III. Option D Refusal of Exceptional Financial Support by DLUHC.

	£'000	£'000
<b>Gross Expenditure:</b>		
General Fund		98,645
HRA		21,582
Business Rates Tariff payable and deficit		<u>12,427</u>
		<u>132,874</u>



<b>Less Income:</b>		
Service Income	-79,030	
HRA	-21,582	
Other Government Grants	-6,040	
Business Rates income	-14,122	
Contributions From Reserves	-2,181	
Collection Fund Surplus (Council Tax)	-7	
		-122,962
<b>COUNCIL TAX REQUIREMENT</b>		<b>9,912</b>
<b>Band 'D' Council Tax</b>		<b>£277.74</b>

The statutory resolutions relating to this matter are given at paragraphs 5 and 6 below.

5. That it be noted that at its meeting on 14 December 2022 the Cabinet agreed the Council Tax Base of 35,687.2 for Band 'D' equivalent properties for the year 2024/25 (Item T in the formula in section 31B of the Local Government Finance Act 1992, as amended).
6. Calculate that the Council Tax requirement for the Council's own purposes for 2024/25 as £9,911,763.
7. That the following amounts be now calculated by the Council for the year 2024/25 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992, as amended:
  - I. **Option A – DLUCH directly fund the increased number of homelessness and temporary accommodation.**
    - (a) £132,874,157 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act.
    - (b) £122,962,394 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
  - II. **Option B - Acceptance of Exceptional Financial Support by DLUHC**
    - (a) £133,693,157 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act.
    - (b) £123,781,394 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.

### III. Option D - Refusal of Exceptional Financial Support by DLUHC

- (a) £132,874,157 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act.
- (b) £122,962,394 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.

**For both options described in I & II above the following amounts remain the same.**

- (a) £9,911,763 being the amount by which the aggregate at 5(a) above exceeds the aggregate at 5(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).
- (b) £277.74 being the amount at 6(c) above (Item R), all divided by Item T (5 above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including local precepts).

8. To note that East Sussex County Council, the Sussex Police and Crime Commissioner and the East Sussex Fire Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992, as amended, for each category of dwellings in the Council's area as indicated in the table below.
9. That the Council, in accordance with Sections 30 to 36 of the Local Government Finance Act 1992, as amended, hereby sets the aggregate amounts shown in the table below as the amounts of Council Tax for 2024/25 for each of the categories of dwellings.

COUNCIL TAX 2024/25 – BY AREA AND VALUATION BAND								
MAJOR PRECEPTOR	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H
	£	£	£	£	£	£	£	£
East Sussex Fire Authority (ESFA)	71.66	83.60	95.55	107.49	131.38	155.26	179.15	214.9
Sussex Police and Crime Commissioner (SPCC)	168.61	196.71	224.81	252.91	309.11	365.31	421.52	505.8
East Sussex County	1,185.54	1,383.13	1,580.72	1,778.31	2,173.49	2,568.67	2,963.85	3,556.6

Council (ESCC)								
<b>Eastbourne Borough Council</b>	<b>185.16</b>	<b>216.02</b>	<b>246.88</b>	<b>277.74</b>	<b>339.46</b>	<b>401.18</b>	<b>462.90</b>	<b>555.4</b>
<b>Total Council Tax Requirement</b>	<b>1,610.97</b>	<b>1,879.46</b>	<b>2,147.96</b>	<b>2,416.45</b>	<b>2,953.44</b>	<b>3,490.42</b>	<b>4,027.42</b>	<b>4,832.</b>

10. To determine that the Council's basic amount of Council Tax for 2024/25 is not excessive in accordance with the principles approved under Section 52ZB of the Local Government Finance Act 1992, as amended.

11. To note, as the billing authority, that the Council has not been notified by a major precepting authority that its relevant basic amount of Council Tax for 2024/25 is excessive and that the billing authority is not required to hold a referendum in accordance with Section 52ZK Local Government Finance Act 1992, as amended.

## 59 Local council tax reduction scheme

Councillor Maxted moved and Councillor Diplock seconded the recommendations of the Cabinet held on 7 February 2024 to adopt the 2023/24 Local Council Tax Reduction Scheme as the 2024/25 scheme.

In moving the item, Councillor Maxted advised that the Council currently operates a maximum of 80% council tax reduction scheme, and it was the intention to increase this to 100% scheme, when appropriate consultation had taken place with other preceptors including East Sussex County Council.

The Council debated the matter and it was put to a vote and carried.

**RESOLVED** (by 17 votes for, 7 abstentions):

(1) That the 2023/24 Local Council Tax Reduction Scheme is adopted as the 2024/25 scheme (as set out in Appendix 1 to the referral report).

(2) To note that subject to Full Council approval, Cabinet grants the Chief Executive delegated authority:

(a) to implement the Scheme, such delegated authority to include any measures necessary for or incidental to its management and administration; and

(b) if necessary, and in accordance with paragraph 2.3, to amend the Scheme in consultation with the Cabinet Member for Finance and Resources

(3) That the Exceptional Hardship Scheme continues in 2024/25 subject to funds being available.

(4) That an initial £25,000 be added to the Exceptional Hardship Scheme with

this coming from the additional income raised from changes to Council Tax Discounts and Exemptions.

#### **60 Approval of Licensing Fees 2024/2025**

Councillor Morris moved and Councillor Butcher seconded the recommendations of the Licensing Committee held on 5 December 2023, to approve the Licensing Fees for 2024/25, as set out in Appendix 1 to the referral report.

The recommendations were put to a vote and approved.

**RESOLVED** (unanimously) – To approve the Licensing fees proposed within Appendix 1 to apply from 1 April 2024.

#### **61 Calendar of Meetings 2024/25**

Councillor Holt moved and Councillor Bannister seconded the draft calendar of meeting for 2024/25. It was noted that the dates would be subject to final ratification at annual council in line with legislation.

Councillor Small asked if an additional meeting of Full Council could be considered for September, given the number of items on Council agendas. The Head of Democratic Services advised that discussions could take place with Group Leaders before the Annual Council meeting, when the calendar would be finalised.

The recommendation was put to a vote and approved.

**RESOLVED** (By 20 votes, 4 abstentions): That the draft Calendar of Meetings for 2024/25 be approved.

#### **62 Motion - A Housing Emergency**

Councillor Diplock moved and Councillor Holt seconded the motion as tabled.

Councillor Small moved and Councillor Ansell seconded an alternative course of action as follows:

“This Council Notes:

- That the underlying issues behind Eastbourne’s increased demand for temporary and emergency accommodation are complex and many, but primarily driven by a shrinking and increasingly unaffordable private rental sector, a severe shortage of housing available to the Council for placements and employment levels in the town falling relative to the national average, all further being exacerbated by the increased cost of living following the pandemic and energy crisis triggered by the invasion

of Ukraine.

- This is despite a national backdrop of record levels of house building, with the national target of a million homes built during this current parliament on course to be met and close to record levels of employment across the UK.
- Locally, Eastbourne has seen an average of 180 net dwellings constructed every year, with just half of these being new builds, despite a significant number of brownfield sites sitting vacant for years on end.
- There is also a major shortage of housing for those on the housing waiting list, with cases of residents in band C waiting as long as 13 years for a property.

For Eastbourne, the end result has been:

- Ordinary working families being priced out of the housing market through no fault of their own;
- Almost everyone knowing someone who is struggling to access housing of their choice; and
- The Council's total net spend on TA in 2023/24 forecast to be circa £4.6m, up from 3.8m in 2022/23 and £1.6m in 2021/22.

As such, this Council calls on the Leader and Cabinet to:

- Make use of all available powers to maximise Eastbourne's attractiveness for new housing proposals and commits to working meaningfully with all partners at both local and national level to solve the challenges that are blocking development in the town, notably but not limited to the sites at Bedfordwell Road, Junction Road, TJ Hughes and Debenhams buildings.
- Commits to publishing its own locally determined housing need figure, to help guide the towns housing ambitions.
- Commends the government for the action already taken to address the temporary accommodation challenges that this Council faces, namely in uprating the Local Housing Allowance Rate at a cost of £9Bn over the next 5 years, and uprating the core spending power grant to Eastbourne by an additional £145,000.
- Requests that the local MP continues to lobby the Treasury and Department for Levelling Up, Housing and Communities for the Housing Benefit Subsidy Rate to be increased and that the Council engages with the housing sector, MP and Government on what long term solutions are needed to fix the national housing crisis.
- Formally consider redefining the tourist zone, with a view to having a

smaller number of higher quality beds and allowing some existing tourist accommodation to be converted to residential.”

The Council debated the motion and the amendment together.

The alternative course of action was put to a vote and declared lost by 7 votes to 17 votes.

The original motion was put to a vote and was agreed unanimously.

**RESOLVED that –**

This Council notes:

- The unanimous, cross-party call on Government made at November’s Full Council meeting.
- At the Eastbourne Borough Council-led Housing Conference in Westminster in January, Conservative, Labour, Liberal Democrat and Independent local authorities repeated our collective call to raise the cap on housing benefit subsidy for local authority housing placements from the current 2011 levels, in order to properly reflect the real costs of providing Temporary Accommodation (TA).
- That this meeting was joined and supported by Crisis, the Trussell Trust, MPs and Peers.
- The most recently available figures show that rough sleeping in England has increased by 26%, and a record 280,000 households are in TA.
- Over the 2023/24 financial year, this has resulted in:
  - Ordinary working families being priced out of the housing market through no fault of their own;
  - Almost everyone knowing someone who is struggling to access housing of their choice; and
  - The Council’s total net spend on TA in 2023/24 forecast to be circa £4.6m, up from £1.3m just three years ago, with scores of local authorities across the country similarly affected.

This situation is unsustainable and continues to represent an existential threat to local government.

Whilst the Council's teams will continue to do everything in its powers to meet both the needs of its residents and its statutory obligations, the system was not created to deal with these numbers. The driving forces underpinning this are systemic and structural and are not in the Council's control. Under current funding arrangements the Council does not have the resources to solve the problem alone.

As such, this Council resolves to:

1. Declare a Housing Emergency for the Borough of Eastbourne.
2. Recognise and endorse the work of the Leader of the Council in pursuing a cross party, cross community consensus on this national challenge.
3. Reaffirm the full support of this Council in the actions of this authority, and

that the Leader of the Council and Chief Executive continue to press the Secretary of State for Levelling Up, Housing and Communities and the Chancellor of the Exchequer - along with their shadow counterparts - for additional resources to help those local housing authorities and councils worst affected, such as Eastbourne, including raising the current 2011 cap on housing benefit subsidy for local authority housing placements.

4. Continue to work with the sector and try and engage Government to develop long term solutions to fix the national housing crisis.

**63 Motion - Health Services at the Eastbourne District General Hospital (DGH).**

Councillor Diplock moved and Councillor Butcher seconded the motion as set out on the agenda.

Councillor Diplock presented the motion and advised that it was intended to support the action already taken by the East Sussex Health Overview and Scrutiny Committee (HOSC) calling for a pause to East Sussex Healthcare NHS Trust's (ESHT) changes to paediatric services at the DGH, for a review to take place.

The matter was debated and there was agreement across the Council that there had been insufficient consultation on the proposals by ESHT.

The motion was put to a vote and carried.

**RESOLVED (unanimously)–**

This Council:

- Recognises the demands placed on the NHS, and the phenomenal hard work and dedication of the doctors, nurses and the healthcare family. We thank them for it.
- Notes that in 2010, Eastbourne had a 24/7 in-patient paediatrics unit, a fully-fledged and operational maternity unit, and several branches of emergency medicine.
- Notes that, some 14 years later, emergency general surgery and emergency orthopaedics have gone from the Eastbourne District General Hospital (DGH). The DGH's full maternity unit has been downgraded to a midwife-led unit, which itself was closed for almost 3 months in total last year and has been closed since December with no date to reopen, conducting outpatient appointments only. In January 2024, East Sussex Healthcare NHS Trust (ESHT) began implementing changes to DGH paediatric services, including the closure of the Short Stay Paediatric Unit. In December 2023, the East Sussex Health Overview and Scrutiny Committee (HOSC) called for a pause to ESHT's changes to paediatric services at the DGH and is conducting a review.

This Council:

1. Endorses the decision to request the Secretary of State for Health and Social Care to call in the changes by ESHT to DGH paediatrics.
2. Calls on the Secretary of State for Health and Social Care to outline how they will support ESHT to overcome the midwife shortage that has led to the DGH Midwifery Unit to close for births; and
3. Calls upon ESHT to:
  - Pause the changes to paediatric services, allowing a full review of the proposals;
  - Make public its plans to permanently and safely re-open the DGH's Midwifery Unit for births;
  - Commit to being transparent and open with local residents;
  - Commit to reviewing its threshold for what constitutes significant change; and
  - Commit to fully inform and consult both HOSC and the people of Eastbourne before any future changes to services at the DGH are implemented.

(Having declared interests, Councillors Ballard, Belsey, di Cara, and Shuttleworth left the room for the duration of this item).

#### **64 Discussion on minutes of council bodies.**

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

Audit and Governance Committee – 28 November 2023  
Scrutiny Committee – 4 December 2023  
Licensing Committee – 5 December 2023 and 15 January 2024  
Cabinet - 13 December 2023 and 7 February 2024  
Planning Committee – 29 January 2024

No items were called for discussion.

Councillor Holt moved and Councillor Bannister seconded acceptance of the minutes.

**RESOLVED** (unanimously) – That the minutes be accepted.

#### **65 Date of Next Meeting**

It was noted that the next scheduled meeting was the Annual Council meeting on 22 May at 6 pm.



The meeting ended at 9.47 pm

Councillor Candy Vaughan (Mayor)

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<b>Report to:</b>	<b>Annual Council</b>
<b>Date:</b>	<b>22 May 2024</b>
<b>Title:</b>	<b>Appointments Report</b>
<b>Report of:</b>	<b>Head of Democratic Services and Monitoring Officer</b>
<b>Ward(s):</b>	<b>All</b>
<b>Purpose of report:</b>	<b>To agree the seat allocations and appointments set out in this report in relation to Committees, Other Bodies and Outside Bodies and to note the Leader's appointments to Cabinet and Opposition Leaders' appointments to Shadow Cabinet.</b>
<b>Officer recommendation:</b>	<ol style="list-style-type: none"><li><b>1. To approve the proposed number and allocation of seats and nominations as set out in Appendix 1, to Committees, Other Bodies and Outside Bodies, and to Chairs and Deputy Chairs.</b></li><li><b>2. That the continuation of the following bodies be confirmed with terms of reference as set out in the Council's Constitution, and that they have a fixed membership or to which members are appointed by the Chief Executive, Deputy Chief Executive or relevant Director as the need arises: Equality Steering Group, Council Panels, Recruitment Panels, Task Groups and Project Boards.</b></li><li><b>3. That Neal Robinson and Paul Cummins be re-confirmed as the Council's Standards Independent Persons until their tenure ends on 31 July 2027.</b></li><li><b>4. To approve the Scheme of Delegations to Officers and Proper Officer functions as set out in the relevant sections of the Council's Constitution.</b></li><li><b>5. To delegate to the Head of Democratic Services to resolve in consultation with Group Leaders any vacant appointments.</b></li></ol>
<b>Reasons for recommendations:</b>	<b>To enable the Council to proceed with decision-making in the relevant bodies.</b>
<b>Contact Officer(s):</b>	<b>Name: Simon Russell, Post title: Head of Democratic Services and Monitoring Officer E-mail: <a href="mailto:Simon.Russell@lewes-eastbourne.gov.uk">Simon.Russell@lewes-eastbourne.gov.uk</a> Telephone number: 01323 415021.</b>

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## 1. Introduction

1.1 Whole council elections were held on 4 May 2023. As a result, the total number of Councillors used in the calculation of committee seat numbers is 27 and the breakdown of seats is 19 Liberal Democrats and 8 Conservatives.

1.2 Group Leaders have submitted nominations in accordance with these calculations.

## 2. Political Balance Review:

2.1 Under Section 15 of the Local Government and Housing Act 1989, the Council has a duty to review the political balance at the Annual meeting of the Council.

2.2 The principles for carrying out a review of the committee proportionality under Section 15(5) of the Act are that the Council has a duty to ensure:

- a. that not all the seats are allocated to the same political group;
- b. that a political group with an overall council majority gets a majority of seats allocated on any statutory Committee;
- c. subject to (a) and (b), that the total number of seats each political group has on all ordinary committees is in proportion to that group's share of the total council elected membership; and
- d. subject to (a) and (c), that the number of seats on the body allocated to each political group on a particular committee bears the same proportion to the number of seats the group has on the Council.

2.3 Each Group's fraction of the 27 membership is as follows:

Group	Number	Proportion:
Liberal Democrats	19	70.37%
Conservatives	8	29.6%

2.4 The table below sets out the allocations firstly by applying the membership percentage figures (principle c) and then by applying the whole council proportionality to the total allocation of seats (principle d):

Committee	Seat Nos	CON	LIB DEMS
Audit and Governance	8	2 (2.37)	6 (5.63)
Licensing	12	4 (3.56)	8 (8.44)
Planning	8	2 (2.37)	6 (5.63)
Scrutiny	8	2 (2.37)	6 (5.63)
<b>Totals:</b>	<b>36</b>		
Result of applying proportionality across Cttees (principle c)		<b>10</b>	<b>26</b>

Seats allocated on whole Council proportionality (principle d)		<b>11 (10.67)</b>	<b>25 (25.33)</b>
Adjustments to Memberships:	0	+1	-1

2.5 The adjustment shown from applying the proportionality across the Council as opposed to by Committee, shows that the Conservative Group need to gain 1 place, and it has been recommended that the Conservative Group gains this place on the Scrutiny Committee from the Liberal Democrat Group.

2.6 **Committees.** The allocation of seats in accordance with the rules is as follows:

<b>Committee</b>	<b>No. of Seats</b>	<b>Liberal Democrat Group</b>	<b>Conservative Group</b>
Planning	8	6	2
Licensing	<b>12</b>	8	4
Audit and Governance	8	6	2
Scrutiny	8	5	3
<b>Totals:</b>	<b>36</b>	<b>25</b>	<b>11</b>

2.7 **Scrutiny Committee.** There is constitutional provision for a 7 or 8 seat Committee. The proposed allocation of seats is for the latter in order to achieve overall balance.

2.8 **Licensing Committee.** The law requires there to be not less than 10 members and not more than 15 members of a committee dealing with Licensing Act functions. In order, to achieve overall balance, the proposal is to continue with a 12-member committee in 2024/25. 5 members are appointed as chairs of ad hoc Licensing sub-committees.

2.9 **Advisory Bodies**

<b>Body</b>	<b>No. of Seats</b>	<b>Controlling Group</b>	<b>Opposition</b>
Conservation Advisory Group	5	3	2
Downland Forum	3	2	1

2.11 **Nominations.** The schedule of nominations from political groups based on these allocations are set out at Appendix 1. Any further updates to these appointments will be circulated prior to the meeting.

- 2.10 **Cabinet** - As a matter of law the power to appoint the Cabinet rests with the Leader of the Council, together with the individual areas of responsibility for each member. The maximum number of Cabinet Members, including the Leader and Deputy Leader is 10. The list of Cabinet Members and Shadow Cabinet Members are included in Appendix 1 for information and to note.
- 2.11 **Standards Independent Persons** – The Council appointed Standards Independent Persons, Neal Robinson and Paul Cummins in July 2023, subject to reconfirmation by the Full Council each year. It is asked that the Council recommend their appointments for the next municipal year.
- 2.12 **Scheme of Delegation** - In accordance with the constitution, the Council is asked to approve the Scheme of Delegations to Officers and Proper Officer functions as set out in the relevant sections of the Council's Constitution.
- 3. Financial appraisal**
- 3.1 There are no financial implications from these proposals.
- 4. Legal implications**
- 4.1 The Council must act in accordance with sections 15 to 16 and Schedule 1 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990, in relation to the calculation of group Committee places.
- 5. Appendices**
- Appendix 1 – Proposed Allocations to Committees, Outside and Other Bodies, to Chairs and Deputy Chairs.
- 6. Background papers**
- None

**Appointments Summary**

**CABINET:** (Leader of the Council plus 6 additional members of the Liberal Democrat). The formal appointment of the 6 members (other than the Leader) is to be made by the Leader following his/her appointment by the full Council. The law requires that the Cabinet shall have at least 3 but not more than 10 members (including the Leader). (Notification for information)

1	<b>Leader of the Council:</b> Stephen Holt (Community Strategy, Local Strategic Partnership, the Corporate Plan, Performance and Staff)
2	<b>Deputy Leader:</b> Margaret Bannister (Tourism, Leisure, Accessibility and Community Safety)
3.	Daniel Butcher (Finance)
4.	Peter Diplock (Housing and Homelessness)
5.	Jim Murray (Carbon Neutral 2030 and Water Champion)
6.	Colin Swansborough (Enterprise, Community Spaces and Planning)
7.	Jenny Williams (Heritage, Culture and Seafront)

**CONSERVATIVES "SHADOW CABINET"** (Notification for information)

1	<b>Conservatives Leader</b> - Robert Smart
2	<b>Deputy Leader</b> - Penny di Cara
3	Jane Lamb (Tourism and Culture Services, and Heritage Assets)
4	David Small (Finance and IT)
5	Nicholas Ansell (Housing and Direct Assistance Services)
6	Kshama Shore (Environment First, SEESL and Place Services)
7	Nigel Goodyear (Climate Change and Community Safety)
8	Colin Belsey - Disabilities

## **COMMITTEES**

### **Audit and Governance Committee** (8 Councillors)

	<b>Liberal Democrat (6)</b>		<b>Conservative (2)</b>
1	<b>Ch:</b> Christina Ewbank	7	Kshama Shore
2	<b>DCh:</b> Ali Dehdashty	8	David Small
3	Alan Shuttleworth		
4	Hugh Parker		
5	Robin Maxted		
6	Pat Rodohan		
	<b>Substitutes:</b>		<b>Substitutes:</b>
	Andy Collins		Penny di Cara

2 Independent Persons: Paul Cummins and Neal Robinson until 31 July 2027.

1 Independent Audit Member: Stephen Gilbert appointed as a co-opted audit independent member for a 4-year term until May 2026.

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

	<b>Liberal Democrat (6)</b>		<b>Conservative (2)</b>
1	<b>Ch:</b> Hugh Parker	7	Nicholas Ansell
2	<b>DCh:</b> Amanda Morris	8	Jane Lamb
3	Andy Collins		
4	Anita Mayes		
5	Candy Vaughan		
6	Teri Sayers-Cooper		
	<b>Substitutes:</b>		<b>Substitutes:</b>
	Ali Dehdashty		Penny di Cara
	Robin Maxted		



**Scrutiny Committee** (8 members, not members of the Cabinet or the Mayor. Chairman to be appointed from the Conservatives group and Deputy Chairman from the Liberal Democrat.

	<b>Liberal Democrat (5)</b>		<b>Conservative (3)</b>
1	<b>DCh:</b> Alan Shuttleworth	6	<b>Ch:</b> Kshama Shore
2	Kathy Ballard	7	Nigel Goodyear
3	Ali Dehdashty	8	Jane Lamb
4	Amanda Morris		
5	Hugh Parker		
	<b>Substitutes:</b>		<b>Substitutes:</b>
	Teri Sayers-Cooper		Robert Smart

**Licensing Committee** (Between 10 and 15 trained Members - 12 currently – not normally Cabinet members – but if so maximum of 2 and should not chair the Committee).

	<b>Liberal Democrat (7)</b>		<b>Conservative (4)</b>
1	<b>Ch:</b> Amanda Morris	9	Colin Belsey
2	<b>DCh:</b> Kathy Ballard	10	Penny di Cara
3	Andy Collins	11	Nigel Goodyear
4	Teri Sayers Cooper	12	Jane Lamb
5	Robin Maxted		
6	Hugh Parker		
7	Anita Mayes		
8	TBC		

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

	<b>Liberal Democrat:</b>		<b>Conservative</b>
1	Kathy Ballard	5	Colin Belsey
2	Andy Collins		
3	Amanda Morris		
4	Robin Maxted		

## **JOINT COMMITTEES**

### **Joint Staff Advisory Committee**

(Comprises 3 members from Eastbourne Borough Council including at least 1 Cabinet Member and 1 Opposition Member, and 3 members from Lewes District Council and 4 staff representatives (2 from the recognised union and 2 from the staff group).

Chair to be appointed at the first meeting and rotates between constituent groups.

*Eastbourne Borough Council Members:*

<b>Liberal Democrat</b>		<b>Conservatives</b>	
1	Stephen Holt	3	Penny di Cara
2	Colin Swansborough		
Substitutes:		Substitutes:	
	Margaret Bannister		Jane Lamb

### **Joint Appointments and Appeals Committee**

Comprises 3 Members from Eastbourne Borough Council including at least 1 Cabinet Member and 1 Opposition Member, and 3 members from Lewes District Council including at least 1 Cabinet Member and 1 opposition member (politically balanced as far as possible).

Members shall be selected by the Director for Tourism, Culture and Organisational Development as and when the need for a Committee arises and where possible shall include the portfolio-holding Cabinet Member from each Council most relevant to the position which is the subject of the recruitment or appeal.

## **ADVISORY AND TASK GROUPS:**

### **Conservation Advisory Group**

5 members, not Planning Committee members or substitutes, plus up to 4 non-voting external advisors.

<b>Liberal Democrat</b>		<b>Conservatives</b>	
1	<b>Ch: Kathy Ballard</b>	4	Colin Belsey
2	<b>Dp Ch.</b> Pat Rodohan	5	Robert Smart
3	Jenny Williams		
	<b>Substitutes:</b>		<b>Substitutes:</b>
	Alan Shuttleworth		Kshama Shore

**Non-voting co-opted advisors (up to 4 including the Council's Heritage Champion)**  
(appointed by the Lead Planning Officer, and Lead officer in consultation with the Chair):

- John Minnis, Eastbourne Society
- Richard Crook, Sussex Heritage Trust
- Jo Saady, Institute of Historic Building Conservation (also member of RIBA)
- The Council's Heritage and Culture Champion (if not a Councillor voting rep) (currently Cllr Jenny Williams).

### **Constitution Working Group (4 Members)**

<b>Liberal Democrat</b>		<b>Conservatives</b>	
1	<b>Ch: Stephen Holt</b>	3	Colin Belsey
2	Colin Swansborough	4	Penny di Cara

### **Grants Task Group (3 members)**

<b>Liberal Democrat</b>		<b>Conservatives</b>	
1	<b>Ch: Daniel Butcher</b>	3	Jane Lamb
2	Peter Diplock		

### **Downland Forum (3 members)**

<b>Liberal Democrat</b>		<b>Conservatives</b>	
1	Andy Collins	3	Colin Belsey
2	Ali Dehdashty		

## **EBC COMPANY DIRECTORSHIPS:**

**Aspiration Homes LLP** (Executive Members) (3 Councillors) (*Note - Appts do not have to be specific portfolio holders*)

<b>Liberal Democrat</b>		<b>Conservatives</b>	
1	Stephen Holt	3	Nicholas Ansell
2	Peter Diplock		

Includes 3 Councillors from Lewes District Council.

### **CloudConnX Board – Director (Council’s Chief Executive)**

1	Robert Cottrill (CE)
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### **Eastbourne Theatres Ltd – Non-Executive Directors**

<b>Liberal Democrat</b>		<b>Conservatives</b>	
1	Margaret Bannister	3	Robert Smart
2	Jenny Willams		

Three external directors to be appointed by the Director for Tourism, Culture and Organisational Development in consultation with the Monitoring Officer.  
Officers – 1 Officer.

### **Eastbourne Homes Ltd – Non-Executive Directors**

<b>Liberal Democrat</b>		<b>Conservatives</b>	
1	Peter Diplock	2	Colin Belsey

### **Eastbourne Housing Investment Company Limited Board**

1	Stephen Holt
2	Peter Diplock

In addition to Roger Eastwood (Chair, Eastbourne Homes Ltd), Ian Fitzpatrick (Deputy Chief Executive), (1 officer vacancy).

### **Investment Company Eastbourne Ltd - Directors**

1	Robert Cottrill (Chief Executive)
2	Ian Fitzpatrick (Deputy Chief Executive)
3	Becky Cooke (Director for Tourism, Culture and Organisational Development)

### **South East Environmental Services Ltd Board (SEESL) – Non-Executive Directors**

<b>Liberal Democrat</b>		<b>Conservatives</b>	
1	Leader of the Council – Stephen Holt	3	Kshama Shore
2	Cabinet Member whose portfolio includes waste services or their nominated representative: Colin Swansborough		

Officers: Ian Fitzpatrick, 1 Vacancy.

## **PROJECT BOARDS:**

**Airbourne Project Board:** Leader of the Council – Stephen Holt (Chair), Cllr. Margaret Bannister, Cllr. Colin Belsey and Cllr Jane Lamb.

**Bedfordwell Road Project Board:** Cabinet Member for Housing – Peter Diplock (Chair), Robin Maxted and Nicholas Ansell.

**Local Plan Steering Group (5 members):** Colin Swansborough (Chair), Peter Diplock, Stephen Holt, Jim Murray, and Penny di Cara.

**New Town Board:** Membership of the Board to be approved by DLUHC.

### **Stability and Growth Member Board:**

Members: Stephen Holt (Chair), Daniel Butcher and David Small.

Officers: Robert Cottrill, Becky Cooke, Homira Javadi and Lee Banner.

Independent Panel – Three independent appointees (to be appointed by the Chief Executive in consultation with the Chief Finance Officer and Monitoring Officer).

### **Strategic Property Board:**

Members: Stephen Holt (Chair), Colin Swansborough, Robert Smart.

(Substitutes: Margeter Bannister, Penny di Cara, Peter Diplock, Jim Murray, Daniel Butcher and Jenny Williams.

Officers: Ian Fitzpatrick, Mark Langridge-Kemp, Homira Javadi and Nathan Haffenden.

**Devonshire Park Governance Member Board:** Stephen Holt (Chair), Margaret Bannister, Kshama Shore, and Robert Smart.

**Community Infrastructure Levy (CIL) Advisory Board (NEW):** Stephen Holt (Leader of the Council), Colin Swansborough (Cabinet Member for Enterprise, Community Spaces and Planning) and Penny di Cara (Shadow Cabinet member).

**Councillor Champions:**

**Armed Forces Covenant Champion:** Mayor or nominee

**Cultural Diversity Champion:** Cllr Jenny Williams

**Cost of Living Champion:** Josh Babarinde OBE

**Councillors appointed to hold a Youth Brief:** Cllrs Daniel Butcher, Penny di Cara, Teri Sayers-Cooper, Jenny Williams.

**Disability Champion:** Equalities and Mental Health Champion: Cllr Teri Sayers-Cooper. (Officer Mental Health Champion – Becky Cooke).

**Equalities Champion:** Cllr Teri Sayers Cooper (Officer - Becky Cooke):

**Heritage and Culture Champion:** Cllr Jenny Williams

**Hospitals Champion:** Hon. Freeman Mrs Elizabeth Walke

**Walking Champion:** Gill Mattock (deputised by relevant officer)

**Digital Champion:** Cllr Christina Ewbank

**Night-Time Economy Champion:** Cllr Daniel Butcher

**Women and Girls Champion (NEW) –** Cllr Teri Sayers-Cooper

## Representation on Outside and Other Bodies 2023/24

Organisation:	Council's Representative(s):
3VA (Voluntary Action Eastbourne), observer.	Cllr Jenny Williams
Age Concern (Eastbourne)	Sarah Corin
BHT Advice Eastbourne (formerly Eastbourne Housing Aid and Legal Centre)	Cllr Peter Diplock
British Destinations (Annual Conference)	Relevant Cabinet Member (Cllr Margaret Bannister)
British Destinations (nomination to Policy Committee if election arises)	Relevant Cabinet Member (Cllr Margaret Bannister)
Citizens Advice Bureau	Cllr Anita Mayes
Climate Change Strategic Panel (6 members)	Cllrs Jim Murray (Chair), Ali Dehdashty, Teri Sayers Cooper, Nigel Goodyear, Colin Swansborough, and David Small.  2 external reps from the Eastbourne Eco-Action Network
Community Safety Partnership	<i>See separate listing for this partnership and its linked groups and forums at end of this schedule.</i>
Cultural Involvement Group	Cllr Jenny Williams and Cllr Pat Rodohan
Disability Involvement Group	Council's Disability Champion (Cllr Teri Sayers Cooper)
East Sussex Building Control Partnership	Relevant Cabinet Member (Cllr Peter Diplock). NB: Lead officer to deputise.
East Sussex Health and Wellbeing Board	Relevant Cabinet Member or other nominee – Cllr Kathy Ballard  Two voting members rotate between districts and boroughs on an annual basis.
East Sussex Health Overview and Scrutiny Committee (co-opted member) (N.B. law requires nomination to be a member of the Council's Scrutiny Committee)	Cllr Kathy Ballard

East Sussex Strategic Partnership	Relevant Cabinet Member or nominee (Currently – Cllr Stephen Holt) + Chief Executive
East Sussex Strategic Planning Member Group	Cllr Peter Diplock
Eastbourne Air Quality Partnership	Cllr Jim Murray and (1 officer vacancy)
Eastbourne Amalgamated Charities (Trustees)	Council nominated trustees: Mr B R Etheridge Cllr Robin Maxted
Eastbourne and Wealden YMCA Board	Cllr Anita Mayes
Eastbourne and District Enterprise Agency Limited (EDEAL)	Cllr Colin Swansborough (or nominee)
Eastbourne Education Business Partnership	Mr Robert Cottrill (Council's Chief Executive
Eastbourne Open Bowling Tournament Management Committee	John Hudson
Lewes and Eastbourne Equality and Fairness Stakeholders Forum	Relevant Cabinet Member (Cllr Margaret Bannister)
iESE Limited (General Meeting Representative)	Cllr Stephen Holt
iESE Transformation Limited (General Meeting Representative)	David Tutt
East Sussex Joint Parking Board (1 rep and 1 reserve)	Cllr Stephen Holt Cllr Colin Swansborough (Reserve)
Local Government Association	Cllr Stephen Holt (Leader) (with voting rights)
Local Government Association District Council Network	Cllr Stephen Holt (Leader)
Local Government Association – East Sussex Branch	Leader – Cllr Stephen Holt Deputy Leader of the Council - Cllr Margaret Bannister
Local Government Association Coastal Issues Special Interest Group	Relevant Cabinet Member (Cllr Jim Murray) or nominee + 1 officer.
Marine Conservation Zone (Beachy East MCZ) ( <i>This body is currently paused – appointed to ready for resumption</i> )	Cllr Kathy Ballard



Pevensey and Cuckmere Water Level Management Board	6 members: Cllrs Ali Dehdashty, Peter Diplock, Jim Murray, Hugh Parker, Penny di Cara and Robert Smart.
South Downs National Park Authority	Cllr Peter Diplock
Sussex Police and Crime Panel	Cllr Margaret Bannister Substitute: Cllr Colin Swansborough
South East England Councils	Relevant Cabinet Member or nominee – Cllr Margaret Bannister. Substitute: Cllr Colin Swansborough
Taxi and Private Hire Forum	All members of the Licensing Committee are invited to attend (N.B. meets only as and when required.).
Team East Sussex	Leader of the Council - Cllr Stephen Holt Substitute (Cabinet member): Cllr Colin Swansborough
Towner Charitable Trust	Cllr Margaret Bannister and Josh Babarinde OBE

**MANAGEMENT COMMITTEES – Rep should be relevant ward member.**

Hampden Park Community Centre	Cllr Jim Murray
Langney Community Centre	Cllr Alan Shuttleworth (Langney) and Cllr Hugh Parker (St Anthony's)
Old Town Community Centre	Cllr Amanda Morris
Regency Park Community Centre	Cllr Margaret Bannister
Sovereign Community Centre	Cllr Penny di Cara
Shinewater and North Langney Partnership	Cllr Alan Shuttleworth

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

<b>Partnership Group</b>	<b>Representation</b>	<b>Councillor(s)</b>
Community Safety Partnership Main Board	Portfolio holding Cabinet Member or nominee	Cllr Margaret Bannister
Joint Action Group (JAG)	Leader of the Council, Portfolio holding Cabinet Member, Conservatives Leader and Conservatives Shadow Cabinet spokesperson or respective nominees.	Cllr Margaret Bannister, Kathy Ballard and Nigel Goodyear (Conservative group substitute is Cllr Penny di Cara).
Neighbourhood Watch Committee	One Member from either Group	Cllr Margaret Bannister
Overseas Students Advisory Committee (OSAC)	1 Councillor	Cllr Teri Sayers-Cooper
Nightwatch and Shopwatch (Eastbourne Crime Group – Steering Group)	Relevant Cabinet Member	Cllr Colin Swansborough
Neighbourhood Panels (Co-ordinated by Sussex Police)	Ward Councillors are invited to attend	All Councillors

# Calendar of Meetings May 2024 - May 2025

**EASTBOURNE**  
Borough Council



Working in partnership with **Eastbourne Homes**

MEETING:	Day	Time	May 2024	Jun	July	Aug	Sept	Oct	Nov	Dec	Jan 2025	Feb	Mar	Apr	May
Annual Council	W	6pm	22												21
Council	W	6pm	22		17		11 (RES)		13			26			21
Cabinet	W	6pm		12	10		18	23		11		12	26		
Scrutiny Committee	M	6pm			8		16			9		10	24		
Planning Committee	Tu	6pm		4	23	20	17	15	12	10	21	11	18	15	
Licensing Committee***	M	6pm		(24***)							27				
Audit and Governance Committee	W	6pm		26			25		20				5		
Conservation Area Advisory Group	Tu	6pm		11	9		3		19		14		11		
Joint Staff Advisory Committee**	Tu (E) / Th (L)	10am		27 (Th)			10 (Tu)		21 (Th)				18 (Tu)		
Bank Holidays			6, 27			26				25, 26	1			18, 21	5, 26
Elections++			2 PCC												1 ESCC

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**Notes:** \*The dates of other Committees, Sub-Committees and Panels which do not meet regularly will be announced as and when.

\*\*Meetings of Joint Staff Advisory Committee will alternate venues and days between Eastbourne (E) and Lewes (L).

\*\*\*Additional meetings of the Licensing Committee will be scheduled if required. The first meeting in June is not required but will be used for Training.

+ The Reserve Date of Full Council on 11 September will only be used if required for urgent decisions.

++ Scheduled Elections during 2024/25 - PPC 2 May 2024, County Council 1 May 2025, General Election to be held no later than 28 January 2025 on date TBC.

Agenda Item 11

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<b>Report to:</b>	<b>Full Council</b>
<b>Date:</b>	<b>22 May 2024</b>
<b>Title:</b>	<b>Annual Pay Policy Statement</b>
<b>Report of:</b>	<b>Director for Tourism, Culture and Organisational Development</b>
<b>Ward(s):</b>	<b>All</b>
<b>Purpose of report:</b>	<b>To present a Pay Policy Statement for the financial year 2024/25 for approval by Council.</b>
<b>Officer recommendation(s):</b>	<b>That the Council approves and recommends the updated Pay Policy Statement for publication on the Council's website.</b>
<b>Reasons for recommendations:</b>	<b>Sections 38-39 of the Localism Act 2011 require local authorities to adopt and publish a Pay Policy Statement.</b>
<b>Contact Officer(s):</b>	<b>Name: Becky Cooke Post title: Director for Tourism, Culture and Organisational Development E-mail: <a href="mailto:becky.cooke@lewes-eastbourne.gov.uk">becky.cooke@lewes-eastbourne.gov.uk</a> Telephone number: 07805 812060</b>

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## **1 Introduction**

- 1.1 The Localism Act 2011 places an obligation on relevant local authorities to be more accountable to the communities they serve.
- 1.2 Part 1, Chapter 8, of the Act requires the Council to prepare, approve and publish a Pay Policy Statement. The statement drafted for Eastbourne Borough Council is appended to this report (Appendix 1). The Council is required to keep the Statement up to date and it has now been reviewed to take account of the latest statistical data.
- 1.3 The revised version is presented to Council for consideration and approval. Once adopted, it will replace the current version on the Council's website.

## **2 Changes to the Pay Policy Statement**

- 2.1 The 'pay multiple' is the ratio between the highest paid salary and the median average salary of the whole of the Council's workforce.
- 2.2 The lowest spinal column (scp) point we paid our permanent employees at 31 March 2024 is scp 3, which is £23,108 per annum. The median point at 31 March 2024 is £29,769. The Council's pay multiple for 2023/24 was 5.1840

which remains within the Council's aim to maintain a multiple no greater than 6 to 1 and is a reduction from 2022/23 which was 5.3.

### **3 Financial appraisal**

- 3.1 The Pay Policy Statement is based on existing policies, procedures and a requirement of the Localism Act. Generally, pay increases are agreed as part of National negotiations of the National Joint Council, and assumptions on this are included in the budget as part of the annual budget setting process, so any increase in pay award is reflected in the budget each year.
- 3.2 The 2024/25 Pay Policy Statement sets out the pay policy of the Council and there are no financial implications arising directly from this report or as a result of publishing the Pay Policy Statement.
- 3.3 The Council Medium Term Financial Strategy has made provision for a national pay award, however further information is awaited regarding the specific details of any national pay award offer for 2024/2025.

### **4 Legal implications**

- 4.1 This report reflects the requirements of sections 38-39 of the Localism Act 2011 with regard to pay accountability. The key requirements are that pay policy statements be:
- prepared for each financial year
  - approved by full council
  - published on the Council's website

Under section 40, the Council must, in performing its functions under sections 38-39, have regard to the guidance on openness and accountability in local pay issued by the Secretary of State.

*012885-JOINT-KS 29<sup>th</sup> April 2024*

### **5 Risk management implications**

- 5.1 The primary risk should the updated Pay Policy Statement not be updated is the breach to our regulatory responsibilities and commitments to staff with the potential for reputational damage.

### **6 Equality analysis**

- 6.1 A 'No Relevance' report has previously been submitted to the Equalities and Fairness Planning Group.

### **7 Appendices**

- Appendix 1 – Pay Policy Statement 2024/25

## 8 Background papers

Statutory guidance ['Openness and accountability in local pay: Guidance under section 40 of the Localism Act'](#)

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## **Pay Policy Statement 2024/25**

This Pay Policy Statement is provided in accordance with Section 38(1) of the Localism Act 2011 and this will be updated annually from April each year.

This Pay Policy Statement sets out the Councils' policies relating to the pay of its workforce for the financial year 2024/25, in particular:

- a) The remuneration of its Chief Officers;
- b) The remuneration of its 'lowest paid employees'
- c) The relationship between:
  - i) The remuneration of its Chief Officers and;
  - ii) The remuneration of its employees who are not Chief Officers

### **New Appointments**

Full Council shall agree salary packages in excess of £100,000 for new appointments. Salary packages shall include salary, bonuses, fees, benefits in kind or allowances that would be routinely payable to the appointee. The salary package shall be agreed before recruitment for the post begins.

### **Publication of Information**

The authority will publish appropriate details of those relevant staff whose salary is at least £50,000.

### **Pay Multiples**

The authority will publish information on pay multiples – the ratio between the highest paid employee and the median salary across the organisation.

The authority shall publish the actual pay multiple as at 31 March each year. The authority recognises that the actual pay multiple will vary slightly year on year for the reasons set out above, but will usually aim to maintain a multiple no greater than 6 to 1.

### **Local Election Duties**

Fees for local election duties will be paid separately to the remuneration paid for an officer's employment. Those fees are set in accordance with a scale of fees and charges agreed and reviewed annually jointly by all authorities in East Sussex. For parliamentary elections (national and European) and national referenda, those fees are set nationally by parliament.

### **Pay Determination**

The pay for the highest paid employee has previously been set through benchmarking exercises within the local government employment market, pay levels in the local area, relative cost of living in the local area, including housing costs, and through the application of nationally negotiated pay awards by the Joint National Council for Chief Executives. For 2024/25 this current remuneration level will continue and any nationally negotiated pay awards will be paid.

Members of the Corporate Management Team shall have their salary levels set based on compliance with equal pay, discrimination and other relevant employment legislation, whilst also ensuring that remuneration packages broadly align with market norms for relevant local government and public sectors. The appropriate banding shall be determined, depending on the current responsibilities and accountabilities, size of department, market pressures and any other relevant information. Total salary packages above £100,000 will be subject to agreement by Full Council.

The basic pay of all other employees comprises a core grade derived from the national pay spine as set out in the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Services. This grade range consists of a number of salary points through which employees may progress until the top of the grade is reached.

The salary grade for each post shall be determined using the Council's agreed job evaluation scheme.

### **Low Pay**

The lowest paid employees within the council are those permanent workers who are paid on the councils' lowest hourly rate.

The Councils consider this to be the most appropriate definition as this is the lowest pay point/pay level on its substantive pay structure and which normally applies to new entrants to the lowest graded jobs within the Councils. The Councils have had regard to guidance issued by the Local Government Association and JNC for Local Authority Chief Executives in agreeing this definition.

For the purposes of this policy statement, remuneration includes the employee's basic annual salary and any other allowances or other similar payments, benefits in kind, any increases or enhancements to any pension entitlement and any termination or other severance payments.

### **Pension provision**

All employees are eligible to join the Local Government Pension Scheme in accordance with the statutory terms of that scheme.

The authority shall maintain a policy on discretionary payments for early termination of employment as required by the Local Government (Early

Termination of Employment) (Discretionary Compensation) Regulations 2006 and all severance payments made shall follow the approach of that policy.

### **Termination or severance payments**

Any proposal to offer a severance payment of £100,000 or more to a member of staff leaving the organisation will be referred to full council.

### **Re-engagement of Chief Officers**

#### **Re-engagement as employees**

- (1) Subject to any relevant provisions in employment and equalities legislation, the Councils' policy is not to re-employ [as a Chief Executive or Chief Officer/ in any capacity] any former Chief Executive or Chief Officer who left the Council for any reason other than compulsory redundancy and was in receipt of a severance or termination payment, for a period of three years from the date of termination of employment. This policy may be varied in exceptional circumstances which are approved by a delegated panel/committee of Council Members acting on behalf of Full Council and advised by appropriate persons.
- (2) Where a Chief Executive/ Chief Officer's employment has been terminated compulsorily on grounds of redundancy, they will not be re-employed in the same or a similar post for a period of one year following the date of termination of employment. If they are re-employed in another post within four weeks after the effective date of redundancy, they will lose their right to a redundancy payment, including any enhancements under the provisions of the LGPS or the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006.
- (3) Any former Chief Executive or Chief Officer who is employed by the Councils and who has previously received a severance, termination or redundancy payment from this or any other Council or related body will not have previous service counted when determining any further entitlements to notice periods, sickness payments, annual leave or other benefits/entitlements based on continuous service.

#### **Re-engagement under a contract for services**

The Council's policy is not to re-engage under a contract for services any former Chief Executive or Chief Officer who left the Council for any reason and was in receipt of a redundancy, severance or termination payment, for a period of three years from the cessation of employment. This policy may be varied in exceptional circumstances which are approved by a panel/committee convened by the Council to act in this matter and advised by persons including the Council's Monitoring Officer, except where the Monitoring Officer is a Chief Officer.

**Employment of those in receipt of an LGPS pension:**

**General:**

In the unlikely event that the Councils employ as a Chief Executive or Chief Officer a person who is in receipt of a pension under the LGPS, the rules on abatement of pensions adopted by the Council's Administering Authority for the LGPS, pursuant to Regulations 70 and 71 of the the Local Government Pension Scheme (Administration) Regulations 2008 must be applied.

**Flexible retirement:**

The LGPS regulations permit the Councils to offer flexible retirement to employees aged 55 or over, so that they can reduce their hours of work, and receive a pension in respect of accrued years in the scheme.

<b>Report to:</b>	<b>Full Council</b>
<b>Date:</b>	<b>22 May 2024</b>
<b>Title:</b>	<b>Licensing Act 2003 Eastbourne Borough Council Statement of Licensing Policy</b>
<b>Report of:</b>	<b>Chief Executive</b>
<b>Ward(s):</b>	<b>All</b>
<b>Purpose of report:</b>	<b>Approval of Eastbourne Borough Council Licensing Policy 2024-2029</b>
<b>Officer recommendation(s):</b>	<b>To approve the updated Licensing Policy following a consultation period</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>

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## **1, Introduction**

- 1.1 The Licensing Act 2003 (“the Act”) requires a Licensing Authority to prepare and publish for a five year period, a Statement of Licensing Policy for its 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 updated Policy for 2024-2029 was reviewed by the Licensing Committee on 15<sup>th</sup> January and put out for a consultation process. On 15 January 2024 the Licensing Committee resolved that should there only be minor changes required to the Policy following the consultation that the Chair of Licensing in conjunction with the Lead for Regulatory Services could agree those minor changes and recommend the same to Full Council for approval.
- 1.4 The results of the consultation were considered by the Chair of Eastbourne Borough Council Licensing Committee in conjunction with the Lead for Regulatory Services on 26 April. They considered that only minor changes were required as a result, and the updated Policy is attached as Appendix 1 for approval.

## 2. Changes to the Statement of Principles

2.1 The changes made to reflect Section 182 guidance in December 2023 are summarised below. The appendix shows in black text those parts of the current policy and in blue text those that were added or amended. These changes were put out to consultation:

- 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 objective.
- Counter Terrorism and Public Safety. The Licensing Authority give consideration of conditions around health care provision for high profile and large events.

2.2 The minor changes made since the consultation are highlighted in yellow in Appendix 1.

2.3 Members are asked to consider and approved the revised Policy at Appendix 1.

## 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 13 May 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 - Proposed Eastbourne Borough Council Statement of Licensing Policy 2024-2029

## **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 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

## **Contents**

- 1.0 Introduction and Purpose
- 2.0 Statement of Guiding Principles
- 3.0 Guiding Principles
- 4.0 Local Features
- 5.0 Other Considerations
- 6.0 Licensing Authority general policy considerations
- 7.0 Responsible Authorities and other persons
- 8.0 Exchange of Information
- 9.0 Human rights and equal opportunities
- 10.0 Compliance and enforcement
- 11.0 Decision Making Process
- 12.0 Integration and the Promotion of Other Strategies
- 13.0 Other Regulatory Regimes and Avoidance of Duplication
- 14.0 Trading Hours
- 15.0 The Operating Schedule
- 16.0 Prevention of Crime and Disorder
- 17.0 Public Safety
- 18.0 Prevention of Public Nuisance
- 19.0 Protection of Children from Harm
- 20.0 Sex Establishment Policy
- 21.0 The Health Act 2006 & Associated Smoke Free Issues
- 22.0 Premises Licences
- 23.0 Planning Permission
- 24.0 Applications for Personal Licences
- 25.0 Personal Licences – Suspension and Revocation
- 26.0 Immigration Act 2016 – Entitlement to Work
- 27.0 Live Music Act 2012 and Entertainment Licensing Deregulation
- 28.0 Temporary Event Notices
- 29.0 Appeals
- 30.0 Problem Premises
- 31.0 Enforcement Policy
- 32.0 Dealing with Representations
- 33.0 Reviews
- 34.0 Administration, Exercise and Overview of Functions

**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 **staggered closing 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
- **Liaising and consulting with East Sussex County Councils Public Health**
- 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 Licensing 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 Director of Public Health 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. Public Health 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.

Matter to be dealt with	Full Licensing Committee	Sub-committee	Officers
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 certificate		If relevant representation made	If no relevant representation made or all 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			All cases

considering the application.			
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 Public Health in relation to Alcohol Harm Strategies, online ordering and delivery. Taking into consideration ESCC Health and Wellbeing Strategy and Integrated Care Strategy
- 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 **staggered closing 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 1<sup>st</sup> 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 Heath 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

## **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.





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## Scrutiny Committee

**Minutes of meeting held in Court Room - Town Hall, Eastbourne on 5 February 2024 at 6.00 pm.**

### **Present:**

Councillors Alan Shuttleworth (Deputy-Chair), Kathy Ballard, Ali Dehdashty, Nigel Goodyear, Jane Lamb, Amanda Morris and Hugh Parker and Robert Smart (substitute).

### **Officers in attendance:**

Homira Javadi (Director of Finance and Performance (Section 151 Officer)), Nick Peeters (Committee Officer), Becky Cooke (Director of Tourism, Culture and Organisational Development), Steven Houchin (Deputy Chief Finance Officer (Corporate Finance)), Lynn Ingram (Interim Head of Financial Planning), Oliver Jones (Lead, Housing, Homelessness & Community Safety), Peter Martin (Acting Events Manager, Tourism & Enterprise), Ross Sutton (Head of Financial Reporting) and Jo Harper (Head of Business Planning and Performance).

### **Also in attendance:**

Chief Inspector Di Lewes (Sussex Police)  
Councillor Stephen Holt (Leader of the Council)

### **50 Minutes of the meeting held on 4 December 2023**

**Resolved** that the minutes of the meeting held on 5 February 2024 were submitted and approved and signed as a correct record by the Chair.

A Member asked that future minutes include actions from previous minutes, and referred specifically to further action on the work of consultants who had presented a study of houses of multiple occupation, in Eastbourne, at the previous meeting.

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

Apologies were received from the Chair, Councillor Shore, with Councillor Smart acting as a substitute on the Committee.

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

There were none.

**53 Questions by members of the public**

There were none.

**54 Urgent items of business**

There were none.

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

There were no requests.

**56 Corporate Plan 2024-2028**

Jo Harper, Head of Business Planning and Performance, presented the report which provided details of the draft Corporate Plan. The draft Plan would be presented to the Cabinet for consideration and recommendation to Full Council.

There was no further discussion on the report.

**Resolved** to note the report.

**57 Eastbourne and Lewes Community Safety Partnership - Annual Report**

Oliver Jones, Housing, Homelessness & Community Safety Lead, presented the report which detailed the 2023/24 performance of the Eastbourne & Lewes Community Safety Partnership (E&L CSP).

Chief Inspector Di Lewis was in attendance and highlighted the following points:

- There had been some recent positive changes to the policing structure in Eastbourne, with three new sergeants, police constables and a new draft of police community safety officers (PCSO'S) covering Eastbourne.
- Levels of business crime and shoplifting were a current concern – a number of days of action had been undertaken to deal with shoplifting, and regular meetings were held with the business crime team to identify and target prolific offenders.
- Drugs related harm continued to be an issue and close work with neighbourhood enforcement teams was being maintained, as well as work undertaken with teams in London to identify County Lines crime.
- Burglary numbers had increased in the most recent quarter of the year. The theft of high-value bicycles made up a significant proportion of the increase, but recent work had provided a breakthrough in tackling the levels. Operation Terrain had been rolled out to tackle motorbike theft and anti-social driving, with positive outcomes achieved. Burglaries were still relatively low when compared nationally, and prompt action was taken

when spikes in the figures occurred.

- Sussex police were working with the CSP on 'Immediate Justice' which was a pilot scheme in Eastbourne aimed at providing quick justice in relation to low-level crime, with the victim's agreement as to the nature of the justice.
- Operation Marble provided early intervention and prevention of crimes that may otherwise take place during the night-time economy. Operation Wave (Wellbeing And Vulnerability Engagement) identified and mitigated incidents of women feeling vulnerable or threatened – this fed into the work of dealing with night-time economy related crime. The engagement Pod was being retained in Eastbourne to maintain a high-visibility crime deterrent

During discussion, the following points were highlighted:

- Crime figures were back to the same levels as pre-Covid. The cost-of-living crisis was having an impact on areas such as shoplifting, but there was also a drive to deal with the impact, including encouraging the reporting of incidents. 'Violence against the person' figures reflected incidents of domestic abuse as well incidents in public areas, and there were violence reduction units in the Town.
- The levels of serious and organised acquisitive crime did not reflect an increase in organised gangs carrying out shoplifting and other crimes. The figure included incidents of fraud which in itself had several sub-categories.
- Members requested that a more detailed analysis of the categories of crime reported, be provided, along with the methods used by Sussex Police to deal with the crimes.

**Resolved** to note the report.

#### **58 Local Council Tax Reduction Scheme 2024-25 - to follow**

Angie Weaver, Senior Specialist Advisor (Income Maximisation and Welfare), introduced the report which detailed the proposal to adopt the 2023/24 scheme Local Council Tax Reduction Scheme as the 2024/25 scheme, and commence the statutory consultation process the Council needed to follow in order the make changes to the current Local Council Tax Reduction scheme.

There was no further discussion on this item.

**Resolved** to note the report.

#### **59 Request to Southern Water to attend a Scrutiny meeting - verbal update**

The Chair, Councillor Shuttleworth, introduced the item which had been retained on the Committee's work programme. Southern Water had been invited to attend a Scrutiny Committee meeting to discuss concerns raised by

the Council regarding sewage spills in coastal areas and inland waters. Southern Water had responded by advising that, although it would continue engaging with local councils, this would be done through private meetings with leaders, cabinet members, relevant officers and other decision makers – Southern Water would not be meeting with scrutiny committees. Members discussed the issue and highlighted the following points:

- Members expressed concern that, by not going through the Scrutiny process and instead, engaging privately with the leadership, opposition groups were excluded from joining discussions.
- The Leader of the Council advised that a report would be provided following discussions with Southern Water. Members were advised that scrutiny of Southern Water could continue without the organisations attendance.

**Resolved** to note the update and agree that the item be retained on the Committee's work programme.

## **60 Airbourne - post event update**

Becky Cooke, Director of Tourism, Culture and Organisational Development and Peter Martin, Events and Seafront Manager, provided a presentation on the environmental impact of Eastbourne Airshow. The presentation highlighted the following points:

- Carbon data in relation to the event had not been collected prior to 2021/2022. Positive work by the Council had since been undertaken to collect data, measure the carbon output and mitigate, where possible, the environmental impact of the event. The work towards measuring the carbon output from the event and audience travel and making the data publicly available seen as an industry standard.
- Changes had been implemented to operational procedures and procuring services to improve the reduction of the event's carbon footprint at all stages, with the offsetting of unavoidable emissions as a last resort. The scheme was supported by the United Nations Eastbourne and the Council's Cabinet member for climate change.
- The headline figures for the 2022 event were that 4% emissions related to the event and the air displays, with the remainder (approximately 96%) related to audience travel.
- There was a financial cost to reducing carbon output from the Event, however, this was had been managed within the overall budget, which was a neutral cost.
- The aviation industry was making significant, technological steps towards the production of sustainable fuel and although not currently mass produced, it was hoped safe production would become industry standard. In terms of the display teams, data was provided for fuel usage and four

teams had signed up to their own carbon offsetting schemes.

- The aim for the Event was to use 100% renewable energy, through the use of hydrotreated vegetable oil (HVO) and although this was only partly achieved in 2022, it is anticipated that data from the 2023 Event will show that 100% use of HVO was achieved.
- A 'refill, not landfill' campaign was held ahead of the 2023 event to encourage attendees to bring water bottles and to reduce the amount of single-use water bottles. An additional water-station was provided at the Western Lawns. Staff were provided with drinking water bottles. Additionally, bar outlets that previously provided single-use plastic cups, were being asked to transition to cardboard cup alternatives.
- As already highlighted, travel is quite a high element of the carbon emissions from the Event and the Council's work included campaigns to promote low carbon transport options, such as public transport and cycling. The Council used all electric vehicles where possible to support the event. The Council was offsetting areas where it was unable to reduce emissions by supporting tree-planting initiatives.
- Job opportunities at the Event included 100 residents receiving paid employment. There was a net benefit to the local hospitality economy also.

During discussion, the following points were highlighted:

- The Council worked closely with Southern Rail leading up to the event and in previous years poster campaigns were held across the rail network to encourage visitors to the event to travel by train. The Council continued, as part of its marketing campaign, to encourage visitors to the event to consider alternative modes of transport, other than motor vehicles.
- The Council's event team had reduced in size and although a high-level estimate for the emissions from the 2023 event could be provided, the final figures would not be publicly available until all data was collected – a proportion of the data was dependent on third-party providers. An in-person sustainability survey was used to calculator the emissions from travel. The same survey was available on-line.
- The option of a park-and-ride scheme had been explored previously and its feasibility would remain as an area of focus. The current difficulty was that the infrastructure into the Town would not support the number of vehicles needed for a single event of this type. If attempted currently, a likely outcome would be single or double decker buses idling in congestion.
- Members commended the efforts that were being made year-on-year to reduce the carbon emissions from the event but noted that transport to and from the event was, by a significant margin, the largest contributor to the emission levels.

**Resolved** to note the update.

#### **61 General fund budget 2024/25 and capital programme - to follow**

Homira Javadi, Director of Finance and Performance, introduced the report which sought agreement to the General Fund Budget 2023/24 and updated Medium Term Financial Strategy, together with the updated Capital Programme and Treasury Management position. During discussion, the following points were highlighted:

- If reserves were used to fund day-to-day costs for the Council, the interest otherwise received would be lost. As part of the Council's stability and growth program, and in response to a recommendation by CIPFA, the Council's strategy had been to reduce the cost of borrowing and the cost of financing. However, if exceptional financial support was offered and accepted, there would be an increase in the cost of borrowing and furthermore, the exceptional financial support would include an added premium of an additional 1% to the existing rate.
- Increasing council tax beyond the existing threshold was not realistic. It would require a referendum, that in itself involved cost. The option would not be supported in the current financial climate.
- A Member expressed concern that there were a number of points not being addressed within the report and that the issue of homelessness numbers and the financial impact had not been raised sooner. Officers advised that the initial cost of providing temporary accommodation and housing needs had been referenced in financial reports over the previous three years. The trend that was expected in 2023/2024 in terms of the cost to the Council had not come about and instead of reducing, had increased.
- A member requested that the Committee expressed its support for the work being undertaken by the Cabinet in lobbying the Government for support.

**Resolved** to note the report and submit the following comment for Cabinet's consideration:

- That the Scrutiny Committee endorse the Cabinet's work in continuing to lobby the Government to support local councils through exceptional financial challenges and exploring all funding options.

#### **62 Treasury Management Strategy, Investment Strategy, Capital Strategy and Prudential Indicators 2024/25 - to follow**

Steve Houchin, Deputy Chief Finance Officer, and Ross Sutton, Head of Financial Reporting, presented the report which outlined the Council's Annual Treasury Management Strategy, Capital Strategy & Investment Strategy together with the Treasury and Prudential Indicators. During discussion, the

following points were highlighted:

- In terms of cash-flow, a three-year projection that also looked at investments, borrowing and the capital programme, had been included in forecasts. This was necessary to determine how much the Council needed to borrow. The Finance Team was working towards maintaining the Council's position in terms of cash-flow. Part of this work was encouraging budget holders to focus on spending on essential items only and ensuring monies (including recharges) owed to the Council are paid.

**Resolved** to note the report.

**63 Housing Revenue Account (HRA) Revenue Budget and Rent Setting 2024/25 and HRA Capital Programme 2023-28 - to follow**

Steve Houchin, Deputy Chief Finance Officer, introduced the report which outlined detailed Housing Revenue Account (HRA) budget proposals, rent levels, service charges and heating costs for 2024/25, and the HRA Capital Programme for 2023-28.

There was no further discussion on the report.

**Resolved** to note the report.

**64 Forward Plan of Decisions**

The Chair introduced the Forward Plan of Cabinet decisions, which outlined those reports due for consideration by the Cabinet its future meetings.

Members were advised that the Chair of the Scrutiny Committee would be provided with an updated version of the Forward Plan ahead of the next meeting and would liaise with Democratic Services when considering which reports needed to be included on the agenda.

**Resolved** to note the Forward Plan of Cabinet decisions.

**65 Scrutiny Work Programme**

The Chair, Councillor Shuttleworth, introduced the Scrutiny Committee work programme, which outlined those items previously requested for inclusion on future agendas.

Members were advised that those items discussed during the meeting would be considered as part of the work programme and that Democratic Services could be contacted if there were areas of concern or issues that Members felt needed to be raised.

**Resolved** to note the Scrutiny Committee work programme.

**66 Date of the next meeting**

Members were advised that the next meeting of the Scrutiny Committee was scheduled for 8 July 2024, however, this would not be confirmed until the draft timetable of meetings had been considered at the next meeting of the Full Council.

The meeting ended at 7.55 pm

Councillor Kshama Shore





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## Planning Committee

**Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 26 February 2024 at 6.00 pm.**

### **Present:**

Councillor Hugh Parker (Chair).

Councillors Amanda Morris (Deputy-Chair), Nick Ansell, Andy Collins, Jane Lamb, Anita Mayes, Teri Sayers-Cooper and Candy Vaughan.

### **Officers in attendance:**

Neil Collins (Development Management Lead), Helen Monaghan (Lawyer, Planning), Emily Horne (Committee Officer).

### **52 Introductions**

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

### **53 Apologies for absence and notification of substitute members**

None.

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

No declarations of interest were made at the meeting.

### **55 Urgent items of business.**

There were no urgent items.

### **56 Minutes of the meeting held on 29 January 2024**

The minutes of the meeting held on 29 January 2024 were submitted and approved as a correct record, and the Chair was authorised to sign them.

### **57 Officer Update**

An officer addendum was circulated to the Committee prior to the start of the meeting, updating the report on the agenda with any late information (a copy of which was published on the Council's website).

**58 Gate Court Dairy, Waterworks Road. ID: 230787**

Erection of 85 residential flats, together with access and parking, associated open space and landscaping and vehicular and pedestrian accesses.  
DEVONSHIRE.

The Development Management Lead (DML) presented the report.

The Committee was advised by way of the Addendum that one further representation had been received since the officer report, and the applicant had provided further information in response to the consultation responses from the Environment Agency and the Council's Air Quality Specialist.

Sarah Hufford, agent, spoke in support of the application.

Councillor Lamb put forward a proposal in line with the officer's recommendation with an additional condition for officers to negotiate with the applicant further car parking spaces through the adjustment of the landscaping scheme. This was seconded by Councillor Morris and was carried.

**RESOLVED: by (5 votes to 1 against and 2 abstentions)** that delegated authority be provided to the Development Management Lead to conclude consultation with the Local Highway Authority, the Environment Agency and the Council's Air Quality Specialist. The Development Management Lead will receive and evaluate the independent review of the submitted Financial Viability Assessment from the Council's elected viability consultants, and make any necessary revisions, attach conditions or seek planning obligations resulting from the above processes. Delegated authority be provided to the Development Management Lead to determine with the applicant, additional car parking spaces through the adjustment of the landscaping. Upon conclusion, grant planning permission with conditions, subject to S106 Agreement to secure: a) a Local Labour Agreement, b) Travel Plan and monitoring fee, c) Car Club contributions, and d) Any further obligations following conclusion of the above consultations.

**59 Land to the rear of Pembroke House, Upperton Road. ID: 230828**

Proposed redevelopment of site comprising of the demolition of existing garage block and erection of 4no. 3-bedroom dwellings with associated facilities and off-road parking – UPPERTON.

The Development Management Lead (DML) presented the report.

The Committee was advised by way of the Addendum that a consultation response had been received from East Sussex Highways (ESCC) of no objection, subject to two additional conditions concerning parking spaces and cycle parking. No further representations had been received.

Mr Ray Windust, spoke on behalf of residents against the proposed redevelopment of the site. Councillor Ballard, Ward Councillor, addressed the

Committee in objection to the application.

Councillor Vaughan put forward a proposal in line with the officer's recommendation and conditions referred to in the Addendum. This was seconded by Councillor Collins and was carried.

**RESOLVED: by (4 votes to 3 against and 1 abstention)** that the application be granted subject to the conditions in the Officer's report and the Addendum.

**60 Date of next meeting**

It was noted that the next meeting of the Planning Committee was scheduled to commence at 6:00pm on Monday, 18 March 2024.

The meeting ended at 7.39 pm

Councillor Hugh Parker (Chair)

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## **Audit and Governance Committee**

**Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 11 March 2024 at 6.00 pm.**

### **Present:**

Councillors Ali Dehdashty (Deputy-Chair, In the Chair), Kathy Ballard, Andy Collins, Hugh Parker, David Small and Stephen Gilbert (Audit Independent Member).

### **Officers in attendance:**

Steven Houchin (Deputy Chief Finance Officer (Corporate Finance)), Jackie Humphrey (Chief Internal Auditor), Ross Sutton (Head of Financial Reporting) and Elaine Roberts (Committee Officer).

### **Also in attendance:**

Ben Sheriff, Deloitte, External Auditor (attended until completion of Agenda Item: External Audit update).

### **1 Minutes**

The minutes of the meeting held on 28<sup>th</sup> November 2023 were confirmed as an accurate record.

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

There were none

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

Apologies were received from Councillors Ewbank, Butcher and Shore and from Homira Javadi (Chief Finance Officer).

Councillor Penny Di Cara attended as substitute for Councillor Shore.

Councillor Dehdashty (Deputy Chair) took the Chair for the meeting.

### **4 Questions by members of the public.**

Officers confirmed that no questions had been received.

### **5 Urgent items of business.**

The Chair confirmed there were no urgent items.

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

There were no requests to address the meeting.

**7 External Audit update**

Steven Houchin, Deputy Chief Finance Officer (DCFO), provided a verbal update on the status of the remaining outstanding items of the audit for 2020-21, which included on substantive item regarding RAAC inspections and a number of minor queries, and noted that an extra-ordinary meeting of the Committee would be called as and when the final accounts for 2020-21 were ready to present before the next scheduled meeting later in the summer.

The DCFO provided an outline of the Government's proposed process for tackling the backlog of local government audits nationwide, currently under consultation, for which any outstanding audits would be subject. The proposals included a schedule of deadlines for returning accounts for years 2020/21 through to 2024/25.

The Chair thanked the DCFO and invited comment from Ben Sheriff, representative of the Council's External Auditors, Deloitte, who joined the meeting remotely. Mr. Sheriff explained how resolution of two of the outstanding audit items, regarding RAAC and Pensions, relied on outside parties and noted Deloitte's plans to reschedule staff resources. Mr. Sheriff said that Deloitte would make efforts to meet any deadlines that were introduced by the Government to address the backlog, but this would be dependent on the local authority having published draft accounts.

Officers confirmed that draft accounts for 2022 had been published and 2023 accounts were due to be published.

At the request of Members, the DCFO provided additional details regarding the outstanding RAAC and Pension items for the 2020/21 audit and Mr. Sheriff outlined the expected timescales for completing the RAAC issue.

Mr. Sheriff confirmed that, on resolution of the outstanding items, Deloitte would produce its Statement of Accounts, the 1SA260 Report, for the Council's Finance Team to review and agree before presentation to the Committee.

Members expressed disappointment and frustration of the delays in delivering the outstanding audits and listed the series of missed promised delivery dates, from Committee meeting minutes dating back to 2022.

While Members recognised the impact of the late arising RAAC issue, and the problems being experienced nationwide, there was unanimous dissatisfaction with the situation, and calls were made for lessons to be learnt.

Members enquired about the expected fees from Deloitte and raised concerns over potential increases incurred by the delays. Officers outlined the process with the PSAA around managing any additional fee charging.

**Resolved (Unanimously)**

To note the update.

**8 Treasury Management Quarterly Update**

Ross Sutton, Head of Financial Reporting (HFR), presented the Treasury Management update for Quarter 3, and the Committee considered the report.

Following questions and comments from Members, Officers confirmed that figures presented in Table 6 were down mainly due to the deferral of schemes rather than underspend and that reductions in the capital programme budget may be considered going forward.

Officers explained that more detailed information regarding performance of capital projects was reported to Cabinet and agreed to provide the information to Committee Members for background.

**Resolved (unanimously)**

To note the report.

**9 Draft Internal Audit Plan for 2024/25**

Jackie Humphrey, Chief Internal Auditor (CIA) introduced the report and explained the rationale of the approach adopted by the Internal Audit Team to ensure an appropriate and timely internal audit function, with focus areas that aligned to those of the Council's Corporate Plan.

The CIA highlighted a particular challenge presented by number of pending organisational changes, including in Theatres and Sovereign Centre, but noted that the Internal Audit Plan was designed to be flexible to accommodate changing circumstances mid-way in any one year.

The CIA reported that the Internal Audit Team was now at full complement, which provided robust assurance for delivering the Plan as well as a number of proactive projects, listed at the end of Appendix B.

The Chair thanked the Internal Audit Team for its work and Members congratulated the CIA on achieving a full team and its project proposals.

Following questions, the CIA further clarified the area selection process, noting the key considerations that helped inform the decision making, and confirmed that departmental requests and time between audits for any one department were included as considerations.

Members highlighted the importance of the issue of temporary accommodation and the CIA confirmed that a section to update the Committee on audit actions around this topic, including the date of the last audit, would be included in the Quarterly update report for the next meeting.

The CIA clarified the nature of the projects work and the approach the Team would be taking.

**Resolved (unanimously)**

To approve the draft Internal Audit Plan for 2024/2025.

**10 Internal Audit and Counter Fraud Report - Quarter 3**

Jackie Humphrey, Chief Internal Auditor (CIA), provided a summary of the activities of Internal Audit and Counter Fraud for the three quarters of the financial year, from 1st April 2023 to 31st December 2023.

Highlights noted by the CIA included:

- Trials of a new approach for working with Finance to address outstanding recommendations
- That the number of follow-ups was down overall
- The positive results from the Counter Fraud team, in particular its work around tenancies
- That business continuity plans (BCPs) were now mostly complete, including for Events (verbal update), and plans were in place to progress outstanding areas; and
- A summary of the revised audit charter being brought to the Committee for approval (Appendix E).

Following questions from Members, the CIA provided more details and an update of the issues noted under Complaints in Appendix C. The CIA also clarified a number of points around the management of housing application lists and enquiries and agreed to provide background information regarding figures in the next report.

**Resolved (unanimously)**

1. To note the information in the report; and
2. To approve the Audit Charter.

**11 Data Analytics Strategy for Internal Audit**

Jackie Humphrey, Chief Internal Auditor (CIA) explained that the report was being presented to ensure the Committee's awareness of how data analytics was being used by Internal Audit.

In her summary, the CIA described the current and proposed Internal Auditing testing approaches and explained the rationale for the Data Analytics Strategy being adopted and the choices of software for the initial stages.

The Committee considered the report.

Speaking on behalf of the Committee, the Chair welcomed the well-illustrated report and commended the approach taken by the Team, which promised significant benefits at low cost.



**Resolved (unanimously)**

To note the report.

**12 Date of next meeting**

The date of the next meeting was confirmed as Wednesday 26<sup>th</sup> June 2024 at 6pm.

The meeting ended at 7.21 pm

Councillor Ewbank.

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## Planning Committee

**Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 18 March 2024 at 6.00 pm.**

### **Present:**

Councillor Hugh Parker (Chair).

Councillors Amanda Morris (Deputy-Chair), Nick Ansell, Andy Collins, Jane Lamb, Anita Mayes, Teri Sayers-Cooper and Candy Vaughan.

### **Officers in attendance:**

Neil Collins (Development Management Lead), Helen Monaghan (Lawyer, Planning), Emily Horne (Committee Officer).

### **61 Introductions**

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

### **62 Minutes of the meeting held on 26 February 2024**

The minutes of the meeting held on 26 February 2024 were submitted and approved as a correct record, and the Chair was authorised to sign them.

### **63 Apologies for absence and notification of substitute members**

None.

### **64 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.**

No declarations of interest were made at the meeting

### **65 Urgent items of business.**

There were no urgent items.

### **66 Officer Update**

An officer addendum was circulated to the Committee prior to the start of the meeting, updating the report on the agenda with any late information (a copy of which was published on the Council's website).

**67 Site 1 off Martinique Way, Martinique Way. ID 230847**

Erection of an extra-care retirement community (Use Class C2), comprising 137 no. apartments for older people, ancillary facilities and services including an ancillary restaurant/bar and community meeting/activity space, soft and hard landscaping, parking, access and other associated works - SOVEREIGN.

The Development Management Lead (DML) presented the report.

The Committee was advised by way of the Addendum that two consultation responses had been received since the officer report from Southern Water and the Health and Safety Executive, and four further public objections had been received. The addendum included a revision to the officer's recommendation to amend condition No. 10.4 - Landscaping, and add an additional Lighting Strategy condition.

Caroline Lynam, Sovereign Harbour Residents' Association, spoke on behalf of residents in objection to the application. Jonathan Buckwell, Agent, spoke in support of the application and read a letter of support from a resident. Councillor Goodyear, Ward Councillor, addressed the Committee in objection to the application.

Councillor Lamb moved a proposal, against the officer's recommendation, to defer the application to enable officers to negotiate amendments to the scheme and for the application to be determined at a future meeting. However, if the negotiations fail, officers be authorised to refuse the application due to the proposed scale, bulk, height, massing and appearance and impact upon the setting of the neighbouring heritage asset, the Martello Tower 66. This was seconded by Councillor Morris and was put to a vote and carried.

**RESOLVED: (Unanimously)** that delegated authority be provided to the Development Management Lead to liaise with the applicant regarding the reduction in the number of units, the height and separation of buildings, and to revisit the design to reflect the maritime locality and the Martello Tower. Upon conclusion, to bring the application back to a future Planning Committee meeting following any required consultation. Should the negotiations fail, the Development Management Lead be authorised to refuse planning permission on grounds of the impact of the proposed scale, bulk, height, massing and appearance on the character of the area and impact upon the setting of the neighbouring heritage asset, the Martello Tower 66. Example reasons were provided.

**68 Date of next meeting**

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

The meeting ended at 7.33 pm

Councillor Hugh Parker (Chair)



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## Cabinet

**Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 20 March 2024 at 6.00 pm.**

### **Present:**

Councillor Stephen Holt (Chair).

Councillors Margaret Bannister (Deputy-Chair), Peter Diplock, Robin Maxted, Jim Murray and Colin Swansborough.

### **Officers in attendance:**

Robert Cottrill (Chief Executive), Ian Fitzpatrick (Deputy Chief Executive and Director of Regeneration and Planning), Becky Cooke (Director of Tourism, Culture and Organisational Development), Simon Russell (Head of Democratic Services and Monitoring Officer), Kate Slattery (Head of Legal Services), Luke Dreeling (Performance Lead), Gary Hall (Head of Homes First), Jo Harper (Head of Business Planning and Performance), Lynn Ingram (Interim Head of Financial Planning), Emma Kemp (Senior Planning Policy Officer), Sarah Lawrence (Committee Team Manager) and Oliver Jones (Lead, Housing, Homelessness & Community Safety).

### **Also in attendance:**

Councillor Penny di Cara (Opposition Deputy Leader) and Councillor Robert Smart (Opposition Leader).

### **51 Minutes of the meeting held on 7 February 2024**

The minutes of the meeting held on 7 February 2024 were submitted and approved and the Chair was authorised to sign them as a correct record.

### **52 Apologies for absence**

An apology for absence was reported from the Director of Finance and Performance.

### **53 Declaration of members' interests**

Councillor Holt declared a personal interest in agenda item 8 (Eastbourne & Lewes Community Safety Partnership – Annual Report (Eastbourne)) as his employer worked closely with the Business Crime Reduction Partnership. He remained in the room and took part in discussions.

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

The Cabinet received a written question from Sara De Siena, in relation to the Council's understanding of the term Net Zero and impact on Eastbourne.

In accordance with Council Procedure Rules, a supplementary question was asked to the Cabinet. The questions were verbally responded to at the meeting by Councillor Murray. A further written response to the supplementary question would be sent following the meeting.

#### **55 Stability and Growth Programme Update**

The Cabinet considered the report of the Chief Executive, updating it on the Stability and Growth Programme.

The Stability and Growth Programme had, over the past year, delivered significant savings for the council, helping to address the financial challenges currently being faced. A summary of this was included in the budget report presented to Cabinet in February 2024. Future savings and initiatives would continue to be monitored and overseen by the cross-party member board, and it was reported that independent appointees would also sit on the board in the future, to assist the Council in its journey towards financial sustainability.

#### **Resolved (Key decision):**

To note the report and delegate authority to the Chief Executive and the Deputy Chief Executive and Director of Regeneration and Planning, in consultation with the Leader and Portfolio Holder, to deliver additional savings in council service areas once the budget reviews are completed.

#### **Reason for decision:**

The Stability and Growth programme works to drive improvement and efficiency, in line with the needs of the organisation, and also the recommendations made by the Assurance Reviews and the Local Government Association Peer Challenge.

#### **56 Eastbourne and Lewes Community Safety Partnership - Annual Report (Eastbourne)**

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, regarding the 2023/24 performance of the Eastbourne and Lewes Community Safety Partnership (E&L CSP).

Key highlights, activities and achievements across the Partnership's priorities were detailed throughout the report and were commended by Cabinet.

#### **Resolved (Non-key decision):**

To note the achievements and activities of the Eastbourne & Lewes Community Safety Partnership in 2023/24.

#### **Reason for decision:**

To consider progress on delivery of the current Community Safety Plan.

**57 Corporate performance -quarter 3 - 2023/24**

The Cabinet considered the report of the Director of Finance and Performance, regarding the council's progress and performance in respect of service areas for the third quarter of the year (July-September 2023), as set out at Appendix 1 to the report.

Steve Wallis, member of the public, addressed the Cabinet on this item around the issue of reporting and removal of graffiti around the town. In response, the Cabinet advised that reporting of graffiti were part of the meetings of the South East Environmental Services Ltd (SEESL) Board on a quarterly basis. The Council would look at potentially adding in a key performance indicator in relation to graffiti at their next refresh.

The Council would also explore potentially undertaking a scheme similar to Brighton & Hove City Council, whereby companies that own properties within the Borough would potentially be charged, should they not remove graffiti, once reported and notified within a time period, and the Council was required to act to remove it.

The report detailed that 13 performance indicators achieved their target for the quarter, 2 were slightly below target and 7 were below target. 13 positive trends and 11 negative trends were reported from quarter 2 to quarter 3. Further details were contained at Appendix 1.

**Resolved (Non-key decision):**

To note progress and performance for quarter 3 2023/24.

**Reason for decision:**

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

**58 Revenue and Capital Financial Monitoring Report - Quarter 3 2023-24**

The Cabinet considered the report of the Director of Finance and Performance, providing an assessment of the Council's financial performance against its approved 2023-24 budget, incorporating key financial risks, issues and opportunities identified since 1 April 2023 for the General Fund and the Housing Revenue Account (HRA).

The forecast outturn position for 2023-24 as at 31st December 2023 was an overspend of £3.99m as shown in Table 1 of the report. This projection did not reflect the recent successful application to government for Exceptional Financial Support.

The Council would continue to lobby central government for additional funding

in recognition of the exceptional financial pressures placed on local councils in tackling the cost of homelessness.

**Resolved (Non-key decision):**

(1) To note the forecast outturn position for 2023-24 and associated risks.

(2) To delegate authority to the Director of Finance and Performance and the portfolio holder for finance to apply the required budget virements to support effective management of the overall budget.

(3) To approve the additional release of £17,000 from the Housing Revenue Account to support the allocation of twelve HRA properties to support Emergency & Temporary Accommodation pressures.

(4) To note Appendix 1 and 2 to the report.

**Reason for decisions:**

To update members on the financial position of the Council and ensure that the Authority complies with its financial regulations.

**59 Options on the future model for the management and maintenance of Eastbourne Council Housing**

The Cabinet considered the report of the Chief Executive, asking it to agree the preferred option for the delivery of Eastbourne Council Housing, following public consultation.

Thanks were conveyed to all involved with Eastbourne Homes Limited Board that had contributed to its success.

**Resolved (Key decision):**

(1) To approve the termination of all the existing arrangements between the Council and Eastbourne Homes Limited in respect of the Council's housing service which shall in future be provided and governed directly by the Council.

(2) That the Deputy Chief Executive, in consultation with the Monitoring Officer and s151 Officer, and in consultation with the Cabinet Member for Housing and Planning, be given delegated authority to undertake the necessary arrangements to give effect to (1) above including the negotiation and signature of any necessary agreements and the establishment of an advisory body to assist the Council in the governance of its housing service.

**Reason for decisions:**

The consultation feedback clearly demonstrated support for a transition to an in-house governance of housing services.



**60 Off-Street Car Parking Enforcement**

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, seeking approval to explore the options for a move from criminal to civil enforcement of off-street parking regulations in accordance with legislation, government advice and best practice.

**Resolved (Key decision):**

To authorise officers to explore the options for a move to civil enforcement of off-street parking regulations, and to delegate authority to the Deputy Chief Executive, in consultation with the Cabinet member for tourism, leisure, accessibility and community safety, and the Cabinet member for enterprise, community spaces and heritage assets, to take all necessary actions to implement the enforcement change.

**Reason for decision:**

The shift from criminal to civil enforcement of off-street parking regulations is consistent with legislation, government advice and best practice across local government, and such an approach would support an improved enforcement regime and the maximum recovery of income for the council.

**61 Local Employment and Training Supplementary Planning Document (SPD)**

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, seeking approval for the proposed Local Employment and Training Supplementary Planning Document (SPD) for publication for an eight-week period to receive representations in preparation for formal adoption by the Council.

**Resolved (Key decision):**

(1) To approve the Local Employment and Training SPD for publication for an 8-week consultation period to receive representations and comments.

(2) To delegate authority to the Regeneration Lead in consultation with the Lead Cabinet Member to make minor amendments before the commencement of the representation period.

**Reason for decisions:**

A refresh of the policy is required to reflect changes in employment and training.

**62 Eastbourne Community Infrastructure Levy NCIL Governance Review**

The Cabinet considered the report of the Chief Executive, providing a review and recommendations for updating the CIL Governance Arrangements,

particularly in relation to Neighbourhood CIL Spending within Eastbourne Borough.

Thanks were conveyed to the work of officers and cross-party group towards the proposals set out in the report.

**Resolved (Key decision):**

To amend the existing CIL Governance Arrangements previously agreed by Cabinet in July 2015, particularly those relating to Neighbourhood CIL spending, as detailed in the report.

**Reason for decision:**

To allow for a fairer and transparent spending mechanism for Neighbourhood CIL across the Borough.

The meeting ended at 6.50 pm

Councillor Stephen Holt (Chair)