

**Meeting:** Council

**Date:** Wednesday 20 November 2013

**Subject:** Council Statement of Licensing Policy 2014 -2019 and Cumulative Impact Policy. Licensing Act 2003

**Report of:** Councillor Steve Wallis on behalf of the Cabinet

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The Council is asked to consider the minute and resolution of the Cabinet meeting held on 23 October 2013 as set out below.

Further copies of the report to Cabinet are available on request – please see end of this report. A copy may be seen on the Council’s website by following the link below:

<http://democracy.eastbourne.gov.uk/ieListDocuments.aspx?CIId=125&MIId=899&Ver=4>

In addition, for information, the extract from the minutes of the Licensing Act Committee, at their meeting on 7 October 2013 dealing with this matter and including that Committee’s supportive comments, is also set out below.

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**The Council is recommended to:-**

**Approve the draft Statement of Licensing Policy 2014-2019 as amended.**

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**46. \* Council Statement of Licensing Policy 2014 -2019 and Cumulative Impact Policy. Licensing Act 2003**

46.1 Cabinet considered the report of the Senior Specialist Adviser. The Council was required to consult, review and publish its Statement of Licensing Policy at regular intervals. The purpose of the Statement was to promote the Licensing Objectives. It set out the general approach taken by the Authority when considering and determining applications under the Licensing Act 2003. The Licensing Objectives were:

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

The scope of a Licensing Policy Statement covers the following:

- Retail sales of alcohol.
- The supply of alcohol by or on behalf of a club or to the order of a member of the club.
- The provision of regulated entertainment.
- The provision of late night refreshment.

46.2 Public consultation of the draft Statement took place for 12 weeks between the 27 June and 19 September 2013. A range of organisations and individuals were directly consulted, including 'Responsible Authorities', ward councillors, all premises licence and club premises certificate holders in the borough, neighbourhood panels and residents groups, hospitality and trade associations and various forums of representative groups. The draft was also posted on the Council's website and notices placed at council offices and the Central Library. A copy of the draft formed appendix 1 to the report. Responses were received from the Town Centre Manager (wishing to see a robust cumulative impact policy to meet the challenge of an increasing number of alcohol licensing applications in the town centre) and the Chair of the Town Centre Neighbourhood Panel (in full support of the policy) (appendix 2 to the report).

46.3 The Council's Licensing Act Committee had considered and endorsed the draft policy at their meeting on 7 October 2013. Subject to full Council approval on the 20 November 2013, the updated policy would come into effect on 1 January 2014.

46.4 It was reported verbally that following publication of the report it had been noticed that point 3.2 on page 65 of the Draft Licensing Act policy Statement (part of the cumulative impact policy) could be perceived as contradictory. It was suggested that this text should be removed prior to ratification by full Council to remove any notion of contradiction.

**46.5 \* Resolved (Budget and Policy Framework):** (1) That the response to the consultation on the draft Statement of Licensing Policy 2014 – 2019 and the proposed timetable leading up to the policy coming into force on 1<sup>st</sup> January 2014 be noted.

(2) That point 3.2 on page 65 of the policy statement be deleted as this could be perceived as contradictory.

(3) That full Council be recommended to approve the draft Statement of Licensing Policy 2014-2019, as amended.

Extract from the minutes of the Licensing Act Committee held on 7 October 2013:

**3 Council's Statement of Licensing Policy 2014-2019 and Cumulative Impact Policy. Licensing Act 2003, setting out the Council's approach for the next 5 years.**

The Committee considered the report of the Senior Specialist Advisor regarding the Council's Statement of Licensing Policy 2014-2019, including a revised Cumulative Impact Policy 2014-2019.

As a Licensing Authority, in accordance with Schedule 5 of the Licensing Act 2003, Eastbourne Borough Council must prepare, consult and publish its Statement of Licensing Policy every five years.

The Statement purpose was to promote the four licensing objectives and provided guidance to Local Authorities when considering and determining applications under the Licensing Act 2003. It also assisted applicants, Responsible Authorities and all those making representations (objections) in conjunction with the decision making process.

The scope of the Statement covered the retail sale of alcohol, the supply of alcohol by or on behalf of a Club or to the order of a member of the Club, the provision of regulated entertainment and the provision of late night refreshment.

A public consultation of the Draft Statement of Licensing Policy took place between the 27<sup>th</sup> June 2013 and the 19<sup>th</sup> September 2013, in accordance with the requirements of a 12 week consultation.

A range of organisations and individuals, including Ward Councillors were directly consulted about the proposals. To date two responses had been received from the Town Centre Manager and the Town Centre Management Panel Chair, details of which were appended to the report.

The revised Cumulative Impact Policy, appended to the Policy Statement included a statement in support of the Cumulative Impact Zone by the Eastbourne Community Safety Partnership.

The Committee noted the implementation timetable for the Policy. Following tonight's meeting; the Policy would seek the comments of the Cabinet, and then seek the approval of the Full Council before being published in November 2013.

The Committee discussed the Licensing Act Sub Committee process, notably where Sussex Police had initially made a representation objecting to an application before withdrawing prior or at the meeting itself.

The Senior Specialist Advisor outlined the process prior to a hearing. Following an objection by Sussex Police, a negotiating period would occur where it would be up to the applicant to satisfy concerns raised by Sussex Police and this could be done by attaching certain conditions on the licence. If an agreement was made prior to a meeting, the representations are withdrawn and there would no longer be a requirement for a meeting to take place and the application would be approved.

The Committee then discussed the feedback submitted by the Town Centre Manager which expressed a concern about the robustness of the cumulative impact policy on alcohol sales for the town centre in determining future applications. The Senior Specialist Advisor made reference to the recent Tesco, 68 Grove Road application that had been approved after the applicant had addressed the concerns raised by Sussex Police by agreeing to add various conditions to the licence and successfully rebutted the presumption against granting the application arising from the Council's Cumulative Impact Policy. The Senior Specialist Advisor continued that the conditions were added to the licence with the aim of deterring street drinkers.

It was noted that each application was different and would be judged on its own merits. While the Cumulative Impact Policy created a rebuttable presumption when

valid representation was made, an applicant could still provide evidence in their operating schedule or conditions to demonstrate that there would be no negative cumulative impact on the area.

The Committee then made reference to the effect of the Cumulative Impact Policy and the performance figures for crime related incidents inside the Cumulative Impact Zone (CIZ). Although the number of reported crimes had fallen, the proportion of offences inside the CIZ had risen to 31%. Despite this, it was acknowledged that without the Policy, the statistics could potentially be worse and with a Policy in place, it allows the authority to intervene where necessary on applications.

The Senior Specialist Advisor added that there had been a decrease in vertical drinking establishments and most premises licence were attached to Café style establishments. This is consistent with the aims of the Cumulative Impact Policy.

It was requested that on the next follow up for the Licensing Policy, a breakdown of whether there had been an increase or decrease of drinking establishments in the town could be included.

**RESOLVED: (1)** That the responses to the consultation on the Draft Statement of Licensing Policy 2014-2019 and the proposed timetable leading up to the policy coming into force on 1<sup>st</sup> January 2014 be noted.

**(2)** That any further revisions to the draft Policy be delegated to the Senior Head of Infrastructure, in consultation with the Chair of the Licensing Act Committee and the relevant Cabinet holder, prior to and following consideration by Cabinet and up to final consideration and approval by Full Council.

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For a copy of the report please contact Local Democracy at 1 Grove Road, Eastbourne, BN21 4TW. Tel. (01323) 415022 or 415021.  
E-mail: [localdemocracy@eastbourne.gov.uk](mailto:localdemocracy@eastbourne.gov.uk)

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