

Eastbourne Licensing Committee

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

Present:

Councillor Robin Maxted (Chair).

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

Officers in attendance:

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

10 Introductions

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

11 Minutes of the meeting held on 24 May 2021

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

12 Apologies for absence/declaration of substitute members

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

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

There were none.

14 Questions by members of the public

There were none.

15 Urgent items of business

There were none.

16 Right to address the meeting/order of business

There were none.

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

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

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

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

The effect of adopting the Cumulative Impact Assessment within the Statement of Licensing Policy was to create a "rebuttable presumption" that applications for new premises licenses, club premises certificates or material variations would be refused unless the applicant could demonstrate that the operation of the premises would not add to the negative cumulative impact already experienced in the area and would not undermine the promotion of the Licensing Objectives. Further details were contained in the report.

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

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

Members' discussion included:

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

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

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

RESOLVED: (Unanimous) that:

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

18 Review of Eastbourne Borough Council Gambling Act Statement of Principles

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

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

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

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

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

RESOLVED: (Unanimous) that:

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

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

19 Date of the next meeting

Resolved:

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

The meeting ended at 7.04 pm

Councillor Robin Maxted (Chair)

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