

Eastbourne Licensing Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 17 January 2022 at 6.00 pm.

Present:

Councillor Robin Maxted (Chair).

Councillors Peter Diplock (Deputy-Chair), Josh Babarinde, Colin Belsey, Sammy Choudhury, Penny di Cara, Amanda Morris, Colin Murdoch, Jim Murray, Colin Swansborough and Barry Taylor.

Officers in attendance:

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

20 Introductions

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

21 Minutes of the meeting held on 27 July 2021

The minutes of the meeting held on 27 July 2021 were submitted and approved, and the Chair was authorised to sign them as a correct record.

22 Apologies for absence/declaration of substitute members

An apology for absence had been received from Councillor Candy Vaughan.

23 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.

24 Questions by members of the public

There were none.

25 Urgent items of business

There were none.

26 Right to address the meeting/order of business

Shoes Simes, Chair of Your Eastbourne Bid, and Vice President of Eastbourne Chamber of Commerce had registered to speak on item 8, Review of the Eastbourne Borough Council Cumulative Impact Assessment part of the Statement of Licensing Act Policy 2019-2024 (Licensing Act Policy).

27 Approval of Licensing Fees

The Committee considered the report of the Director of Service Delivery which sought the approval of the Licensing fees proposed within Appendix 1 to apply from 1 April 2022, and for them to be recommended to Full Council for approval.

The Regulatory Services Lead (RSL) presented the report and highlighted the changes in relation to the taxi licensing surplus, including reducing Private Hire Operators Licence fees, the slight increase in the number of gambling premises and the substantial increase in the licensing fees relating to Dangerous Wild Animal Licences, as set out in the report and Appendix 1. RSL advised of an additional small decrease in fees for external plates and door signs.

Several amendments to the report were noted at paragraph 2.2, the Total Income Estimates were corrected from £213,900 to £213,250, £23,900 was corrected to -£11,600, and £237,800 was corrected to £201,650. Therefore, the Total Estimated Annual Income (Taxi Licensing), was corrected from £92,550.00 to £84,550 at Appendix 1, page 16, line 52.

The Committee queried whether the fees for the dangerous wild animals should be tiered to reflect the scale of animal sizes. It was asked if the range of fees had been benchmarked against other Local Authorities, and if officers could provide data on how many licences existed in the Borough per year in order to assess the charges and revenue. Officers explained that the fees did not distinguish between animal size, the fees had been benchmarked against other Local Authorities, and that it would be possible going forward to provide data on the number of licences per year, if any.

Councillor Diplock proposed a motion to agree the officer recommendations listed in the report. This was seconded by Councillor Murray.

Resolved (unanimous):

That Full Council be recommended to approve the Licensing Fees proposed within Appendix 1 of the report, to apply from 1 April 2022, subject to the correction noted above to the Total Estimated Annual Income (Taxi Licensing).

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

Shoes Simes, Chair of Your Eastbourne Bid, and Vice President of Eastbourne Chamber of Commerce, addressed the Committee in support of the removal of

the Cumulative Impact Assessment (CIA) part of the Licensing Act Policy.

The Committee considered the report of the Director of Service Delivery to report the findings on the consultation concerning the Council's Cumulative Impact Assessment part of the Statement of Licensing Act Policy 2019-2024 (Licensing Act Policy).

Appended to the report at Appendix 1 was the Statement of Licensing Policy 2019-2024 which included the Cumulative Impact Assessment, and the analysis of the public consultation was appended to the report at Appendix 2.

It was noted that the Cumulative Impact Assessment must legally 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 17 June 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/or would not undermine the promotion of the Licensing Objectives. Further details were contained in the report.

The Regulatory Services Lead presented the report. The Committee was asked to consider and select one of the following options to be recommended to Full Council 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 4.3 of the report) that the Licensing Authority would expect to be considered on all new or variation applications.

It was noted that one written response had been received from Sussex Police in relation to the consultation. Sussex Police was in favour of Option (d), to remove the current Cumulative Impact Assessment part of the policy but replace it with a set of principles that the Licensing Authority would expect to be considered on all new or variation applications.

Members' questions included:

- Had officers liaised with other Local Authorities on how they had approached the CIA, and what assessment had been made against the recommended options in pursuit of the Purple Flag accreditation? Officers confirmed that the Council had looked at how other Local

Authorities had supported businesses. Furthermore, the Council had recently employed two night time economy officers and delivered a successful Covid Ready Scheme in partnership with the Eastbourne Hospitality Association. Officers would also explore the Purple Flag accreditation.

- Would the licensing principles continue to put businesses off coming into the town? The Lawyer advised that it was a question for Members judgment, the licensing principles were not binding and each licensing application was assessed on its own merits.
- Could the principles of Option D be used as a starting point to work with business community and to rework the principles until they are agreed, and could the policy be reviewed earlier than 3 years? Officers confirmed that there was a statutory requirement to review the Cumulative Impact Assessment by June 2022 and that the CIA could be reviewed in a shorter period than 3 years. Officers had worked with the business community and had considered the evolving nature of the Town Centre and changes in the business model.

Members' raised concerns that the CIA policy was having a detrimental impact on the day and night time economy in the town. They felt it was essential to focus on the needs of businesses, residents and employment.

Councillor Belsey proposed a motion to accept Option D. Following discussion, he withdrew his motion.

Councillor Taylor proposed a motion to accept Option A and requested a named vote. The proposal was not seconded, and the motion was lost.

Councillor Swansborough proposed a motion to accept Option C. This was seconded by Councillor Murray.

RESOLVED: (Unanimous) that:

The Committee recommend to Full Council Option C, the removal of the whole Cumulative Impact Assessment part of the policy at this time with an option to reintroduce if it becomes necessary.

29 Date of the next meeting

That the next meeting of the Licensing Committee scheduled to commence at 6:00pm on Monday, 28 March 2022, be noted.

The meeting ended at 7.05 pm

Councillor Robin Maxted (Chair)