

Report to: Full Council

Date: 22 May 2024

Title: Licensing Act 2003 Eastbourne Borough Council Statement of Licensing Policy

Report of: Chief Executive

Ward(s): All

Purpose of report: Approval of Eastbourne Borough Council Licensing Policy 2024-2029

Officer recommendation(s): To approve the updated Licensing Policy following a consultation period

Reasons for recommendations: Statutory requirement to review the Statement of Licensing Act Policy every five years

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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 15th 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.