

Monday, 20 March 2017
at 6.00 pm



Licensing Act Committee

Present:-

Members: Councillor Dow (Chairman), Councillor Rodohan (Deputy-Chairman); Councillors Belsey, Choudhury, Freebody, Holt, Murray, Robinson and Swansborough

1 Minutes of the meeting held on 5 October 2015.

The minutes of the meeting held on 5 October 2015 were submitted and approved and the Chairman was authorised to sign them as a correct record.

2 Apologies for absence.

Apologies for absence were reported from Councillors Coles, Murdoch and Smart.

3 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.

Councillor Holt declared a pecuniary interest in item 7 as an employee of Eastbourne Chamber of Commerce, who had submitted a response to the cumulative impact policy during the consultation period. Councillor Holt withdrew from the meeting whilst this item was being considered.

4 Council Licensing Policy Statement - Review of Cumulative Impact Policy, Licensing Act 2003.

The Committee considered the report of the Senior Specialist Advisor regarding the recent consultation carried out for the review of the Council's Cumulative Impact Policy (CIP).

The Full Council agreed the Licensing Statement Policy for the period 2014-2019 on 20 November 2013. Appended to this was the CIP, which created 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. In accordance with Section 182 guidance, it was important that the Committee regularly reviewed the CIP. Further details were contained in the report.

A public consultation of the CIP took place between 1 November 2016 to 31 January 2017. Six responses to the consultation were appended to the report.

Jay Virgo addressed the Committee and made reference to his representation, appended to the report. He recommended that the Committee commission an in depth study of the CIP to determine whether it was still required or required adaptation.

In response to a question from the Committee regarding the cost of a comprehensive data analysis, officers anticipated that it would be around £15,000 to £20,000 as an external consultant would be required due to a lack of resources within the council.

It was proposed by Councillor Freebody and seconded by Councillor Belsey that a comprehensive data analysis is undertaken to consider the need for a CIP and report be presented back to the committee with the findings. This was lost by 6 votes to 2.

The Committee further debated the issue and it was proposed by Councillor Dow and seconded by Councillor Freebody that a decision be deferred until officers can collate additional information and report back to the next meeting of the Committee. A list of questions would be formulated by the Chairman, in consultation with the Committee and passed onto officers. The additional information would provide a comprehensive understanding of any positive impact from amending the existing CIP and negative impact it has had on Eastbourne night life and businesses since its implementation.

It was also agreed to form a Sub-Committee Group to meet with officers and discuss engagement with licensees around the CIP. Councillors Dow, Belsey, Murray and Robinson volunteered for the Group. This was passed unanimously.

(NB: Councillor Holt declared a pecuniary interest in this item as an employee of Eastbourne Chamber of Commerce, who had submitted a response to the cumulative impact policy during the consultation period. Councillor Holt withdrew from the meeting whilst this item was being considered.)

RESOLVED: (Unanimous) (1) That a decision be deferred until officers can collate additional information and report back to the next meeting of the Committee. A list of questions would be formulated by the Chairman, in consultation with the Licensing Committee and forwarded onto officers.

(2) That a Sub-Committee formed of Councillors Dow, Belsey, Murray and Robinson meet with officers and discuss engagement with licensees.

(3) That the responses during the consultation period and information set out in the report be noted.

The meeting closed at 6.55 pm

Councillor Dow (Chairman)