

Meeting: Council

Date: 23 February 2022

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

Report of: Tim Whelan – Director of Service Delivery

The Council is asked to consider the minute and resolution of the Licensing Committee meeting held on 17 January 2022 as set out below.

The Council is recommended to: -

To approve the removal of the whole Cumulative Impact Assessment part of the Statement of Licensing Act Policy 2019-2024 (Option C in the Committee Report) at this time with an option to reintroduce if it becomes necessary.

Minute extract - Licensing Committee, 17 January 2022

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 recommends 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.

For a copy of the report please contact Democratic Services:

Tel. (01323) 410000.

E-mail: committees@lewes-eastbourne.gov.uk

A copy may be downloaded on the Council's website by following the link below:

[Agenda for Eastbourne Borough Council Licensing Committee on Monday, 17th January, 2022, 6.00 pm \(lewes-eastbourne.gov.uk\)](#)