

BRIGHTON & HOVE CITY COUNCIL
LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

3.00PM 23 JUNE 2022

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present:

Councillors John (Chair), Davis (Deputy Chair), Henry (Opposition Spokesperson), Simson (Group Spokesperson), Ebel, Fowler, Lewry, Moonan, Phillips and Pissaridou.

PART ONE

1 PROCEDURAL BUSINESS

Apologies were received from Councillors O'Quinn, Theobald, Knight, and Rainey.

(a) Declarations of Substitutes

1.1 Councillor Hills was present in substitution for Councillor Heley.

(b) Declarations of Interest

1.2 There were no declarations of interests in matters listed on the agenda.

(c) Exclusion of Press and Public

1.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.

1.4 **RESOLVED:** That the press and public be excluded from the meeting during consideration of the items contained in part two of the agenda.

2 MINUTES OF THE PREVIOUS MEETING

RESOLVED – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 17 February 2022 be agreed and signed as a correct record.

3 CHAIR'S COMMUNICATIONS

As I previously have stated it was clear from the panel I contributed to earlier this week, there is a huge amount of knowledge and experience in this room.

However, it's not just those in this room but a whole mass of people that make sure our city and its licenced business run smoothly, including our colleagues policing our night time economy. I understand that the last visit with operation marble was a couple of years ago and I thought I would take this opportunity to gauge interest from members to see if another tour of the night time economy alongside officers from operation marble would be of interest? Perhaps in the Autumn?

Today we have our annual licensing report, demonstrating the scale and range of work carried out by the licensing team, as well as a review of licencing panel arrangements and the schedule of reviews and appeals. Something that has already become clear to me as chair, is how many colleagues would like to contribute to sitting on panels, but they are either unable to make the day or just don't get their response to the request in quickly enough! It has also been stressed to me that having to reschedule panels can be, not only difficult to organise, but could come at the expense of those attending. Since it is only those of us who sit on this committee who are able to sit on a panel, I believe some type of discussion is needed to make sure all who wish to can contribute. If you have specific ideas on how to do this, then please do get in touch. We will also organise a roundtable with lead members to see if we can find a way forward, if you have particular interest in attending that, lead member or not, please also do get in touch.

4 CALLOVER

The following item was reserved for discussion:

Item 7 Annual Report of the Licensing Authority 2021/22

The following items were therefore agreed:

Item 8 Review of Licensing Panel Hearings Arrangements
Item 9 Schedule of Reviews and Appeals

5 PUBLIC INVOLVEMENT

There were none.

6 MEMBER INVOLVEMENT

There were none.

7 ANNUAL REPORT OF THE LICENSING AUTHORITY 2021/22

7.1 Jim Whitelegg introduced the report starting on page 11 of the Agenda.

7.2 Councillor Ebel was informed that:

- Incidents of drink spiking have decreased since early Spring 2022 after reaching its peak in October 2021.
- Cases collated under operation Halifax are still being collected as a monitoring function.

- Offenders have appeared to be operating in isolation instead of collectively.
- There is no data about any arrests being made for drink spiking or any drugs confiscated.

7.3 Councillor Simson was informed that:

- The lapsed licenses are varied, including a hotels, nightclubs, and cafes, but many of them instantly reapply sometimes the lapse is done inadvertently through Companies House.
- A lot of surrendered licenses seem to come from restaurants.
- The increase in restaurant licenses will be monitored and the Council are aware that this can be used to circumvent policy and will ensure that restaurants are adhering to their conditions.
- The Highways team has fed back that there aren't any more complaints about outside seating on pavements than pre-covid, and that more businesses are applying for extension of the footways to allow for further outside seating but the majority of these are being refused.

7.4 Councillor Henry was informed that:

- There were 37 applications within the Cumulative Impact Zone in 2020, and 26 in 2019.
- If possible, statistics regarding pavement Licenses would be included in future reports.

7.5 Councillor Pissaridou suggested that drink spiking education should be happening in schools alongside colleges. She was informed that in 3.5.1 there are initiatives to educate about violence to women and girls, and Jim Whitelegg would check to see if this included education about drink spiking.

7.6 Councillor Moonan asked if going forward, reports could summarise information about applications in the Special Stress Area and Cumulative Impact Zone, so that information can be inferred about how well the Matrix is operating and to notify trends or patterns. Jim Whitelegg added that some applications that are submitted in the CIZ can be granted without any representations if it fits within policy.

7.7 Councillor Simson asked what the 11 applications were out of the 26 without representations in the CIZ that were not 4 pre-consulted, 5 time-limited, 3 shadow and 3 granted lapsed, and Sarah Cornell confirmed she would email Cllr Simson outside of the meeting with the response.

7.8 Councillor Hills was informed that:

- The mandatory safeguarding training for taxi drivers was introduced 3 years ago and has to be undertaken once every 3 years.
- The training has to be paid for by the taxi drivers and is mandatory upon renewal of their license.

- 7.9** Councillor Pissaridou was informed that applications are advertised via a statutory process – it is referred to the 9 responsible authorities such as environmental health and the police, after which there is a 28-day consultation period, and a an a4 blue notice is put up on the premises and put into the local newspaper. There is also a weekly list which is circulated to all Councillors on upcoming applications.

RESOLVED:

1. That the committee noted the contents of this report.
2. That officers should continue to monitor trends of applications and illegal activity to inform future policy.
- Sarah Cornell to respond to Councillor Simson regarding the 11 applications in the CIZ.

8 REVIEW OF LICENSING PANEL HEARINGS ARRANGEMENTS

RESOLVED:

1. That Committee noted the ongoing risk of fluctuation in relation to Covid infection rates as well as the additional benefits of holding virtual meetings in terms of enabling participation in the Licensing process and recommends that Licensing Panels continue to meet virtually until the next licensing committee in October 2022.
2. That the Committee delegated authority to the Executive Director - Governance, People & Resources after consultation with the Chair and group spokespersons to determine arrangements for Licensing Panel hearings until the next Licensing Committee in October 2022.
3. That the Committee recommended that in exercising this authority the above officer takes into account all relevant factors including latest public health and government guidance and the need to ensure fair and transparent procedures in accordance with the Hearings Regulations 2005.

9 SCHEDULE OF REVIEWS & APPEALS

RESOLVED: That the Committee noted the report.

10 ITEMS REFERRED FOR COUNCIL

The meeting concluded at 3.35pm

Signed

Chair

Dated this

day of