

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

3.00PM 20 JUNE 2024

COUNCIL CHAMBER - BTH

MINUTES

Present: Councillors McGregor (Chair), Cattell (Deputy Chair), Hewitt, Lyons, Gauge, Nann, O'Quinn, Pickett, Sheard, Thomson and Hill

Apologies: Councillors Fowler, Helliwell and Mackey

1 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

1.1 Councillor Hill was present in substitution for Councillor Davis.

(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 13 February 2024 be agreed and signed as a correct record.

3 CHAIR'S COMMUNICATIONS

There were none.

4 CALLOVER

The following items were called:

Item 7 Annual Report of the Licensing Authority 2023-2024

Item 8 Licensing Committee and Future Licensing Panel Hearing Arrangements

The following items were therefore agreed as per the recommendations in the reports:

Item 7 Annual Report of the Licensing Authority 2023-2024
Item 8 Licensing Committee and Future Licensing Panel Hearing Arrangements

5 PUBLIC INVOLVEMENT**6 MEMBER INVOLVEMENT****7 ANNUAL REPORT OF THE LICENSING AUTHORITY 2023-2024**

7.1 The Chair invited Jim Whitelegg to introduce the report.

7.2 Councillor O’Quinn was informed that:

- Police are contacted each time a premises applies for a variation on their licence to reduce security numbers.
- Every application is looked at and referred to an officer if action is needed.
- It would be beneficial to do a police guided tour of the night time economy.

7.3 Councillor Thomson was informed that large stand up premises offer a higher risk than smaller or seated venues.

7.4 Councillor Pickett was informed that the easing of restrictions from COVID consultation means that venues won’t have to apply for a variation to obtain a pavement license.

7.5 Councillor Hill was informed that venues don’t need a gambling license to have up to 2 game machines with a £25 jackpot limit.

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.

8 LICENSING COMMITTEE AND FUTURE LICENSING PANEL HEARING ARRANGEMENTS

8.1 The Chair invited Rebecca Sidell to introduce the report.

8.2 Councillor Lyons requested that Licensing Panels be held at different times of the day to account for Councillors with full time jobs.

8.3 Councillor Pickett was informed that:

- Only members on Licensing Committee can sit on Licensing Panels.
- Members can receive further training on gambling if needed.

8.4 Councillor Thomson was informed that it is often times attendees to Panels such as business owners that request that hearings be in person.

8.5 Councillor Hewitt raised that online panels are preferable where possible, but members of the public be advised beforehand on how to join, and the overall procedure of the panels. He was also informed that the outcome of the court case to determine whether panels could remain remote happened on 15 May.

8.6 Councillor O’Quinn raised that you never know how long a Panel would last so is difficult to hold them during evenings and was informed that the urgency sub-committee is included in the Constitution as and where it is needed.

8.7 Councillor Hill suggested that the Licensing Committee be expanded to include more members in the pool to sit on Panels but was informed that the maximum number of members is 15.

8.6 Councillor Cattell suggested asking all members on Licensing which days they would be available so that Panels can be better filled.

RESOLVED:

1. That the committee’s terms of reference, as set out in Appendix A to this report, were noted.
2. That the Committee established the Licensing Panel as a subcommittee (the membership of such Licensing Panel shall consist of three Members from the trained Members on the Licensing Committee, who will be able to sit on a panel and substitute for any designated Member of the Panel) to deal with licensing applications in accordance with the Terms of Reference are set out at Appendix A to this report.
3. That the Committee agreed to disapply the proportionality rules so far as a Licensing Panel is concerned in accordance with the Local Government (Committees and Political Groups) Regulations 1990;
4. That the establishment of an Urgency Sub-Committee consisting of the Chair of the Committee and two other Members (nominated in accordance with the scheme for the allocation of seats for committees), to exercise its powers in relation to matters of urgency, on which it is necessary to make a decision before the next ordinary meeting of the Committee be approved.
5. 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 resolves that Licensing Panels continue to meet virtually until June 2025. This does not

preclude holding a panel hearing in person where the individual circumstances of an application may warrant it.

6. That Committee delegated authority to the Executive Director – Corporate Services, after consultation with the Chair and deputy to determine arrangements for Licensing Panel hearings if any changes are required before the next available Licensing Committee.
7. 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, the situation with other council meetings and the need to ensure fair and transparent procedures in accordance with the Hearings Regulations 2005.

9 ITEMS REFERRED FOR COUNCIL

There were none.

The meeting concluded at 16:00pm.

Signed Chair

Dated this _____ day of _____