

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

4.00PM 25 JUNE 2015

FRIENDS MEETING HOUSE, SHIP STREET

MINUTES

Present: Councillors Marsh (Chair), Horan (Deputy Chair), Cobb (Opposition Spokesperson), Deane (Group Spokesperson), Allen, Gilbey, Greenbaum, Moonan, O'Quinn, Bell, Lewry, Page, Simson, C Theobald and Wares.

PART ONE

1 PROCEDURAL BUSINESS

(a) Declaration of Substitutes

1.1. Councillor Greenbaum declared that she was substituting for Councillor West.

(b) Declarations of Interest

1.2. There were no declarations of interest.

(c) Exclusion of the Press and Public

1.3. In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I of the Act).

1.4. **RESOLVED** - That the press and public be not excluded from the meeting during consideration of the items on the agenda.

2 MINUTES OF THE PREVIOUS MEETING

2.1 **RESOLVED:** That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on the 5th March 2015 be agreed and signed as a correct record.

3 CONSTITUTIONAL MATTERS- LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

3.1 The Committee considered a report of the Head of Legal & Democratic Services, concerning the terms of reference of the committee and outlining the need to appoint an Urgency Sub-Committee.

3.2 RESOLVED:

- (1) That the committee's terms of reference, as set out in Appendix A to the report, be noted;
- (2) That the Committee establish the Licensing Panel as a sub-committee (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 as set out at Appendix A to the report;
- (3) That the Committee agree 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; and
- (4) That the establishment of an Urgency Sub-Committee consisting of the Chair of the Committee and Councillors Cobb and Deane, 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.

4 CHAIR'S COMMUNICATIONS

4.1 The Chair noted that Philip Colvin QC had agreed to come down on the 5th October to talk about Licensing Laws and Panel procedures and encouraged Members of the Committee to join officers at the event. She stated that his sessions in the past had proved very insightful and were useful as a training aid.

4.2 The Chair also noted that Friday 16th October had been identified for Members to join officers on a visit/tour of the late night economy in the city. It would involve visiting a number of premises to see how they operated and how all agencies worked together. She asked that Members contact Jim Whitelegg to confirm their attendance and that they need not stay for the whole tour.

5 PUBLIC INVOLVEMENT

5.1 The Chair noted that no public items had been received for the current meeting.

6 MEMBER INVOLVEMENT

6.1 The Chair noted that no items had been raised by Members for the current meeting.

7 LATE NIGHT LEVY

- 7.1. The Lawyer to the Committee informed the meeting that there was a need to correct the report and to take out recommendation 2.3 as it was not appropriate at this point in time. She therefore asked the Committee to note the information.
- 7.2. The Senior Technical Officer introduced the report, which detailed the proposed policy position of Brighton & Hove City Council as Licensing Authority in regard to Late Night Levy (LNL). She noted that the LNL was the power conferred on licensing authorities which enabled them to charge an annual levy to persons who are licensed sell alcohol late at night in the authority's area, as a means of raising a contribution towards the cost of policing the late-night economy. She also noted that there would be a need to go out to consultation on a proposal to introduce a levy and it was intended to report the outcome to the Committee in March 2016.
- 7.3. Members of the Committee noted the information and queried whether the levy had to be applied to the whole of the licensing authority's area and whether the income generated would be used to support current police operational activities or enable increased activities. Members also queried whether the Police & Crime Commissioner was obliged to re-invest the income from the levy in Brighton and Hove.
- 7.4. The Senior Technical Officer stated that should the levy be introduced it would have to be applied across the licensing authority's area as there was no flexibility to exclude certain areas.
- 7.5. Inspector Woolford informed the Committee that the Chief Constable had agreed that any income from a levy would only be used within the Brighton and Hove area. She also noted that any such income would be used more for preventative measures rather than operational ones e.g. street pastors or safe havens.
- 7.6. The Director of Public Health stated that he anticipated any income from a levy would be used to provide additional support at night such as providing a safe space and discussions would be held with the police to determine the best use of the resources.
- 7.7. The Committee noted that if a levy was introduced it could then result in premises seeking to vary their licences so as not to be caught by the levy. Councillor Horan asked if further information could be obtained on how this had impacted other authorities that had introduced a levy.
- 7.8. Members of the Committee expressed their concerns about the impact of a levy and whether the income would be used within the licensing area to support various initiatives and the potential additional cost it would have for those premises operating between midnight and 6am. It was therefore felt that further information was required and that a report should be brought to the November Committee meeting in the first instance.
- 7.9. The Director of Public Health stated that he was happy to bring a report back to the next meeting on the consultation process so that the committee could then determine whether or not to go out to consultation and then take a decision in March.

7.10. RESOLVED:

- (1) That officers be charged with investigating further the possibility of consulting on a proposal for a Late Night Levy (LNL),
- (2) That officers report to the Committee in November 2015 on consultation cost, design and methodology for the LNL and for the committee to decide whether to go ahead with consultation.

8 REVIEW OF STATEMENT OF LICENSING POLICY - FOR CONSULTATION

- 8.1 The Senior Environmental Health Officer introduced the report which detailed a review of the Council's Statement of Licensing Policy and the proposal to put it out to public consultation, taking into account the recommendations of the Scrutiny Panel on Alcohol.
- 8.2 Councillor Moonan queried whether there was an opportunity to extend the cumulative impact zone to areas in Hove, i.e. Brunswick & Adelaide, Central Hove and Goldsmid.
- 8.3 The Senior Environmental Health Officer stated that currently the figures showed that applications for licenses to sell alcohol were table or reducing outside of the Cumulative Impact Zone and therefore there was no evidence base to widen the zone.
- 8.4 Councillor Simson noted that the matrix referred to by the Licensing Panels was an important aspect in their decision-making; however she was concerned about its impact for residential areas and on restaurants in Stress Areas; e.g. with earlier opening hours being requested rather than later. She felt that it would be interesting to consider this when reviewing the information from the consultation exercise.
- 8.5 Councillor Wares noted that a legal challenge was being made in Europe by Brewers in regard to being sensible on strength and queried whether there was any flexibility in relation the voluntary scheme that was in place in the city, should the challenge be successful.
- 8.6 The Head of Regulatory Services stated that he was aware of the issue and had had a number of visits from various interested organisations. He noted that competition law was complicated and that the Home Office had also visited to see the approach taken in the city and had offered some advice about the council's position. However, at present there was no change anticipated, although the council was open to discuss views and listen to concerns of interested parties.
- 8.7 The Licensing & Health Manager noted that it was intended to use various means for the consultation and that as it would need to run for a period of 12 weeks, it was likely to be undertaken in the autumn and a report brought back to the March committee meeting.
- 8.8 **RESOLVED:** That the Statement of Licensing Policy (SoLP) as set out in Appendix A to the report be released for statutory and public consultation, incorporating the recommendations of the Scrutiny Panel on Alcohol, and emerging policy issues such as Sensible on Strength and off licences; and advice from the Director of Public Health, Public Health England and the Local Government Association.

9 SCHEDULE OF REVIEWS

9.1 **RESOLVED:** That the schedule of reviews report be noted.

10 SCHEDULE OF APPEALS

10.1 **RESOLVED:** That the schedule of appeals report be noted.

11 ITEMS TO GO FORWARD TO COUNCIL

11.1 **RESOLVED:** That no items be referred to the next Council meeting for information.

The meeting concluded at 5.35pm

Signed

Chairman

Dated this

day of

2015