

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

4.40PM, 23 NOVEMBER 2017

HOVE TOWN HALL, COUNCIL CHAMBER - HOVE TOWN HALL

MINUTES

Present: Councillors O'Quinn (Chair), Morris (Deputy Chair), Hyde (Opposition Spokesperson), Deane (Group Spokesperson), Bell, Cattell, Cobb, Gilbey, Hill, Horan, Lewry, Page, Phillips, Simson and Wares

Apologies: Councillors

PART ONE

11 PROCEDURAL BUSINESS

11a Declarations of Substitutes

11.1 There were none.

11b Declarations of Interest

11.2 There were no declarations of interest in respect of any matter set out on the agenda.

11c Exclusion of Press and Public

11.3 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.

11.4 **RESOLVED:** That the press and public not be excluded from the meeting during consideration of any item contained in the agenda.

12 MINUTES OF THE PREVIOUS MEETING

12.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 29 June be agreed and signed as a correct record.

13 CHAIR'S COMMUNICATIONS

13.1 The Chair explained that she had met with Chief Inspector Di Lewis and Chief Inspector Lisa Bell and that these meetings had done much to reassure her about the revised structure within the Police Licensing Team which had come into operation in September.

The new arrangements appeared to be working well and a good working relationship had been established with the Council's own Licensing Team.

- 13.2 Improvements had been made to the internal layout of "Pryzm" in line with approvals granted at a Licensing Panel hearing and a successfully managed "safe space" had been provided at "Shooshh" where all entering that club had to pass through scanners."Tempest was another club in the city which was also well managed.
- 13.3 Operation of robust policies in the city which were sensitively applied and the level of training required by establishments and provided to Members had been widely acknowledged. The city had been recognised as a "Beacon Authority" and had been consulted on and had taken a pro-active part in changes to be implemented to the existing Gambling Act legislation. The aim of the current review was to strike the right balance. There had been media interest in a number of issues in relation to licensing issues over recent months and the opportunity to discussion germane issues had been welcomed.
- 13.4 Elsewhere on the Agenda an update would be provided in relation to the House of Lord's Select Committee report and the Government's response to it. Some very sensible recommendations had been made by the Government, particularly in relation to TEN's and training for both licensing committee members and the police. The Chair was delighted to be able to report that the impractical idea of planning committees taking over the role of licensing committees had been dropped.
- 13.5 **RESOLVED** – That the content of the Chair's Communications be received and noted.

14 CALLOVER

- 14.1 All items on the agenda were reserved for discussion.

15 PUBLIC INVOLVEMENT

15a Petitions

- 15.1 There were none.

15b Written Questions

- 15.2 There were none.

15c Deputations

- 15.3 There were none.

16 MEMBER INVOLVEMENT

16a Petitions

- 16.1 There were none.

16b Written Questions

16.2 There were none.

16c Letters

16.3 There were none.

16d Deputations

16.4 There were none.

17 HOUSE OF LORDS SELECT COMMITTEE - REVIEW OF THE LICENSING ACT 2003

- 17.1 The Committee considered a report of the Executive Director of Neighbourhoods, Communities and Housing detailing current progress in relation to the workings of the House of Lords Select Committee review of the Licensing Act 2003.
- 17.2 It was noted that The Select Committee on the Licensing Act 2003 had been set up on 25 May 2016 with the task of conducting post-legislative scrutiny of the Act. Their report was published in April 2017, and had made a number of far reaching recommendations for the Government to consider. A summary of the report and a link to the full report had been circulated to members on the 6 April 2017, inviting officers and members to submit their comments to the Institute of Licensing who would be gathering views on the recommendations within the report and would report on their findings in due course.
- 17.3 A Government Response to the Select Committee report was expected within 2 months of the report being published but had only just been published (6 November). The Government had rejected the headline proposal to merge planning and licensing and there would be limited legislative change. Notwithstanding that the Select Committee recommendations carried considerable weight that did not mean that the Government/ Departments had to accept them, or act on them (at all or within a specified period of time). There would however be a debate in the House about the Government's response, which would highlight any dissatisfaction that the Committee/Lord Chairman might have with the responses to particular recommendations.
- 17.4 Councillor Morris welcomed the proposals in respect of TEN's and the Chair, Councillor O'Quinn concurred stating that as conditions could not be applied to a TEN as it stood that could be problematic.
- 17.5 Councillor Simson stated that she wished to highlight the fact that information should be published where cases were settled out of court. It could be extremely frustrating when Panel's had engaged in lengthy consideration of an application and she wished to receive clarification regarding the ability of the council to do this and how such a process could be effectively managed. The Legal Adviser to the Committee, Rebecca Sidell, explained whilst this approach had initially been supported by Government it now appeared unlikely that this would be carried forward. The Public Health, Licensing Lead, Jim Whitelegg, stated that generally as good practice, over and above the Decision Notice, parties were generally advised of the reasons when cases were settled out of court although this was not always the case.

17.6 In answer to questions relating to the Late Night Levy it was explained (although confirmation of this was still awaited), that this concept had been revisited and it seemed likely that this could be applied to a target area rather than applying to a whole district. This would provide a more finely honed response, although it would reduce the potential revenue streams available. Officers were watching this matter closely and would report further when the position became clear. It was also intended that officers of the Public Health Team would provide a presentation at the next scheduled meeting of the Committee detailing their work and updating on current legislation in relation to it.

17.7 **RESOLVED** – That the Committee receives and notes the contents of the report, and that officers will report back when legislative and guidance changes have been finalised.

18 SCHEDULE OF REVIEWS

17.1 The Committee considered the Schedule of Reviews for the period from June 2017 prepared on behalf of the Executive Director of Neighbourhoods, Communities and Housing.

17.2 **RESOLVED** – That the contents of the Schedule be received and noted.

19 SCHEDULE OF APPEALS

19.1 The Committee considered the schedule of appeals prepared on behalf of the Executive Lead for Strategy, Governance and Law for the period from June 2017.

19.2 Councillor Deane referred to skill and care of Panel's in arriving at their decisions, particularly in the case of Review Hearings, expressing concern that the Structures currently in place and established over a long period of time could be compromised due to a diminution of police resources. Councillor Simson echoed those concerns. The Public Health Licensing Lead, Jim Whitelegg, stated that officers had also had similar concerns but had however been greatly reassured as a result of on-going meetings which had taken place, particularly over recent weeks with representatives of the Police.

19.3 The Chair, Councillor O'Quinn confirmed that she had attended some meetings and that these had significantly reduced her concerns. Overall, the robust policies in place had resulted in a consistent approach and the licensing authority appeared to have a high success rate when defending appeals. Councillor Cattell stated that up to most up to date information on appeals and reviews seemed to bear indicate that was the case, which was very encouraging.

19.4 **RESOLVED** - That the contents of the Schedule be received and noted.

20 ITEMS REFERRED FOR COUNCIL

20.1 There were none.

The meeting concluded at 5.10pm

Signed

Chairman

Dated this

day of