

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

**3.00PM 29 NOVEMBER 2018**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors O'Quinn (Chair), Morris (Deputy Chair), Hyde (Opposition Spokesperson), Deane (Group Spokesperson), Bennett, Cattell, Cobb, Horan, Knight, Marsh, Page, C Theobald and Wares

**Apologies:** Councillors Gilbey and Lewry

**PART ONE**

**11 PROCEDURAL BUSINESS**

**(a) Declarations of Substitutes**

11.1 There were no substitutes. Councillors Gilbey and Lewry had sent their apologies.

**(b) Declarations of Interest**

11.2 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.

**12 MINUTES OF THE PREVIOUS MEETING**

12.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 28 June 2018 be agreed and signed as a correct record.

**13 CHAIR'S COMMUNICATIONS**

**Arrangements for Pride 2018**

13.1 The Chair, Councillor O'Quinn, referred to the Pride celebrations which had taken place earlier in the summer (the subject of a separate presentation). The Police had reported

that there had been fewer incidents overall, the only issues had arisen at the train station when people had been trying to get home.

### **Police Licensing Strategy Meeting(s)**

- 13.2 The Chair stated that she had been very pleased that Police representatives had attended the recent Licensing Strategy meeting. Approximately 21 people had attended the meeting which represented a diverse mix including from the Students Union of Sussex University, LAT representatives, Licensing Consultants and Residents Associations.
- 13.3 There had been lively discussion and debate on a range of matters such as, how “Fresher’s Week” had gone, the success of Pride this year, a Presentation on the work of the Beach Petrol, hours of operation of cafes and discussion about alcohol in the workplace in view of the number of recent licensing applications submitted by companies who wished to obtain a licence in order that they could sell alcohol to individuals hiring space in their offices. There was concern that this could be a retrograde step.

### **Licensing Committee Members – Operation Marble Visit**

- 13.4 The Police had been approached in order to arrange for Members to accompany Officers on “Operation Marble” on a weekend evening during November. The request had been made in June and a response was still awaited, it was understood that the Police were currently very short on manpower, however, this matter would be pursued and a date arranged as soon as was practicable.
- 13.5 **RESOLVED** – That the contents of the Chair’s Communications be noted and received.

## **14 CALLOVER**

- 14.1 All of the items set out on the agenda were called for discussion.

## **15 PUBLIC INVOLVEMENT**

- 15.1 There were no items.

## **16 MEMBER INVOLVEMENT**

- 16.1 There were no items.

## **17 PRESENTATION -PRIDE VILLAGE PARTY AND BRIGHTON AND HOVE PRIDE**

- 17.1 The Chair, Councillor, O’Quinn, welcomed Jayne Babb, the Operations Manager with Pride who gave a presentation outlining the arrangements which had been put into place to support the Pride weekend 2018, noting that the city’s event was the United Kingdom’s biggest Pride Festival which included the Pride Village Party in Kemptown.
- 17.3 Ms Babb detailed the history of Pride in Brighton and Hove from its beginnings as a protest march organised by the Sussex Gay Liberation Front in 1972 to date. The event

in 2018 had been the largest in the UK and had raised £250,000 for charity and had involved 150 community groups and floats and had been watched by over 300,000 people. Integral to the success of the event was the detailed planning and effective partnership working which took place between the city council, emergency services including East Sussex Fire and Rescue Service and St John Ambulance Service, Brighton & Sussex University hospitals, transport providers and event safety experts. The need for continuous planning and development were recognised and following the de-brief following the 2018 event arrangements were well advanced for events to take place for the 2019 weekend.

17.4 The 2018 weekend had comprised Love BN1 Festival (for the first time), Pride Campsite at Waterhall, an Arts and Cultural Programme, the Community Parade, the Park Festival (Preston Park), Pride Village Party and Pride Pleasure Gardens events which would be repeated for 2019.

17.5 Following the presentation Members had the opportunity to ask questions before moving on to consider the remaining items on the agenda.

17.6 **RESOLVED** – That the content of the presentation be received and noted.

## 18 **REVIEW OF STATEMENT OF LICENSING POLICY - CONSULTATION RESPONSE REPORT 2018**

18.1 The Committee considered a report of the Executive Director, Neighbourhoods, Communities and Housing detailing the review of the Statement of Licensing Policy which had taken place and the consultation responses received.

18.2 It was noted that the Council, as Licensing Authority, had a statutory duty to review its Statement of Licensing Policy (SoLP) every five years. The current policy was adopted on 24 March 2016 by Full Council. The current policy which had been adopted on 24 March 2016 by Full Council was required to be kept under review. The Council, as a licensing authority needed to carry out a consultation exercise prior to any review of its Licensing Policy (Section 5 (3)) of the 2003 Licensing

18.3 At its meeting held on 28 June the Committee had authorised officers to go out to statutory consultation with the proposal to expand the Special Stress (SSA) to cover Central Hove and to consult on the café/ bar category and a revised matrix.

18.4 Officers and the Police supported extension of the existing SSA to reflect the number of licensed premises in New Church Road, Hove. It had been identified that this would be consistent with the current SSA which acted as a buffer with the CIZ. The SSA was defined as an area of concern to be monitored for levels of public nuisance and anti social behaviour. Applications in the SSA were expected to have a robust operating schedule with appropriate conditions, although unlike the CIZ there was no presumption of refusal.

18.5 The Chair, Councillor O'Quinn stated that she was delighted with the proposed changes, especially in relation to the proposed café designation which she considered would address the concerns raised by members. She was grateful to Councillor Deane who

had first highlighted this issue in relation to the North Laines which had seen an increase in café bar operations.

- 18.6 Councillor Hyde concurred stating that she supported the recommendations which she considered would provide a useful tool for addressing issues which Panels had encountered when determining café bar applications. It was confirmed in answer to questions that all applications needed to be considered on their individual merits and that a blanket refusal policy could not be applied in a CIZ.
- 18.7 Councillor Page stated that the number of premises from which alcohol could be bought was at saturation point in his ward and he was sure that the café bar category had been used as a loophole for alcohol sales.
- 18.8 Councillor Deane stated that she was grateful for the work put in by officers in seeking to address members concerns and hoped that it would be possible to look at extending the existing areas/designations in future based on operating experience. Councillor Deane considered that part of problems arose in part due to the definition in the legislation in relation to café bars which had never identified what constituted “substantial” food.
- 18.9 The Chair, Councillor O’Quinn confirmed that the policy as approved would still be capable of subsequent periodic review.
- 18.10 Councillor Wares stated that he was grateful to Councillors Deane and Wealls for their diligence in highlighting issues in relation to café bars and in relation to issues which had arisen in Central Hove. In answer to questions it was confirmed that vertical drinking was not permitted in café bars, all drinks had to be served to customers who were seated at tables.
- 18.11 **RESOLVED** – (1) That the Committee agree the revisions to the Statement of Licensing Policy as follows:

Expand the Special Stress Area (SSA) into Central Hove;  
Change the name of the “café bar” category to “café” to reflect this in the policy;  
Reduce café hours to 10.00pm within CIA category of the matrix; and

(2) **RESOLVED TO RECOMMEND** – That the revised Statement of Licensing Policy be referred to Full Council for adoption.

## 19 **GAMBLING ACT 2005 - REVIEW OF GAMBLING POLICY 2019-21**

- 19.1 The Committee considered a report of the Executive Director of Neighbourhoods, Communities and Housing detailing the Gambling Act 2005 review of Gambling Policy which had taken place which had led to the production the statement for 2019-21 which was now requested for approval.
- 19.2 It was noted that the Gambling Act 2005 required Licensing Authorities to prepare, every three years, a statement (also known as a Policy) of the principles which they proposed to apply when exercising their functions, and that they must publish the statement following the procedure set out in the Act, including whom they should consult.

- 19.3 The Chair, Councillor O'Quinn commended the report, referring to the fact that Brighton & Hove's gambling policies had been highlighted by the Gambling Commission as an exemplar of good practice. This was a testament to the hard work of the Regulatory Services Manager and the council's officer's and it was very positive that the work carried out in the city was widely recognised.
- 19.4 Councillor Morris sought confirmation regarding measures in place to ensure that minors did not have access to machines/games which were not age appropriate. It was explained that this was heavily proscribed and that it was required that notices indicating age and criteria for use were displayed. Work undertaken by the Gambling Commission had indicated that in some instances there was a high failure rate in public houses and work had been undertaken with breweries and holding companies to address this. Warning notices were sent and other actions taken as appropriate.
- 19.5 Councillor Page expressed concern regarding measures in place to seek to protect vulnerable adults in view of the fact that legislative changes in this respect had been delayed. It was explained that the measures in place in the city were robust, however the licensing authority and operators were required to recognise and balance some customers need for privacy against the need for appropriate levels of supervision.
- 19.6 Councillor Deane enquired whether any delay would arise when updating and publishing the final version of the policy. It was confirmed that the document would be made available to view/download from the Council website as soon as it had been updated.
- 19.7 **RESOLVED** – (1) That the final version of the Statement of Gambling Policy as set out in Appendix 1 to the report be approved and presented to Full Council; and
- (2) **RESOLVED TO RECOMMEND TO FULL COUNCIL** – That the final Statement of Gambling Policy as set out in Appendix 1 as presented be approved and adopted as Council policy.

## 20 ITEMS REFERRED FOR COUNCIL

- 20.1 The following items were referred to Full Council for decision:

Item 18: Review of Statement of Licensing Policy – Consultation Response Report 2018; and

Item 19: Gambling Act 2005 – Review of Gambling Policy 2019 - 21

The meeting concluded at 4.25pm

Signed

Chairman

Dated this

day of