

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

4.00PM 28 NOVEMBER 2019

COUNCIL CHAMBER - BRIGHTON TOWN HALL

MINUTES

Present: Councillors O'Quinn (Chair), Deane (Opposition Spokesperson), Simson (Group Spokesperson), Appich, Atkinson, Davis, Ebel, Fowler, Hill, Osborne, Rainey and Wares

Apologies: Councillors Henry, Bagaeen and Lewry

PART ONE

11 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

11.1 Councillors Bagaeen, Henry and Lewry sent their apologies there were no Substitutions.

(b) Declarations of Interest

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

(c) 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 there were no Part Two items on the Agenda and that the press and public were not excluded.

12 MINUTES OF THE PREVIOUS MEETING

RESOLVED – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 27 June 2019 were agreed and signed as a correct record.

13 CHAIR'S COMMUNICATIONS

13.1 The Chair provided the following updates:

LA Committee Nov 2019

Pride 2019

“Jayne Babbs was unable to attend this committee meeting to talk about how Pride went but she will be coming to the March Committee to talk about it then and the plans for next year. I would like to extend my congratulations to Jayne and Paul Kemp for another excellent Pride weekend.

Officially, there have been two debriefs since this year’s Pride. Firstly, a specific Pride Transport and Egress debrief and then an overall Pride debrief.

The feedback from Pride and those agencies involved was positive with none of the egress issues experienced last year. There was increased scrutiny of this year’s event with an Independent Safety Advisory Group overseeing the event planning process and an additional Transport and Egress group to develop and oversee the egress plan.

The recommendations from the debrief are currently being considered for next year’s planning.

SoLP review

Officers are starting to have meetings with partners and key stakeholders regarding the 5 yearly statutory review of the Council’s SoLP, including gathering data on alcohol related crime, nuisance and health matters with regard to reviewing the cumulative impact area.

Since the last wholesale review the legislation has changed regarding cumulative impact policies, putting them on a statutory footing with the requirement for local authorities to publish evidence to support any statement they have. We will need to consider whether there is the evidence to expand, reduce or keep the CIZ & SSAs the same. One consideration officers are looking at is expanding the SSA to include Preston Road and Beaconsfield Road north of Preston Circus to Preston Park. We are also looking at the new ‘Work Station’ applications – this is where people hire/lease a space to work in a building owned by a company, such as Platform 9 at Hove Town Hall. These company’s are applying for licenses to sell alcohol and we are looking at including this in the Matrix as it is a category that stands on its own and also in the policy document, thus giving some guidance to panel members when this type of application comes before them. There is also an idea that maybe any cafes that open at Madeira Terraces can be open until later in the evening.

It is hoped to be able to present a draft revised policy to the March Licensing Committee 2020 in order to ask committee members to go out to consultation.

Members Training

I think that a large number of members went out on the two nights of Operation Marble and it seems to have been a great success. This time we gained some real insights into how the actual operations work as we went with the police when they were called to incidents. Lots of good feedback for this and a big thanks to Chief Superintendent Nick May for enabling this to happen and to Jo Player and Jim Whitelegg.

We're hoping to arrange some members training early in the new year around the licensing application process and the special policy regarding cumulative impact. We have approached the police barrister as he was excellent in the last training session we did on this."

13.2 **RESOLVED:** - That the content of the Chair's Communications be noted and received.

14 CALLOVER

14.1 Item 17 was called.

15 PUBLIC INVOLVEMENT

15.1 There were no items.

16 MEMBER INVOLVEMENT

16.1 There were no items.

17 ALCOHOL LICENSING ENFORCEMENT REPORT 2018 - 2019

17.1 Sarah Cornell, Licensing Officer presented the report outlining the figures on enforcement procedures including the types of complaints including the active and reactive programmes.

17.2 Councillor Appich referred to Paragraph 2.2 of the proactive work and noted that the premises could appear aggressive in presentation when the team were trying to inspect and asked how big the team was. The Licensing Officer replied that the team was made up of a total of five offices: one senior, two full time enforcement officers and two part time administrative officers. She confirmed that in that instance the enforcement work has already taken place and that the premises had been taken over.

17.3 Councillor Atkinson thanked officers for their work and was unclear about the differences in enforcement between Annexe A and Annexe B, and whether Annexe A was a "packet of tougher conditions"? The Licensing Officer replied that these conditions had been published by the Government in 2008 and the Licensing Team adopted these. She confirmed that these were used specifically for reviews and that anyone could review the licence of an authority if there was evidence to do so and that it was a stepped approach. Jim Whitelegg, Regulatory Services Manager added that although there was a yellow or red card system, it was possible to straight to a red card in some cases, such as those involving smuggled tobacco or alcohol.

17.4 Councillor Simson asked 3 questions: Firstly, she stated that it was good to see that the police were given certain highlighted premises to check and she asked how often the licensing teams carried out joint checks with the police. Secondly, she also queried the term shadow licences and what they were and thirdly, she asked about the 50% failure rate on test purchase which she felt was concerning. Sarah Cornell, Licensing Officer replied that the Licensing team organized both day and evening visits and often targeted places that they should visit together with the police for the evening visits. She confirmed that shadow licences were new for the team and that two applications had

been offered these, but that in this instance they would not be used. If they were reviewed and revoked, these would only be used in the case that the Licence holder dies. Jim Whitelegg, Regulatory Manager stated that usually a tenant would hold the licence and the landlord's licence would sit beneath this. However, he added that there was concern that if revoked in review, the shadow licence may have to be used and that the Licensing team would have to get legal advice in this case. The Regulatory Manager also stated that in regard to test purchases, he had spoken to officers regarding this and it may not be indicative that the situation had worsened, since it could just be an indication of strong intelligence. He confirmed that since the parents had contacted police and thus it was a very child-driven example.

- 17.5 Councillor Wares asked about the number of premises that the Licensing team had obtained credible intelligence on. The Regulatory Manager replied that the team followed up on any premises that they had received intelligence on and that a staged approach was followed. He stated that if the premises failed then they were invited to a meeting with police and that, usually, the intelligence was credible and normally from other council officers, parents or the police.
- 17.6 Councillor Osborne quoted the figures of 286 off licences and 192 premises in regard to the Sensible on strength scheme and queried whether the Licensing team could request that it was mandatory for all licence holders to become members of the scheme. The Regulatory Manager replied that it had to be a voluntary scheme, since mandatory membership would mean breaking the law to enforce this. The Chair added that the Brighton Sensible on Strength scheme was one of the best in the country. The Regulatory Manager suggested that an alternative, they could request that licence holders would not sell any ciders or beers above 6%, with bespoke conditions for particular premises.
- 17.7 Councillor Simson asked when the next test purchase for gambling would be, after the high failure rate of 70% of recent tests. The Regulatory Manager replied that the team planned to set the next test up before the end of the year. Sarah Cornell, Licensing Officer stated that it was now stated on the Licensing form that operators were now required to carry out test purchases for gambling as well as alcohol.
- 17.8 Councillor Appich was also concerned about the failure rate of the tests and asked whether the Licensing Team had access to the help of colleagues in Public Health on these issues. The Regulatory Manager confirmed that the Licensing Team worked closely with Public Health and provided very good data on this.
- 17.9 **RESOLVED:** That the Committee agreed the recommendations set out in paragraphs 2.1 and 2.2 of the report, and its content should be noted.

18 SCHEDULE OF REVIEWS

- 18.1 The Committee considered a schedule prepared on behalf of the Executive Lead for Strategy, Governance and Law covering the period since the last meeting of the Committee.
- 18.2 The Chair highlighted the case of Twisted Lemon and how negotiations on hours were agreed by both parties.
- 18.3 **RESOLVED:** That the contents of the report be noted.

19 SCHEDULE OF APPEALS

- 19.1 The Committee considered a schedule prepared on behalf of the Executive Lead for Strategy, Governance and Law covering the period since the last meeting of the Committee.
- 19.2 **RESOLVED:** That the contents of the report be noted.

20 ITEMS REFERRED FOR COUNCIL

- 20.1 There were none.

The meeting concluded at 5.23pm

Signed

Chairman

Dated this

day of