

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

4.00PM 29 JUNE 2017

COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 3BQ

MINUTES

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

PART ONE

1 PROCEDURAL BUSINESS

1a Declaration of Substitutes

1.1 Councillor Janio was present in substitution for Councillor Hyde.

1b Declarations of Interest

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

1c 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 not excluded from the meeting during consideration of any items contained in the agenda.

2 MINUTES OF THE PREVIOUS MEETING

2.1 The Democratic Service Officer, Penny Jennings, explained that she had received prior notification of a proposed amendment to the minutes from Councillor Page who had requested that the reference to comments which he had made, set out at paragraph 28.12 of the minutes be amended to read as follows:

“Licensing panels have an opportunity to **consider harm to** public health relating to alcohol, and should ensure **they do** so.”

- 2.2 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 2 March 2017 be agreed and the Chair be authorised to sign them as a correct record subject to the amendment set out above.

3 CHAIR'S COMMUNICATIONS

Alcohol Licensing

- 3.1 The Chair, Councillor O’Quinn, stated that once again this had been a relatively quiet period and there was little extra to report following the last meeting of the Committee in March. The Chair was pleased to be able to report that the workshop which had taken place earlier in the year had produced some tangible results. Item 6 on the agenda “Managing the Night-time Economy” dealt with this issue and it was clear that improved governance had to be the way forward in tackling some of the issues that were frequently raised in relation to the night-time economy.

The Night Time Economy

- 3.2 The Chair went on to explain that she had accompanied two of the Licensing officers on their week night duties recently and had once again found it incredibly useful to see how the officers worked and to gain insights into the night-time economy itself. They had visited some exceptionally well-run premises and also one where the assistant manager had a rather inadequate knowledge and understanding of the conditions on their premises licence. The Licensing officers had then moved quickly in the days after the visit to ensure that that state of affairs was rectified. The Chair recommended that members go out with Trading Standards officers and Licensing officers as she had done as the experience was always highly educational and very interesting. The annual “Operation Marble” trip for members was in the process of being organised and would take place at some point in October. Members would be notified of the date beforehand.

Pride Festival

- 3.3 The Pride Festival would take place in the first weekend of August and the usual flurry of TEN applications was starting to be received. Although only the Police and Environmental Health could make representations on these they did take into account complaints from residents in previous years and agree conditions where necessary or if that cannot be achieved then the TEN went before a Licensing panel for determination. It was hoped that as ever the Pride Festival **would** be a huge success this year being no exception and that people would enjoy themselves but also stay safe.
- 3.4 **RESOLVED** – That the contents of the Chair’s Communications be noted and received.

4 PUBLIC INVOLVEMENT

4a Petitions

- 4.1 There were none.

4b Written Questions

4.2 There were none.

4c Deputations

4.3 There were none.

5 MEMBER INVOLVEMENT**5a Petitions**

5.1 There were none

5b Written Questions

5.2 A written question had been received from Councillor Sykes who was in attendance at the meeting and was invited to put his question which is set out below:

“Dear Chair of Licensing Committee

I wish to raise concerns about the awarding and management of Temporary Event Notices (TENs) by our Council.

I understand that a TEN allowing the pursuit of licensable activities including sale of alcohol can be awarded, following application, to individuals and /or premises and that only Licensing Police and Environmental Health and Licensing are able to object to applications.

My ward sees a considerable number of TENs and the bulk of these cause few problems.

Where there have been problems, it is my understanding that complaints and reports from the public of issues arising as a result of such an event are taken into consideration should the applicant apply for a future TEN. That future TEN may then not be awarded if the issues and complaints are not felt to have been addressed.

My concern relates to the use of the TEN process to allow sale of alcohol at street parties. There has been a series of street parties in my ward promoted by businesses rather than local residents, and each has resulted in a significant volume of complaints to ward councillors. Despite evidence of previous complaints, repeat TEN applications have been allowed by the council. Residents have approached us as ward councillors complaining that the TEN process is not fit for purpose and ignores basic safeguards.

Please could you clarify the interaction between the TEN regime and that for highways closures for street parties? Could you also clarify the extent to which complaints about prior street parties are taken into consideration in subsequent TEN applications and what the threshold for TEN rejection is?”

5.2 The Chair, Councillor O'Quinn, thanked Councillor Sykes for notification of his question and responded in the following terms:

"The Licensing Authority are notified of a TEN; it's a notification rather than an application. It's an important distinction as the Licensing Authority has no discretion but to acknowledge the notification and issue a TEN unless the Police or Environmental Health object and then a Hearing is arranged to determine whether to issue a TEN or a counter notice

Your understanding in relation to the issue of future TEN's if there have been problems in the past is Correct, e.g. the Robin Hood street party in May 2016 resulted in complaints post the event. We were notified of a further street party in August (Pride 2016). Both Highways and Environmental Health sought assurances from the organiser re security, managing numbers and noise. The street party went ahead in August 2017 and no complaints were received.

An application for a street party is submitted to Highways. As part of the application, questions are asked about the need for a TEN (pub or private bar), promotion and signage/barriers, etc. Advice is given including noise, fire safety, food safety, general safety etc. There is certain criteria that has to be met before a road closure is allowed including submitting a petition that must be signed by 60% of frontages to agree the street party, Highways will assess the traffic management layout taking into account road works and traffic flow. Highways and Licensing will liaise for any Road Closure application/TEN where it involves a street party.

Highways close the road where an event is organised under the Town Police Clauses Act 1847. This can be applied for either by an individual or a business. Highways process the closure for both situations in a similar manner. The reasons for Highways doing so are primarily for safety. The closure of the road would not occur unless the event had already been planned. The difference between the application by a business is currently the charge, Highways don't charge for "community" Street Parties under this legislation.

Highways will be reviewing their policy for commercial events as the legislation that is probably a better fit is the Road Traffic Regulation Act section 16A which deals with Events on the public highway. These events should then require additional scrutiny from their events team, giving greater control over the planning and execution of the event.

Highways will be reviewing their team policy over the autumn with a view to having it in place for the new year so they can apply it appropriately to the applications that come in during the year.

Complaints are taken into account about previous street parties. It is a requirement of the law that regardless of whether the perpetrator is residential (noisy neighbour) or a commercial premises (e.g. pub or club), for environmental health to independently

establish the severity of a nuisance according to the character, duration and frequency of a noise and assess how much the noise is disturbing someone in their home. This process is not straight forward when applied to “one off” events such as a street party but the Environmental Protection Team will closely assess any future TENs applications and their potential for noise disturbance. They will discuss the proposals with the event organiser and may ask for additional controls and management steps to be agreed prior to the TEN. If they are satisfied that a temporary event is going to cause noise problems they will object to the TEN and it will go before a licensing panel to be determined. Two examples of this are; a street party in Pool Valley 2016 that caused noise issues; a noise abatement notice was served and subsequent TENs objected to (TENs withdrawn), and the Robin Hood case mentioned above where both Highways and Environmental Health worked with the organiser and no complaints were received at the following street party.

It is worth noting that since April 2015 the Government has deregulated regulated entertainment, e.g. live and recorded music, in licensed premises and work places between 8am – 11pm for up to 500 people so no licence, TEN or premises licence, is required. However, whether an authorisation is required or not, the premises cannot cause a noise nuisance.”

5.3 **RESOLVED** – That the contents of the question and the Chair’s response to it be received and noted.

5c Letters

5.4 There were none.

5d Deputations

5.5 There were none.

6 MANAGING THE NIGHT TIME ECONOMY

6a Presentation - Work of the Beach Patrol Team

6.1 Before proceeding to consider the report relating to the Night Time Economy the Committee received a presentation from Louise Roberts of the Beach Patrol Team outlining their work.

6.2 Ms Roberts explained that the ethos of the Patrol was crime prevention and public safety, although originally set up to prevent deaths by drowning as result of inebriation and/or other substance abuse the work carried out by this small dedicated team was now more broad based whilst remaining one of its core responsibilities.

6.3 Ms Roberts explained that she was a serving prison officer and that she worked closely with the coastguard service, the police and BCRP to seek to ensure the safety of those going to the lower promenade and beach area between the hours of 11.00pm – 5.00am. This small team operated on quad bikes westwards from Brighton Pier to the lower promenade and i360. Besides seeking to prevent incidence of drowning to those who

entered the water whilst inebriated condition they also worked to prevent incidents of robbery, drug dealing or sexual assault by predators who sought to take advantage of those who were vulnerable or in a vulnerable condition because they were incapacitated. They used a range of strategies to ensure that people got home safely and would ensure that people were safe before leaving any location and special access arrangements were in place emergency vehicles. Over time crime in this area was reducing, there had for instance been an 80% reduction in the number of sexual assaults.

- 6.4 Following the presentation Members had the opportunity to ask questions. Councillor Cattell was pleased to note the work carried out in order to protect vulnerable young people from sexual and other assault and noted the reductions in this type of crime which had been affected. The Chair, Councillor O'Quinn noted that the team had raised £5,000 towards the cost of a second beach buggy expressing her wish that the remainder of the £12,500 cost could be raised from local donations or business sponsorship. Councillor Morris concurred in that view stating that business sponsorship would provide positive publicity both for the businesses concerned and the work of the Patrol itself.
- 6.5 The Committee commended the excellent work carried out by her small dedicated team and thanked Ms Roberts for her informative presentation.
- 6.6 **RESOLVED** – That the contents of the presentation be received and noted.

Managing the Night Time Economy

- 6.7 The Committee considered a report of the Executive Director, Neighbourhoods, Communities and Housing, the purpose of which was to apprise members of the action taken in partnership with other agencies across the city in working together to ensure the night time economy was managed in a way which supported a safe and pleasant environment.
- 6.8 The Trading Standards Manager, Jo Player was accompanied by the Head of Community Safety, Peter Castelton, and both highlighted the work that had been done, initiatives in place and work which was on-going.
- 6.9 The City centre night-time economy was an integral part of the city's character attracting many visitors as well as contributing to the economic wellbeing of the city and providing work for many people. It was not without drawbacks, however, and the effects of alcohol, drugs and the density of people were factors, among others, which could spark aggression and create high demand on services including the police, ambulance service and A&E departments.
- 6.10 In March 2016 the Committee had been asked to consider the introduction of a late night levy in the City which could have helped to fund ancillary services. These include Safe Space, Beach Patrol, Business Crime Reduction Partnership, Taxi Marshalls and Street Pastors, which help to keep the night time economy safe. These services have been self-supported or funded by various means. Due to potential changes to the levy proposed at that time by central Government it had been decided not to introduce a levy which may have been able to support these services. The co-ordination of these

services both operationally and strategically had not been reviewed recently and changes in crime recording practices by the police had resulted in more violent crime being recorded in relation to the night-time economy, although there appeared to be no evidence of an increase in this type of crime.

- 6.11 Currently the Safe in the City Partnership was conducting a strategic assessment on all crime and disorder in response in part to the concerns which had been highlighted in relation to the night time economy and had resulted in it featuring as a priority in the Community Safety Strategy which runs from April 2017 to March 2020. This would enable robust governance of this issue with clear lines of accountability. There was an action plan to accompany the strategy which be managed by a lead officer and this would enable key decision makers to make informed decisions about how to fund and support this area of work in the future. This will include any opportunities to help the ancillary support services to seek funding or become self-sustaining.
- 6.12 Councillor Simson welcomed the report but was concerned that some gaps had been identified in the strategy which she hoped would be able to be addressed. Councillor Simson stated that she also had concerns that the work carried out to date and improvements achieved were not compromised in consequence of reductions in funding. Overall she was concerned that increases in crime figures could not be due solely to improved reporting and that was worrying. Councillors Bell and Wares concurred in that view whilst welcoming the workshops which had taken place in order to identify strategies for the future. Councillor Wares stated that everyone was aware of the role played by alcohol in fuelling unruly and violent behaviour and that that spanned all ages and across the social spectrum.
- 6.13 Councillor Deane stated that she had attended the workshop sessions which had provided a positive contribution, residents who had attended considered that their comments and concerns had been listened to and taken seriously. Lessons had been learned, for example following difficulties experienced with events such as “White Nights” had led to re-assessment and any such event in future would not be held to coincide with Halloween.
- 6.14 Councillor Moonan referred to arrangements being made to appoint Field Officers working within neighbourhoods and how it was envisaged that their work would form part of an inter-agency approach.
- 6.15 Councillor Morris referred to the nuisance caused by party houses in some parts of the city, hoping that more pro-active work could be undertaken to address this problem.
- 6.16 The Chair, Councillor O’Quinn, commended the report and welcomed the fact that the Committee would receive periodic updates.
- 6.17 **RESOLVED** – (1) That the Committee notes the contents of the report;
- (2) That the Committee agrees that the “Safe in the City Partnership Board” retains accountability for managing violence and crime in relation to the night time economy; and
- (3) The Committee receives updates on the strategy and action plan.

7 SCHEDULE OF REVIEWS

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

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

8 SCHEDULE OF APPEALS

8.1 The Committee considered the Schedule of Appeals prepared on behalf of the Executive Lead for Strategy, Governance and Law for the period to June 2017.

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

9 ITEMS REFERRED FOR COUNCIL

9.1 There were none.

The meeting concluded at 6.20pm

Signed

Chairman

Dated this

day of