

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

3.00PM 28 JUNE 2018

COUNCIL CHAMBER - BRIGHTON TOWN HALL

MINUTES

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

Apologies: Councillor Deane

PART ONE

1 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

1.1 Councillor West was present in substitution for Councillor Deane.

(b) Declarations of Interest

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

2 MINUTES OF THE PREVIOUS MEETING

2.1 It was noted that at item 28.10, the report was to presented in June.

- 2.2 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 1 March 2018 be agreed and signed as a correct record.

3 CHAIR'S COMMUNICATIONS

- 3.1 The Chair notified the Committee of the Governments recommendation that a maximum stake for a B2 gaming machine be reduced from £100 to £2. It was noted that the changes would be through regulations in Parliament and that this would need parliamentary approval. It was further noted that the Gambling Commission would also be in engagement with the gambling industry to ensure they were given sufficient time to implement and complete the technological changes.

4 CALLOVER

5 PUBLIC INVOLVEMENT

5a Petitions

- 5.1 There were none.

5b Written Questions

- 5.2 There were none.

5c Deputations

- 5.3 There were none.

6 MEMBER INVOLVEMENT

6a Petitions

- 6.1 There were none

6b Written Questions

- 6.2 There were none

6c Letters

- 6.3 There were none.

7 PUBLIC HEALTH FRAMEWORK PRESENTATION

- 7.1 The Committee considered a presentation given by Liz Tucker, Public Health Practitioner and Caroline Palmer, Crime Analyst on the Public Health Framework, on the current status of the Public Health Framework, it was noted that the next update was due to be provided in the following months. It was stated that the crime data provided proxy indicators for alcohol related crime which led the authority to struggle for accurate

data. Data driven from drug related crimes were unreliable; as a result the focus was shifted to offences closely related to alcohol. This scope was defined as violence to other people not necessarily alcohol related, however the aggregate of information points would contain satellite points related to alcohol that produced a trend that could be studied.

- 7.2 Councillor Wares requested clarity on the differences between assault being discussed.
- 7.3 Caroline Palmer clarified what constituted common assault and assaults by battery.
- 7.4 Councillor Page enquired if there was comparative data on police offences with other authorities
- 7.5 Liz Tucker responded by stating issues regarding alcohol abuse in wards and noted that though there were higher ambulance call outs and that men were at an increased risk. She concluded that this was significant nationally comparable data.
- 7.6 The chair noted that Cornwall and Newquay were largely responsible for skewing the data due to poor results.
- 7.7 Councillor Morris requested that such figures were brought to the Health Overview and Scrutiny Committee.
- 7.8 Liz Tucker stated that the data was comprised of local residents only and not visitors, Ms Tucker explained the various indicators of which the data consisted of and that the process of attaining all information was almost complete.
- 7.9 Caroline Palmer stated that the number of wards that had the highest rates of A&E was 4, and that they were also the same wards with a high number of clients in alcohol treatment, she further gave more info regarding BHCC's approach in regards to vulnerability.
- 7.10 Councillor Wares stated that due to the high priority nature of the information, robust processes needed to be maintained to make sure that data was not open to being skewed.
- 7.11 Caroline Palmer stated that data provided wasn't in depth enough that minor changes would skew overall results, she agreed to look back at the data.
- 7.12 Councillor Wares stated that this was a public document and that people might make decisions based on how certain areas were being portrayed.
- 7.13 Councillor Lynda Hyde stated that there were many areas that were on the report that produced a positive picture.
- 7.14 **AGREED** – that the presentation be noted.

8 REVIEW OF GAMBLING POLICY 2018

- 8.1 Jim Whitelegg gave a brief overview of the Gambling Policy 2018, he noted that this was being held up by the Gambling Commission as good practice. It was clarified that the changes being proposed were not major and that an initial consultation with Public Health would ensue. It was stated that across 10 pubs, 7 failed to challenge the young male actor and as a result sanctions such as the possible removal of gambling machines were alluded to in the written warning letter.
- 8.2 Councillor Lynda Hyde enquired how often checks were carried out and if an inspection period should be considered.
- 8.3 Jim Whitelegg stated that inspections of all gambling venues were conducted annually. He clarified that pubs were now being inspected, he noted that major betting shops now did independent test purchasing and that there was a crossover of alcohol and licensing.
- 8.4 Councillor West stated that fruit machines had a limit on payout and stake and that the rate at which gamblers could spend all their money on digital machines over old machines had decreased dramatically. He enquired if there was a metric on how quickly one could spend their stake and how this compared to old machines.
- 8.5 Jim Whitelegg stated that currently new proposals would limit stakes to £2 though he was not aware of any legislation in place regarding the speed of play.
- 8.6 Councillor Marsh enquired if this was conducted at the same time every year; she expressed concerns regarding the consultation date as school holidays also took place in August. She further enquired if those without internet, who wanted to take part in the consultation, had an alternative mechanism available.
- 8.7 Jim Whitelegg stated that while there was a portal through the website there were other ways to engage with the process such as through trade bodies, business forums, consultation in public areas like libraries. It was confirmed that residents would not be contacted directly.
- 8.8 Councillor Morris enquired if test cases using just £1 coins could be conducted to see how much could be physically spent in a certain timeframe.
- 8.9 Jim Whitelegg stated that all such data should be available from the Gambling Commission.
- 8.10 **RESOLVED** - That committee agree the following recommendations:
1. Instruct officers to carry out a consultation on the draft policy (attached at appendix 1).

9 REVIEW OF STATEMENT OF LICENSING POLICY 2018

- 9.1 Jim Whitelegg and Sarah Cornell gave a brief overview of the Review of the Statement of Licensing Policy 2018. The proposal to extend the special stress area was highlighted. It was stated it must be recognised that there was an increase in applications for café bars. It was noted that the terminology was problematic as it was misleading as the venues were not operating as a café as their primary activity. A second proposal to consider reducing hours of café activity was noted.

- 9.2 Councillor O'Quinn stated that applicants had listed their venues as cafes however served cocktails.
- 9.3 Councillor Page stated that a change of name would be clear and enquired what new times for café closures were being proposed.
- 9.4 Jim Whitelegg stated that Police had suggested 8pm and that how new times were justified was open for debate.
- 9.5 Councillor Hyde sought clarification on whether new times would only be for future applications and not retrospective.
- 9.6 Jim Whitelegg clarified that new operating times would not be retrospective.
- 9.7 Councillor Gilbey noted a similar issue regarding a debate on what constituted substantial food.
- 9.8 The Chair stated that people were using café bar to get in to the CIZ area.
- 9.9 Councillor Wares stated that changing the terminology to just 'café' was good however expressed concerns with changing the times of operation for cafes.
- 9.10 Councillor Knight expressed concern with reducing the times of operation for cafes.
- 9.11 The Chair stated that applicants only wanted to make more money by selling alcohol.
- 9.12 Councillor Page expressed concern of the proliferation of a number of café bars putting licensing objectives at risk. It was stated that a time did not need to be settled on until after the consultation had been conducted.
- 9.13 **RESOLVED** –that the Committee members agree the following recommendations:
1. To authorise officers to go out to statutory consultation with the proposal to expand the Special Stress Area (SSA) to cover Central Hove, extend from the west side of Holland Road northwards/intersection with the North side of Lansdowne Road, going westwards along Eaton Road/Blatchington Road to the junction and then south along Sackville Road down to the seafront (details of area covered in Appendix A)
 2. To authorise officers to go out to statutory consultation on a revised Matrix on one or more of the following proposals:
 - a. Change name from “café/bars” to “café” (notes to Matrix to be amended to “small food led establishment”).
 - b. Reduced hours for café/bar category in CIZ (Cumulative Impact Zone).
 - c. No changes

10 ITEMS REFERRED FOR COUNCIL

- 10.1 There were none.

The meeting concluded at 15:30.

Signed

Chair

Dated this

day of