

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

3.00PM 14 MARCH 2019

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

PART ONE

21 PROCEDURAL BUSINESS

21(a) Declarations of Substitutes

21.1 There were none.

21(b) Declarations of Interest

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

21(c) Exclusion of Press and Public

21.3 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.

21.4 **RESOLVED:** That the press and public be excluded from the meeting during consideration of the items contained in part two of the agenda.

22 MINUTES OF THE PREVIOUS MEETING

22.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 29 November 2018 be agreed and signed by the Chair as a correct record.

23 CHAIR'S COMMUNICATIONS

Pride Village Party

- 23.1 The Chair explained that the Pride Village Party would remain at its current location until 2021 at which time the arrangements in place would be re-negotiated by all parties.
- 23.2 Councillor Hyde stated that she had was aware that it had been suggested that the beach be considered as a possible future venue. She considered that should be resisted as it would be difficult to contain activity within such a large area, also that to have large numbers of people in close proximity to the sea when a number of them might have consumed alcohol could give rise to additional public safety issues.

Gambling

- 23.3 The Gambling Commission had advised that as a result of changes to the stakes which could be placed using gaming machines in betting shops it was anticipated that there could be a fall income of up to 65% from that source and that a number of smaller establishments could close.
- 23.4 The Gambling Commission had approached the city council and had asked that the council host a regional workshop in relation too public health and gambling in June2019.

Safeguarding Operation, Police, Trading Standards and Licensing

- 23.5 A joint workshop had taken place in January 2019 to which hotel and guest house owners/staff had been invited. The purpose of the session had been to educate/advise on looking for signs of vulnerability (in conjunction with county lines operations).
- 23.6 **RESOLVED** – That the contents of the Chair's Communications be noted and received.

24 PUBLIC INVOLVEMENT

- 24.1 There were not items of public engagement.

25 MEMBER INVOLVEMENT

- 25.1 There were none.

26 ANNUAL REPORT OF THE LICENSING AUTHORITY 2018

- 26.1 The Committee considered a report of the Executive Director, Neighbourhoods, Communities detailing the licensing and gambling functions carried out by the council during 2018. The report also sought to apprise members of local and national issues.
- 26.2 It was noted that that whilst there had been a marginal decrease in the number of applications made, however overall figures remained constant. In answer to questions it was explained that of the 18 new licences had been applied for in the CIZ, each had been considered on its individual merits and licences had only been granted in those instances where a compelling case for an exception to policy could be made. Councillor

Wares stated that he was concerned that applications continued to be made for premises in the CIZ, bearing in mind that it had been identified as area where the sale of alcohol was at saturation point and the policies in place sought to control the supply of alcohol there. Councillor Page expressed the same concerns.

26.3 Councillor Page referred to "Sensible on Strength" and it was explained that support and take-up for this across the city was strong and continued to grow.

26.4 Councillor Deane referred to the test purchasing that had taken place and to the failures which had been observed in relation to use of fruit machines/gambling machines by those who were underage asking whether a trend had been identified. It was explained that the majority of failures had occurred in public houses where it was possible that use could be less strictly monitored. In all instances where breaches had been identified, a warning letter was sent and follow up action taken to ensure compliance with the law. Officers were working very closely with the Gambling Commission.

26.5 **RESOLVED** - (1) That the Committee notes the contents of the report; and

(2) That officers continue to monitor trends of application and illegal activity to inform future policy

27 PREMISES LICENCE APPLICATIONS FOR SHARED WORK PLACES

27.1 The Committee considered a report of the Executive Director, Neighbourhoods, Communications and Housing advising that following a rise in applications being received by the council for Premises Licences to be issued to companies who either operated or operated within, premises that offered shared workspaces, officers had been asked by members to explore what clarification and guidance could be offered to the Licensing Committee when scrutinising and dealing with similar applications in the future.

27.2 For the purpose of this report, a shared workplace or shared workspace had been defined as being a building that has been converted into office space, which was operated overall by one company that rented workspace to many different entrepreneurs and small businesses. Its general offering was of hot-desk working, meeting spaces, single or team desk hire and/or private office space, etc., usually to freelance workers and/or small or medium businesses who did not want to rent offices of their own. Customers who rented such office spaces are often termed 'members' of the applicant companies, however this term was not the same as members of clubs operating under a Club Premises Certificate. Licensing Guidance, issued under Section 182 of the Licensing Act 2003, stated that each application must be considered on its own merits. While the council's Statement of Licensing Policy (SoLP) provided some guidance within its matrix approach on terminal times for licensable activities in pubs, cafes and restaurants, etc., it does not provide specific guidance for premises that could be defined as shared workplaces. The SoLP referred to non-alcohol led premises in its Matrix Approach table; however, evidence suggested that previous licensing panels had not been keen to apply this definition to shared workplaces. This report looked into whether clarification on shared workplaces could be provided to the Licensing Committee for instances where Premises Licences were applied for.

- 27.3 Councillor Page stated that he found the report informative but was also very concerned at this new issue which was emerging would could serve to exacerbate alcohol related problems in the city and could result in individuals behaving inappropriately or increasing risk to personal safety in the workplace.
- 27.4 Councillor Hyde echoed those concerns and asked whether it would be possible for the Licensing Authority to amend its Statement of Licensing Policy to address Members very real concerns.
- 27.5 Councillor Wares commended the report stating that he considered that it would be appropriate for members concerns and the feedback received to date to feed into the SoLP with a view to officers creating a new category in the matrix which could be brought back to the Committee for approval.
- 27.6 Councillor O'Quinn, the Chair stated that she had considered it timely for a report to be brought to Committee to apprise Members of the situation in order to enable them to determine how they wished to proceed. She was of the view that the SoLP needed to be amended/added to in order to address this issue.
- 27.7 Councillor Deane concurred with all that had been said and further suggested that paragraph 2.3 of the recommendations be amended as set out below to make it more all-encompassing. Members agreed unanimously to the proposed amendment.
- 27.8 **RESOLVED** - (1) That the Committee note the contents of the report;
- (2) That Members concerns about alcohol in shared workplaces are fed into the 2020 review of the SoLP with a view to creating a new category in the Matrix; and
- (3) That the Licensing Team scrutinise operating schedules of application for shared workplaces and ask applicants/landlords/managing agents to provide details of their alcohol workplace policy.

28 ITEMS REFERRED FOR COUNCIL

- 28.1 There were none.

The meeting concluded at 4.30pm

Signed

Chairman

Dated this

day of

