

**Council**

17 December 2020

**Agenda Item 71**

Brighton &amp; Hove City Council

<b>Subject:</b>	<b>Review of Statement of Licensing Policy 2021 – Consultation Response Report</b> - Extract from the proceedings of the Licensing Committee (Licensing Act 2003 Functions) meeting held on the 26 November 2020		
<b>Date of Meeting:</b>	<b>17 December 2020</b>		
<b>Report of:</b>	<b>Executive Lead Officer for Strategy, Governance &amp; Law</b>		
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<b>Wards Affected:</b>	All		

**FOR GENERAL RELEASE****Action Required of Council:**

That the report and recommendations of the Licensing Committee be considered and approved.

**Recommendation:** That the revised Statement of Licensing Policy as detailed in appendix A and revised by the Licensing Committee be adopted and that officers be granted delegated authority to make any minor, formatting and numbering corrections that may be required.

## BRIGHTON & HOVE CITY COUNCIL

### LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

4.45pm (at the conclusion of the preceding Licensing Committee (Non-Licensing Act 2003 Functions Committee) Meeting)

26 November 2020

#### VIRTUAL MEETING - SKYPE

#### MINUTES

**Present:** Councillors Deane (Chair), Davis (Deputy Chair) O'Quinn (Opposition Spokesperson), Simson (Group Spokesperson), Appich, Atkinson, Bagaean, Ebel, Fowler, Henry, Hugh-Jones (in substitution for Rainey), Nemeth (in substitution for Lewry), Knight and Wares

#### PART ONE

#### 18. REVIEW OF STATEMENT OF LICENSING POLICY 2021 – CONSULTATION RESPONSE REPORT 2020

- 18.1 The Committee considered a report of the Interim Executive Director of Housing, Housing, Neighbourhoods and Communities setting out the consultation response to the Review of Statement of Licensing Policy which had taken place.
- 18.2 It was noted that the Council, as Licensing Authority, had a statutory duty to review and publish its Statement of Licensing Policy (SoLP) every five years. The current policy had been adopted on March 2016 by Full Council and revised in March 2019. It was required that the Policy be kept under review. The Cumulative Impact Policy (CIZ) and Special Stress Area (SSA) had been introduced in 2008 and expanded in 2011. The SSA had been further expanded into central Hove in 2019. At its meeting on 25 June 2020, the committee had authorised officers to go out to statutory consultation in order to review the council's Statement of Licensing Policy 2019.
- 18.3 The Head of Regulatory Services, Jim Whitelegg, explained that the Consultation had commenced on 20 July 2020 and had closed on 4 October. The consultation document had included background information and documents relevant to the specific questions on areas listed in the recommendations as well as copy of the revised document a copy of which was set out in Appendix B. An extensive pre-consultation had been carried out with relevant key stakeholders prior to going out to consultation including Public Health, the Police, Environmental Health, Highways, Arts and Tourism, the Licensing Strategy Group and the Committee.
- 18.4 The Legal Adviser to the Committee, Rebecca Sidell, advised that the proposal at 2.1.4 to restrict new café licenses to a 10pm rather than 11pm closing time in the SSA and other areas, could be regarded as inconsistent in terms of promotion of the licensing

objectives as pubs had a terminal hour of 11pm where incidents of crime, disorder and anti-social behaviour were more common than for cafes. The restriction works for cafes in the CIZ category where new pubs were not permitted but not really elsewhere where pubs could have a later time. The police opposed the proposal on this basis. It was however a matter for decision by the Committee.

- 18.5 Councillor O'Quinn noted the comments made but stated that having sat on numerous Panels, it was all too often the case that applicants applying as a café bar licence in order to sell alcohol intended essentially to run a bar. The Policy was not absolute and each application would continue to be considered on its individual merits. Councillors Simson and Appich concurred in that view.
- 18.6 Councillor Simson welcomed the proposed changes in relation to local shopping parades, where applications could be refused in areas where there were already several existing outlets selling beers wines and spirits. Councillor Simson stated that she had become increasingly concerned that in a small parade of shops there could be an off-licence a post office, a convenience store and sometimes even a fish and chip shop all selling alcohol, an area could become awash with alcohol sales, that could be taken into account now.
- 18.7 Councillor Hugh-Jones welcomed the proposals to extend the Special Stress Area north along Preston Road and Beaconsfield Road between Preston Circus and Stanford Avenue.
- 18.8 The Chair, Councillor Deane also commended the proposed revisions which had been recommended, thanked officers for their work in bringing them forward, noted the comments which had been made and put the recommendations to the vote, which were carried.
- 18.9 **RESOLVED:** That the Committee agree to the revisions of the Statement of Licensing Policy as follows:
- (1) Maintain the current cumulative impact policy and zone and publish the Cumulative Impact Assessment;
  - (2) Expand the Special Stress Area (SSA) to cover Preston Road and Beaconsfield Road (up to Stanford Avenue);
  - (3) Include the Marina into "Other areas" of the Matrix to reflect the increased number of residential properties;
  - (4) To amend the "Café" category of the Matrix by reducing the terminal time to 10pm for the sale of alcohol within the special stress area and "other areas";
  - (5) Shopping parades - Amend note 8 of the Matrix to "*In an area where there are already several existing off-licences or where the premises is situated within a parade with another off licence and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds or restrictions placed on the terminal hour to reflect opening hours of other shops.*";

- (6) Alcohol in shared workspaces - Amend note 10 of the Matrix to clarify that *“Non-alcohol led category does not include “alcohol in shared workplaces”. These type of premises are considered unique. It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm. For further advice and guidance on “alcohol in shared workplaces. For further advice and guidance on “alcohol in shared workplaces” please see paragraph 3.3.5-3.3.7”;*
- (7) Shadow Licences – add a new shadow licences section 3.10 to revised policy with advice, guidance and possible conditions;
- (8) Alcohol Delivery – amend the Off-Licence section 3.5.5-3.5.8 of the revised policy with suggested conditions.;
- (9) That the revised Statement of Licensing Policy is referred to Full Council for adoption. See Appendix A for a copy of the revised statement of licensing policy and cumulative impact assessment (CIA) and that Council gives officers delegated authority to make any minor, formatting and numbering corrections that may be required.