

## Appendix 2

### BRIGHTON & HOVE CITY COUNCIL

#### LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

3.30PM 26 NOVEMBER 2009

#### COUNCIL CHAMBER, HOVE TOWN HALL

#### MINUTES

**Present:** Councillors Cobb (Chairman), Lepper (Deputy Chairman), Allen, Harmer-Strange, Hawkes, Hyde, Kitcat, Older, Phillips, Pidgeon, Simson, C Theobald, Watkins and West

**Apologies:** Councillor Marsh

#### PART ONE

#### 16. HEALTH IMPACT ASSESSMENT OF LICENSING

- 16.1 The Committee considered a report from the Director of Environment regarding the Health Impact Assessment of Licensing (for copy see minute book).
- 16.2 The Head of Environmental Health and Licensing presented the report and noted that the assessment had already been considered at the Alcohol Strategy Group where colleagues from the Police had reviewed the findings. The Alcohol Strategy Group felt that lobbying of Central Government on the issues would not be particularly helpful at this current time, given the impending general election. The Group also expressed concern over the management of the actions, given there were so many. However, it was recognised that these were unfiltered responses from members of the public and whilst they were honest accounts, they were not necessarily legally achievable, funded, practical or in some cases, desirable.

In terms of the action points that related to the licensing function of the Council, the Head of Environmental Health and Licensing noted that the Statement of Licensing Policy was due to be reviewed by December 2010, and the Cumulative Impact Area to be reviewed by April 2010. The aspirations in this document could be used to inform these policies.

- 16.3 Dr Scanlon, Director of Public Health for Brighton & Hove City Council and Brighton & Hove PCT addressed the Committee and stated that this had been an independent report commissioned by Brighton & Hove Primary Care Trust and the Brighton & Hove City Council Directorate of Public Health. The work had been tendered out to expert consultants in health inequality assessment. The original consultation process had produced fairly subjective results and the consultants had been asked to obtain statistical data in support of this.

However, Dr Scanlon felt the data still did not clearly reflect the trend in alcohol related health issues over a significant period, as the information did not adequately pre-date the introduction of the Licensing Act. There was however, some valuable data in the report and the findings did show a significant increase in alcohol related hospital admissions, an increase in alcohol related domestic abuse and an increase in alcohol related violent crimes over the period assessed.

Dr Scanlon added that consultation had been undertaken with the general public, licensees, relevant service providers and elected Members regarding the effects of the Licensing Act, and the general perception was largely negative. Some positive effects of the Act were recognised however, including the increase in tourist trade to Brighton and Hove and the positive economic effects of the licensed trade on the city. Dr Scanlon recognised there was a large amount of recommended actions in the assessment and so a more manageable action list had been drafted as part of the Officers report to consolidate the actions.

- 16.4 Councillor Lepper agreed that the assessment was interesting, but felt the number of actions that had been produced was unreasonable, and many were impossible to implement. She felt that increasing the number of Noise Patrol Officers was highly desirable but financially unachievable, as was the case with many of the action points.
- 16.5 Dr Scanlon agreed that the actions did represent a 'wish list' from residents and local businesses and understood that many of the actions could not currently be implemented. The truncated list in the Officers report represented more attainable goals however.
- 16.6 Councillor Simson agreed with Councillor Lepper and felt that even the truncated list was still a 'wish list' in some respects as there was no money to pay for many of the actions. She noted the cultural change in drinking habits over the last few years, and felt that this played a large part in contributing to the problems. Councillor Simson added that home drinking and 'pre-loading' was as much a problem for society as street drinking, and tackling irresponsible parents was one of the major issues for the authority. A follow-up scheme for young people who had been admitted to hospital as a result of underage drinking had been set up in conjunction with the Health Authority and Councillor Simson felt this was an excellent example of how the local authority could combat anti-social drinking.
- 16.7 Councillor Older noted that one of the actions was to limit the number of licensed premises across the city and asked how this would be achieved. She also raised the issue of anonymous representations from interested parties to Licensing Panels, and asked if this was being considered as an option. The Head of Environmental Health and Licensing stated that the only legal way to cap the number of licensed premises in the city would be to impose a city-wide Cumulative Impact Area (CIA), but this would need evidential proof before it could be imposed.

He added that whilst the actions were not always practical or in some cases legally defensible, they did represent the unfiltered wishes of the local community with regard to licensing issues, and as such were a valuable tool for informing the development and

review of the Statement of Licensing Policy. He believed that it would be worthwhile lobbying Central Government in the near future on the issues raised.

The Head of Environmental Health and Licensing went on to add that consideration could be given to the submission and acceptance of anonymous representations at Licensing Panels, but added that the Police and the Local Ward Councillor were able to make representations on behalf of individuals who had safety concerns in this respect. If anonymous representations were accepted an amendment would need to be made to the Statement of Licensing Policy.

- 16.8 Chief Inspector Nelson addressed the Committee and stated that Sussex Police ran a comprehensive test purchase programme of licensed premises to help ensure that underage young people were not sold alcohol, and added that this was now being rolled out to the testing of proxy purchasing. He stated that once a licence had been granted to a premises the Police were also responsible for ensuring that the licensing objectives were upheld and if they gained information that a premises was acting irresponsibly then they would take action.
- 16.9 Councillor Hyde felt that increasing the availability of any product would increase its consumption, and local authorities were now dealing with the impact of this, which she believed was a result of the Licensing Act 2003. She noted the recommendation for referral to Planning Committee and welcomed the report, adding that consideration could be given to directing S106 monies into community facilities that mitigated the effects of increased alcohol consumption.
- 16.10 The Chairman was not sure that an increase in the number of licensed premises necessarily related to an increase in alcohol consumption. She felt that the change in people's lifestyles and attitudes towards alcohol had a more direct impact than the availability of alcohol.
- 16.11 Councillor West was concerned that the value of the report was being disregarded because some of the actions were not currently achievable or affordable. He recognised that it represented a 'wish list' in some respects but felt that this should not detract from the evidence that had been gathered about the negative effects of alcohol on local communities. He felt this was a desperate problem for Brighton & Hove and the authority needed to find imaginative answers to deal with it.
- 16.12 Councillor Wrighton agreed and felt the report represented a damning indictment of the Licensing Act 2003. She noted the 30 per cent increase in alcohol related hospital admissions, the increase in alcohol related crime and the increase in noise complaints and felt these were directly related to the Licensing Act. Councillor Wrighton felt that the Council needed to lobby government for public health to be included as a licensing objective. Councillor Wrighton proposed, and Councillor Phillips seconded, amendments to 2.2 of the recommendations, and to include an extra recommendation at 2.3, as follows:
- 2.2 That the Licensing Committee refers the Health Impact Assessment to the Planning Committee, the Health Overview and Scrutiny Committee, the Environment and Community Safety Overview and Scrutiny Committee and to

Full Council under Procedure Rule 24.3a for information and to inform other corporate policies and strategies.

- 2.3 That the Licensing Committee refers the Health Impact Assessment report to the relevant government minister and requests that due consideration is given to enabling 'public health' impacts to be considered as a Licensing Act objective.

16.13 Councillor Watkins felt that the amendments were extremely useful and believed that the Health Impact Assessment was an excellent document. He hoped that A&E departments were keeping their own records of under-age alcohol related hospital attendances, and also of attendances related to illegal drug usage. Councillor Watkins referred to the recent White Night festival as an important example of how communities should be using city facilities at night, and believed that action needed to be taken to ensure that the streets of Brighton & Hove were safe and welcoming for everyone to use whenever they wished.

16.14 A vote was taken on each of the recommendations, as amended and proposed, and each vote was carried.

16.15 **RESOLVED –**

1. That the findings from this report are considered by the relevant stakeholders and that findings are used to influence the next review of the Statement of Licensing Policy.
2. That the Licensing Committee refers the Health Impact Assessment to the Planning Committee, the Health Overview and Scrutiny Committee, the Environment and Community Safety Overview and Scrutiny Committee and to Full Council under Procedure Rule 24.3a for information and to inform other corporate policies and strategies.
3. That the Licensing Committee refers the Health Impact Assessment report to the relevant government minister and requests that due consideration is given to enabling 'public health' impacts to be considered as a Licensing Act objective.