EXTRACT FROM THE DRAFT PROCEEDINGS OF THE LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

MEETING HELD ON THE 18 NOVEMBER 2010

BRIGHTON & HOVE CITY COUNCIL

COUNCIL CHAMBER, HOVE TOWN HALL

DRAFT MINUTES

Present: Councillors Cobb (Chairman), Lepper (Deputy Chairman), Harmer-Strange, Hawkes, Hyde, Kitcat, Marsh, Older, Phillips, Pidgeon (in substitution for C Theobald), Simson, Smart, West and Wrighton

Apologies: Councillor Watkins

Officers: Tim Nichols (Head of Environmental Health & Licensing); Jean Cranford (Licensing Manager); Rebecca Sidell (Lawyer) and Penny Jennings (Democratic Services Officer)

PART ONE

14. STATEMENT OF LICENSING POLICY: 3 YEAR REVIEW

14.1 The Committee considered a report of the Strategic Director of Place, setting out the revised Statement of Licensing Policy following a three year review which needed to be put to full Council for adoption at its meeting on 16 December 2010

14.2 The Head of Environmental Health and Licensing explaining that the Council as Licensing Authority had a statutory duty to review its Statement of Licensing Policy (SoLP) every three years. This process had last been completed in 2007 and the revised SoLP adopted had come into effect on 7 January 2008. The Council was now required to set its next Statement of Licensing Policy which had to come into effect by no later than 6 January 2011.

14.3 Ms Alexander, Public Health, Programme Manager was present on behalf of the Director of Public Health, Chief Inspector Nelson was present on behalf of the Police. Mrs Alexander referred to the multi- agency approach which had been adopted in relation to address the health and social issues arising from alcohol use in the city, and suggested that she would like to provide additional wording that would “strengthen”, the appropriate paragraph(s) within the policy, this could also integrate the approach being adopted by the Council in relation to its intelligent commissioning approach to service provision.

14.4 Chief Inspector Nelson concurred stating that there had been significant movement forward in relation to the manner in which alcohol issues were being dealt with as part of an integrated partnership approach. He was aware that an intelligent commissioning pilot project was under way in relation to alcohol use.

14.5 Whilst noting all that had been said the Head of Environmental Health and Licensing explained that there were differences between the licensing objectives and those in relation to public health, any additional wording would therefore need to relate to the licensing objectives.

14.6 Councillor Hawkes suggested that a form of words could be agreed between the relevant officers in consultation with the Chairman for inclusion in the report to Council, the Committee could give their in principle approval to that approach. In future however, it would be preferable for partnership organisations to add their comments prior to a report being placed before the Committee.

14.7 Councillor West stated that a proper democratic process needed to be followed. The review represented a significant piece of work for which officers should be commended, it needed to be approved by Council at its meeting on 16 December and it was inappropriate to delay it at this late stage in the absence of the proposed addition/amendment being placed before Members. Collaborative inter-agency working was continuous and so would be unaffected by the report to Council.

14.8 Mrs Cranford, the Licensing Manager confirmed that the review did need to be agreed by Council at its next scheduled meeting on 16 December 2010.

14.9 Councillor Hyde stated that the Committee had a duty to review its policy every three years, however, as a lot of work was clearly on-going that did not preclude it being revisited sooner.

14.10 Councillor Wrighton referred to a letter sent on behalf of the Committee to the previous government setting out their concerns about the presumptive nature of the licensing legislation, she considered that it was appropriate for a further letter to be sent to the current government, if that had not already been done.

14.11 In answer to questions it was noted that the precise role of the new health bodies had yet to be established, although it was intended that the current inter-agency approach would continue and be strengthened. Councillor Marsh stated that the existing Health Board was likely to be replaced by a new Health and Wellbeing Board, although she had some concerns that a possible democratic deficit could arise as a result of this.

14.12 Councillor Smart sought clarification regarding the wording used, enquiring whether specific legal definitions were used, the Head of Environmental Health and Licensing confirmed that there were.

14.13 Councillor Simson commended the report stating however, that the cross referencing of some of the paragraphs would benefit from being re-numbered when the report went to Council. In her capacity as Chairman of the Community Safety Forum she had recently held a meeting with the Chairman of the Local Action Teams (LAT's).A presentation had been given by representatives of the noise abatement society who had explained that after leaving a noisy night club or other venue it took up

to half an hour for the voices of those leaving to return to a normal volume as they experienced temporary hearing loss. The seepage of noise from venues themselves was controlled, however, noise nuisance out on the streets gave rise to a number of complaints and it would be helpful if means by which this could be controlled could be examined.

14.14 Councillor Older stated that there should be a degree of flexibility in relation to the setting of licence conditions, different conditions were appropriate to different styles of operation.

14.15 Councillor Kitcat suggested that in order to enable the report to proceed to Council that any amended wording should be put to the Committee and agreed by Members at this meeting. This is set out in the resolution below and includes amendments proposed by the Head of Environmental Health and Licensing in respect of Paragraph 1.19.

14.16 A vote was taken and Members voted unanimously to agree the Statement of Licensing Policy as set out in Appendix A subject the amendments set out in paragraph 14.17 below and that this be referred to full Council for adoption at its meeting to be held on 16 December 2010

14.17 **RESOLVED -** That the Committee refers the revised Statement of Licensing Policy to Full Council for adoption at its meeting on 16 December 2010 subject to the following additions and amendments:.

Amendment to Paragraph 1.19:

"1.19: The professional development and competence of licensing councillors will be provided and maintained to support the need to act as a professional licensing authority, meeting lawful standards of quasi judicial decision making."

The following additional comment to be added to the paragraph relating to alcohol related admissions:

"In the 2009/10 financial year there were 5,029 hospital inpatient admissions for alcohol related harm of Brighton and Hove residents, a rate of 1,842 per 100,000 population which is higher than the rate in England. This was a 3% reduction on the previous year but prior to that, admissions had been increasing at a rate of 15% per year, compared with 8% nationally, and the number of admissions per year is still more than double the number in 2003/04."