

**LICENSING COMMITTEE
(LICENSING ACT 2003
FUNCTIONS)**

Agenda Item 22

Brighton & Hove City Council

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

3.30PM 21 NOVEMBER 2013

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Powell (Chair), Deane (Deputy Chair), Simson (Opposition Spokesperson), Lepper (Opposition Spokesperson), Gilbey, Hyde, Kennedy, Marsh, Robins, Rufus and C Theobald

Apologies: Councillors Bennett, Duncan, Jones and Pidgeon

PART ONE

10. PROCEDURAL BUSINESS

10a Declaration of Substitutes

10.1 There were none.

10.b Declarations of Interest

10.2 There were none.

10.c Exclusion of the Press and Public

10.3 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I of the Act).

10.4 **RESOLVED** - That the press and public not be not excluded from the meeting.

11. MINUTES OF THE PREVIOUS MEETING

11.1 RESOLVED – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 27 June 2013 be agreed and signed as a correct record.

12. CHAIR'S COMMUNICATIONS

12.1 The Chair had no communications.

13. PUBLIC INVOLVEMENT**13a Petitions**

13.1 There were none.

13b Written Questions

13.2 There were none.

13c Deputations

13.3 There were none.

14. MEMBER INVOLVEMENT**14a Petitions**

14.1 There were none.

14b Written Questions

14.2 There were none.

14c Letters

14.3 There were none.

14d Deputations

14.4 There were none.

15. SENSIBLE ON STRENGTH

15.1 The Committee considered a report from the Head of Regulatory Services, which provided information on the Sensible on Strength campaign. The report was introduced by Mr T Nichols, Ms S Cornell and Ms D Lynsdale.

15.2 Councillor Hyde was concerned that those who didn't agree to take part would benefit by selling more alcohol. Officers said that was a possibility, but traders and police would monitor sales and take action where appropriate.

- 15.3 Councillor Marsh referred to a recent programme on BBC Radio 4 regarding street drinking in Brighton and asked if the Chair or officers had been asked to take part, and noted that the presenter had spoken to street drinkers in the city who'd said they didn't think the policy would work. The Chair said she had been away and hadn't been able to take part, but the Deputy Chair had been approached. Councillor Deane confirmed she had been approached and had pre-recorded an interview along with Chief Superintendent Kemp of Sussex Police. Unfortunately the length of show had been cut and her comments had had to be omitted, however the full programme could be listened to on the BBC Website.
- 15.4 Councillor Gilbey noted that 40% of traders had signed up for the campaign and asked whether they were mostly in the city centre or the outskirts. Officers said they had started by contacting traders in St James Street. Initially they had been worried about agreeing to the changes, but they had found that they had suffered fewer thefts and had attracted more customers since the changes. The authority was working with the Police and Equinox on this campaign. Other areas covered were London Road, Preston Road, Whitehawk and the St Peter's Church area.
- 15.5 Councillor Robins asked whether this was aimed just at street drinkers or whether pubs and clubs would be involved too as the impact on public health should be considered for everyone. Officers confirmed that at the moment the focus was on street drinking, but the authority would also be looking at the benefit to the public health of the whole city.
- 15.6 Councillor C Theobald said she had spoken to one trader who had seen a reduction in drunk customers and so was happy with the changes.
- 15.7 Councillor Lepper welcomed the campaign and noted that a similar scheme in Ipswich had been a great success and shops had found their business had improved.
- 15.8 Councillor Deane said it was important to stress that this was a voluntary scheme and was focused on off licence trade. It was good that traders had already seen benefits.
- 15.9 Councillor Simson thought the campaign would also benefit those who drank excessively at home, not just those who drank on the streets.
- 15.10 **RESOLVED –**
(1) That the Committee noted the report
(2) That the Sensible on Strength campaign be formally launched.

16. GOVERNMENT PROPSALS ON PERSONAL LICENCES

- 16.1 The Committee considered a report from the Head of Regulatory Services, which informed the Committee about Government proposals on personal licences. The report was introduced by Mr T Nichols.
- 16.2 Councillor Simson referred to paragraph 3.5(i), and asked how someone could be 'authorised' by a DPS to sell alcohol. Mr Nichols said it wasn't clear whether authorisation needed to be put in writing. A Licensing Panel would need to decide whether a DPS needed to actually be on the premises at the time of a sale, and it could

vary depending on the size of a premises e.g. whether it was a supermarket or a small convenience store.

- 16.3 Councillor Marsh asked how the authority would address the changes. Mr Nichols said that if the reforms were brought in, a report would be brought to the Committee and training provided for members.
- 16.4 Councillor Lepper was concerned that the changes to the regulations were reducing the powers of the Local Authority. Councillor Simson said that the changes might not be as onerous as at first thought and could in fact improve the current system.
- 16.5 RESOLVED** – That the report be noted.

17. FURTHER ENTERTAINMENT DEREGULATION CONSULTATION

- 17.1 The Committee considered a report from the Head of Planning and Public Protection, regarding proposal to further deregulate Regulated Entertainment. The report was introduced by J Whitelegg.
- 17.2 Councillor Robins asked why Greco-Roman and freestyle wrestling were exempt. Mr Whitelegg said he wasn't sure, but believed it was down to the types of hold used.
- 17.3 Councillor Simson asked if Recorded Music would cover discos, and was advised it would.
- 17.4 Councillor Deane asked that if the authority no longer had control of audiences up to 500, whether there was any other method such as environmental control which could be used. Mr Whitelegg said that planning permission and environmental health legislation would still apply.
- 17.5 Councillor Simson asked how a licence could be reviewed if there were no conditions attached to it. Mr Whitelegg said that the Licensing Objectives would still apply; the changes only applied between 08:00 to 23:00 and therefore a licence would be required before or after those times. Mr Whitelegg added that it would still be possible to add conditions to the licence if problems arose. The solicitor drew the committee's attention to paragraph 7.7 of Appendix 1, which covered that point.
- 17.6 Councillor Simson said that some changes were good such as the deregulation for schools, hospitals etc but some such as increasing the audience limit to 500, and changes to recorded music weren't, and asked what the response to the consultation should be. Mr Nichols said the Committee could agree or not agree to respond to the consultation or to give authority to officers to respond. Councillor Lepper suggested that the Committee give delegated responsibility to Mr Nichols to respond to the consultation. The Chair agreed with that suggestion.
- 17.7 Councillor Deane said that any deregulation would impact on other agencies such as the Police, Health etc and suggested that any response be made in collaboration with the other parties. Mr Nichols said that was an option which he hadn't considered, but it could be done.

17.8 The Committee discussed the matter and agreed that delegated authority be given to Mr Nichols, Head of Regulatory Services, to respond to the Consultation.

17.9 RESOLVED –

(1) That the report be noted

(2) That the Head of Regulatory Services submit an appropriate response to the consultation to reflect concerns raised by the Committee.

18. SCHEDULE OF REVIEWS

18.1 Councillor Kennedy asked why B&W Stores was still trading and selling alcohol. Mr Nichols advised that if there were an appeal the licence could continue, and it would then depend on the outcome of the hearing. The solicitor advised that the hearing was scheduled for 24th and 25th February 2014.

18.2 **RESOLVED** – That the Review Table be noted.

19. SCHEDULE OF APPEALS

19.1 The Committee were advised that a further appeal from Southern Cooperative Ltd, Portland Road, Hove, had been received since the agenda had been published

19.2 **RESOLVED** – That the Schedule be noted.

20. ITEMS TO GO FORWARD TO COUNCIL

There were none.

The meeting concluded at 5.40pm

Signed

Chairman

Dated this

day of