

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

3.30PM, 26 JUNE 2014

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Powell (Chair), Duncan (Deputy Chair), Simson (Opposition Spokesperson), Bennett, Carden, Deane, Gilbey, Jarrett, Phillips, Robins, Rufus, C Theobald, Wealls and Wells

Apologies: Councillors Marsh

PART ONE

1 PROCEDURAL BUSINESS

1a Declaration of Substitutes

1.1 Councillor Deane declared that she was substituting for Councillor Jones. Councillor Jarrett declared that he was substituting for Councillor Kennedy. Councillor Wealls declared that he was substituting for Councillor Hyde. Councillor Wells declared that he was substituting for Councillor Cobb. Councillor Carden declared that he was substituting for Councillor Lepper.

1b Declarations of Interest

1.2 There were none.

1c Exclusion of the Press and Public

1.3 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).

- 1.4 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of any item appearing on the agenda.

2 MINUTES OF THE PREVIOUS MEETING

- 2.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 6 March 2014 be agreed and signed as a correct record.

3 CHAIR'S COMMUNICATIONS

Visit to a Betting Office

- 3.1 The Chair referred to her recent visit to a Ladbrokes betting office which she understood was very well run; she had been able to observe different elements of its operation and it had been an interesting experience.

Setting up Licensing Panel Hearings

- 3.2 The Chair explained that although aware that Members had very full diaries she thought it was important to remind Members of the importance of volunteering to sit on Licensing Panels whenever they were able to do so. Whilst it was understood that Members had a number of conflicting commitments which meant that their availability was limited but there had been several “near misses” where it had been not possible to raise a Panel, this could have resulted in an untenable legal situation and could have compromised the Council’s position. The Panels were the “nuts and bolts” of the Committees’ work and were the place where its policies were applied; it went without saying therefore that they were very important.
- 3.3 It was explained in answer to questions that when licence applications came in was beyond the control of the Licensing Team or Democratic Services as once submitted there was a statutory timeline within which a Panel comprised of Members of the parent Committee needed to meet and determine it. Suitable accommodation also had to be found and booked. The majority of applications did not come before a Panel (this is only the case when there were objections which were not withdrawn as a result of the negotiation process) and the relatively few that did come forward do therefore require determination by the Committee.
- 3.4 Councillor Robins stated that it might be beneficial if alternative timings and locations could be put forward and the Democratic Services Officer confirmed that as far as possible they would factor this in within the constraints placed upon the process. If Members had limited or alternative availability e.g., would prefer afternoons if they let the Democratic Services Team know they would try and accommodate that in, although it was reiterated that Panels had to be arranged within a very narrow window which means there is limited flexibility around the timing of hearing dates. Councillor Simson stated that Brighton Town Hall was the preferred location of those Members who attended hearings on a regular basis, that should be taken account of too.
- 3.5 **RESOLVED** – That the position be noted.

4 PUBLIC INVOLVEMENT**4a Petitions**

4.1 There were none.

4b Written Questions

4.2 There were none.

4c Deputations

4.3 There were none.

5 MEMBER INVOLVEMENT**5a Petitions**

5.1 There were none.

5b Written Questions

5.2 There were none.

5c Letters

5.3 There were none.

5d Notices of Motion

5.4 There were none.

6 RESPONSE TO REPORT OF HEALTH AND WELL BEING OVERVIEW AND SCRUTINY PANEL ON ALCOHOL

6.1 The Committee considered the covering report of the Head of Law detailing the findings of the Scrutiny Panel into requesting that the Committee consider the recommendations put forward by the Health & Wellbeing Overview & Scrutiny Panel, Scrutiny Panel on Alcohol in relation to proposed revision of the current Statement of Licensing Policy. An extract from the Minutes of the Health & Wellbeing Overview & Scrutiny Panel and a full copy of the report of the Scrutiny Panel on Alcohol were appended to the report.

6.2 It was noted that The Overview & Scrutiny Committee have forwarded their report to the Licensing Committee (Licensing Act 2003 Functions) for information and are also seeking the Committees' approval to review the current Statement of Licensing Policy in the terms set out.

6.3 Councillor Deane who had Chaired the Panel stated that the broad scope offered by the review had enabled Members to consider a number of issues related to the night time economy in depth and that she wished to place on record her gratitude to her fellow

Panel Members for their valuable contributions. Councillor Deane went on to explain that in formulating their recommendations the Panel had tried to seek a balance between the cities cultural offer business generated by the night time economy and other interests. It had been highlighted as of importance to ensure that there was a varied offer which was not entirely based around alcohol consumption and that low/no alcohol alternatives were encouraged and available. The importance of initiatives such as “Sensible on Strength” had an important role to play.

- 6.4 Councillor Simson who had also sat on the Panel referred to the work which was already being carried out across the city. For example the annual “Carnage” event for newly arrived students at the beginning of each academic year was not supported by the University of Sussex who stressed that they had no connection with the event and were pro- active in trying to ensure that it ceased. Councillor Simson went on to state that the Panel were clearly of the view that the existing matrix system required amendment and this was reflected in the report recommendations.
- 6.5 Councillor Theobald stated that that in her view the city would benefit from having more late night coffee bars which would provide a focus for non-alcoholic refreshment.
- 6.6 Councillor Duncan fully supported the report recommendations and commended the excellent work which had been undertaken in preparing the report and formulating its recommendations.
- 6.7 Councillor Rufus stated that although the report had taken a while to prepare it provided a detailed and considered baseline for further work.
- 6.7 **RESOLVED** – (1) That the Committee notes the Recommendations set out in the Executive Summary on Page 4 of the report;
- (2) That the Committee notes the Panel’s recognition of the strengths of the Statement of Licensing Policy and agrees to authorise officers to carry forward their recommendation that the Policy and Matrix be reviewed by this Committee, in particular
- (a) the geographical scope of the Cumulative Impact Zone;
 - (b) that café bars are given their own categorisation in the Matrix to recognise that they are not restaurants or pubs and that different guidance may apply;
 - (c) review the definition of residential or commercial areas;
 - (d) review the statement on hours of alcohol sale; and
 - (e) review the policy on food and alcohol retailers outside the CIZ (Page 16 of the report; gather and assess the evidence necessary for a review of the policy as above in particular the evidence for inclusion of further areas into the CIZ and that officers report back to this committee with a detailed report and amended policy proposal for approval by the committee with a view to commencement of the statutory consultation process and
- (3) That officers gather and assess the evidence necessary for a review of the policy as above in particular the evidence for inclusion of further areas into the CIZ and that officers report back to this committee with a detailed report and amended policy proposal for approval by the committee with a view to commencement of the statutory consultation process.

Note: Councillor Wells abstained from voting in respect of the report recommendations.

7 UNDERAGE GAMBLING TEST PURCHASE OPERATION

- 7.1 The Committee considered a report of the Director of Public Health detailing a recent underage gambling test purchase exercise by the Council's Licensing Team assisted by the Gambling Commission on the 25th April 2014.
- 7.2 Councillor Duncan enquired regarding the sanctions which were put in place in instances where premises had failed test purchases. Were there instances for example where premises were closed down immediately. The Senior Environmental Health Officer, Mr Whitelegg explained that the policy had to be applied proportionately and commensurate with any offence committed.
- 7.3 Councillor Rufus sought clarification as to whether certain types of premises had been targeted, for example chains as opposed to small independent businesses and whether any pattern had emerged regarding lack of training for example which had led to staff being unaware of unable or to meet their responsibilities.
- 7.4 The Head of Regulatory Services explained that the premises visited had followed the Gambling Commission's own suggestions regarding the representative sample to be used. The results had highlighted an issue which needed to be addressed. The Senior Environmental Health Officer agreed that all premises which had failed would be re-visited and checked and it was also agreed that that there would be a further report back to the next scheduled meeting of the Committee advising on the outcomes and future programme of action.
- 7.5 **RESOLVED** – (1) That the Committee notes the contents of the report; and
(2) That officers continue to monitor premises and take appropriate enforcement action including test purchases.

8 SCHEDULE OF REVIEWS

- 8.1 The Committee considered a schedule prepared by the Director of Public Health containing details of any reviews received during the period since the its last meeting.
- 8.2 **RESOLVED** - That the contents of the schedule be received and noted.

9 SCHEDULE OF APPEALS

- 9.1 The Committee considered a schedule prepared by the Head of Law containing details of any appeals lodged during the period since its last meeting.
- 9.2 Councillor Simson enquired whether Officers had received any indication of the date on which the appeals lodged by Casba and Casba Two in Western Road were likely to be heard by the Magistrates Court. The Legal Adviser to the Committee confirmed that hearing dates had yet to be notified and that the premises could continue to trade to the extent of their hours had been heard and determined.

9.3 **RESOLVED** – That the contents of the schedule be received and noted.

10 ITEMS TO GO FORWARD TO COUNCIL

10.1 There were none.

The meeting concluded at 5.20pm

Signed

Chairman

Dated this

day of