

# Licensing Committee (Licensing Act 2003 Functions)

Date: **3 March 2023**

Time: **1.00pm**

Venue **Council Chamber, Hove Town Hall**

Members: John (Chair), Davis (Deputy Chair), Henry (Opposition Spokesperson), Simson (Group Spokesperson), Ebel, Fowler, Heley, Knight, Lewry, Moonan, O'Quinn, Phillips, Pissaridou, Rainey and C Theobald

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## AGENDA

### 19 PROCEDURAL BUSINESS

**(a) Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

**(b) Declarations of Interest:**

- (a) Disclosable pecuniary interests
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

**(c) Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

**NOTE:** *Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

*A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.*

### 20 MINUTES OF THE PREVIOUS MEETING

7 - 10

### 21 CHAIR'S COMMUNICATIONS

### 22 CALLOVER

- (a) Items (25 – 26) will be read out at the meeting and Members invited to reserve the items for consideration.
- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

## 23 PUBLIC INVOLVEMENT

To consider the following matters raised by members of the public:

- (a) **Petitions:** to receive any petitions presented to the full council or at the meeting itself;
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on the 27 Feb;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 27 Feb.

## 24 MEMBER INVOLVEMENT

To consider the following matters raised by councillors:

- (a) **Petitions:** to receive any petitions submitted to the full Council or at the meeting itself;
- (b) **Written Questions:** to consider any written questions;
- (c) **Letters:** to consider any letters;
- (d) **Notices of Motion:** to consider any Notices of Motion referred from Council or submitted directly to the Committee.

## 25 SCHEDULE OF REVIEWS AND APPEALS

11 - 14

## 26 REVIEW OF LICENSING PANEL HEARINGS ARRANGEMENTS

15 - 18

## 27 ITEMS REFERRED FOR COUNCIL

To consider items to be submitted to the 30 March 2023 Council meeting for information.

*In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting*

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested. Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

### **FURTHER INFORMATION**

For further details and general enquiries about this meeting contact , (01273 291354, email [Thomas.Bald@brighton-hove.gov.uk](mailto:Thomas.Bald@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

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Therefore, by entering the meeting room and using the seats in the chamber you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured, they should sit in the public gallery area.

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- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

Date of Publication - Thursday, 23 February 2023





**BRIGHTON & HOVE CITY COUNCIL**  
**LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)**

**3.00PM 13 OCTOBER 2022**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors John (Chair), Davis (Deputy Chair), Henry (Opposition Spokesperson), Simson (Group Spokesperson), Ebel, Knight, Moonan, O'Quinn, Pissaridou, Rainey, Phillips and Theobald

**Apologies:** Councillors Fowler, Heley, and Lewry

**PART ONE**

**11 PROCEDURAL BUSINESS**

**(a) Declarations of Substitutes**

1.1 Apologies from Councillors Heley, Fowler, and Lewry.

**(b) Declarations of Interest**

1.2 There were no declarations of interests in matters listed on the agenda.

**(c) Exclusion of Press and Public**

1.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.

1.4 **RESOLVED:** That the press and public not be excluded.

**12 MINUTES OF THE PREVIOUS MEETING**

**RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 23 June 2022 be agreed and signed as a correct record.

**13 CHAIR'S COMMUNICATIONS**

The Chair gave the following communications:

This committee only will see one paper, if called, but for the record there are no new reviews or appeals to report on and therefore these papers are not included.

I thank all Councillors for continuing to make themselves available for licensing panels, but would still call on colleagues who may not put themselves forward as much, to do so. As mentioned in our last committee, our Democratic and licensing Officers and I would still like to find a way to increase engagement from members, so we will be in touch to continue the conversation.

However, in the short term, when you receive an email request, please do let Democratic Services know either way if you are able to attend, so they can cross you off or not, as the case may be.

I also wanted to remind Members of the upcoming dates for Operation Marble, you should have all received an email from PC Kate Hancox inviting us to join Operation Marble on either or both dates in November and December, I note some members are yet to respond, so please do let Kate know either way.

We have also been invited to a round table to have informal discussion with Police Licensing in January, you should have all received a diary hold, where we will have an opportunity to discuss many things, including our marble tours. So I hope to see many of you there as we continue to enjoy positive relationships with our colleagues in the Police force.

#### **14 CALL OVER**

The following item was called:

**Item 17** Review of Licensing Panel Hearings Arrangements

#### **15 PUBLIC INVOLVEMENT**

There were none.

#### **16 MEMBER INVOLVEMENT**

There were none.

#### **17 REVIEW OF LICENSING PANEL ARRANGEMENTS**

**17.1** Rebecca Sidell introduced the report starting on page 13 of the Agenda.

**17.2** Councillor Simson raised that the flexibility to hold meetings virtual or in person where possible is important, and suggested that Democratic Services do checks with members of the public beforehand to ensure they can attend.

**17.3** Councillors O'Quinn and Theobald raised that the virtual system has worked well and made life easier for all attending Licensing Panels.

**17.4** Councillor Knight raised that it is hard to do virtual Licensing Panels without paper copies of the Agenda.

#### **RESOLVED:**

1. That Committee notes the ongoing risk of fluctuation in relation to Covid



infection rates as well as the additional benefits of holding virtual meetings in terms of enabling participation in the Licensing process and recommends that Licensing Panels continue to meet virtually until March 2023. This does not preclude holding a panel hearing in person where the individual circumstances of an application may warrant it

2. That Committee delegates authority to the Executive Director - Governance, People & Resources after consultation with the Chair and group spokespersons to determine arrangements for Licensing Panel hearings until the next Licensing Committee in March 2023.

3. That the Committee recommends that in exercising this authority the above officer takes into account all relevant factors including latest public health and government guidance, the situation with other council meetings and the need to ensure fair and transparent procedures in accordance with the Hearings Regulations 2005.

**18 ITEMS REFERRED FOR COUNCIL**

There were none.

The meeting concluded at Time Not Specified

Signed

Chair

Dated this

day of



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

**Agenda Item**

Brighton & Hove City Council

**Schedule of Licensing Appeals: Date of Meeting: 3<sup>rd</sup> March 2023**

| <b>Premises</b>                                 | <b>Appellant</b>  | <b>PTR</b> | <b>Hearing</b> | <b>Outcome</b> |
|---|---|------------|----------------|----------------|
| Tivoli Food & Wine, 2 Tivoli Crescent, Brighton | Licence holder appeal against revocation of licence on review | 24.3.23    |                |                |
|   |   |            |                |                |
|   |   |            |                |                |
|   |   |            |                |                |



## Schedule of Reviews from 1<sup>st</sup> April 2022

| <b>NAME AND ADDRESS OF PREMISES</b>  | <b>Review called by</b>  | <b>DATE OF HEARING</b>  | <b>DETERMINATION</b>  |
|--|--|---|---|
| Yelken,<br>109 St James's<br>Street<br>Brighton<br>BN2 1TH   | Sussex Police<br>(PCD)   | 12.12.22  | Yellow card warning issued,<br>no sales of alcohol for Pride<br>2023 and amended training<br>condition. |
| Donatellos,<br>1/3 Brighton Place<br>Brighton<br>BN1 1HJ   | South East -<br>Immigration<br>Compliance &<br>Enforcement<br>Team (PCD) | 11.01.23  | Yellow card warning issued<br>and extra conditions added<br>regarding RTW checks and<br>training.       |
| Antidote Bar,<br>5 - 6 Western<br>Road<br>Hove<br>BN3 1AE  | Sussex Police<br>(PCD)   | 06.02.23  |   |
| Black Horse Inn<br>112 Church Street<br>Brighton<br>BN1 1UD  | Sussex Police<br>(Expedited<br>Review)<br>(PCD)                          | Interim<br>Steps<br>hearing<br>19.01.23<br><br>Summary<br>Review<br>hearing<br>13.02.23 | Interim steps – licence<br>suspended<br><br>Summary Review hearing -                                    |
| Monarch<br>Restaurant & Bar<br>46 - 50 Kings<br>Road<br>Brighton<br>BN1 1NA                          | Sussex Police<br>(Expedited<br>Review)<br>(PCD)                          | Interim<br>Steps<br>hearing<br>27.01.23<br><br>Summary<br>Review<br>hearing<br>21.02.23 | Interim steps – licence<br>suspended<br><br>Summary Review hearing -                                    |
| Happy Shopper<br>4 - 8 Upper<br>Bevendean<br>Avenue<br>Brighton<br>BN2 4FF<br>(Received<br>13.02.23) | Sussex Police<br>(PCH)   | TBC   |   |



# Brighton & Hove City Council

## Licensing Committee (Licensing Act 2003 Functions)

## Agenda Item [Insert]

**Subject:** Review of Licensing Panel hearings arrangements

**Date of meeting:** 3<sup>rd</sup> March 2023

**Report of:** Executive Director – Governance, People and Resources

**Contact Officer:** Name: Rebecca Sidell  
Tel: 01273 291511  
Email: Rebecca.sidell@brighton-hove.gov.uk

**Ward(s) affected:** All

### For general release

#### 1. Purpose of the report and policy context

- 1.1 The report sets out the position in relation to the powers of the Licensing Committee to make its own arrangements in relation to the conduct of Licensing Panels convened under the Licensing Act 2003 (Licensing Panels).
- 1.2 The report proposes that members review the current arrangements and delegate authority to the Director of Governance, People & Resources after consultation with lead members to determine the future conduct of Licensing Panels until further review at the next committee in June 2023. The intention is to retain flexibility in the arrangements and to be able to respond to the latest public health and government advice.

#### 2. Recommendations

- 2.1 That Committee notes the ongoing risk of fluctuation in relation to Covid infection rates as well as the additional benefits of holding virtual meetings in terms of enabling participation in the Licensing process and recommends that Licensing Panels continue to meet virtually until June 2023. This does not preclude holding a panel hearing in person where the individual circumstances of an application may warrant it.
- 2.2 That Committee delegates authority to the Executive Director - Governance, People & Resources after consultation with the Chair and group spokespersons to determine arrangements for Licensing Panel hearings until the next Licensing Committee in June 2023.
- 2.3 That the Committee recommends that in exercising this authority the above officer takes into account all relevant factors including latest public health

and government guidance, the situation with other council meetings and the need to ensure fair and transparent procedures in accordance with the Hearings Regulations 2005

### **3. Context and background information**

- 3.1 Following the outbreak of the Covid-19 pandemic the Government enabled local authorities to hold 'virtual' meetings under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) (Amendment) Regulations 2020 ('the Regulations'). These Regulations expired on the 7th May 2021 and a recent Court decision confirmed that the Council must run those of its meetings which are governed by the Local Government Act 1972 with members and the public in attendance at a physical meeting.
- 3.2 However, Licensing Panels are established under different legislation (the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005.) This means that Licensing Committees are empowered to regulate their own procedures and those of its sub-committees (the Licensing Panels).
- 3.3 At the full Licensing Committees (Licensing Act 2003 Functions) on 24th June 2021, 14th October 2021, 17 February 2022 and 13 October 2022 members delegated authority to the Executive lead for Strategy Governance and Law after consultation with the Chair and group spokespersons to determine arrangements for Licensing Panels until further review by this committee. The decision was taken to continue to hold the panel hearings virtually via Teams pending review by this committee.
- 3.4 There is still uncertainty about future infection rates in the City. Council Committee meetings in person (where required by law) continue to take mitigation measures such as wearing masks and requiring testing. These arrangements were last reviewed in July 2022. It may seem sensible, where the legal flexibility exists as in this case, to continue with the virtual meetings. The minutes of this Committee held in February 2022 and since illustrate that many members remain supportive of virtual meetings as it was felt that there were also other advantages of remote attendance for both members and the wider public. It was considered that it encouraged wider participation in the licensing process generally, being less formal than an in-person meeting, more accessible and more convenient saving time on travel. The remote panels will continue to be webcast.
- 3.5 The committee is thus invited to review the arrangements and indicate if virtual meetings should continue or if attendance of members at Hove Town Hall is preferred with remote attendance still an option for other parties. The situation can be kept under review as appropriate in light of the latest public health advice, the conduct of other Council meetings, and the national picture. A decision to continue with virtual meetings does not preclude holding a hearing in person where the individual circumstances of an application warrant it.

### **4. Analysis and consideration of alternative options**



4.1 Delegation to officers avoids the need to convene further urgent committee meetings and enables a flexible response to changing national or local conditions.

4.2 The delegation is only temporary and will be reviewed at the next full licensing committee in March 2023.

## **5. Community engagement and consultation**

5.1 These are regulatory hearings and the proceedings must give all parties the ability to participate as appropriate and enable the press and public to see and hear them

## **6. Conclusion**

6.1 The Licensing Committee is empowered to determine procedures for its sub-committees (licensing panels) and is able to delegate this function, after appropriate consultation, to senior officers for a temporary period in the interests of effective and flexible decision making

## **7. Financial implications**

7.1 There are no additional financial implications arising from this report

Name of finance officer consulted:                      Date consulted (dd/mm/yy):

## **8. Legal implications**

8.1 The Licensing Committee can determine its own procedures for its sub-committees (hearing panels) pursuant to s 9 Licensing Act 2003. There is no reason under the Licensing Act (see Section 10) why such determination cannot be delegated to officers in an appropriate manner as outlined in the report. Arguably each licensing panel could determine its own procedure at the outset but this is not practical given the need for advance notifications under the Hearings Regulations.

## **9. Name of lawyer consulted: Elizabeth Culbert                      Date consulted Equalities implications**

9.1 The Council has a public sector equality duty under s149 of the Equality Act 2010. In the exercise of its functions the Council must have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and those that do not. Decisions as to procedures will always take this into account.

## **10. Sustainability implications**

10.1 No direct sustainability implications

## **11. Other Implications**

### **Public health implications:**

- 11.1 Any decision to move to more face to face meetings will be informed by the latest public health guidance. Good practice would indicate that Members should not attend meetings where they have respiratory infections and that good ventilation continues to be advised.