





Brighton & Hove
City Council

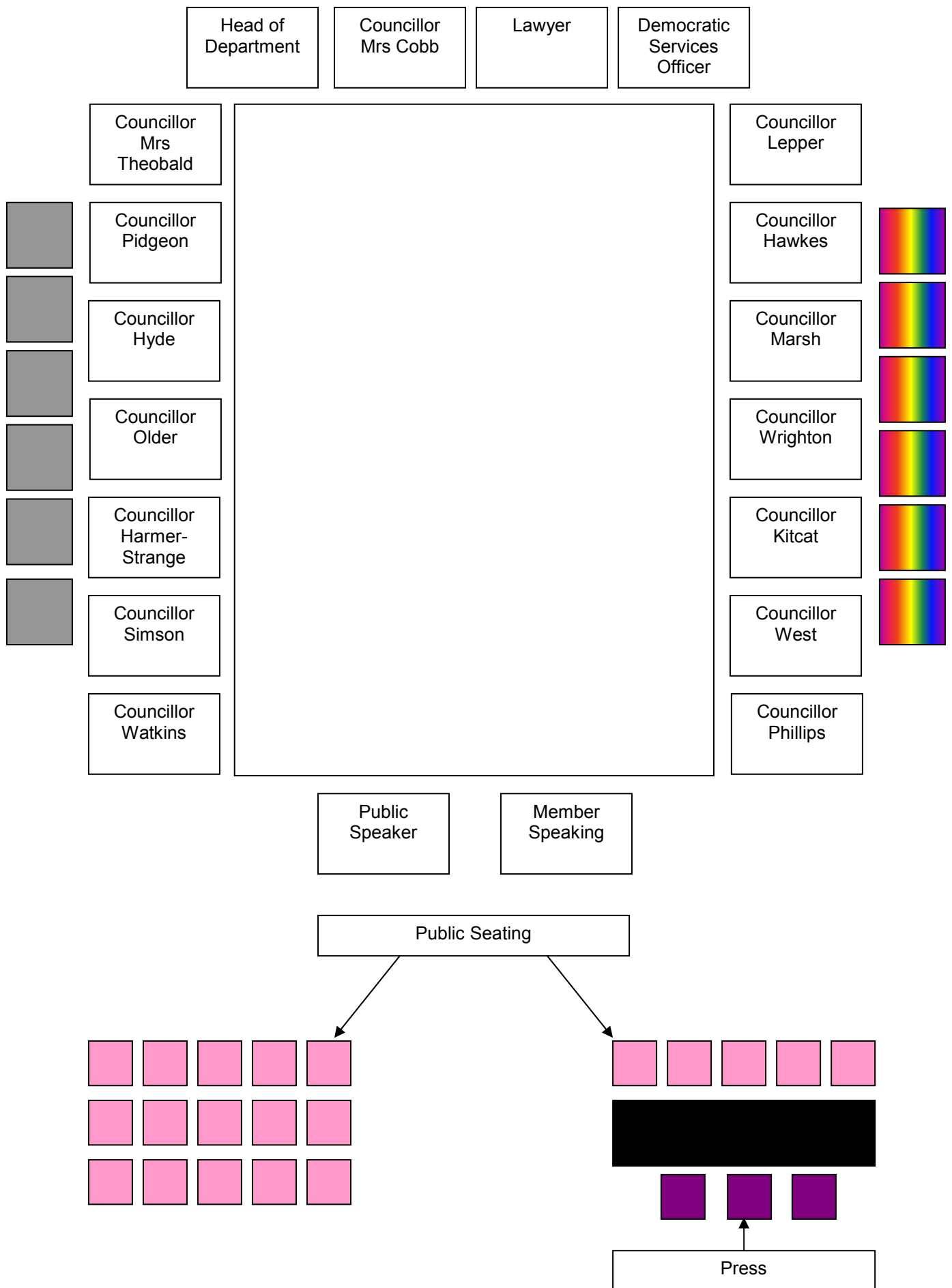
Licensing Committee

(Licensing Act 2003 Functions)

Title:	Licensing Committee (Licensing Act 2003 Functions)
Date:	10 February 2011
Time:	3.30pm (or conclusion of Non 2003 Committee)
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: Cobb (Chairman), Lepper (Deputy Chairman), Harmer-Strange, Hawkes, Hyde, Kitcat, Marsh, Older, Phillips, Pidgeon, Simson, C Theobald, Watkins, West and Wrighton
Contact:	Penny Jennings Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk

	The Town Hall has facilities for wheelchair users, including lifts and toilets
	An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter and 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.
	FIRE / EMERGENCY EVACUATION PROCEDURE If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions: <ul style="list-style-type: none">• 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.

Democratic Services: Meeting Layout



AGENDA

Part One

Page

18. 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 by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (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 2 of the Agenda states in its heading either that it is confidential or 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 categories of exempt information is available for public inspection at Brighton and Hove Town Halls.

19. MINUTES OF THE PREVIOUS MEETING

1 - 6

Minutes of the meeting held on 18 November 2010 (copy attached)

20. CHAIRMAN'S COMMUNICATIONS

21. CALLOVER

NOTE: Public Questions will be reserved automatically.

22. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 3 February 2010)

No public questions received by date of publication.

23. PETITIONS

None received as at date of publication.

**24. CONSIDERATION OF RESOLUTION OF FULL COUNCIL IN
RELATION TO ADOPTION OF NEW LICENSING POLICY**

7 - 10

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

Resolution of Full Council, 16 December 2010 (copy attached)

Contact Officer: *Mark Wall*

Tel: 29-1006

Ward Affected: *All Wards*

25. SCHEDULE OF LICENSING APPEALS

11 - 12

Report of the Strategic Director of Resources (copy attached)

Contact Officer: *Rebecca Sidell*

Tel: 29-1511

Ward Affected: *All Wards*

26. SCHEDULE OF LICENSING REVIEWS

13 - 14

Report of the Strategic Director of Resources (copy attached)

Contact Officer: *Jean Cranford*

Tel: 29-2550

Ward Affected: *All Wards*

27. ITEMS TO GO FORWARD TO COUNCIL

To consider items to be submitted to the 23 March Council meeting for information.

In accordance with Procedural Rule 24.3a the Committee may determine that any item is to be included in its report to Council. In addition each Minority Group may specify one further item to be included by notifying the Chief Executive by 10.00am on 14 March 2010.

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 fifth working day before the meeting.

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

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.

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065) email penny.jennings@brighton-hove.gov.uk or email democratic.services@brighton-hove.gov.uk

Date of Publication - Wednesday, 2 February 2011

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)	Agenda Item 19 Brighton & Hove City Council
---	---

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

3.30PM 18 NOVEMBER 2010

COUNCIL CHAMBER, HOVE TOWN HALL

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

10. PROCEDURAL BUSINESS

10a Declaration of Substitutes

10.1 Councillor Smart declared that he was substituting for Councillor C Theobald.

10b Declarations of Interest

10.2 There were none.

10c Exclusion of 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 consideration of any 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 100(1) of the Act).

10.4 **RESOLVED** – That the press and public be not excluded.

11. MINUTES OF THE PREVIOUS MEETING

11.1 **RESOLVED** – That the minutes of the meeting held on 24 June 2010 be signed by the Chairman as a correct record.

12. CHAIRMAN'S COMMUNICATIONS

12.1 There were none.

13. PUBLIC QUESTIONS

13.1 There were none.

14. STATEMENT OF LICENSING POLICY :THREE 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.”

15. SCHEDULE OF LICENSING APPEALS

- 15.1 The Committee considered the schedule of Licensing appeals carried out during the period covered by the report.

RESOLVED – That the content of the report be noted.

16. SCHEDULE OF LICENSING REVIEWS

- 16.1 The Committee considered a report setting out details of the Licensing reviews carried out during the period covered by the report.
- 16.2 In answer to questions the legal adviser to the Committee confirmed that it was understood that an appeal was to be lodged by “Sky Food and Wine”, although the initial paperwork had not been accompanied by the correct fee. An appeal date had yet to be set for a hearing at the Magistrates Court and the premises could continue to trade until such time as the appeal had been determined.
- 16.3 **RESOLVED** – That the content of the report be noted.

17. ITEMS TO GO FORWARD TO COUNCIL

- 17.1 **RESOLVED** - That Item 14, "Statement of Licensing Policy: Three Year Review" be referred to the meeting of Full Council to be held on 16 December 2010 for approval.

The meeting concluded at 5.00pm

Signed

Chairman

Dated this

Day of

**EXTRACT FROM THE DRAFT PROCEEDINGS OF THE COUNCIL
MEETING HELD ON THE 16 DECEMBER 2010****BRIGHTON & HOVE CITY COUNCIL****4.30pm 16th December 2010
COUNCIL CHAMBER, BRIGHTON TOWN HALL****DRAFT MINUTES**

Present: Councillors: Wells (Chairman), A. Norman (Deputy Chairman), Alford, Allen, Barnett, Brown, Carden, Caulfield, Cobb, Davey, Davis, Deane, Duncan, Elgood, Fallon-Khan, Fryer, Hamilton, Harmer-Strange, Hawkes, Hyde, Janio, Kemble, Kennedy, Kitcat, Lepper, Marsh, McCaffery, Meadows, Mears, Mitchell, Morgan, K. Norman, Older, Oxley, Peltzer Dunn, Phillips, Randall, Rufus, Simpson, Simson, Smith, Steedman, C. Theobald, G. Theobald, Turton, Wakefield-Jarrett, Watkins, West, Wrighton and Young.

PART ONE**56. STATEMENT OF LICENSING POLICY – THREE-YEAR REVIEW**

- 56.1 Councillor Cobb introduced the report and stated that it was the third version of the Licensing Policy, which was much improved having had Member input following training and experience on Licensing Panels. She also stated that she was happy to accept the Liberal Democrat amendment as detailed in the addendum papers.
- 56.2 Councillor Elgood moved the Liberal Democrat amendment to add a further recommendation to the report and thanked the Councillor Cobb for accepting the amendment, which had resulted from concerns raised by residents over the impact of late night drinking in the area.
- 56.3 Councillor Watkins formally seconded the amendment.
- 56.4 Councillor Lepper stated that she felt it was important that Members had been able to contribute to the review of the policy having gained experience through training and serving on Licensing Panels. She believed the Cumulative Impact Area (CIA) had proved to be a great success, and recognised the need to review the boundaries with Special Stress Areas. She therefore welcomed the Liberal Democrat amendment.
- 56.5 Councillor West stated that he wished to move an amendment on behalf of the Green Group to the Liberal Democrat's amendment so that the review would include all Stress Areas rather than just the one mentioned. He welcomed the changes in the policy which had taken on board matters raised by residents and the responsible authorities, but felt that the CIA needed to be extended.

- 56.6 Councillor Kitcat formally seconded the amendment.
- 56.7 The Mayor noted that an additional amendment had been moved and called on the Monitoring Officer to clarify the position in relation to the Licensing Policy and the outcome of approving the amendment.
- 56.8 The Monitoring Officer stated that there was a need to comply with Administrative Law Principles and in taking into account the Green Group's amendment, it would result in the CIA potentially covering the whole of the city. In order to extend the CIA a consultation exercise with all stakeholders would be required to show the support for any change. There would be a need to show that any change could withstand any legal challenge and the wider the CIA the more difficult that defence became. He also stated that any proposed changes to the Licensing Policy would normally come forward from the Licensing Committee as the responsible body. There was also a need to take into account the resource implications for a wider consultation exercise. Whilst the Liberal Democrat Group's amendment could be addressed by the report before the council the Green Group's amendment had a greater impact. He therefore suggested that it would be more appropriate to refer the matter back to the Licensing Committee. The proposed amendment could be agreed in principle and the Licensing Committee asked to give it consideration in light of an officer report.
- 56.9 Councillor Mitchell welcomed the advice from the Monitoring Officer and stated that she supported the proposal to refer the amendment back to the Licensing Committee for consideration.
- 56.10 Councillor Peltzer Dunn stated that he believed the Green Group's proposed amendment had the potential to result in a CIA that covered the whole city. He was concerned about the resource implications for such a consultation exercise and the maintenance of such a large CIA. He believed that there was a need to approve the policy before the council and therefore it was more appropriate to refer the amendment back to the Licensing Committee for consideration.
- 56.11 Councillor Cobb stated that she believed it would have been more appropriate for the Green Group to have moved the amendment at the Licensing Committee meeting rather than at the council meeting. There was a need to have an agreed policy in place for the beginning of January and whilst the Liberal Democrat Group's amendment could be accommodated, the Green Group's amendment had wider resource implications which would need to be considered by the Licensing Committee.
- 56.12 Councillor Randall noted the comments and stated that the Green Group would accept the approval in principle and referral to the Licensing Committee.
- 56.13 The Mayor noted that the report had been moved and that two amendments had also been moved. He therefore put the Liberal Democrat Group's amendment to the vote which was carried.
- 56.14 The Mayor then put the Green Group's amendment to the vote on the basis that it was to be approved in principle and referred to the Licensing Committee, which was carried.

56.15 The Mayor then put the substantive recommendations as amended to the vote which were carried.

56.16 **RESOLVED:**

- (1) That the revised Statement of Licensing Policy as amended by the Licensing Committee be approved and adopted; and
- (2) That in adopting the new Licensing Policy, the concern expressed by residents in all Special Stress Areas and others in the city be noted; and
- (3) That the Licensing Committee be requested to receive an officer report and give consideration to undertaking consultation and review of the evidence with a view in principle, to the possible inclusion of the areas in (2) above in the Cumulative Impact Area at the earliest opportunity.

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

Agenda Item 25

Brighton & Hove City Council

**Schedule of Licensing Appeals: For Meeting: 10 February
2011**

Premises	Appellant	PTR	Hearing	Directions	Outcome
Lord of the Wines, 43 St. James Street, Brighton	Interested party	25.11.10	3 rd and 4 th March 2011		
Sky Food and Wine	Premises Licence Holder	16 th December 2010	10 th March 2011		Withdrawn by Applicant : Therefore Licence Revoked
Sainsbury's Local North Street	Sainsbury's		3 February 2011		

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

Agenda Item 26

Brighton & Hove City
Council

Reviews 18 November 2010 – 18 January 2011

NAME AND ADDRESS OF PREMISES	Date consideration of closure order received from Magistrates or review received	DATE OF HEARING	DETERMINATION
<p>VaVoom 31 Old Steine Brighton East Sussex BN1 1EL</p>	<p>23.11.2010</p>	<p>21.01.11</p>	<p>Voluntary closure for one month then re-open with cut back hours and added conditions</p>
<p>Brighton Bargain 116 London Road Brighton Brighton & Hove BN1 4JG</p>	<p>21.12.2010</p>	<p>15.02.11</p>	<p><u>To be confirmed</u></p>

