

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

**3.30PM 5 MARCH 2015**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Powell (Chair), A Kitcat, Simson (Opposition Spokesperson), Lepper (Opposition Spokesperson), Cobb, Hamilton, Hyde, Jones, Kennedy, Marsh, Rufus and C Theobald

**PART ONE**

**22 PROCEDURAL BUSINESS**

**22a Declaration of Substitutes**

22.1 Councillor Hamilton declared that he was substituting for Councillor Gilbey.

**22b Declarations of Interest**

22.2 There were none.

**22c Exclusion of the Press and Public**

22.3 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).

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

**23 MINUTES OF THE PREVIOUS MEETING**

23.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 20 November 2014 be agreed and signed as a correct record.

**24 CHAIR'S COMMUNICATIONS**

24.1 The Chair thanked all of her fellow Committee Members for their support during her period as Chair. She wished every success to those who were standing for in the forthcoming local government elections and placed on record her thanks and those of the Committee to those outgoing Councillors who were not standing, namely, Councillors Jones, Kennedy, A Kitcat, Lepper and Rufus, thanking them for their contribution whilst Members of the Committee. Particular tribute was paid to Councillor Lepper for her contribution over a number of years including a period as Chair of the Committee when the current licensing legislation first came into force.

## **25 PUBLIC INVOLVEMENT**

### **25a Petitions**

25.1 There were none.

### **25b Written Questions**

25.2 There were none.

### **25c Deputations**

25.3 There were none.

## **26 MEMBER INVOLVEMENT**

### **26a Petitions**

26.1 There were none.

### **26b Written Questions**

26.2 There were none.

### **26c Letters**

26.3 There were none.

### **26d Notices of Motion**

26.4 There were none.

## **27 ANNUAL REPORT OF LICENSING AUTHORITY 2014**

27.1 The Committee considered a report of the Director of Public Health setting out the licensing and gambling functions for Brighton & Hove Council carried out during 2014 and detailing national matters which had included legislative changes and consultation.

27.2 Tables included in the body of the report showed the numbers of applications and hearings over for the last three years including those granted, refused and withdrawn.

The Licensing Authority had dealt with 10 reviews (including 2 gambling premises for failed test purchases) and there had been a number of challenging reviews. Details were also set out detailing the types and numbers of gambling licences issued.

- 27.3 With the agreement of the Chair, Inspector Katy Woolford gave a power point presentation (slides circulated to Members) detailing the potential benefits for the city which could result from a Late Night Levy. Officers had monitored progress in Newcastle and other licensing districts where a levy had been brought into force and in addition had recently paid a fact finding mission to Newcastle. The Police supported the levy as a funding stream of assistance in countering rising incidence of sexual assault crime and could be used to fund taxi marshall and similar schemes.
- 27.4 Whilst thanking the Inspector Woolford for her presentation Councillors Lepper and Simson stated that the Committee was unable to give support for this concept in the absence of a detailed and balanced officer report on this subject. There were reasons for and against adopting a late night levy. A number of authorities had not adopted this approach and some who had had subsequently abandoned it. In the past for various reasons the Committee had resisted this. Other Committee Members were in agreement. Members considered that whilst there were benefits in reducing late night alcohol availability, there were also risks to the local economy, there could be a perceived unfairness in that all late night premises paid for the impact caused by a few. A Late Night Levy was not ruled out but Members needed to be given the opportunity to give this matter full and proper consideration.
- 27.5 Members requested that officers prepare a report for consideration by the new Committee post May 2015, once newly appointed Members had had the opportunity to be fully trained. It was considered that two cycles would probably be appropriate.

- 27.6 **RESOLVED** - (1) That the Committee note the contents of the report; and
- (2) That officers should continue to monitor trends of applications and illegal activity to inform future policy.

## **28 REVIEW OF STATEMENT OF LICENSING POLICY – INTERIM REPORT**

- 28.1 The Committee considered a report of the Director of Public Health giving an interim update on the current Statement of Licensing Policy.
- 28.2 It was explained that the Council, as Licensing Authority had a statutory duty to review its Statement of Licensing Policy (SoLP) every five years. The previous review had been adopted on 15 December 2011 by Full Council and the revised Statement of Licensing Policy had come into effect on 20 December 2011. The revised statement of licensing policy had included an expanded cumulative impact zone (CIZ) and a new larger special stress area (SSA). In addition, a matrix approach to licensing decision making had been adopted. At its meeting on 20 November 2014 the Committee had considered a report in relation to the proposed revision of the current Statement of Licensing Policy and it had been agreed that officers would report back to the March 2015 meeting of the Committee with an updated draft SoLP for statutory and public consultation.

- 28.3 **RESOLVED** - (1) Officers continue to carry out work to review the SoLP to incorporate emerging policy issues such as Sensible on Strength and off licences and advice from the Director of Public Health England and the Local Government Association; and
- (2) Officers to report back to the scheduled June 2015 meeting of the Committee with an updated draft SoLP for statutory and public consultation.

## 29 RENEWAL OF PERSONAL LICENCES

- 29.1 The Committee considered a report of the Director of Public Health providing Members with an update in relation to the 10 year renewal of personal licences in order to apprise them of local and national issues.
- 29.2 The Head of Regulatory Services explained that when the Licensing Act 2003 had been introduced in November 2005, the local authority had become responsible for issuing personal licences, which would be valid for a period of ten years after which time they needed to be renewed.
- 29.3 It was explained that the Government was intending to remove the requirement for personal licence holders to renew their licences every ten years through the Deregulation Bill, currently before Parliament, it seemed unlikely however, that this would receive Royal Assent before the tenth anniversary of the date at which the first applications for personal licences had been received and processed by the Council during April/May 2005. As the Council had a duty to process personal licence renewal applications until the Government removed that requirement the application form to renew a licence had been amended so that licence holders were required to provide only essential information to the licensing authority. Copies of the application form were available on the Council website.
- 29.4 **RESOLVED** – That the contents of the report be noted.

## 30 SCHEDULE OF REVIEWS

- 30.1 The Committee considered a schedule prepared by the Director of Public Health setting out details of any reviews which had taken place since its last meeting.
- 30.2 **RESOLVED** – That the contents of the schedule be received and noted.

## 31 SCHEDULE OF APPEALS

- 31.1 The Committee considered the schedule prepared by the Head of Law containing details of any appeals lodged during the period since its last meeting.
- 31.2 **RESOLVED** – That the contents of the schedule be received and noted.

## 32 ITEMS TO GO FORWARD TO COUNCIL

- 32.1 There were none.

The meeting concluded at 5.10pm

Signed

Chairman

Dated this

day of