

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

5.15PM 30 JUNE 2016

FRIENDS MEETING HOUSE, SHIP STREET, BRIGHTON

MINUTES

Present: Councillors O'Quinn (Chair), Horan (Deputy Chair), Wares (Opposition Spokesperson), Deane (Group Spokesperson), Allen, Bell, Cattell, Gilbey, Hyde, Lewry, Moonan, Page, Phillips and Simson

PART ONE

1 PROCEDURAL BUSINESS

1a Declaration of Substitutes

1.1 Councillor Allen declared that he was present in substitution for Councillor Morris.

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 on the agenda.

2 MINUTES OF THE PREVIOUS MEETING

- 2.1 Councillor Deane referred to paragraph 30.7 of the minutes stating that she wished it to be recorded that her concern was that as drafted café bars could become “pubs” and that such applications could be used as a means of circumventing the CIA.
- 2.2 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 3 March 2016 be agreed and signed as a correct record subject to the amendment set out above.

3 CHAIR'S COMMUNICATIONS

3a Chair's Communications

- 3.1 The Chair, Councillor O'Quinn, stated that she considered that training was vital to the committees' decision making role. It was important the members had a grasp of the germane issues in relation applications in the CIA/SSA in order to make facilitate consistent and robust decision making. A training session would be out into place for September which would provide practical guidance. e.g., examples of the types of application which might constitute an exception to policy and the process for making a decision. Additionally, as the council's existing Gambling Policy was due to be reviewed in the near future it was intended to deliver training in relation to this in advance of the scheduled October meeting of the Committee. Members were urged to attend all training sessions as they formed an integral constituent of their “licensing” toolkit.
- 3.2 The Chair, stated that in addition to planned training there would also be the opportunity to members of the Committee to join the Police on “Operation Marble”. As well as being an interesting evening it provided a valuable insight into the city's night time economy.
- 3.3 **RESOLVED** – That the position be noted.

3b Callover

- 3.4 All items appearing on the agenda were reserved for discussion.

4 PUBLIC INVOLVEMENT

5a Petitions

- 5.1 There were none.

5b Written Questions

- 5.2 There were none.

5c Deputations

- 5.7 There were none.

5 MEMBER INVOLVEMENT**6a Petitions**

6.1 There were none.

6b Written Questions

6.2 There were none.

6c Letters

6.3 There were none.

6d Notices of Motion

6.4 There were none.

6 UPDATE ON FUNDING FOR BEACH PATROL, TAXI MARSHALS AND SAFE SPACE

6.1 The Committee considered a report of the Acting Director of Public Health providing an Update in relation to funding for the Beach Patrol, Taxi Marshals and Safe Space.

6.2 The Public Health, Licensing Lead, Jim Whitelegg confirmed that he had met recently with Simon Walker from the "North Laine Pub Company" (representing local licensed premises) at his request in order to update him on progress. The Public Health, Licensing Lead explained that Mr Walker had been working hard to galvanise the trade and had been exploring three potential areas to be funded, the beach patrol, taxi marshals and safe space. He had met with operators whose businesses were located on the lower promenade to discuss contributions towards the cost of funding the Beach Patrol with limited success. Dialogue was continuing, however, the "North Laine Pub Company" had agreed to meet half the cost of providing this service with "Resolve Security" having agreed to pay the remainder whilst they continued to explore the possibility of receiving future/on-going funding from lower promenade operators.

6.3 Councillor Wares referred to the detailed and lengthy discussions which had taken place at the previous meeting and sought clarification regarding when/if a further report on the potential Late Night Levy (LNL) would be coming back to Committee. The Public Health Licensing Lead, Jim Whitelegg, explained that no further information had been received from the Home Office to date indicating when further details of proposals in respect of changing the levy would be released. In view of the clearly stated view of the Committee that a further report would be premature in advance of that detail it was not possible to provide a timeframe currently, essentially the matter remained in abeyance pro-tem. It was understood that at present Nottingham City Council was considering removing its existing levy as was Liverpool City Council. Chelmsford Borough had yet to determine the matter and were still investigating whether entering into voluntary arrangements would be more appropriate.

- 6.4 Councillor Horan asked why businesses located in West Street were not to be included in the Business Improvement District (BID) and it was explain that they had not wished to be included and could not be compelled to do so.
- 6.5 Councillor Simson stated that given that businesses clearly had no appetite for a LNL it was important to seek to encourage them to contribute towards the cost of these important initiatives. Councillor Wares asked whether funding was being sought towards the costs of any other initiatives. It was explained that the Street Pastors were currently funded as part of the Safe Space initiative.
- 6.6 **RESOLVED** – (1)The Committee notes the content of the report; and
- (2) Authorises Officers to continue to work with the licensed trade in Brighton & Hove regarding alternative funding options for safeguarding projects within the night time economy.

7 **ADDITIONAL INFORMATION RELATING TO ANNUAL REPORT OF THE LICENSING AUTHORITY 2015**

- 7.1 The Committee considered a report of the Acting Director of Public Health which provided additional information relating to the licensing functions carried out by the city council during 2015.
- 7.2 At the Last meeting of the Committee held on 3 March 2016 the Committee had considered that it would be beneficial if Members could receive a further update report to their next scheduled meeting in June which provided detail behind the figures, for example, geographical spread and details of different types of operation and premises. The Public Health Licensing Lead, Jim Whitelegg, referred to details which had been provided setting out the numbers of applications received and processed, plus details of hearings which had taken place over the past two years, including in respect of those granted, refused and withdrawn.
- 7.3 Councillor Moonan noted that there had been an increase albeit small in the number of premises across the city and went on to state that against that back drop the planned training to which the Chair had referred would be timely.
- 7.4 Councillors Horan, the Deputy Chair and Wares concurred, whilst each application was considered on its individual merits, it was important to seek to ensure that the decision making process was consistent and that Members had a clear understanding of the circumstances which could constitute an exception to policy.
- 7.5 Councillor Gilbey sought clarification regarding the circumstances under which a licence was renewed and it was explained that a licence required renewal if there was a change of licence holders or variations were requested to the existing licence conditions. Only those licences where objections had been lodged were required to be determined by a Panel of members of the parent Committee.
- 7.6 **RESOLVED** – (1) That the Committee notes the contents of the report; and

(2) That officers should continue to monitor trends in respect of applications and illegal activity in order that this will inform future policy and to report back to the Committee on an annual basis.

8 SCHEDULE OF REVIEWS

8.1 The Committee considered the schedule prepared on behalf of the Acting Director of Public Health.

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

9 SCHEDULE OF APPEALS

9.1 The Committee considered the schedule prepared on behalf of the Executive Lead for Strategy, Governance and Law.

9.2 **RESOLVED** – That the content of the schedule be received and noted.

10 ITEMS TO GO FORWARD TO COUNCIL

10.1 There were none.

The meeting concluded at 5.15pm

Signed

Chairman

Dated this

day of

