

**BRIGHTON & HOVE CITY COUNCIL**

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

**3.00PM 25 JUNE 2020**

**VIRTUAL - VIA SKYPE**

**MINUTES**

**Present:** Councillors O'Quinn (Chair), Atkinson (Deputy Chair), Deane (Opposition Spokesperson), Simson (Group Spokesperson), Appich, Bagaeen, Davis, Ebel, Fowler, Henry, Lewry, Osborne, Rainey, Wares and Williams

**PART ONE**

**1 PROCEDURAL BUSINESS**

**(a) Declarations of Substitutes**

1.1 There were none.

**(b) Declarations of Interest**

1.2 There were none.

**(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 from the meeting during consideration of any items contained in the agenda.

**2 MINUTES OF THE PREVIOUS MEETING**

2.1 It was noted that Councillor Atkinson, the Deputy Chair had been present at the meeting but had, had to leave midway through due to a family emergency.

- 2.2 Councillor Wares stated that he had expressed concern and indeed had continuing concerns because the fact that the Police custody suite was located in Hollingbury gave a skewed picture which misleadingly inflated crime figures for that area. Potentially that could impact on the ability of residents to obtain insurance for example as it could imply that there was a high risk of crimes against the person in the area which was not in fact the case. Councillor Wares requested an addition be made to the minutes to reflect that and that the wording set out below be added to Paragraph 28.4

“Councillor Wares also raised concern that data provided by the police on violence against the person was misleading. Councillor Wares referred to maps that showed a green coloured area in Hollingbury that to the casual reader could be interpreted as a hot spot. Councillor Wares pointed out that in fact the police custody centre was located there and offences were being recorded there which had taken place elsewhere across the city. Councillor Wares was concerned this skewed public perception, adversely affected data use and could wrongly impact the cost of insurances in the area. Councillor Wares asked for future reports to properly reflect the data and make clear distinctions in the data. “

- 2.3 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 12 March 2020 be agreed and signed as a correct record subject to the amendment and addition set out above.

### 3 CHAIR'S COMMUNICATIONS

- 3.1 The Chair, Councillor O'Quinn stated that when the last meeting of the Committee had taken place back in March no one could have guessed that life would change so much due to the Coronavirus emergency. The social and economic landscape had changed quite dramatically and it has had a very severe impact on the hospitality sector, much of which came under the Committees remit. The city had been like a ghost city for much of the time since Lockdown began, only recently, with the re-opening of shops had the city started to come to life. When she had walked through the town centre in mid-April it had been really noticeable how many cafes, restaurants, pubs and bars there were all of which were shut.
- 3.2 She had taken a long walk along the seafront, from Brighton to Hove with Councillor Appich, to see what was happening with licensed premises when they first started opening for off-sales. There were definitely some issues to begin with but Councillor Appich and herself could find little to concern them when we went on their walk. Well, few issues that were to do with licensing. Queuing for toilets had left much to be desired in terms of social distancing, but councillor Appich quickly got that remedied by City Clean. The Chair was that she spoke for everyone when stating that she was delighted that the hospitality sector will be re-opening from July 4<sup>th</sup>, following strict guidelines, of course. It would still be difficult, even with a one metre rule in place for the outside, for businesses to operate at any sort of profit but they certainly had the support of the residents of this city who had missed being able to go and have a drink at the pub, a coffee at a café and a meal in a restaurant. It was hoped that there would not be too many job losses in this sector as it provided a very significant percentage of jobs in the city.

3.3 A number of Licensing Hearing Panels had now been held and they have gone well, despite technical difficulties at the outset and large numbers of representations on some panels. She felt that the virtual panels had proved to both accessible and democratic so would like to thank all those involved in working to set up the guidelines and technical systems. Jim Whitelegg had been asked to give us an up-date on what has been happening regarding licensing since March and an interim report will be brought to the committee in November. Jim would also provide us with some detail regarding the guidelines for the for the opening of licensed premises and what recovery might look like.

3.4 **RESOLVED** – That the content of the Chair’s Communications be noted and received.

#### **4 CALLOVER**

4. All items appearing on the agenda were called for discussion.

#### **5 PUBLIC INVOLVEMENT**

##### **5a Petitions**

5.1 There were none.

##### **5b Written Questions**

5.2 There were none.

##### **5c Deputations**

5.3 There were none.

#### **6 MEMBER INVOLVEMENT**

##### **6a Petitions**

6.1 There were none.

##### **6b Written Questions**

6.2 There were none.

##### **6c Letters**

6.3 There were none.

##### **6.d Notices of Motion**

6.4 There were none.

## 7 REVIEW OF STATEMENT OF LICENSING POLICY 2021 - DRAFT POLICY REPORT PRE-CONSULTATION

- 7.1 The Committee considered a report of the Acting Executive Director of Housing, Neighbourhoods and Communities setting out the proposed pre-consultation on the revised Review of the Statement of Licensing Policy 2021 for their approval.
- 7.2 it was explained that the Council as Licensing Authority had a statutory duty to review and publish its Statement of Licensing Policy (SoLP) every five years. The current policy had been adopted on 24 March 2016 by Full Council and was subsequently revised in March 2019. The Policy should be kept under review and it was timely to do so now.
- 7.3 Councillor Bagaeen stated that he could not support the recommendations as in his view tradition modes of working were changing of with the increasing use of home working and shared space working which would undoubtedly continue post the current pandemic. Therefore, such working arrangements were not unique were likely to continue to grow and therefore needed to be given serious consideration and to be factored into any policy changes going forward.
- 7.4 Following discussion the following amendments were made to the recommendations set out in the report. These were agreed and were then voted on as the substantive recommendations. These were voted on and were agreed on a vote of 11, with 1 against and 2 abstentions.
- 7.5 **RESOLVED** – That officers be authorised to initiate consultation regarding a review of the Statement of Licensing Policy, including the following proposals to consult on (more detail and background on these proposals is contained in section 3 of the report):
- (1) Maintain the current cumulative impact policy and zone as explained in the draft CIA to follow;
  - (2) Expand the Special Stress Area (SSA) to cover Preston Road and Beaconsfield Road (up to Stanford Avenue);
  - (3) Consider including the Marina into “Other areas” of the Matrix to reflect the increased number of residential properties;
  - (4) To amend the “Café” category of the Matrix by reducing the terminal time for the sale of alcohol from midnight 10pm or 11pm subject to consultation within the SSA and “other areas”, in line with the cumulative impact zone;
  - (5) Shopping parades - Amend note 8 of the Matrix to “*In an area where there are already several existing off-licences or where the premises is situated within a parade with another off licence and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds or restrictions placed on the terminal hour to reflect opening hours of other shops in the parade;*”

- (6) Alcohol in shared workspaces - Amend note 10 of the Matrix to clarify that “*non-alcohol led category does not include “alcohol in shared workplaces”. These type of premises are considered separately. It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm.* For further advice and guidance on “*alcohol in shared workplaces” please see paragraphs 3.3.5-3.3.7 (see Appendix C);*
- (7) Shadow Licences – add a new section to revised policy with advice, guidance and possible conditions. Please see section 3.10 in Appendix C.
- (8) Alcohol Delivery – amend the Off Licence section 3.5.5-3.5.8 of the revised policy with suggested conditions in Appendix C; and
- (9) Update out of date/irrelevant data, legislation and text, update night time economy safeguarding initiatives (see section 3.4 of the revised Statement of Licensing Policy contained in Appendix D).

## 8 SCHEDULE OF APPEALS

- 8.1 The Committee considered a schedule prepared on behalf of the Executive lead of Strategy, Governance and Law covering the period since the last meeting of the Committee.
- 8.2 Councillor Ebel referred to the action taken in respect of the “Gin Tub” asking for further information, stating that the 10 day suspension which had ultimately been handed down to the premises did not appear proportionate to the severity of the offences which had occurred nor the level of concern expressed by the Panel. The Chair, Councillor O’Quinn explained that between the initial hearings and the final hearing notwithstanding that drug traces had been found throughout the premises the premises licence holder had effected significant remedial measures to the satisfaction of the Police.
- 8.3 **RESOLVED** – That the contents of the report be noted.

## 9 SCHEDULE OF REVIEWS

- 9.1 The Committee considered the schedule prepared on behalf of the Acting Executive Director, Neighbourhoods and Communities covering the period since the last meeting of the Committee.
- 9.2 **RESOLVED** – That the contents of the report be noted.

## 10 ITEMS REFERRED FOR COUNCIL

- 10.1 There were none.

The meeting concluded at 5.30pm

Signed

Chairman

Dated this

day of