

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

4.00PM 17 FEBRUARY 2022

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Deane (Chair), Davis (Deputy Chair), Henry (Opposition Spokesperson), Simson (Group Spokesperson), Appich, Ebel, Knight, Moonan, O'Quinn, Rainey and C Theobald

Apologies: Councillors Bagaeen, Lewry and Phillips

PART ONE

24 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

24.1 Councillor Shanks was present in substitution for Councillor Heley.

(b) Declarations of Interest

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

(c) Exclusion of Press and Public

24.3 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.

24.4 **RESOLVED:** That the press and public not be excluded from the meeting.

25 MINUTES OF THE PREVIOUS MEETING

25.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 14th October 2021 be agreed and signed as a correct record.

26 CHAIR'S COMMUNICATIONS

26.1 I would like to talk to you about spiking incidents which have had considerable interest throughout the city in recent months. Following an increase in reported spiking incidents in October and November last year, the Police and Safe Space have seen a significant decrease in reported incidents. Police investigations are continuing and

both the Council and the Police are very conscious that spiking by alcohol or drugs is an ongoing issue and despite a drop in reported incidents, we are committed to addressing the problem by raising awareness and giving advice and support as well as taking enforcement action.

Guidance was put together by the Police in October 2021 and sent out to as many licensed premises as possible as soon as it was recognised there was an increase in reports being made. This guidance was disseminated in a number of ways but the main route was through the partnership working with Brighton and Hove Business Crime Reduction Partnership and colleagues in the council's Licensing team. In addition, round table meetings were held with venues and security companies to share best practice.

Many venues have purchased products to cover drinks, increased searches on entry, increased door and bar staff and brought in medics to make their venues as safe as possible in a bid to install confidence that they are doing as much as they can do to try keep people safe. Many venues and some mobile support units have also purchased drinks spiking test kits.

Public Health colleagues are currently working with universities and colleges to send an update of the current situation and provide advice and links on promoting safety as well as reporting incidents to the Police.

27 CALLOVER

27.1 The following items were called over:

Item 30 Review of Licensing Panel Hearing Arrangements

Item 30a Public Health Framework for Assessing Alcohol Licensing 2021 Review

Item 31 Schedule of Appeals

Item 32 Schedule of Reviews

28 PUBLIC INVOLVEMENT

28.1 There were no public engagement items.

29 MEMBER INVOLVEMENT

29.1 There were no Member engagement items.

30 REVIEW OF LICENSING PANEL HEARINGS ARRANGEMENTS

30.1 The Committee considered a report of the Executive Director, Governance, People and Resources, which set 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).

- 30.2 The report proposed that Members review the current arrangements and delegate authority to the Executive lead officer after consultation with lead members to determine the future conduct of Licensing Panels until further review at the next committee in June 2022. The intention was to build flexibility into the arrangements and be able to respond to the latest public health and government advice.
- 30.3 The report was presented by the Lawyer.
- 30.4 Councillor O'Quinn said that virtual Licensing Panels had worked well and had enabled a wider number of residents to participate. She did not want to see hybrid panels, preferring for them to be either in-person or virtual.
- 30.5 The Lawyer proposed that the decision regarding future arrangements be taken in consultation with the Lead Member. The idea currently was to see how Members felt about current arrangements and continue this flexibility until the next Licensing Committee in June.
- 30.6 Councillor Appich felt that virtual Licensing Panels had taken the fear away from residents and made them seem less formal. Going forwards, she asked officers to bear in mind the lessons learnt from virtual hearings and build these into whichever method of meetings were implemented in the future.
- 30.7 Councillor Theobald said virtual meetings had worked well and she preferred to keep to this arrangement in future.
- 30.8 Councillor Simson preferred in-person panels, citing problems with technology as her reason for this. She said that technical problems had caused extended meetings and she would want to see a return to in-person meetings when safe to do so. She asked if webcasting would continue if they returned to in-person meetings.
- 30.9 The Lawyer said it was very possible that webcasting would continue if Licensing Panels took place in-person.
- 30.10 Councillor Moonan said one of the main benefits of hybrid meetings had been accessibility – people with disabilities, parents with young children etc had been able to participate. She felt that attending in person was a huge barrier and she wanted members of the public to have the option to attend in person or remotely.
- 30.11 Councillor Davis said that virtual meetings empowered people because they could attend from the comfort of their own homes. Any system that enabled residents to get their points across was a good thing.
- 30.12 Councillor O'Quinn agreed. She said that virtual meetings had provided an opportunity for many more residents to engage with the licensing process. Meetings in Hove Town Hall were intimidating for some residents and they preferred taking part from home in familiar surroundings. It had worked extremely well.
- 30.13 Councillor Knight agreed that it was less intimidating to take part from home and said that residents appreciated not having to travel to the Town Hall. She felt that “back to normal” was not progress and she would not aspire to going back to in-person panels.

RESOLVED –

1. That the Committee delegate 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 2022.
2. 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 and the need to ensure fair and transparent procedures in accordance with the Hearings Regulations 2005.

31 PUBLIC HEALTH FRAMEWORK FOR ASSESSING ALCOHOL LICENSING 2021 REVIEW

- 30a.1 The Committee considered a report by the Executive Director of Housing, Neighbourhoods and Communities, which set out the review of the Annual report entitled 'Public Health framework for assessing alcohol licensing'.
- 30a.2 The report was presented by the Regulatory Services Manager. He informed Members that the Licensing Authority at Brighton and Hove was one of the first in the country to integrate Public Health into its Licensing Policy. The "Public Health Framework for Assessing Licensing" document was updated annually. It was presented on a ward-by-ward basis and provided an analysis of crime and disorder and health data. He introduced the Senior Public Health and Community Safety Analyst and the Public Health Intelligence Specialist who had led on the production of the framework document.
- 30a.3 The Senior Public Health and Community Safety Analyst presented some slides and a live demonstration of the Public Health framework.
- 30a.4 In response to a question from Councillor Moonan, the Senior Public Health and Community Safety Analyst advised that in terms of super output areas and crime data, she received a download from Sussex Police for crime and incident data every month and this included specific locations, so further analysis could be carried out. However, because of the presence of around 150 LSOAs (Lower Layer Super Output Areas) in the city it would be too unruly to include this data in the framework document.
- 30a.5 Councillor O'Quinn said the document was incredibly helpful for Licensing Panels because it gave Members an outline of what was going on the city. She asked if data regarding hospital admissions and ambulance call outs would be made available. The Senior Public Health and Community Safety Analyst said in terms of health data they had stuck to the same indicators that were previously incorporated, including hospital and accident and emergency admissions. She confirmed the framework document would be available once they had liaised with the web team about hosting it.
- 30a.7 Councillor Shanks asked if gender and age data would be included. The Senior Public Health and Community Safety Analyst said age and gender breakdowns were

not available but this analysis was done as part of the strategic assessment which would be published in April 2022.

30a.8 In response to a question from Councillor Simson, the Regulatory Services Manager advised that the document would be on the council's website and available for use by anyone. He explained that Licensing Officers had used it since 2013 to make representations against licensing applications. In terms of making residents aware, he explained there would be a link on the website which would signpost residents to the framework document.

30a.9 Cllr Simson thanked officers for their work.

30a.10 **RESOLVED –**

1. That the committee note the contents of the report.
2. That the Public Health framework for assessing alcohol licensing report should continue to be used to develop licensing policy and assess premises licence applications.

32 SCHEDULE OF APPEALS

31.1 The Committee considered the schedule prepared on behalf of the Executive Director of Housing, Neighbourhoods and Communities.

31.2 The Lawyer reported that Saltdean had been withdrawn as their licence had been surrendered and a new licence was in place with different operators. There was still a backlog with appeals.

31.3 **RESOLVED –** That the Schedule of Appeals be noted.

33 SCHEDULE OF REVIEWS

32.1 The Committee considered the schedule prepared on behalf of the Executive Director of Housing, Neighbourhoods and Communities.

32.2 Councillor O'Quinn noted there had been a lot of Reviews. The Regulatory Services Manager explained this was due to limited operations during Covid, particularly test purchase operations. These had now resumed.

32.3 Councillor Simson queried why all the Reviews had been applied for by Sussex Police and asked if the council needed to be more proactive about informing residents of their right to call for Reviews. The Regulatory Services Manager said they did inform residents and supported them with the process.

32.4 Councillor O'Quinn highlighted that councillors could also call Reviews and said they should be informed of this as part of their training.

32.5 Councillor Knight suggested a presentation at Group meetings about what councillors can do to help residents with licensing matters.

32.6 **RESOLVED** – That the Schedule of Reviews be noted.

33 ITEMS REFERRED FOR COUNCIL

There were none.

The meeting concluded at 5.10pm

Signed

Chair

Dated this

day of