

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

1.00PM 3 MARCH 2023

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors John (Chair), Davis (Deputy Chair), Henry (Opposition Spokesperson), Simson (Group Spokesperson), Ebel, Fowler, Heley, Knight, Moonan, Pissaridou, Rainey and Theobald.

Apologies: Councillors Lewry, O'Quinn and Phillips.

PART ONE

19 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

1.1 There were none.

(b) Declarations of Interest

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

(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.

20 MINUTES OF THE PREVIOUS MEETING

RESOLVED – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 13 October 2022 be agreed and signed as a correct record.

21 CHAIR'S COMMUNICATIONS

The Chair gave the following communications:

It's been a very busy period for Licensing Reviews as well as some very significant applications as well – the Licensing Team and our Panel members have dealt with a number of standard Licensing reviews brought by the Police and by Immigration, and in January we

received 2 expedited reviews. These applications are normally rare, as they are urgent reviews where the Police are concerned that the premises are associated with some serious crime or disorder. Obviously we hope that we don't have too many more of these but it shows how seriously we take everything, that they were brought so quickly and efficiently dealt with, so I send my thanks and appreciation to everyone involved with those.

The House of Lords select committee gave recommendations back in April 2017, and the select Committee has now given a follow up report that focuses on the coordination of Licensing and Planning, the Agent of Trade Principal and the importance of member training, some of which has been adopted in the recently revised version of the S182 Licensing guidance which was issued by the Home Office and is important as it states that the Licensing Authority must have read the guidance, and there's also an intention to make specific references to spiking in the guidance, with the intention of raising awareness and encouraging those with Licenses or applying for Licenses to thoroughly consider what, if any, measures need to be put in place to deter spiking happening, and to ensure that Licensing Authorities are giving due regard to issues around spiking. Going forward we can look at this an other aspects as well to see how that would shift as we review.

In response to the Manchester Arena bombing, the Government has introduced plans to introduce a new bill to implement Martin's Law. The New duty will require venues to take steps to improve public safety with measures dependent on the size of the venue and what activities are taking place within it. A fuller annual report of the Licensing Authority will come to the next Committee in June.

On that note, this could be the last Licensing Committee for all members – so if I'm not fortunate to return in this chair or on the other side of the table, I just want to say a massive thank you to officers across Licensing who do an outstanding job and to Tom, our Democratic Services Officer who's one of the best, as well as to all members who I've really enjoyed working with – thank you for being so generous with your knowledge and experience, its been a real privilege to serve as a Councillor and your Licensing Chair.

22 CALLOVER

Item 26 (Review of Licensing Panel Hearings Arrangements) was reserved for discussion.

Item 25 (Schedule of Reviews and Appeals) was therefore agreed.

23 PUBLIC INVOLVEMENT

There were none.

24 MEMBER INVOLVEMENT

There were none.

25 SCHEDULE OF REVIEWS AND APPEALS

RESOLVED:

That the Committee noted the report.

26 REVIEW OF LICENSING PANEL HEARINGS ARRANGEMENTS

26.1 The Legal Advisor (Rebecca Sidell) introduced the report.

26.2 Councillor Pissaridou was informed that members of the public hadn't been consulted on the recommendations as it was the decision of the Licensing Authority, however anyone that has requested an in person hearing so far has received one.

26.3 Councillor Simson raised that it would be helpful to confirm whether in-person Panels were webcast, and asked if there was any data that could be obtained to see how many people were watching the webcasts.

26.4 Councillor Moonan raised that if in-person Panels are happening, a room should be reserved for Democratic Services that is an adequate size. Thomas Bald raised that there could be potential for Democratic Services to take precedence on booking rooms where none are available.

26.5 Councillor Theobald raised that virtual panels are helpful and more accessible, and was concerned that having in-person Panels would prove more difficult to include people who are used to attending online.

RESOLVED:

1. That Committee notes the ongoing risk of fluctuation in relation to Covid infection rates as well as the additional benefits of holding virtual meetings in terms of enabling participation in the Licensing process and recommends that Licensing Panels continue to meet virtually until June 2023. This does not preclude holding a panel hearing in person where the individual circumstances of an application may warrant it.
2. That Committee delegates 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 2023.
3. 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, the situation with other council meetings and the need to ensure fair and transparent procedures in accordance with the Hearings Regulations 2005

27 ITEMS REFERRED FOR COUNCIL

There were none.

The meeting concluded at 13:35pm

Signed

Chair

Dated this

day of