

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

3.00PM 29 JUNE 2023

COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 3BQ - HTH/CC

MINUTES

Present: Councillors Daniel (Chair), Sheard (Deputy Chair), Pickett (Opposition Spokesperson), Baghoth, Cattell, Czolak, Davis, Fowler, Hewitt, Nann, Robinson, C Theobald and Thomson

Apologies: Councillors Lyons and McGregor

PART ONE

1 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

- 1.1 There were none.
- 1.2 Apologies from Councillors McGregor and Lyons.

(b) Declarations of Interest

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

(c) Exclusion of Press and Public

- 1.4 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.
- 1.5 **RESOLVED:** That the press and public not be excluded.

2 MINUTES OF THE PREVIOUS MEETING

RESOLVED – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 3 March 2023 be agreed and signed as a correct record.

3 CHAIR'S COMMUNICATIONS

The Chair gave the following communications:

Thank you for attending the recent licensing training given by Jim and Rebecca, which included our special policy on cumulative impact. The licensing authority are required to

publish a cumulative impact assessment every 3 years in order to review the special policy, after the consultation a paper on this policy will be brought to our October committee meeting for members to decide.

Our Statement of Licensing policy has to be reviewed every 5 years and officers will start consulting with relevant groups and key partners next year prior to going out to public consultation. This follows the consultation on the special policy on cumulative impact and that consultation forms part of a programme that gets us to the destination of a refreshed and updated Statement of Licensing Policy

Public safety is paramount in licensing and I'm keen that we consult with those groups that might be adversely affected by the night-time economy, especially LGBTQ groups, women and students. A lot of work has been done to develop strategies and initiatives to prevent VAWG (violence against women and girls) and keep people safe, and I'm keen that this is reflected within our Statement of Licensing Policy.

Some of the safeguarding initiatives that the licensing authority and partners already do are highlighted in the Annual report which we will consider shortly.

I note the recent "Notice of Motion" regarding the "Get Me Home Safely" scheme which was discussed at Full Council in February.

As part of review of the Statement of licensing Policy we intend to make reference to the Get Me Home Safely scheme, highlighting it as good practice for venues to adopt, as well as strengthening other safeguarding measures such as the prevention of modern slavery and violence against women and girls. Officers will engage with key partners and stakeholders next year before going out to public consultation.

I'm looking forward to attending the next Licensing Strategy Group, which is a multi-agency group that meets every 3 months with a wide-ranging membership of council officers, emergency services, support agencies, licensing trade reps, resident groups and university reps.

Finally, I understand that in previous years Police licensing along with Operation Marble have offered to give members a tour of night-time economy, so I look forward to finding out about that from officers.

And if any members would like to attend a short training session on licensing panel hearings Rebecca has kindly agreed to do a 30 mins refresher after committee (by the way I also found the training videos on the LGA and Cornerstone barrister websites really useful).

4 CALLOVER

The following items were reserved for discussion:

- Item 8 Annual Report of the Licensing Authority 2022/23
- Item 9 Review of the Cumulative Impact Policy – Cumulative Impact Assessment (Pre-Consultation)
- Item 10 Future Licensing Panel Hearing Arrangements

The following item was therefore agreed as per the recommendations set out in the reports:

Item 7 Constitutional Matters – Licensing

5 PUBLIC INVOLVEMENT

There were none.

6 MEMBER INVOLVEMENT

There were none.

7 CONSTITUTIONAL MATTERS – LICENSING COMMITTEES

RESOLVED:

1. That the committee's terms of reference, as set out in Appendix A to this report, were noted;

2. That the Committee established the Licensing Panel as a sub-committee (the membership of such Licensing Panel shall consist of three Members from the trained Members on the Licensing Committee, who will be able to sit on a panel and substitute for any designated Member of the Panel) to deal with licensing applications in accordance with the Terms of Reference are set out at Appendix A to this report.

3. That the Committee agreed to disapply the proportionality rules so far as a Licensing Panel is concerned in accordance with the Local Government (Committees and Political Groups) Regulations 1990;

4. That the establishment of an Urgency Sub-Committee consisting of the Chair of the Committee and two other Members (nominated in accordance with the scheme for the allocation of seats for committees), to exercise its powers in relation to matters of urgency, on which it is necessary to make a decision before the next ordinary meeting of the Committee be approved.

8 ANNUAL REPORT OF THE LICENSING AUTHORITY 2022/23

8.1 The Chair invited Sarah Cornell to introduce the report starting on page 19 of the Agenda.

8.2 Councillor Daniel was informed that:

- The Protect Duty (Martin's Law) was introduced on 19 December 2022, in response to the Manchester Arena terror attack, which obligates commercial events and venues to have procedures in place to recognise and counter terror activity.
- The amount of temporary event notices (TENs) has stayed relatively the same except for the years during COVID.
- There hasn't been an increase in drink spiking over the last year – potentially due to the raising awareness and schemes put in place.

- Some of the safeguarding initiatives in the report were funded through monies received from the Home Office for the Safer Streets funding, and there is likely to be further funding coming.

8.3 Councillor Fowler was informed that there have been no major incidents of needle spiking, and the reports are checked and analysed every week by Sussex Police.

8.4 Councillors Robinson, Pickett, and Sheard were informed that:

- Some premises are flagged due to intel that indicates they may be selling alcohol to underage people, explaining the high failure rate.
- The Council offers training to premises to combat underage sales of alcohol.
- Neither the Council nor Police would publish details of which premises have failed underage drinking tests.

*Jo Player to give a written response to Councillor Daniel and all Committee members regarding the actions under **3.5.3** in the report, and which ones have been/will be actioned.*

RESOLVED:

1. That the committee noted the contents of this report.
2. That officers should continue to monitor trends of applications and illegal activity to inform future policy.

9 REVIEW OF CUMULATIVE IMPACT POLICY - CUMULATIVE IMPACT ASSESSMENT (PRE-CONSULTATION)

9.1 The Chair invited Rebecca Sidell to introduce the report starting on page 41 of the Agenda.

9.2 Councillor Robinson was informed that:

- A large part of Hove was moved into the Special Stress Area, but moving Central Hove into the Cumulative Impact Zone would require a lot of evidence of crime and noise, which Central Hove doesn't have enough of to justify extending the CIZ.
- The Police would give representations against premises licenses where there is a high level of local crime and disorder.

9.3 Councillor Daniel was informed that levels of crime and anti-social behaviour dipped significantly during the COVID-19 pandemic and have only risen to pre-pandemic levels in 2023.

9.4 Councillor Theobald was informed that Operation Marble is included in the normal Police contingency but there is extra funding for additional night marshals and patrols.

RESOLVED:

Committee agreed:

1. To authorise officers to initiate consultation regarding a review of the cumulative impact policy, including the following proposals to consult on (please note, more detail and background on these proposals is contained in section 3 and the appendices of this report):
2. To authorise officers to initiate a consultation exercise to include the draft CIA and evidence in support of maintaining it.
3. That officers to report back to October 2023 committee with the final version of the CIA, following consultation.

10 FUTURE LICENSING PANEL HEARING ARRANGEMENTS

10.1 Rebecca Sidell introduced the report starting on page 83 of the Agenda.

10.2 Councillors Pickett and Theobald raised that virtual meetings are more accessible and democratic.

10.3 Councillor Cattell raised that virtual meetings are more sustainable as people aren't travelling into Hove Town Hall, but that issues could arise where invitees don't have English as their first language and a translator would be helpful.

10.4 Councillor Czolak was informed that the following reasons would be why a panel would be held in person:

- It is a complex application;
- The applicant has requested it in person;
- People who are less technologically able are attending and it would be easier for them;

Councillor Czolak was also informed that hybrid meetings can be arranged where people come into Hove Town Hall and can join a virtual meeting using Council equipment.

10.5 Councillor Hewitt suggested an amendment that the recommendations be extended until March 2024 to avoid holding the same item in October 2023, which was passed by Committee.

10.6 Councillor Sheard was informed that the final decision whether to hold a Licensing Panel in person would be down to the Panel and Legal advisor.

RESOLVED:

1. That Committee noted 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 March 2024. This does not preclude holding a panel hearing in person where the individual circumstances of an application may warrant it.
2. That Committee delegated 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 Licensing Committee in March 2024.

3. That the Committee recommended 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.

11 ITEMS REFERRED FOR COUNCIL

There were none.

The meeting concluded at 3.48pm

Signed

Chair

Dated this

day of