

**EXTRACT FROM THE DRAFT PROCEEDINGS OF THE COUNCIL
MEETING HELD ON THE 16 DECEMBER 2010****BRIGHTON & HOVE CITY COUNCIL****4.30pm 16th December 2010
COUNCIL CHAMBER, BRIGHTON TOWN HALL****DRAFT MINUTES**

Present: Councillors: Wells (Chairman), A. Norman (Deputy Chairman), Alford, Allen, Barnett, Brown, Carden, Caulfield, Cobb, Davey, Davis, Deane, Duncan, Elgood, Fallon-Khan, Fryer, Hamilton, Harmer-Strange, Hawkes, Hyde, Janio, Kemble, Kennedy, Kitcat, Lepper, Marsh, McCaffery, Meadows, Mears, Mitchell, Morgan, K. Norman, Older, Oxley, Peltzer Dunn, Phillips, Randall, Rufus, Simpson, Simson, Smith, Steedman, C. Theobald, G. Theobald, Turton, Wakefield-Jarrett, Watkins, West, Wrighton and Young.

PART ONE**56. STATEMENT OF LICENSING POLICY – THREE-YEAR REVIEW**

- 56.1 Councillor Cobb introduced the report and stated that it was the third version of the Licensing Policy, which was much improved having had Member input following training and experience on Licensing Panels. She also stated that she was happy to accept the Liberal Democrat amendment as detailed in the addendum papers.
- 56.2 Councillor Elgood moved the Liberal Democrat amendment to add a further recommendation to the report and thanked the Councillor Cobb for accepting the amendment, which had resulted from concerns raised by residents over the impact of late night drinking in the area.
- 56.3 Councillor Watkins formally seconded the amendment.
- 56.4 Councillor Lepper stated that she felt it was important that Members had been able to contribute to the review of the policy having gained experienced through training and serving on Licensing Panels. She believed the Cumulative Impact Area (CIA) had proved to be a great success, and recognised the need to review the boundaries with Special Stress Areas. She therefore welcomed the Liberal Democrat amendment.
- 56.5 Councillor West stated that he wished to move an amendment on behalf of the Green Group to the Liberal Democrat's amendment so that the review would include all Stress Areas rather than just the one mentioned. He welcomed the changes in the policy which had taken on board matters raised by residents and the responsible authorities, but felt that the CIA needed to be extended.

- 56.6 Councillor Kitcat formally seconded the amendment.
- 56.7 The Mayor noted that an additional amendment had been moved and called on the Monitoring Officer to clarify the position in relation to the Licensing Policy and the outcome of approving the amendment.
- 56.8 The Monitoring Officer stated that there was a need to comply with Administrative Law Principles and in taking into account the Green Group's amendment, it would result in the CIA potentially covering the whole of the city. In order to extend the CIA a consultation exercise with all stakeholders would be required to show the support for any change. There would be a need to show that any change could withstand any legal challenge and the wider the CIA the more difficult that defence became. He also stated that any proposed changes to the Licensing Policy would normally come forward from the Licensing Committee as the responsible body. There was also a need to take into account the resource implications for a wider consultation exercise. Whilst the Liberal Democrat Group's amendment could be addressed by the report before the council the Green Group's amendment had a greater impact. He therefore suggested that it would be more appropriate to refer the matter back to the Licensing Committee. The proposed amendment could be agreed in principle and the Licensing Committee asked to give it consideration in light of an officer report.
- 56.9 Councillor Mitchell welcomed the advice from the Monitoring Officer and stated that she supported the proposal to refer the amendment back to the Licensing Committee for consideration.
- 56.10 Councillor Peltzer Dunn stated that he believed the Green Group's proposed amendment had the potential to result in a CIA that covered the whole city. He was concerned about the resource implications for such a consultation exercise and the maintenance of such a large CIA. He believed that there was a need to approve the policy before the council and therefore it was more appropriate to refer the amendment back to the Licensing Committee for consideration.
- 56.11 Councillor Cobb stated that she believed it would have been more appropriate for the Green Group to have moved the amendment at the Licensing Committee meeting rather than at the council meeting. There was a need to have an agreed policy in place for the beginning of January and whilst the Liberal Democrat Group's amendment could be accommodated, the Green Group's amendment had wider resource implications which would need to be considered by the Licensing Committee.
- 56.12 Councillor Randall noted the comments and stated that the Green Group would accept the approval in principle and referral to the Licensing Committee.
- 56.13 The Mayor noted that the report had been moved and that two amendments had also been moved. He therefore put the Liberal Democrat Group's amendment to the vote which was carried.
- 56.14 The Mayor then put the Green Group's amendment to the vote on the basis that it was to be approved in principle and referred to the Licensing Committee, which was carried.

56.15 The Mayor then put the substantive recommendations as amended to the vote which were carried.

56.16 **RESOLVED:**

- (1) That the revised Statement of Licensing Policy as amended by the Licensing Committee be approved and adopted; and
- (2) That in adopting the new Licensing Policy, the concern expressed by residents in all Special Stress Areas and others in the city be noted; and
- (3) That the Licensing Committee be requested to receive an officer report and give consideration to undertaking consultation and review of the evidence with a view in principle, to the possible inclusion of the areas in (2) above in the Cumulative Impact Area at the earliest opportunity.

