

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)	Agenda Item 19 Brighton & Hove City Council
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BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

3.00PM 22 NOVEMBER 2012

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Duncan (Chair), Deane (Deputy Chair), Cobb (Opposition Spokesperson), Lepper (Opposition Spokesperson), Buckley, Gilbey, Hawtree, Hyde, J Kitcat, Marsh, Pidgeon, Shanks, Simson and C Theobald

PART ONE

9. PROCEDURAL BUSINESS

9a Declaration of Substitutes

9.1 Councillor J Kitcat declared that he was substituting for Councillor Rufus and Councillor Shanks declared that she was substituting for Councillor Jones.

9b Declarations of Interest

9.2 There were none.

9c Exclusion of the Press and Public

9.3 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I of the Act).

9.4 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of any item on the agenda.

10. MINUTES OF THE PREVIOUS MEETING

- 10.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 28 June be agreed and signed by the Chair as a correct record.

11. CHAIR'S COMMUNICATIONS

- 11.1 There were none.

12. PUBLIC INVOLVEMENT

Petitions

- 12.1 There were none.

Written Questions

- 12.2 There were none.

Deputations

- 12.3 There were none.

13. ISSUES RAISED BY MEMBERS

Petitions

- 13.1 There were none.

Written Questions

- 13.2 There were none.

Letters

- 13.3 There were none.

Notices of Motion

- 13.4 There were none.

14. GAMBLING ACT 2005 - REVISED POLICY

- 14.1 The Committee considered a report of the Head of Planning and Public Protection requesting that they agree the council's updated Statement of Gambling Policy, for which there was a legal requirement for it to be reviewed and published every three years.

- 14.2 It was explained that The Gambling Act 2005 required Licensing Authorities to prepare, every three years, a statement (also known as a Policy) of the principles which they propose to

apply when exercising their functions. The statement had to be published following the procedure set out in the Act, including whom should be consulted. That consultation process had commenced on 16 July 2012 and had lasted 12 weeks. The existing Statement of Gambling Policy had been sent to consultees and had been made available on the council's website.

- 14.3 Eight responses had been received, including responses from Sussex Police, the Racecourse Association, Brighton Racecourse, the National Casino Industry Forum, a medical practitioner, The Quakers Society, Sussex Deaf Association and The Campaign for Fair Gambling. The responses had been evaluated and all respondents had been in favour of them as framed. No proposals had been made for any changes and it was therefore proposed to maintain the council's existing policy as set out in Appendix 1 to the report.
- 14.4 Councillor Hawtree stated that he was concerned regarding the number of betting shops located across the city having observed that there were several in the George Street area of Hove, a new premises having opened recently in close proximity to those which were already in existence. The Licensing Manager, Mrs Cranford stated that the number of premises across the city varied between 90-100 and that this figure was fairly constant. The Head of Regulatory Services, Mr Nichols stated that in some parts of the country problems had arisen where takeaways, off licences and gambling establishments were located in close proximity to one another. However, such problems had not been experienced Brighton and Hove and in consequence the Policy itself was concise and had recognised this issue, however, any future policy review should, if necessary, address emerging situations where gambling becomes a source of disorder.
- 14.5 Councillor Simson enquired regarding the process to be observed when a premises applied for a betting shop licence. The Head of Regulatory Service, Mr Nichols explained that there was a consultation process and that included consultation within the local community where a premises was to be located. However such premises attracted very few objections. In the past these had been from other gambling premises licence holders and on one occasion the Gambling Commission.
- 14.7 **RESOLVED TO RECOMMEND** - That the Committee agrees that the final version of the Statement of Gambling Policy (included with the report appended hereto) be referred to Full Council for adoption.

15. SCHEDULE OF REVIEWS

- 15.1 **RESOLVED** – That the Schedule of Reviews be noted and received.

16. SCHEDULE OF APPEALS RECEIVED

- 16.1 Councillor Simson thanked Officers for their efforts in arranging the recent Licensing Committee visit which had been very informative. She referred to the appeal which had been lodged successfully by the Marwood Café stating that when the Committee had visited the premises during their Committee tour the premises had been observed operating in line with the permission sought in their licensing application. The Panel who had made the original decision (of which she had been a Member) had grappled with a

difficult decision in determining the application and had been concerned that if permission had been granted it would operate as a vertical drinking establishment. This had not proved to be the case and this represented a learning curve for the Members who had sat on that Panel. Councillor Marsh who had also sat on that Panel concurred in that view.

- 16.2 Councillor Simson stated that this illustrated the value of visiting premises and the Chair stated that Members were not precluded from visiting premises informally for this purpose if they chose to do so. Several Members demurred from that view, but the Chair reiterated that provided Members simply observed a premises they could not be seen as being biased or having pre-determined an application. Councillor Hawtree stated that he had had found it beneficial to visit a particular premises prior to consideration of an application.
- 16.3 The Head of Regulatory Services, Mr Nichols stated that in determining applications a key consideration for Members was to seek to ensure that they added/agreed conditions which were robust and enforceable. It should not be necessary for Members to visit individual premises as the information provided in Officer's reports and from the submissions received at the licensing panel meetings should of themselves be sufficient to determine an application.
- 16.4 **RESOLVED** – That the Schedule of Appeals be noted and received.
- 17. ITEMS TO GO FORWARD TO COUNCIL**
- 17.1 **RESOLVED** – That Item 14 "Gambling Act Revised Policy" be referred to Full Council for approval.

The meeting concluded at 3.25pm

Signed

Chairman

Dated this

day of