





**Brighton & Hove
City Council**

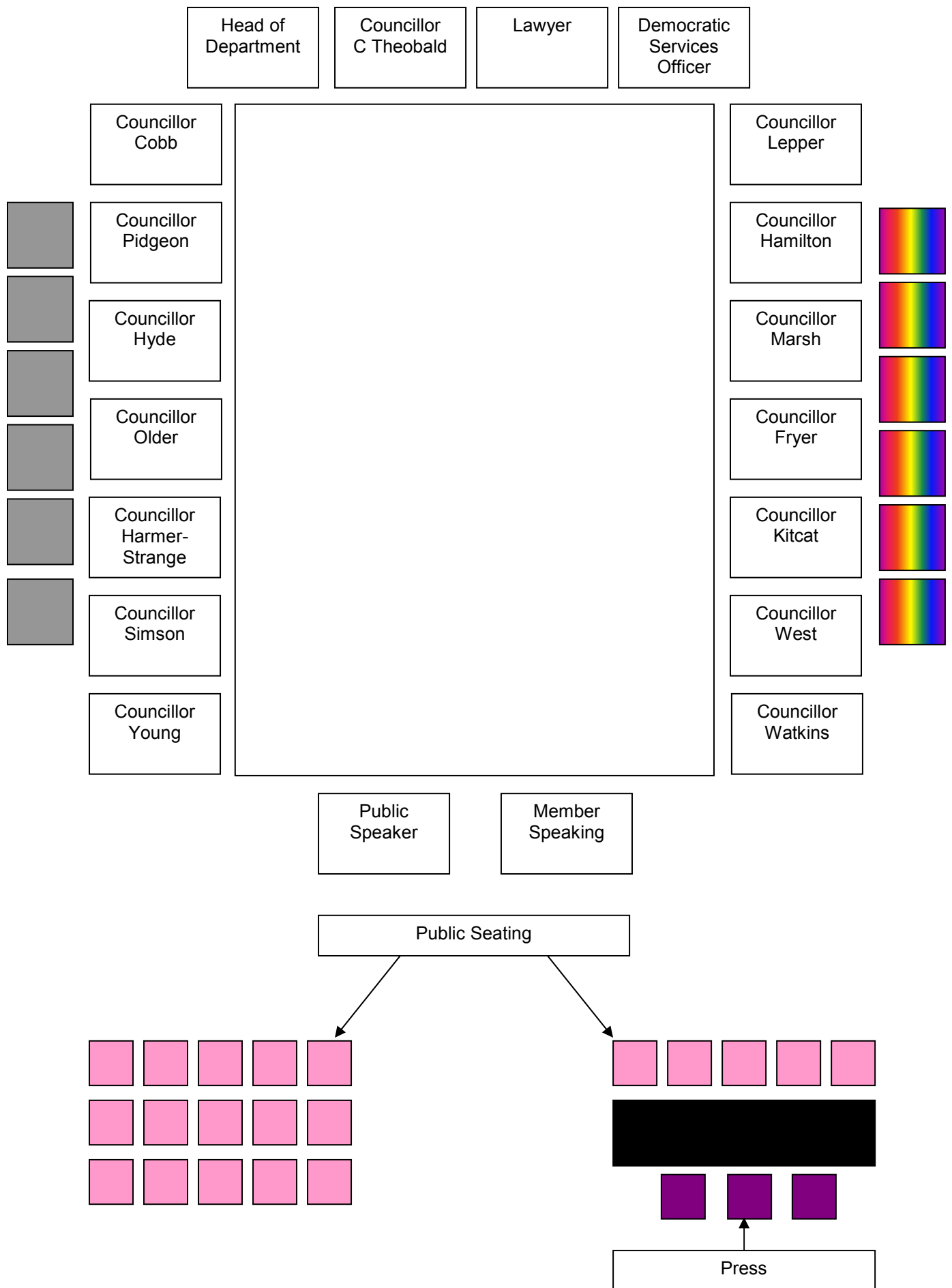
Licensing Committee

(Licensing Act 2003 Functions)

Title:	Licensing Committee (Licensing Act 2003 Functions)
Date:	19 June 2008
Time:	3.30pm (or conclusion of Non 2003 Committee)
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: C Theobald (Chairman), Lepper (Deputy Chairman), Mrs Cobb, Fryer, Hamilton, Harmer-Strange, Hyde, Kitcat, Marsh, Older, Pidgeon, Simson, Watkins, West and Young
Contact:	Christian Brown Democratic Services Officer 01273 291066 christian.brown@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

1. PROCEDURAL BUSINESS

- (a) Declaration of Substitutes - Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.
- (b) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (c) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

2. MINUTES OF THE PREVIOUS MEETING

1 - 6

Minutes of the meeting held on 14 February 2008 (copy attached).

3. CHAIRMAN'S COMMUNICATIONS

4. CALLOVER

NOTE: Public Questions will be reserved automatically.

5. PUBLIC QUESTIONS

a) the closing date for receipt of public questions is 12 noon on Thursday 12 June 2008.

b) the closing date for public questions for the meeting to be held on 2 October 2008 is 12 noon on Thursday 25 September 2008.

6. LICENSING 2003 SUB-COMMITTEE

Members to confirm the establishment of the Licensing 2003 Sub-Committee (Licensing Act 2003 Functions).

7. SCHEDULE OF LICENSING REVIEWS

7 - 8

(copy attached).

8. GAMBLING ACT 2005 APPLICATIONS

9 - 10

(copy attached).

9. SCHEDULE OF APPEALS

Verbal Report to Committee by Rebecca Sidell (Lawyer).

10. ITEMS TO GO FORWARD TO COUNCIL

To consider items to be submitted to the 17 July 2008 Council meeting for information.

In accordance with Procedural Rule 24.3a the Committee may determine that any item is to be included in its report to Council. In addition each Minority Group may specify one further item to be included by notifying the Chief Executive by 10.00am on 7 July 2008.

Part Two

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11. MINUTES OF THE MEETING HELD ON 14 FEBRUARY 2008 - EXEMPT CATEGORY 5

11 - 12

(copy circulated to Members only).

12. PART 2 ITEMS

To consider whether or not any of the above items and the decisions thereon should remain exempt from disclosure to the press and public.

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Christian Brown, (01273 291066, email christian.brown@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Wednesday, 11 June 2008

BRIGHTON & HOVE CITY COUNCIL**LICENSING COMMITTEE 2003
(Licensing Act 2003 Functions)****3.30PM –THURSDAY 14 FEBRUARY 2008****COUNCIL CHAMBER
HOVE TOWN HALL****MINUTES**

Present: Councillor Simson (Chairman); Councillors Hyde (Deputy Chairman); Pidgeon (Deputy Chairman), Councillors Barnett, Cobb, Davey, Fryer, Hamilton, Hawkes, Janio, Lepper (OS), Marsh, Older, Watkins and West.

PART ONE**ACTION****33 PROCEDURAL BUSINESS****33A Declarations of Substitutes**

- 33.1 Councillor Barnett substituted for Councillor Smart.
Councillor Janio substituted for Councillor Theobald.

The Lawyer to the Committee clarified the situation with regard to substitutes and said that substitutes are allowed unless the Committee were discussing a licensing application.

33B Declarations of Interest

- 33.2 There were none.

33C Exclusion of Press and Public

- 33.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt

information as defined in Schedule 12A, Part 5A, Section 100A(4) or 100 1 of the Local Government Act 1972 (as amended).

- 33.4 **RESOLVED** - That the press and public be not excluded from the meeting.

34. MINUTES OF THE MEETING HELD ON 22 NOVEMBER 2007

- 34.1 **RESOLVED** - That the Minutes of the meeting held on 22 November 2007 be approved and signed by the Chairman as a correct record.

35. CALLOVER

- 35.1 **RESOLVED** – That all the items on the agenda be reserved for discussion

36. CHAIRMAN'S COMMUNICATIONS

- 36.1 The Chairman advised members that a report from the cross party working group on sex establishments would be presented to the next Policy & Resources Committee.
An application to vary the licence for the Portland Hotel to provide exotic, lap and pole dancing had been considered by a Licensing Panel in January 2008, but this variation had not been granted and an appeal had been lodged.

37. PUBLIC QUESTIONS

- 37.1 A question was posed by Mr R Pennington and a response provided by Cllr Simson

- 37.2 **RESOLVED** – That the matter be noted.

- 37.3 A question was posed by Ms A Boehmer and a response provided by Cllr Simson

- 37.4 **RESOLVED** – That the matter be noted.

- 37.5 The members of the Committee asked if they could be made aware of what questions would be asked prior to the actual meeting. The Committee were advised that details of any questions could not be included in the agenda as the closing date for questions was after the agenda was published. However, it was agreed that in future the Committee members would be emailed copies of all questions received prior to the

meeting.

**38. LICENSING ACT 2003: STATEMENT OF LICENSING POLICY -
CUMULATIVE IMPACT CONSULTATION**

- 38.1 The Council, as the Licensing Authority, has a statutory duty to review its Statement of Licensing Policy every three years. This was recently done and a revised Statement of Licensing Policy came into effect on 7 January 2008. Part of that review included a proposal for the creation and adoption of a Cumulative Impact Area. The public consultation process for this ended on 11 January 2008. The report summarised the feedback, legal opinion and analysis from this consultation, and put forward the recommendations for the creation of both a Cumulative Impact Area and of Special Stress Areas.
- 38.2 At the invitation of the Chairman two officers from Sussex Police attended the meeting. The police attended as the main advisers for crime prevention and the principal supporters of a cumulative impact area. Chief Inspector Mills and Sergeant Wauchope attended. The police stated that four officers were currently involved full time in licensing issues. They were responsible for monitoring the area, undertaking licensing checks such as under age sales, responding to information provided by the public, dealing with street drinkers etc The police accepted that whilst a Cumulative Impact Area would not solve all the problems in the area, it would certainly assist.
- 38.3 The Committee supported the Cumulative Impact Area and the Special Stress Areas, although there was some feeling that the Cumulative Impact Area focused too much on the centre of the city and could be increased to go further west and north of the designated area. The Committee were informed that there must be evidence to support the given area, and the proposed area was already the largest in the country. The area could be reviewed in due course.
- 38.4 Councillor Lepper proposed an amendment to the suggested recommendations, Councillor Marsh seconded.

The amendment to be added to recommendation 2.2 was:
“... and to monitor the impact of applications for licensed premises, on those areas immediately outside of the Cumulative Impact Area”.

38.5 The Chairman put the amendment to a vote, and it was agreed.

38.6 **RESOLVED** – (1) That the recommended Cumulative Impact Area be adopted and that a Special Policy in relation to that Cumulative Impact Area be adopted.

(2) That the need for a Cumulative Impact Area or Areas and Special Policy within Brighton & Hove be reviewed from time to time, and to monitor the impact of applications for licensed premises on those areas immediately outside of the Cumulative Impact Area.

(3) That it be recommended that Council include the Special Policy and associated defined Cumulative Impact Area as part of its current Licensing Act 2003 Statement of Licensing Policy.

39. SCHEDULE OF LICENSING APPEALS

39.1 It was noted that there was an appeal pending in relation to Portland Hotel.

39.2 **RESOLVED** – That the schedule be noted.

40. SCHEDULE OF LICENSING REVIEWS

40.1 At the review of the licence for Somerfield, a condition had been set that the licence holder should for a period of not less than 3 months ensure that all alcohol was marked in a way that would identify its place of purchase. The Committee were informed that the Home Secretary had commended this as good practice. A further condition was made that the licence for Somerfield be suspended for one month.

40.2 **RESOLVED** – That the schedule be noted.

41. GAMBLING ACT 2005 APPLICATIONS

41.1 That the schedule be noted.

42. ITEMS TO GO FORWARD TO COUNCIL.

42.1 That item 38 would go forward to Council.

The meeting concluded at 4.45 pm

Signed Chairman

Dated this day of 2008

REVIEWS RECEIVED

<u>NAME AND ADDRESS OF PREMISES</u>		<u>DATE OF HEARING</u>	<u>DETERMINATION</u>
Cranbourne News	Review received from Police/Trading Standards	11.06.08	To be determined.
Club HQ	Review received from resident	03.07.08	To be determined.

GAMBLING ACT 2005 (to 28.05.08)

<u>Numbers of applications</u>	<u>Non Fast Track</u>	<u>Representations received</u>	<u>Categories</u>
Total new applications	19	1 (Gambling Comm) 0 0 0 0 0	1 Club Gaming Permit (Avenue Bridge Club) 1 Betting Shop (Western Rd) 1 Family Entertainment Centre Permit 1 FEC + 4 AGC's (Rockside Leisure) 1 FEC + 4 AGC's (Brighton Pier) 1 Variation + 5 new areas (Bingo)
1 waiting magistrates decision on 1968 application			1 Casino
Temporary Use Notices - none	0	0	
Occasional Use Notices - none	0	0	

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