

# **BRIGHTON & HOVE CITY COUNCIL**

## **LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)**

**3.00PM – THURSDAY 21 JUNE**

**COMMITTEE ROOM 3 - BRIGHTON TOWN HALL**

### **MINUTES**

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

### **PART ONE**

#### **ACTION**

#### **1. PROCEDURAL BUSINESS**

##### **1A Declarations of Substitutes**

- 1.1 Councillor Barnett declared that she was attending the meeting as Substitute Member for Councillor G Theobald.

##### **1B Declarations of Interest**

- 1.2 There were none.

##### **1C 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 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).
- 1.4 **RESOLVED** - That the press and public be not excluded from the meeting.

#### **2. MINUTES**

- 2.1 **RESOLVED** – That the minutes of the meeting held on 19 April 2007 be approved and signed by the Chair as a correct

record.

**3. CALL OVER**

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

**4. CHAIRMAN'S COMMUNICATIONS**

- 4.1 The Chairman welcomed all new and returning Members of the Committee and wished to place on record her thanks and those of the Committee to Councillor Lepper for her excellent work as Chair during the very difficult period following inception of the amended legislation relative to the new licensing arrangements .
- 4.2 Councillor Hawkes agreed with what had been said but considered that it was regrettable that a Member of the minority group had not been appointed as a Deputy Chair as had been the case in respect of the previous administration.

**5. PUBLIC QUESTIONS**

- 5.1 There were no public questions.

**6. TO CONFIRM THE ESTABLISHMENT OF THE LICENSING COMMITTEE  
(NON-LICENSING ACT 2003 FUNCTIONS)**

- 6.1 The Solicitor to the Committee explained that it was necessary for the Committee to formally confirm the Establishment of the (Non Licensing Act 2003 Functions) Licensing Committee and its constituent panels.
- 6.2 **RESOLVED** - That the establishment of the (Non Licensing Act 2003 Functions) Licensing Act Committee and its constituent panels be confirmed.

**7. APPLICATION FOR HIGHWAY PERMISSION (TABLES AND CHAIRS)  
ON BEHALF OF THE DONATELLO RESTAURANT, MARKET STREET,  
BRIGHTON**

- 7.1 The Committee were asked to determine an application for highway permission to place tables and chairs outside 50 - 52 Marker Street , Brighton in the light of the objection received (for copy see minute book.
- 7.2 The Licensing Officer referred to a representation received from Healys Solicitors on behalf of Mr Michael Garman, proprietor , licensee and frontager of Il Bistro, nos 6 - 7

Market Street objecting to the granting of permission. Additional correspondence had also been received on behalf of those acting on behalf of the proprietor of "Donatellos" in support of their application .

- 7.3 It was explained that Highway Permissions (licences) were issued under the Highways Act 1980 in line with the council's policy to encourage business and create a vibrant street scene. Such permissions had been issued in Market Street for more than 19 years. Market street was an area of the city where access, particularly for disabled people was a subject of concern to officers and the public. A decision would need to take such access issues into account TYPIST PLEASE TAKE IN THE ATTACHED.

- 7.6 Members then heard representations from those speaking on behalf of both the objector and the applicant.

Further discussion then took place in closed session during which the public and those representing objectors and the applicant were excluded. Following these discussions a vote was taken and on a vote of 11 to 3 with 1 abstention the decision of the Sub Committee was reached as set out below.

Members of the Public and those representing objectors and the applicant were invited back into the meeting and advised of the decision of the Committee.

**RESOLVED** – That permission for highway permission to place tables chairs on Market Street by "Donatello" restaurant be refused on the grounds that it would narrow pedestrian access to an unacceptable level, and would result in an unacceptable health and safety hazard particularly to the disabled and those with buggies as it would require pedestrians to walk in the rain gulley in the centre of the paved area. It was considered that this could represent an even greater hazard during wet weather.

[ **Note** : Councillors Hawkes, Lepper and Watkins voted that highway permission relative to the placement of tables and chairs as requested by Donatello restaurant, Market Street, Brighton be granted in the terms requested. Councillor Cobb abstained].

## **8. LICENSING FEES & CHARGES 2007 / 2008**

- 8.1 The Committee considered a joint report of the Director of Finance and Resources and the Director of Environment relative to Licensing Fees and Charges for 2007 / 2008 (for copy see minute book).
- 8.2 Councillor Fryer referred to the fact that whilst some fees and charges had risen by the rate of inflation some had risen by more than that amount. She stated that in the case of Farmers Markets and other similar ad-hoc localised events it might be appropriate to freeze the level of fees levied in order to encourage small scale operators to continue to patronise such events. Councillors Watkins stated that in his experience the level of charges sought tended to reflect past custom and practice and the way in which charging structures had grown up over a period of time. Councillor West considered that as fees should reflect the costs incurred year on year there should be no disparity between the degree of increase sought. The Licensing Officer outlined the manner in which the level of fees charged was arrived at. He stated that in the case of one off street markets and similar events those applying to set up stalls were advised regarding the cheapest and most convenient means of so doing.
- 8.3 **RESOLVED** - That the Licensing Committee (Non Licensing Act 2003 Functions) notes the fees and charges set out within the schedule at Appendix A to the circulated report.
- 9. LOCAL ACT - SEX ENCOUNTER ESTABLISHMENTS - VERBAL REPORT OF OFFICERS**
- 9.1 The Licensing Officer explained that officers were awaiting further advice and feedback from the relevant government departments in respect of the practicality and cost of a promoting a Private Bill relative to this matter. In order for a Private Bill to succeed it was important that there was support from central government.
- 9.2 Councillor Lepper stated that the Committee had expressed grave concern at the prospect of a proliferation of such establishments at their previous meeting. This matter appeared to have stalled. Members had expressed their strong desire that available options in respect of this matter be pursued at the earliest possible time and had sought the support of the Policy and Resources Committee to the principle of pursuing available options. This needed to be pursued as a matter of urgency and a report should be referred to the next available meeting of that Committee.

- 9.3 The Chairman Councillor Simson and other Members of the Sub Committee concurred in that view and it was agreed that a preliminary report setting out potential means by which this issue could be pursued should be forwarded to the next scheduled meeting of the Policy and Resources Committee . That Committee to be made aware of this Committees grave concerns in the event that there was a further proliferation of such establishments across the city .
- 9.4 **RESOLVED:** - That a further report be prepared by Officers relative to means by which sex establishments within Brighton and Hove could be effectively controlled including by promotion of a Private Bill for early consideration by the Policy and Resources Committee. That Committee also to be made aware of the grave concerns of the (Non Licensing Act 2003 Functions) Committee should there be a significant increase in such establishments across the City .

The meeting concluded at 4.45 pm

Signed

Chair

Dated this    day of

2007