

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE 2003 (NON-LICENSING ACT 2003 FUNCTIONS)

3.00PM – THURSDAY 04 OCTOBER 2007

**COUNCIL CHAMBER
HOVE TOWN HALL**

MINUTES

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

PART ONE

ACTION

10 PROCEDURAL BUSINESS

10A Declarations of Substitutes

10.1 There were no declarations of substitutes.

10B Declarations of Interest

10.2 There were none.

10C Exclusion of Press and Public

10.3 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).

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

11. MINUTES OF THE MEETING HELD ON 21 JUNE 2007

- 11.1 Council Lepper noted that at the meeting held on 21 June 2007, Councillor Barnett had attended as a substitute and had taken part in the consideration of item 7, which was an application for highway permission to place tables and chairs on a pavement. At a previous meeting Councillor Lepper, who had been in the Chair, said that she had been advised that another Councillor who had been substituting should not be allowed to take part in a similar item as substitutes were not allowed on Panels. Councillor Lepper asked for clarification.
- 11.2 The Lawyer was unable to confirm whether that advice had been given, but was able to confirm that substitutes were not allowed to take part in consideration of applications where the Committee was sitting as a Panel. It was agreed that in future in order to avoid any confusion, all decisions on licensing applications would be dealt with by a three person panel and would not come before the committee.
- 11.3 **RESOLVED** – That the Minutes of the meeting held on 21 June 2007 be approved and signed by the Chairman as a correct record.

12. CALLOVER

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

13. CHAIRMAN'S COMMUNICATIONS

- 13.1 The Chairman confirmed that a decision had been taken to hold future meetings of the two Licensing Committees in the Council Chamber at Hove Town Hall. The previous venue, at Brighton Town Hall, had not been an appropriate place to hold meetings as there were occasions when large numbers of the public wanted to attend the meetings. There was a discussion on holding the meetings in the Council Chamber. Some councillors were concerned that they had not been consulted on the change of location, that Hove Town Hall was difficult to get to and that the Council Chamber was not an appropriate venue for all the meetings. However, some councillors preferred the Council Chamber because of the facilities available, which made it accessible for many people. The Chairman confirmed that all future meetings would be held in the Council Chamber at Hove Town Hall.

- 13.2 The Chairman advised the Committee that 5 taxi drivers licenses had been revoked on medical grounds.

14. PUBLIC QUESTIONS

- 14.1 There were none

15. EXTENDED TRADING HOURS FOR UPPER GARDNER STREET MARKET

- 15.1 The Committee considered a report on the Upper Gardner Street Market, Brighton.
- 15.2 The Committee had a full discussion on this matter.
- 15.3 Councillor Davey noted that there was a discrepancy over the parking signs. It was agreed that some of the signs were misleading and that the Highways department had been notified.
- 15.4 Councillor Smart suggested that all the market stalls could be placed on one side of the street which would free up some parking spaces. The Committee were advised that discussions had taken place over parking restrictions and there was concern that allowing some parking would hinder the flow of traffic.
- 15.5 Councillor Pidgeon had asked whether any disabled bays were involved and he was informed that there weren't.
- 15.6 Councillor West stated that members of the committee had received representations from a resident and asked that the matter be deferred to a future meeting to allow for more information to be provided. It was also requested that the person making these representations be allowed to speak to the Committee. The Chairman confirmed that there was no provision in the constitution to allow for this person to speak at the meeting. Officers informed the Committee that very few complaints had been received in relation to the extended opening hours of the market, and no serious issues had been raised. With regard to managing the market, no appropriate operators had wanted to administer it and the Upper Gardner group had wanted to manage the market themselves. Some members of the Committee felt that as only one representation had been received it was

unnecessary to defer the matter. Some members felt that although only one representation had been received the issues they had raised should be considered. Councillor Watkins suggested that the matter not be deferred but be monitored for six months and that any concerns could be taken up with officers.

- 15.7 The Committee agreed not to defer the matter but to add to the first suggested recommendation that the trading hours continue and that the matter be reviewed in six months.
- 15.8 It was suggested that the recommendation 2.3 in the report be deleted. A vote was taken on whether to agree or to delete recommendation 2.3 – seven members agreed 2.3, seven members wanted 2.3 deleted and 1 member abstained. The Chairman cast the deciding vote and agreed 2.3. Recommendation 2.3 was therefore agreed.
- 15.9 **RESOLVED** – (1) That the street trading consent for Upper Gardner Street with conditions limiting trading periods for trading on Saturdays between 0700 and 1700 hours be continued and reviewed in six months.
(2) That the consent fee is set at a level that officers reasonably believe cover costs of the service and may rise incrementally each year to cover inflation but in this case as it also covers refuse collection, as stall holders are not required to store and remove waste, it is subject to any changes in Council refuse collection charges.
(3) That the market remain as at present being managed by the UGS market traders' association with the Council's function as regulatory authority, issuing street trading consents and enforcing conditions and provisions.
(4) That the current informal parking arrangement continues and the Council continues to monitor the situation.

16. ITEMS TO GO FORWARD TO COUNCIL

- 16.1 **RESOLVED** - That no items go forward to Council

The meeting concluded at 3.50pm

Signed

Chairman

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