

BRIGHTON & HOVE CITY COUNCIL
LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

3.00PM 5 FEBRUARY 2009

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors C Theobald (Chairman), Lepper (Deputy Chairman), Mrs Cobb, Fallon-Khan, Fryer, Hamilton, Hyde, Kitcat, Marsh, Older, Pidgeon, Simson, Watkins and West

Apologies: Councillors Harmer-Strange and Young

PART ONE

20. PROCEDURAL BUSINESS

20a Declarations of Substitutes

20.1 There were none.

20b Declarations of Interest

20.2 Councillor Fallon-Khan declared that he was substituting for Councillor Harmer-Strange.

20c Exclusion of the Press and Public

20.3 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Licensing Committee (Non Licensing Act 2003 Functions) 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 100(1) of the Act).

RESOLVED – that the press and public be not excluded.

21. MINUTES OF THE PREVIOUS MEETING

21.1 **RESOLVED** – that the minutes of the previous meeting held on 27 November 2008 be approved and signed by the Chairman as a correct record.

22. CHAIRMAN'S COMMUNICATIONS

22.1 The Chairman updated the Committee that since the last Licensing Committee (Non Licensing Act 2003) Officers in the Hackney Carriage Office have suspended four drivers and revoked the licence of two drivers. In addition to this, one driver was reminded of his licence conditions.

It was noted that in January Officers took part in a joint operation with Sussex Police which resulted in 47 vehicles stopped, and several penalty notices issued. In all there were 11 drivers suspended.

22.2 Councillor Cobb asked for further details and stated that she was concerned that drivers were being suspended over the Christmas period because of drink driving offences. She was also concerned about rumours that drivers were swapping or lending licences to other non-licensed drivers.

22.3 The Licensing Manager addressed the Committee and stated that none of the suspensions had been due to drink driving and all were for medical reasons. The two licences that had been revoked were also for medical reasons.

22.4 The Head of Environmental Health and Licensing stated that the joint operation with Sussex Police was a success and would encourage higher standards in the taxi service. He stated that incidents of unlicensed drivers were incredibly rare and the badges had been changed five years ago to ensure that this practice would be stopped.

He noted that any rumours of this still taking place might refer to the fact that some vehicles have several drivers using them, and in some instances the badge of the previous driver might be left on display by accident after the drivers had changed shifts.

22.4 Councillor Lepper felt that it was worrying that so many drivers were being suspended for medical reasons. She felt that the Brighton & Hove fitness requirements for taxi drivers were extremely high and the strict conditions posed problems for drivers with on going medical conditions.

23. PUBLIC QUESTIONS

23.1 There were none.

24. POLICING AND CRIME BILL

24.1 The Head of Environmental Health and Licensing presented a report on the Policing and Crime Bill as it related to the Licensing Committee (Non Licensing Act 2003 Functions) and stated that since the Constitution had changed, work on examining this bill would now be conducted by the Licensing Committee.

24.2 Councillor Lepper welcomed the provisions of the new bill and stated that it was a success for Local Authorities who were concerned about the proliferation of this type of establishment, which could not be controlled by the Licensing Act 2003. She noted concern over the fact that it was not mandatory however, and that it did not cover

venues such as pubs, where events may be organised intermittently or on a casual basis. Councillor Lepper recognised that such venues would have to apply for, or already have provision for, dancing on their licence however.

- 24.3 Councillor Cobb felt cautious about adopting provisions to control this type of establishment and noted that Westminster City Council was not intending to adopt the bill. She noted that Brighton and Hove already had a nudist beach and was a popular resort for hen and stag parties. She felt that provision for adult entertainment was necessary for the continued economic health of the city and believed that controlling the number and location of these establishments could detrimentally affect the tourist trade.
- 24.4 Councillor Kitcat welcomed greater control of these establishments and noted that existing ones were already causing problems in his ward. He recognised the effects of the provisions in terms of the tourist trade, but noted that hen and stag party activities were exempt from the provisions. He asked whether a new working group would be formed to look into this issue further, and asked whether the funding that had been ring fenced to investigate the Private Members' Bill would be used for the work on the Public Bill.
- 24.5 The Head of Environmental Health and Licensing stated that the Licensing Committee would take on the work of the cross-party working group and would refer any recommendations as a result of that work to Council for adoption.

The funding that was originally set aside for investigation and implementation of a Private Members Bill was not in the control of the Head of Environmental Health and Licensing and he stated that as the Bill was now public, any costs incurred could be absorbed into the relevant current budget of the Committee or the department.

- 24.6 Councillor Hyde expressed concern over the Public Bill and felt that it was incomplete. The Head of Environmental Health and Licensing stated that it was too early to tell what provisions the final act would contain and noted it would be prudent to stay neutral for the time being. He noted that the department received very few complaints about existing sex establishments in the city and their licences could be reviewed in the usual way if they were creating problems for a local area.
- 24.7 Councillor Simson stated that initial concerns over the proliferation of sex establishments in the city had not been borne out over recent years, and as the Bill was no longer a Private Members Bill the costs for investigation and implementation would be reduced. She felt that it was prudent therefore to use the original funding elsewhere.
- 24.8 **RESOLVED** – that the Licensing Committee (Non Licensing Act 2003 Functions) agrees the recommendations in the report.

25. LICENSING ENFORCEMENT POLICY

- 25.1 The Head of Environmental Health and Licensing presented a report on the Licensing and Enforcement Policy as it related to the Licensing Committee (Non Licensing Act 2003 Functions) and stated that as central government had changed various codes of enforcement and a new Corporate Enforcement Policy had been introduced in October

2008 it was recommended that the Licensing Enforcement Policy be changed to reflect this. A draft policy for consultation was set out at appendix C.

25.2 **RESOLVED** – that the draft policy, as set out at appendix C of the report, be used as a consultation document for the drafting of a new Licensing Enforcement Policy.

26. ITEMS TO GO FORWARD TO COUNCIL

26.1 There were none.

The meeting concluded at 3.45pm

Signed

Chairman

Dated this

day of