

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

3.30PM 1 MARCH 2018

HOVE TOWN HALL, COUNCIL CHAMBER - HOVE TOWN HALL

MINUTES

Present: Councillors O'Quinn (Chair), Morris (Deputy Chair), Hyde (Opposition Spokesperson), Deane (Group Spokesperson), Bell, Cattell, Cobb, Hill, Horan, Lewry, Page, Phillips, Simson and Wares

PART ONE

21 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

21.1 There were none. It was noted however, that Councillor Gilbey had sent her apologies for the meeting.

(b) Declarations of Interest

21.2 There were no declarations of interests in matters listed on the agenda.

(c) (Exclusion of Press and Public

21.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.

21.4 **RESOLVED:** That the press and public be excluded from the meeting during consideration of the items contained in part two of the agenda.

22 MINUTES OF THE PREVIOUS MEETING

22.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 23 November 2017 be agreed and signed as a correct record.

23 CHAIR'S COMMUNICATIONS

Alcohol Licensing in the City

- 23.1 The Chair stated that the Committee had the Annual Review report before them that day and what was most noticeable was the number of cafes now applying for an alcohol license as the number has tripled since 2015. This rising number had been raised by the police who saw it as a worrying trend. The Chair was sure that this would be discussed fully when the Committee considered that item on the agenda.
- 23.2 Most cafes applied in the CIZ but this was also occurring also in other areas of the city. This is worrying when it was a chain of cafes.
- 23.3 The restructuring of the Police Licensing Team seemed to be settling down. Members were getting to know the new team at panels and they had been most co-operative and supportive of council policy.
- 23.4 Operation Marble continued to work effectively and the Chair was delighted that that Beach patrol had been extended to the east side of the pier due to some extra funding as there were some serious issues in that area.

Pride Tens

- 23.5 It was noted that TEN applications would be submitted for this very shortly

Congratulations to Licensing Team

- 23.6 The Chair was sure that the Committee would like to congratulate Jim Whitelegg on some excellent work in the area of Gambling Policy. It was great to have received national recognition for his work in the city.
- 23.7 The Chair concluded by stating that she would also like to congratulate the licensing team for all their work on the "Sensible on Strength Scheme". We now had one of the highest number of licensed premises signed up to the scheme in any city in the country.
- 23.8 **RESOLVED** – That the contents of the Chair's Communications be received and noted.

24 PUBLIC HEALTH FRAMEWORK - PRESENTATION

- 24.1 It was noted that due to staff sickness officers were not available to deliver the presentation and that this item would therefore be carried over to the next scheduled meeting of the Committee.

25 CALLOVER

- 25.1 All items appearing on the agenda were called for consideration.

26 PUBLIC INVOLVEMENT

26a Petitions

- 26.1 There were none.

26b Written Questions

26.2 There were none.

26c Deputations

26.3 There were none.

27 MEMBER INVOLVEMENT

27a Petitions

27.1 There were none.

27b Written Questions

27.2 There were none.

27c Letters

27.1 The Chair, Councillor O'Quinn referred to a letter received from Councillor Wealls (circulated with the agenda papers), making a formal request that Central Hove Ward be added to the Special Stress Area (SSA), as set out in the Brighton and Hove Statement of Licensing Policy 2016. Councillor Wealls was in present at the meeting and was invited to address the Committee in support of his letter.

27.2 In considering the request made Councillor Wealls re-iterated as referred to in his letter that there issues had arisen in his ward which were on-going which were evidenced and which in his view, that of his fellow ward councillor, Councillor Moonan, residents and businesses warranted its inclusion. Crime mapping and alcohol related health statistics indicated that there was significant incidence of alcohol related harm. Councillor Wealls referred to the "Public Health Framework for Assessing Alcohol Licensing, Public Health Intelligence" published in October 2017 and to the wards ranking for A & E attendances with a record of alcohol and alcohol related mortality for example as well as the other issues identified and set out in his letter. It was important to note that the neighbouring ward of Brunswick and Adelaide, much of which sat in the Cumulative Impact Area (CIA), did not have as many problems against all of those metrics.

27.3 Councillor Wealls went on to state that more than half of Central Hove was a medium ranking hotspot for police recorded alcohol related incidents with much of the ward showing the same concentration of police recorded violence against the person as the neighbouring Brunswick and Adelaide Ward and had comparable levels of recorded criminal damage offences as much of the existing SSA with a high level of noise complaints made against licensed premises and a concentration of anti-social behaviour and alcohol and substance misuse related disturbances in a number of roads. This was a consequence in part to the fact that there were a number of emergency accommodation premises (some of which were entirely unsupported), a children's home, two Equinox run homes for women recovering from alcohol and substance misuse, two hostels catering for stag/hen parties and for people requiring emergency (self-supported) accommodation. This mix created a "tinder box" situation which gave rise to the high number of incidents cited.

27.4 In answer to questions, the Regulatory Services Manager, Jim Whitelegg explained that the existing policies were reviewed periodically and that monitoring of developing situations changes across carried out. Members noted all that had been said and were of the view that they would wish the issues raised to be considered and a report brought back before the Committee for their consideration as soon as practicably possible.

27.5 **RESOLVED** - That the letter put forward by Councillor Wealls and its contents be received and noted and that Officer's prepare a report detailing and assessing the practicalities of including Central Hove Ward in the Special Stress Area (SSA) for consideration by the Committee at the earliest possible time.

28 ANNUAL REPORT OF LICENSING AUTHORITY 2017

28.1 The Committee considered a report of the Executive, Director, Neighbourhoods, Communities and Housing detailing the licensing and gambling functions carried out by the Council during 2017. Matters arising at local level were set in the context of national legislation and any changes to it.

28.2 It was noted that at the time the report was written the total number of licensed premises and club premises in Brighton and Hove had been 1392 and 34 respectively. Large spread sheets setting out the information included in the report were circulated for the benefit of Members. Councillor Simson sought clarification of the figures included and the reason that the figures contained in the report did not completely equate to one another. Several Members whilst commending the report also queried why figures which showed a break-down on a ward by ward basis had not been provided. It was explained that had been provided for the Chair's meeting but that it had been decided subsequently that this information was so detailed that it could be difficult to extrapolate overall trends as it could be considered to be impenetrable. This information could be provided to individual members in respect of their ward on request. Members were of the view that their preference would be to receive this more detailed information in future reports and in a manner that made it clear what the year on year trends were.

28.3 The level of interest shown in relation to the temporary renewal of Uber's licence which had been extended for as further six months had attracted widespread interest and the Chair's earlier comments regarding when this application would be coming forward for consideration at a Non-Licensing Panel Hearing (23 April 2018) were noted.

28.4 The work of the Alcohol Programme Board and the action plan which had been developed in concert with partners who were involved with that was noted with by members with interest as was the on-going work on sensible on strength and the fact although they had not formally joined the scheme a further 39 retailers had ceased selling higher strength alcohol. Given the issues arising from excessive alcohol use and their impact on the night time economy this was welcomed. Councillor Deane stated that the encouragement of events, particularly during "Freshers" week at the University's which were not alcohol led or were alcohol free were welcomed; such events should be positively encouraged.

28.5 The Chair, commended the report and the work carried out by the licensing team over the period covered by the report citing in particular the work undertaken in relation to

Gambling Inspections carried out which had been praised by the Gambling Commission. The council's practices had been held up as examples of good practice in particular the work and links developed with Public Health in order to tackle gambling related harm. The Regulatory Services Manager, Jim Whitelegg had been asked to make a presentation and lead at a regional workshop held recently as part of the Institute of Licensing Conference. The workshop had been run by the Gambling Commission with the support of the city council at the Civic Hall in Crawley and had provided advice on tackling money laundering and helping gamblers to stay safe using local risk assessments and self-exclusion tools. Local risk assessments helped businesses to ensure that they considered nearby risks, e.g., the close proximity of schools or homeless shelters when conducting their businesses and the self-exclusion scheme was designed to those who wanted to take steps to stop gambling. This represented a great accolade for the Regulatory Services Manager personally and for the authority.

- 28.6 Councillor Horan referred to the role of the Police stating that when they attended Panel meetings and gave their perspective in terms of noise and other nuisance that was helpful as they had expertise in this field and the input which they were able to give was valuable. Councillor Hyde concurred stating that whilst it had been unhelpful when there had been a period when they had routinely put in "holding" representations in instances where they had concerns which remained and a Panel needed to take place to consider those issues their input was welcomed. Councillor Hyde also referred to the value of Members receiving regular updates on licensing activity within their wards.
- 28.7 Councillor Simson referred to what appeared to be a significant increase in the number of café bar applications across the city. Councillors Morris, the Deputy Chair, and Deane stated that this was of concern as all sought to offer alcohol for sale and could result in an increase in the number of premises offering alcohol for sale albeit that it was not for consumption off the premises. There were concerns that this could result in growth by "stealth". Councillor Deane stated that she was concerned that the café bar conditions were not as robust as they could be and that some applicants were seeking to use this to their advantage.
- 28.8 Councillor Wares stated that he was particularly concerned regarding the number of applications which impinged on the CIZ/Special Stress Area and Councillor Hyde stated that when the Licensing Act had originally been drawn up the proliferation of premises which currently existed had not been envisaged. Rebecca Sidell, the legal adviser to the Committee explained the framework contained within the SOLP under which applications were considered and to the circumstances under which certain types of premises could be given favourable consideration and those whereby there was a presumption of refusal (CIZ) where exceptions could only be made if there were exceptional circumstances where it could be demonstrated that there would be no detrimental impact on the four licensing objectives. Councillor Hyde responded that it was primarily the proliferation of café bar applications about which members had concerns about and was of the view that it may be timely for this to be addressed radically with a view to there being a presumption of refusal. Councillor Paige concurred that this was an area which might warrant further consideration. Rebecca Sidell, the Legal Adviser to the Committee stated that any change of approach and the basis on which licence applications were decided needed to be evidence based. The Senior Licensing Officer, Sarah Cornell, confirmed that café bar conditions related to

waiter/waitress service seated at tables to be accompanied by substantial food, vertical drinking was not permitted and that had not changed.

28.9 Councillor Wares stated that given the concerns expressed that it might be appropriate to review the existing matrix to see what/whether it was appropriate for changes to be made ahead of the next scheduled review date, asking for confirmation whether this could be done. The Legal Adviser to the Committee, Rebecca Sidell confirmed that this could be done but would need to be resourced. Following discussion it was agreed that a further report be submitted to the Committee at its November meeting. The report would look at having consulted the CIZ and the number of café bars across the city. It should be noted that a number of cafe bars had been granted prior to the last twelve month period covered by the current report.

28.10 **RESOLVED** – (1) That the Committee receives and notes the contents of the report; and

(2) That officers continue to monitor trends of applications and illegal activity in order to inform future policy and to bring forward a report to the November cycle of Committee covering the areas outlined in paragraph 28.9 above.

29 ITEMS REFERRED FOR COUNCIL

29.1 There were none.

The meeting concluded at 5.20pm

Signed

Chairman

Dated this

day of