

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

4.00PM 26 NOVEMBER 2020

VIRTUAL VIA MICROSOFT TEAMS

MINUTES

Present: Councillors Deane (Chair), Davis (Deputy Chair), O'Quinn (Opposition Spokesperson), Simson (Group Spokesperson), Appich, Atkinson, Bagaeen, Ebel, Fowler, Henry, Hugh-Jones, Knight, Nemeth and Wares

Apologies: Councillors Osborne

PART ONE

11 PROCEDURAL BUSINESS

11(a) Declarations of Substitutes

11.1 Councillor Hugh-Jones was present in substitution for Councillor Rainey and Councillor Nemeth was present in substitution for Councillor Lewry. It was noted that Councillor Osborne had given his apologies.

11(b) Declarations of Interest

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

11(c) Exclusion of Press and Public

11.3 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.

11.4 **RESOLVED:** That the press and public not be excluded from the meeting during consideration of the items contained in part two of the agenda.

12 MINUTES OF THE PREVIOUS MEETING

- 12.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 25 June 2020 be agreed and signed as a correct record.

13 CHAIR'S COMMUNICATIONS

- 13.1 The Chair shared the following communications:

Webinar – The Night Time Economy

- 13.2 The Chair stated that a successful Webinar in respect of the Night-Time Economy had taken place on 5 November 2020, also that that she had asked officers to write a report on the impact of covid and the restrictions on the licensing team and trade.

Covid 19 Update

- 13.3 The Regulatory Services Manager would be providing a verbal update into the impact Covid 19 has had both on the service and the industry and what the recovery or re-opening of the hospitality sector will look like. The Licensing Authority had continued to function during this period of lockdown, processing applications and conducting virtual licensing panel hearings.

Members Training Session

- 13.4 Lastly, but not least the Chair, drew Members attention to the Committee Members' training scheduled for 15 December on how to make representations on behalf of residents and Panel procedure

Decision Making and Hearings Protocol;
Making Representations;
Police, Local Authority, Councillors

- 13.5 **RESOLVED** – That the contents of the Chair's Communications be received and noted.

14 CALLOVER

- 14.1 All items appearing on the agenda were reserved for discussion.

15 PUBLIC INVOLVEMENT

15(a) Petitions

- 15.1 There were none.

15(b) Written Questions

- 15.2 There were none.

15(c) Deputations

- 15.3 There were none.

16 MEMBER INVOLVEMENT**16(a) Petitions**

16.1 There were none.

16(b) Written Questions

16.2 There were none.

16(c) Letters

16.3 There were none.

16(d) Notices of Motion

16.4 There were none.

17 CORONA VIRUS UPDATE REPORT - LICENSING

17.1 The Committee considered a report of Interim Executive Director, Housing, Neighbourhoods and Communities providing an update as requested by Members on the effects of the impact of Covid 19 and the subsequent restrictions brought in to effect to limit transmission of the virus.

17.2 **RESOLVED** – That the Committee notes the contents of the report and agrees that officers should continue to take action as appropriate.

18 REVIEW OF STATEMENT OF LICENSING POLICY – CONSULTATION RESPONSE REPORT 2020

18.1 The Committee considered a report of the Interim Executive Director of Housing, Housing, Neighbourhoods and Communities setting out the consultation response to the Review of Statement of Licensing Policy which had taken place.

18.2 It was noted that the Council, as Licensing Authority, had a statutory duty to review and publish its Statement of Licensing Policy (SoLP) every five years. The current policy had been adopted on March 2016 by Full Council and revised in March 2019. It was required that the Policy be kept under review. The Cumulative Impact Policy (CIZ) and Special Stress Area (SSA) had been introduced in 2008 and expanded in 2011. The SSA had been further expanded into central Hove in 2019. At its meeting on 25 June 2020, the committee had authorised officers to go out to statutory consultation in order to review the council's Statement of Licensing Policy 2019.

18.3 The Head of Regulatory Services, Jim Whitelegg, explained that the Consultation had commenced on 20 July 2020 and had closed on 4 October. The consultation document had included background information and documents relevant to the specific questions on areas listed in the recommendations as well as copy of the revised document a copy

of which was set out in Appendix B. An extensive pre-consultation had been carried out with relevant key stakeholders prior to going out to consultation including Public Health, the Police, Environmental Health, Highways, Arts and Tourism, the Licensing Strategy Group and the Committee.

- 18.4 The Legal Adviser to the Committee, Rebecca Sidell, advised that the proposal at 2.1.4 to restrict new café licenses to a 10pm rather than 11pm closing time in the SSA and other areas, could be regarded as inconsistent in terms of promotion of the licensing objectives as pubs had a terminal hour of 11pm where incidents of crime, disorder and anti-social behaviour were more common than for cafes. The restriction works for cafes in the CIZ category where new pubs were not permitted but not really elsewhere where pubs could have a later time. The police opposed the proposal on this basis. It was however a matter for decision by the Committee.
- 18.5 Councillor O'Quinn noted the comments made but stated that having sat on numerous Panels, it was all too often the case that applicants applying as a café bar licence in order to sell alcohol intended essentially to run a bar. The Policy was not absolute and each application would continue to be considered on its individual merits. Councillors Simson and Appich concurred in that view.
- 18.6 Councillor Simson welcomed the proposed changes in relation to local shopping parades, where applications could be refused in areas where there were already several existing outlets selling beers wines and spirits. Councillor Simson stated that she had become increasingly concerned that in a small parade of shops there could be an off-licence a post office, a convenience store and sometimes even a fish and chip shop all selling alcohol, an area could become awash with alcohol sales, that could be taken into account now.
- 18.7 Councillor Hugh-Jones welcomed the proposals to extend the Special Stress Area north along Preston Road and Beaconsfield Road between Preston Circus and Stanford Avenue.
- 18.8 The Chair, Councillor Deane also commended the proposed revisions which had been recommended, thanked officers for their work in bringing them forward, noted the comments which had been made and put the recommendations to the vote, which were carried.
- 18.9 **RESOLVED** – That the Committee agree to the revisions of the Statement of Licensing Policy as follows:
- (1) Maintain the current cumulative impact policy and zone and publish the Cumulative Impact Assessment;
 - (2) Expand the Special Stress Area (SSA) to cover Preston Road and Beaconsfield Road (up to Stanford Avenue);
 - (3) Include the Marina into “Other areas” of the Matrix to reflect the increased number of residential properties;
 - (4) To amend the “Café” category of the Matrix by reducing the terminal time to 10pm for the sale of alcohol within the special stress area and “other areas”;

- (5) Shopping parades - Amend note 8 of the Matrix to “*In an area where there are already several existing off-licences or where the premises is situated within a parade with another off licence and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds or restrictions placed on the terminal hour to reflect opening hours of other shops.*”;

19 SCHEDULE OF APPEALS

- 19.1 The Committee considered a schedule prepared on behalf of the Executive Lead of Strategy, Governance and Law covering the period since the last meeting of the Committee.
- 19.2 **RESOLVED** – That the contents of the report be noted.

20 SCHEDULE OF REVIEWS

- 20.1 The Committee considered a schedule prepared on behalf of the Acting Executive Director of Housing, Neighbourhoods and Communities Covering the period since the last meeting of the Committee.
- 20.2 **RESOLVED** – That the contents of the report be noted.

21 ITEMS REFERRED FOR COUNCIL

- 21.1 **RESOLVED** – That Item 18, “Review of Statement of Licensing Policy – Consultation Response Report 2020 be referred to Full Council for decision.

The meeting concluded at 5.45pm

Signed

Chairman

Dated this

day of

