

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

4.00PM 24 JUNE 2021

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Deane (Chair), Simson (Group Spokesperson), Knight and Moonan.

PART ONE

1 PROCEDURAL BUSINESS

In welcoming all to this meeting of the Licensing Committee (Non-Licensing Act 2003 Functions), the Chair, Councillor Deane explained that in line with current Government guidance this a hybrid meeting. The debate and decision making rested solely with the 4 Members who are in attendance in the Chamber. Apart from the Officers present in the Chamber others would be joining the meeting via Microsoft Teams. The meeting was being webcast live and would be capable of subsequent repeated viewing.

1(a) Declarations of Substitutes

1.1 Councillor Moonan was present in substitution for Councillor Henry.

1(b) Declarations of Interest

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

1(c) 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 of the items listed on the agenda.

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

2 MINUTES OF THE PREVIOUS MEETING

- 2.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 4 March 2021 be agreed and signed as a correct record.

3 CHAIR'S COMMUNICATIONS

Extended Covid Restrictions

- 3.1 The Chair, Councillor Deane stated that she wanted to start her communications by referring to the effects of the extended Covid restrictions, hospitality remained in step 3 with social distancing requirements and night clubs remaining closed. She understood that both police and council licensing teams were seeing experiencing fewer issues and fielding fewer enquiries from licensed premises with this latest re-opening stage of the road map and business as usual, in terms of applications, it was busy so hopefully there was positivity out there.
- 3.2 In July 2020, the Government had introduced through the Business and Planning Act 2020 a Fast Track process to allow businesses selling food or drink to obtain authorisation from the Local Authority for the placement of furniture such as tables and chairs on a highway adjacent to their premises, a "Pavement Licence". Highways had confirmed that they were still using the Business and Planning Act to issue pavement licences and that they were waiving all fees for these licences. The Act was due to expire on [30 September 2021](#), all licences issued would expire at that time. There were are proposals however to extend the expiry time till September 2022.
- 3.3 The council currently had over 300 pavement licences in place and expected this to increase as lockdown and the summer approached this was approximately the same number of licences as before the pandemic but some premises now had larger areas. The council was continuing to support businesses who wished to make use of a pavement licence. But the changes had not been welcomed by everyone. The reopening of businesses and the reliance on outside spaces had caused some concerns and enforcement issues, whilst most businesses had abided by the guidelines and licence conditions we had also seen an increase in licence breaches. Mainly this was around areas spreading either because the owners were adding extra seats or customers are moving them to create more space. Because some areas had been enlarged there was not as much room on the pavement to accommodate any spread and this had lead to obstructions and complaints. A number of complaints and comments had also been received regarding the experimental traffic order and subsequent area changes in the North Laine. Data was being gathered including traffic counts and stakeholder comments in advance of presenting a report to a future ETS committee.
- 3.4 The Highway Enforcement team would be taking on more staff over the summer to help tackle these issues and was also planning on reviewing its highway licensing policy towards the end of the year. Finally, the Chair informed Members that a training session had been arranged for them on 5 July ordinarily this would be for all members of the Licensing Committee and was particularly aimed at the new members whom she had welcomed earlier, however this had been extended to all councillors throughout the city irrespective of whether they were on Licensing Committee or not, as this would help them to understand the Licensing Policy and licensing objectives so

that if there were licence applications in their area and residents were not happy, they knew how to make a representation and how to make a presentation at a panel hearing. Members of the Committee were urged members of their Group who weren't on Licensing Committee to attend.

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

4 CALLOVER

4.1 All items appearing on the agenda were called for discussion.

5 PUBLIC INVOLVEMENT

5(a) Petitions

5.1 There were none.

5(b) Written Questions

5.2 There were none.

5(c) Deputations

5.3 There were none.

6 MEMBER INVOLVEMENT

6(a) Petitions

6.1 There were none.

6(b) Written Questions

6.2 There were none.

6(c) Letters

6.3 There were none.

6(d) Notices of Motion

6.4 There were none

7 ANNUAL REPORT OF THE LICENSING AUTHORITY 2020

7.1 The Committee considered a report of the Executive Director of Housing, Neighbourhoods and Communities setting out the licensing and gambling functions for Brighton and Hove had carried out during 2020.

- 7.2 The report also sought to apprise the Committee Members of local and national issues. It was noted that Government legislature, local authorities and the hospitality sector had been severely impacted by the pandemic and the restrictions imposed by statutory coronavirus – related legislation throughout 2020/21.
- 7.4 Councillor Simson asked whether it was known how many premises had closed during the pandemic and remained closed. The Head of Regulatory Services, Jim Whitelegg. Stated that it was difficult to ascertain this because premises did not always surrender their licence if they closed and there was a time delay before licences lapsed. Overall, year on year the number of licensed premises remained constant.
- 7.5 Councillors Moonan and Knight considered that it was useful for Members to know where premises were located and what type of premises they were and whether there were any changes/emerging, across the city.
- 7.6 Councillor Simson stated that it appeared that there had been an increase in the number of new licence applications and sought clarification whether that was the case. It was confirmed that the number of applications had remained constant with increases in some types of application.
- 7.7 In answer to questions by Councillor Moonan it was confirmed that in consequence of the pandemic there had been an increase in the number of minor applications and requests for variations and it was agreed during discussion that the feasibility of providing an interim report bringing together the available data would be beneficial as it would provide members with a timely update. Members were concerned that incrementally variations could be used as a means of effecting major changes which could significantly change the nature of a business.
- 7.8 Councillor Simson noted that there appeared to have been an increase in the number of applications for new premises licences recently. Of major concern was the fact that there had been an increase in number of across city delivery services involving alcohol sales, this appeared to be a “grey” area and needed to be monitored.
- 7.9 **RESOLVED** – (1) That the Committee notes the contents of the report; and
(2) That officers continue to monitor trends of applications and illegal activity to inform future policy.

8 GAMBLING POLICY REVIEW 2022-2024 (AS REVISED)

- 8.1 The Committee considered a report of the Executive Director of Housing, Neighbourhoods and Communities detailing the requirement for a review of Gambling Policy 2022-2024 as revised.
- 8.2 It was noted that under the Gambling Act 2005 there was a requirement for Licensing Authorities to prepare a statement (policy) every three years of the principles they proposed to be applied when exercising their functions. As part of that process they were required to publish a statement following the procedures set out in the Act, including details of whom they should consult. Brighton and Hove’s gambling policies and practices had been highlighted by the Gambling Commission as examples of

good practice. The current policy had been through a comprehensive review for its 2016 version and it was not proposed that this statutory review would incorporate any major changes as the licensing authority had continued to liaise with the Gambling Commission who had advised that there had been no major changes to the Guidance for Local Authorities which affected local policies. The revised policy would reflect changes such as the reduction in B2 gaming machine stakes in April 2019, update the licensing figures and safeguarding contacts.

- 8.3 In answer to questions by Councillor Moonan it was confirmed that work was continuing with public health in addition to an annual meeting which enabled officers to share experiences with other comparable and seaside cities.
- 8.4 Councillor Simson referred to the links between gambling alcohol and enquired whether data was monitored in that respect. The needs to highlight links for advice which linked into the Gambling Commission website was referred to and it was noted that this would be done.
- 8.5 **RESOLVED** – (1) That the Committee instruct officers to carry out a consultation on the draft policy (attached at appendix 1 to the report).

9 FUTURE LICENSING PANEL HEARING ARRANGEMENTS

- 9.1 The Committee considered a report of the Executive Lead, Strategy, Governance and Law setting out the position in relation to the conduct of Licensing Panels convened under the Licensing Act 2003 (Licensing Panels).
- 9.2 The report proposed that members delegated authority to senior officers after consultation with lead members to determine the future of conduct of Licensing Panels after the end of July 2021 until review at the next committee in October 2021. The intention was to build flexibility into the arrangements and be able to respond the latest public health and government advice.
- 9.3 Councillor Simson stated that whilst she was happy to agree to the current arrangements remaining in place pro-tem. Her preference however was to return to actual face to face meetings as soon as it was practicable to do so and for the situation to be kept under review in the light of decisions taken by the councils itself and by national government. The other Members present considered that could be when the position had been reached of all Members and the majority of members of the public having received both vaccinations and were in agreement that the situation needed to be kept under review.
- 9.4 **RESOLVED** – (1) That the Committee delegate authority to the Executive Lead for Strategy Governance and Law after consultation with the Chair and group spokespersons to determine arrangements for Licensing Panel hearings for 1 August 2021 until the next Licensing Committee in October 2021; and
- (2) That the Committee recommends that in exercising this authority the above office takes into account all relevant factors including latest public health and government guidance and the need to ensure fair and transparent procedures in accordance with the Hearings Regulations 2005.

10 SCHEDULE OF APPEALS

10.1 The Committee considered a schedule of appeals prepared on behalf of the Executive Lead, Strategy, Governance and Law.

10.2 **RESOLVED** – That the contents of the schedule be noted.

11 SCHEDULE OF REVIEWS

11.1 The Committee considered the amended and updated schedule prepared on behalf of the Executive Director of Housing, Neighbourhoods and Communities.

11.2 **RESOLVED** – That the contents of the amended schedule be noted.

12 ITEMS REFERRED FOR COUNCIL

12.1 There were none.

The meeting concluded at 4.40pm

Signed

Chair

Dated this

day of