

BRIGHTON & HOVE CITY COUNCIL

**LICENSING COMMITTEE
(NON LICENSING ACT 2003 FUNCTIONS)**

3.00PM – THURSDAY 19 JUNE 2008

COUNCIL CHAMBER - HOVE TOWN HALL

MINUTES

Present: Councillor C Theobald (Chairman); Councillors Barnett, Cobb, Fryer, Hyde, Kitcat, Lepper (Deputy Chair), Marsh, Older, Watkins and West.

Apologies: Councillors Harmer-Strange, Hamilton, Pidgeon and Young.

PART ONE

ACTION

1. PROCEDURAL BUSINESS

1A Declarations of Substitutes

1.1 Councillor Barnett substituted for Councillor Pidgeon.

1B Declarations of Interest

1.2 There were none.

1C 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 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).

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

2. MINUTES

2.1 **RESOLVED** – a) That the minutes of the meeting held on 14 February 2008 be approved and signed by the Chair as a correct

record.

b) That the minutes of the special meeting held on 28 April 2008 be approved and signed by the Chair as a correct record.

3. CALL OVER

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

4. CHAIRMAN'S COMMUNICATIONS

4.1 It was stated to the Committee the Department of Culture, Media and Sport Minister, Gerry Sutcliffe, has written to the Chief Executive because the government is concerned about the increase in lap dancing establishments and similar forms of adult entertainment.

DCMS is gauging the concern of local authorities and other stake holders. The Home Office and DCMS are seeking views on this issue to see whether lap dancing is adequately controlled by licensing legislation or planning or public decency legislation (for copy see minute book).

The Chairman outlined a response that would be sent to the DCMS/Home Office. The response detailed the history of lap-dance clubs in the city and argued that local authorities should be permitted to control the localities, numbers and management of these premises as they do for sex shops and cinemas.

4.2 An update was given on Taxis. It was noted that since the meeting on 14 February seven warnings/cautions had been issued to drivers and that three licences had been suspended.

5. PUBLIC QUESTIONS

5.1 There were no public questions.

6. TO CONFIRM THE ESTABLISHMENT OF THE LICENSING COMMITTEE (NON-LICENSING ACT 2003 FUNCTIONS)

6.1 The Solicitor to the Committee explained that it was necessary for the Committee to formally confirm the Establishment of the (Non Licensing Act 2003 Functions) Licensing Committee and its constituent panels.

6.2 **RESOLVED** - That the establishment of the (Non Licensing Act 2003 Functions) Licensing Act Committee and its constituent panels be confirmed.

7. REPORT ON THE EXTENDED TRADING HOURS FOR UPPER GARDNER STREET MARKET

7.1 The Head of Environmental Health & Licensing summarised the report on extended trading hours for the Upper Gardner Street Market (for

copy see minute book).

- 7.2 The Committee stated that they would like to be involved in the review of the Council's Street Trading Policy when work begins.
- 7.3 Councillor Fryer proposed three amendments to the recommendations. They were:
- 1) That "for another six months" be added to recommendation 2.1.
 - 2) That "until we are satisfied that the market is achieving its potential" is added to recommendation 2.2.
 - 3) That a working group should be established by the Cabinet Member for Environment and that this Group should involve traders, ward councillors, local residents and all other stakeholders.

Councillor West seconded the proposals.

- 7.4 There was a debate between members before the amendments were voted on in turn. The three amendments were rejected with 3 in support of them, 7 against and 2 abstentions. The recommendations as set out in the report went to the vote and were passed with 8 for and 4 abstentions.
- 7.5 **RESOLVED** – 1) That street trading consent for Upper Gardner Street with conditions limiting trading periods for trading on Saturdays between 0700 and 1700 hours be continued.
- 2) Further monitoring and enforcement visits are arranged by officers and that additional reports are not required unless there is a change in circumstances, e.g. if highlighted by the planned review of the council's street trading policy.

8 ITEMS TO GO FORWARD TO COUNCIL

- 8.1 There were none.

The meeting concluded at 3.35pm

Signed

Chair

Dated this day of 2008

