

Licensing Committee (Licensing Act 2003 Functions)

Date: **4 March 2021**

Time: **4.00pm or at the conclusion of the preceding Non-Licensing
Act Committee**

Venue **Virtual Via Microsoft Teams**

Members: **Councillors:** Deane (Chair), Davis (Deputy Chair), O'Quinn
(Opposition Spokesperson), Simson (Group Spokesperson),
Atkinson, Appich, Bagaeen, Ebel, Fowler, Henry, Knight, Lewry,
Osborne, Rainey and Wares

Contact: **Penny Jennings**
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AGENDA

22 PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest:

- (a) Disclosable pecuniary interests
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: *Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

23 MINUTES OF THE PREVIOUS MEETING

7 - 12

Minutes of the meeting held on 26 November 2020 (copy attached)

24 CHAIR'S COMMUNICATIONS

25 PUBLIC INVOLVEMENT

To consider the following matters raised by members of the public:

- (a) **Petitions:** to receive any petitions presented to the full council or at the meeting itself;
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on 26 February 2021;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on 26 February 2021.

26 MEMBER INVOLVEMENT

To consider the following matters raised by councillors:

- (a) **Petitions:** to receive any petitions submitted to the full Council or at the meeting itself;
- (b) **Written Questions:** to consider any written questions;
- (c) **Letters:** to consider any letters;
- (d) **Notices of Motion:** to consider any Notices of Motion referred from Council or submitted directly to the Committee.

27 COVID19 UPDATE – LICENSING AND HOSPITALITY SECTOR

13 - 24

Report of the Executive Director of Housing, Neighbourhoods and Communities (copy attached)

Contact Officer: Jim Whitelegg

Tel: 01273 292438

Ward Affected: All Wards

28 SCHEDULE OF APPEALS

No new appeals to report, although there may an oral update as appropriate at the meeting itself.

29 SCHEDULE OF REVIEWS

25 - 26

Schedule prepared on behalf of Executive Director of Housing, Neighbourhoods and Communities (copy attached)

30 ITEMS REFERRED FOR COUNCIL

To consider items to be submitted to Council meeting for information.

In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of

the Committee meeting

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The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email penny.jennings@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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Date of Publication - Wednesday, 24 February 2021

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

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

Agenda Item 27

Brighton & Hove City Council

Subject: Covid19 Update – Licensing and hospitality sector

Date of Meeting: 4th March 2021

Report of: Interim Executive Director of Housing,
Neighbourhoods & Communities

Contact Officer: Name: **Jim Whitelegg, Regulatory Services Manager** Tel: 292438

E-mail: jim.whitelegg@brighton-hove.gov.uk

Wards Affected: All

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report has been requested by Members and is to provide an update on the report taken to the November Licensing Committee 2020 on the effects on Licensing, both the trade and the service, from the impact of Covid19 and the subsequent restrictions brought in to limit the transmission of the virus.

2. RECOMMENDATIONS:

- 2.1 That Members note the contents of this report and that officers should continue to take action as appropriate.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 Key Dates:

- 23rd March 2020 - National Lockdown 1.0 (all shops and licensed premises closed, with exceptions). The Health Protection (Coronavirus, restrictions) Regulations 2020.
- 4th July – re-opening of hospitality sector together with local lockdown restrictions
- 9th July - Working safely during coronavirus (COVID-19), published by the Department for Business, Energy and Industrial Strategy (“BEIS”) (“the Working Safely Guidance”) in updated form on 9 July 2020, which is made up of 12 sub-guides for different types of work
- 21st July – Business and Planning Act 2020 - easing and of pavement licensing and allowing limited off sales on a time-limited (Sept 21 – extended to March 2022) basis.
- 14th September 2020 - Rule of Six, table service & face coverings mandatory
- 18th September 2020 - Mandatory Test and Trace
- 28th September – New restrictions on singing and dancing in premises (stop singing in groups of more than 6, dancing and restriction of music noise levels)
- 12th October - Three-tier system of restrictions Regulations

- 5th November – 2nd December 2020 – National Lockdown 2.0: The Health Protection (Coronavirus, Restrictions) (England)(No. 4) Regulations 2020 “No.4 Regulations - replacing Medium, High and Very High Regulations
- The Health Protection (Coronavirus Regs) (All Tiers) Regs 2020, adding Tier 4 – 26 December 2020
- National lockdown 3.0 – 6th January 2021: The Health Protection (Coronavirus Regs) (All Tiers) Regs 2020

4. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 4.1 The government has laid over 287 Coronavirus-related Statutory Instruments (SIs) before the UK Parliament during this pandemic. The first two Coronavirus-related SIs were laid on 28 January and 10 February 2020, respectively. The rest have been laid since 6 March, at an average rate since then of eight per week. Guidance can often be out of sync with regulations and this shows how fast-moving the legal landscape is.
- 4.2 On the 24th March 2020 the country went into lockdown that saw all non-essential businesses, forced to close with the introduction of The Health Protection (Coronavirus, restrictions) Regulations 2020.
- 4.3 Officers from Regulatory Services, in particular, Trading Standards, Licensing and Environmental Health have been enforcing the new legislation, dealing with over 1000 Covid related enquiries and complaints during the various lockdown periods and subsequent easing of restrictions and re-opening phases.
A summary of the enforcement action and types of complaints and enquiries is detailed in Appendix A.
- 4.4 From the 4th July we then had a period of moving cautiously out of lockdown, with only really nightclubs/sex entertainment venues remaining closed, albeit businesses particularly the hospitality sector were presented with immediate and exceptional challenges in adopting measures to restrict the transmission of the virus which means a significant reduction in capacities and an increase in overheads.
- 4.5 However, we saw a rapid rise in infections during October leading to increased hospital admissions and deaths, most notably in certain areas of the country. This led to further restrictions and new regulations introducing a 3-tier system introduced on the 14th October 2020 followed by a second national lockdown “lockdown 2.0” which started on the 5th November and ended on the 2nd December. From 2nd December we entered Tier 2 and then, as we again saw a rapid rise in infection rates (due in part to a new strain of the virus), we went into Tier 4 on 26th December 2020 before going into a national lockdown on the 6th January 2021.
- 4.6 Regulatory services, particularly Environmental Health and Licensing, have been working alongside Public Health and the Police to both support

and police the regulations and guidance, as well as assist with the local outbreak plan in tracing and following up reports of positive testing.

- 4.7 Local authority licensing is a statutory function, its purpose rooted in public safety, requiring the local authority to fulfil a statutory process which then enshrines the licensing function within its remit and responsibilities.
- 4.8 So despite the lockdown, the licensing authority have continued to function, conducting virtual remote hearings and continuing its statutory duties of processing applications and ensuring compliance with not only licensing legislation but the new regulations brought in to minimise the transmission of the virus.
- 4.9 The vast majority of premises have been compliant and are keen to comply with both the guidance and the regulations. We've seen many premises have to re-think their traditional mode of operation, moving from to a greatly reduced capacity, table service operation, and as such we are receiving a lot of variations to amend hours and conditions. The 3rd lockdown has meant that the hospitality sector has had to largely close, except for "essential" businesses such as off licences and takeaways.
- 4.10 Coronavirus and the subsequent restrictions have not only affected licensed premises but have had a devastating effect on the Outdoor Events Industry in 2020, with research (undertaken by the Events Industry Forum) showing that, since March, 99% of business activity nationally ceased with events not taking place. This is particularly true for Brighton & Hove where outdoor events play a major role in the city as a leisure destination and therefore contribute significantly to the economic impact that tourism brings to the city, as well as raising substantial funding for charity organisations.
- 4.11 Many businesses have survived this period on a combination of loans, furloughing and redundancies. The Discretionary Fund, partially targeted at Events and Creative Industries here in Brighton and Hove, was massively appreciated by numerous local individuals and companies reliant on the Events Industry. However, many are now fearful of what a fallow winter and a potential delayed start to the 2021 season may bring with many events requesting their events be push back to autumn 2021.
- 4.12 Working alongside Comms, the council's covid website has been continually updated with the latest advice and guidance. In addition, Regulatory Services have sent out weekly, sometimes daily, messaging to all food and licensed businesses on the latest requirements and guidance.

5. ENFORCEMENT

- 5.1 The advice from Government and one we have adopted is to take a supportive approach, not seeking enforcement action, but in the first instance supporting and advising businesses with a staged approach to enforcement. However, where there is a flagrant breach of regulations after support has been given we will take enforcement action and this could include fixed penalty notices and prohibition notices.
- 5.2 There are also a number of existing powers that can be used. All businesses must operate subject to a Covid-19 risk assessment and in accordance with detailed government guidance and regulations. Action, including closure, prohibition, improvement and warning notices, as well as fixed penalty notices can be used under existing and recently introduced legislation.
- 5.3 In addition, the local authority can make a “Direction”, having regard to advice from the Director of Public Health, responding to a “serious & imminent threat to public health”. The “direction” is “necessary for the purpose of preventing, protecting against, controlling or providing a public health response to the incidents or spread of infection by Coronavirus in the Local Authority’s area”; and “the prohibitions, requirements or restrictions” which are imposed by the “Direction” are a proportionate means of achieving that purpose.
- 5.4 In July council officers resumed inspections with the re-opening of the hospitality sector and, in addition, have been carrying out weekly joint inspections with police licensing. The licensing team is working particularly closely with our colleagues in police licensing during this time – sharing intelligence, advice and interpretation of the new regulations and guidance, issuing joint statements to the trade and collating information on actions taken. During the subsequent two further lockdowns, we have scaled down on routine visits in line with government guidance but have continued to work closely with the police and carry out visits on a risk basis.
- 5.5 Officers have adapted well to interpreting, giving advice and enforcing the plethora of covid regulations and guidance that has been introduced, often changing on a weekly basis. A considerable skill base has been built up within Regulatory Services and we have also seen the introduction of Covid Information Officers (CIOs) and Covid Marshalls (CMs) since December 2020. The CIOs have been operating during the day and are visiting and giving advice and support to businesses. They are also being tasked by officers to follow and investigate complaints, reporting back to officers with their findings. The covid marshalls were initially engaged to work with the police to help manage the night-time economy and to engage with the public to ensure that they were socially distancing especially when leaving premises at the 10pm curfew. As we went into lockdown and these premises have closed we have redeployed them to work during the daytime on Saturday and Sunday again to engage with the public to ensure social distancing in areas of the city that see a lot of people out and about, such as the seafront.
- 5.6 Regulatory Services managers and senior officers are in daily and weekly briefings with Public Health, Safety Advisory Group and Legal, as well as attending key council and multi-agency groups around recovery and controlling the transmission of the virus.

6. COMMUNITY ENGAGEMENT AND CONSULTATION

6.1. None.

7. FINANCIAL & OTHER IMPLICATIONS:

7.1. This report is for information purposes only, so there are no financial implications.

Finance Officer Consulted: Michael Bentley

Date: 26.01.21

Legal Implications:

7.2 There are no direct legal implications.

Lawyer Consulted: Rebecca Sidell

Date: 22.01.21

Equalities Implications:

7.3 Licensing authorities must ensure that a safe hackney carriage and private hire service is freely available to meet the demand across all sectors of the public, especially those vulnerable groups to whom a taxi or private hire vehicle is often the only means of completing a journey.

Sustainability Implications:

7.4 None.

Crime & Disorder Implications:

7.5 Contained in the body of the report.

8. EVALUATION OF ANY ALTERNATIVE OPTION(S):

8.1. None – for information only.

8. REASONS FOR REPORT RECOMMENDATIONS

8.1. For information only.

Appendix A: Covid Summary Enforcement Briefing Document –

Covid 19 Updates

Total number of recorded stats/figures of intel/complaints (since lockdown 1.0 - 23/03/2020)

Licensed	594
Unlicensed / Retail / Other	675
Prohibition Notices	5
Directions	2

This total of **1146** is broken down into the below categories:

Licensed	
Pubs / Restaurants	420
Supermarkets / Convenience Stores	154
Tattoo / Skin Piercing	20
Unlicensed / Retail / Other	
Pricing Complaints	30
Business Enquiries (grants, business rates etc.)	27
Holiday Complaints (Refunds etc.)	53
Holiday Lets / Guest Houses / Hotels / Air BnB	70
Opening	35
Car Wash	17
Vape / Tobacconist	11
Shisha	7
Mobile Phone	15
Hairdressers / Barbers / Beauty / Spas	78
Gyms	24
Café / Takeaway	175
Retail	104
Other	29
Prohibition Notice	5
Directions	2

Nature of issues reported include:

Lack of masks/face coverings
Sanitiser, screens, inadequate cleaning, ventilation, etc.
Not collecting customer etc. information for NHS Test and Trace or not displaying a QR code
Social distancing
Bookings of over 6 (or one household in areas of local restrictions), table spacing, and mingling between groups on the premises
Failing to adhere to restrictions on opening hours and last order times
No risk assessment in place
Covid risk from staff, e.g. positive test
Clarification of guidance
Live music/entertainment
Failing to close when required to remain closed

Appendix A – Summary of Covid Enforcement

Various stages of Tier's and Restrictions on Licensed premises:

- **First Lockdown** - *23 March 2020*
- **Tier 1 – Medium Alert** - *20 October 2020*
- **Second Lockdown** - *5 November 2020*
- **Tier 2 - High Alert** – *2 December 2020*
- **Tier 4 – Stay at Home** – *26 December 2020*
- **Tier 4 - National lockdown: Stay at Home** – *6 January 2021*

First Lockdown – Stay at Home – *23 March 2020*

The following hospitality venues must close:

- Restaurants, including restaurants and dining rooms in hotels or members clubs.
- Cafes, including workplace canteens
- Bars, including bars in hotels or members' clubs.
- Public houses.

Reopening after First Lockdown – *4 July 2020*

The following guidance for hospitality applied:

- requiring use of table service where possible instead of ordering at the bar and assigning a single staff member per table
- encouraging use of contactless ordering from tables where available, such as through an app
- discouraging non-essential trips by staff within venues, such as between the kitchen and front of house, by using radios and other electronic devices to communicate
- encouraging customers to use hand sanitiser or handwashing facilities as they enter the venue
- providing clear guidance on social distancing and hygiene as people arrive on the premises, with signage and visual aids

Tier 1 – Medium Alert - *20 October 2020*

The following guidance for hospitality applies:

- hospitality businesses selling food or drink for consumption on their premises are required to:
 - provide table service only, for premises that serve alcohol
 - close between 11pm and 5am (hospitality venues in airports, ports, on transport services and in motorway service areas are exempt)
 - stop taking orders after 10pm
- hospitality businesses and venues selling food and drink for consumption off the premises can continue to do so after 10pm as long as this is through delivery service, click-and-collect or drive-through
- early closure (11pm) applies to casinos, cinemas, theatres, concert halls, museums, bowling alleys, amusement arcades, funfairs, theme parks, adventure parks and activities and bingo halls. Cinemas, theatres and concert halls can stay open beyond 11pm in order to conclude performances that start before 10pm

Second Lockdown - *5 November 2020*

The Regulations state that hospitality venues, such as cafes, restaurants, pubs, bars and social clubs must close for consumption on the premises.

Food or Drink (No Alcohol)

- Between the hours of 05:00 and 22:00 a premise may sell food or drink for take-away, and the purchaser can enter the premises to collect the food or drink.
- After 22:00 till 05:00 the next morning, premises may sell food and drink, but the sale must be pre-ordered and only made via a delivery, click and collect or a drive-thru facility. The purchaser must not enter the premises or vacate their vehicle.

Appendix A – Summary of Covid Enforcement

Alcohol

- A premise may sell alcohol at any time within the terms of their licence, but the sale must be pre-ordered and only made via a delivery, click and collect or a drive-thru facility. The purchaser must not enter the premises or vacate their vehicle.
- Off licences were exempt from the above as they are not a business that is required to close.

Tier 2 - High Alert – 2 December 2020

Hospitality businesses selling food or drink for consumption on their premises must:

- only serve alcohol for consumption on the premises as part of a substantial meal, and the meal is such as might be expected to be served as breakfast, the main midday or main evening meal.
- provide table service only in premises that serve alcohol.
- not provide shared smoking equipment (including for shisha) for use on the premises
- close between 11pm and 5am.
- cease taking orders after 10pm. Customers must leave premises by 11pm

Hospitality businesses and venues selling food and drink for consumption off the premises can continue to do so through delivery and click-and-collect (where orders are made online, by telephone or by post), drive-through or takeaway until 11pm. This may continue after 11pm, with the exception of takeaway, which must cease. Venues offering click-and-collect or delivery services must not include alcoholic beverages if their license does not already permit.

Tier 4 – Stay at Home – 26 December 2020

The following hospitality venues must close for consumption on their premises.

- Restaurants; pubs; bars, including those in hotels or members' clubs, and shisha bars; social clubs
- Cafes and canteens, excluding those exempted below

These closed premises can continue to provide:

- Food and drink on a takeaway basis between 5am and 11pm. This means that customers can enter the premises to place and collect their order. Food and drink can also be sold for delivery, and via click and collect where orders are made online, by telephone or by post; and drive through;
- Food and drinks for delivery, via click and collect and drive through only between 11pm and 5am. Click-and-collect and delivery services can only operate where goods are pre-ordered (by phone, online, via a mobile app or by post) and collected without entering the premises. Venues offering click-and-collect or delivery services must not include alcoholic beverages if their license does not already permit.

Hospitality venues providing food and drink for consumption off the premises are not permitted to allow customers to consume from any adjacent seating to the premises.

Tier 4 - National lockdown: Stay at Home – 6 January 2021

Restrictions on Service of Food and Drink for Consumption on the Premises (close premises and cease providing food drink for consumption on premises)

- hospitality venues such as cafes, restaurants, pubs, bars and social clubs; with the exception of providing food and non-alcoholic drinks for takeaway (until 11pm), click-and-collect and drive-through. All food and drink (including alcohol) can continue to be provided by delivery.

Covid Regulation/Legislation:

Two key items of primary legislation contain emergency powers relating to coronavirus and health protection in England:

- Coronavirus Act 2020

These Regulations came into force on 25 March 2020

Appendix A – Summary of Covid Enforcement

- Public Health (Control of Disease) Act 1984
These Regulations came into force on 26 June 1984

There are six key health protection regulations that apply to everyone in England:

- ❖ The Health Protection (Coronavirus, International Travel) (England) Regulations 2020
These Regulations came into force on 8 June 2020
- ❖ The Health Protection (Coronavirus, Restrictions) (No. 3) (England) Regulations 2020
These Regulations came into force on 18 July 2020
- ❖ The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020
These Regulations came into force on 24 July 2020
- ❖ The Health Protection (Coronavirus, Collection of Contact Details etc. and Related Requirements) Regulations 2020
These Regulations came into force on 17 September 2020
- ❖ The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020
These Regulations came into force on 28 September 2020
- ❖ The Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers) (England) Regulations 2020
These Regulations came into force on 2 December 2020

Regulations listed in date order:

- Public Health (Control of Disease) Act 1984
These Regulations came into force on 26 June 1984
- Coronavirus Act 2020
These Regulations came into force on 25 March 2020
- The Health Protection (Coronavirus) Regulations 2020
These Regulations came into force on 10 February 2020
- The Health Protection (Coronavirus) Regulations 2020 (revoked)
These Regulations were revoked on 25 March 2020
- Health Protection (Coronavirus, Business Closure) (England) Regulations 2020
These Regulations came into force on 21 March 2020
- The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020
These Regulations came into force on 26 March 2020
- The Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 3) Regulations 2020
These Regulations came into force on 1 June 2020
- The Health Protection (Coronavirus, International Travel) (England) Regulations 2020
These Regulations came into force on 8 June 2020
- The Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 4) Regulations 2020 -
These Regulations came into force on 13 June 2020
- The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020
These Regulations came into force on 4 July 2020
- The Health Protection (Coronavirus, Restrictions) (No. 3) (England) Regulations 2020
These Regulations came into force on 18 July 2020
- Business and Planning Act 2020
This Act came into force on 22 July 2020
- The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020
These Regulations came into force on 24 July 2020
- The Health Protection (Coronavirus, Collection of Contact Details etc. and Related Requirements) Regulations 2020
These Regulations came into force on 17 September 2020
- The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020

Appendix A – Summary of Covid Enforcement

These Regulations came into force on 28 September 2020

- The Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020

These Regulations come into force on 5 November 2020

- Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020

These Regulations come into force on 2 December 2020

- The Health Protection (Coronavirus, Restrictions) (All Tiers and Obligations of Undertakings) (England) (Amendment) Regulations 2020

These Regulations come into force on 20 December 2020

- The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) (Amendment) (No. 3) Regulations 2020

These Regulations come into force on 26 December 2020

- The Health Protection (Coronavirus, Restrictions) (No. 3) and (All Tiers) (England) (Amendment) Regulations 2021

These Regulations come into force on 6 January 2021

Reviews

1.1 The following Reviews have taken place:

- Portslade News (PKA Martins), 43 Station Road, Portslade, BN41 1AG – received 26.01.2021 from Sussex Police (prevention of crime and disorder)
- Saltdean News, 27 - 29 Longridge Avenue, Saltdean, BN2 8LG – received 12.01.2021 from Sussex Police (prevention of crime and disorder)
- Montpelier Inn, 7 - 8 Montpelier Place, Brighton, BN1 3BF - expedited review received 12.11.2020 (prevention of crime and disorder)

