





**Brighton & Hove  
City Council**

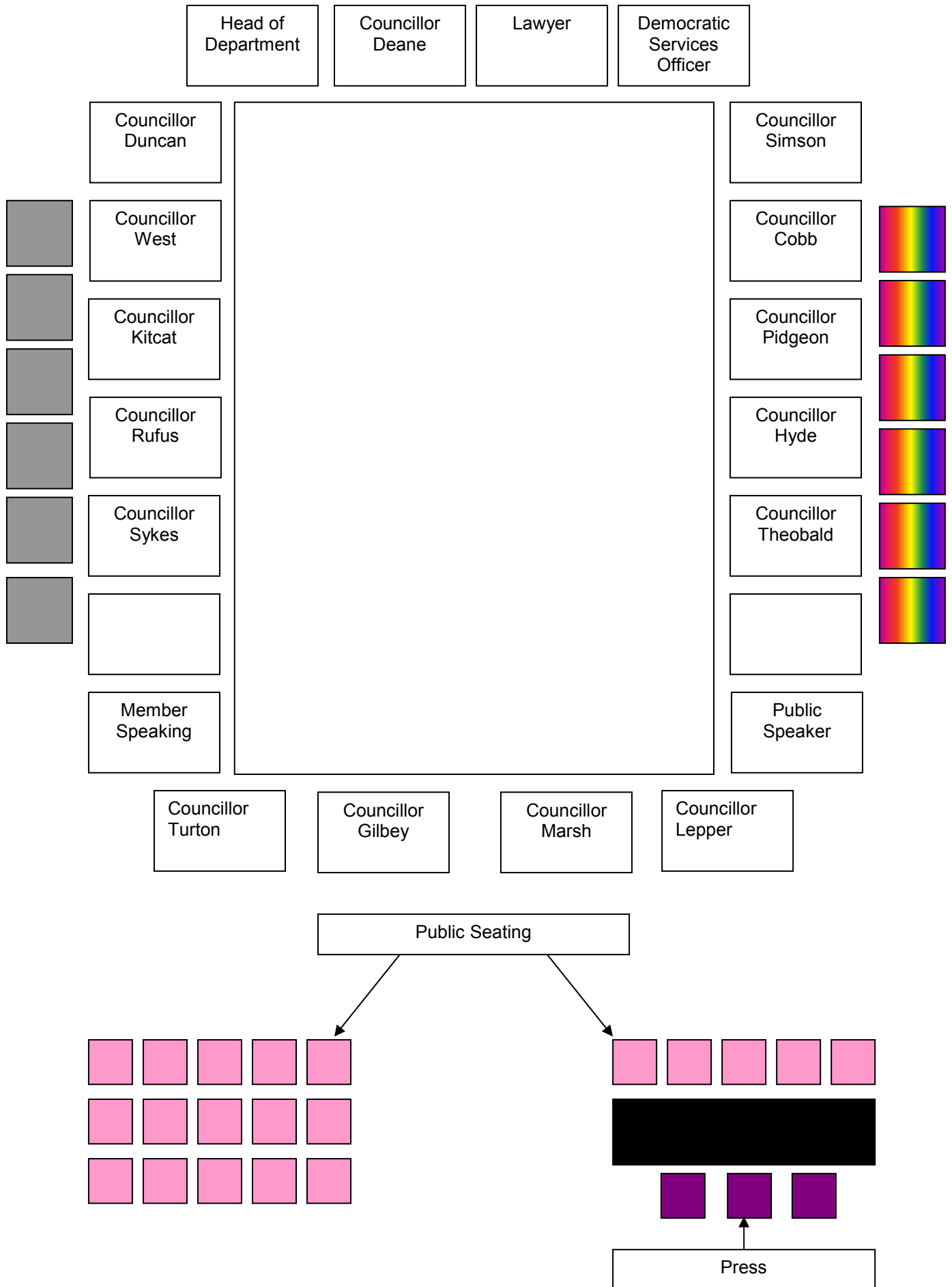
# Licensing Committee

(Licensing Act 2003 Functions)

Title:	<b>Licensing Committee (Licensing Act 2003 Functions)</b>
Date:	<b>17 November 2011</b>
Time:	<b>3.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<b>Councillors:</b> Deane (Chair), Sykes (Deputy Chair), Cobb, Duncan, Gilbey, Hyde, A Kitcat, Lepper, Marsh, Pidgeon, Rufus, Simson, C Theobald, Turton and West
Contact:	<b>Penny Jennings</b> Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk

	The Town Hall has facilities for wheelchair users, including lifts and toilets
	An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter and infra red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.
	<p><b>FIRE / EMERGENCY EVACUATION PROCEDURE</b></p> <p>If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:</p> <ul style="list-style-type: none"> <li>• You should proceed calmly; do not run and do not use the lifts;</li> <li>• Do not stop to collect personal belongings;</li> <li>• Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and</li> <li>• Do not re-enter the building until told that it is safe to do so.</li> </ul>

# Democratic Services: Meeting Layout



**AGENDA**

**Part One**

**Page**

---

**11. 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 by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (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 2 of the Agenda states in its heading either that it is confidential or 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 categories of exempt information is available for public inspection at Brighton and Hove Town Halls.*

**12. MINUTES OF THE PREVIOUS MEETING**

**1 - 8**

Minutes of the meeting held on 23 June 2011 (copy attached)

**13. CHAIR'S COMMUNICATIONS**

**14. PUBLIC QUESTIONS**

(The closing date for receipt of public questions is 12 noon on 10 June)

No public questions received at date of publication.

**15. STATEMENT OF LICENSING POLICY CONSULTATION RESPONSE**

**9 - 92**

*Contact Officer: Jean Cranford Tel: 29-2550*  
*Ward Affected: All Wards*

**16. DCMS PROPOSALS TO DEREGULATE REGULATED ENTERTAINMENT**

**93 - 154**

Report of the Director of Planning and Public Protection (copy attached)

*Contact Officer: Jean Cranford Tel: 29-2550*  
*Ward Affected: All Wards*

## LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

### 17. SCHEDULE OF REVIEWS 155 - 156

Report of the Head of Planning and Public Protection (copy attached)

*Contact Officer:* Jean Cranford *Tel:* 29-2550

*Ward Affected:* All Wards

### 18. SCHEDULE OF APPEALS RECEIVED 157 - 158

Report of the Director of Strategy and Governance (copy attached)

*Contact Officer:* Rebecca Sidell *Tel:* 29-1511

*Ward Affected:* All Wards

### 19. ITEMS TO GO FORWARD TO COUNCIL

To consider items to be submitted to the 15 December 2011 Council meeting for information.

In accordance with Procedural Rule 24.3a the Committee may determine that any item is to be included in its report to Council. In addition each Minority Group may specify one further item to be included by notifying the Chief Executive by 10.00am on 5 December 2011.

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

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

Agendas and minutes are published on the council's website [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk). Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

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

Date of Publication - Wednesday, 9 November 2011



# LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

## Agenda Item 12

Brighton & Hove City Council

### BRIGHTON & HOVE CITY COUNCIL

#### LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

3.00PM 23 JUNE 2011

#### COUNCIL CHAMBER, HOVE TOWN HALL

#### MINUTES

**Present:** Councillors Deane (Chair), Cobb, Gilbey, Hyde, A Kitcat, Lepper, Marsh, Pidgeon, Rufus, Simson, Sykes (Deputy Chair), C Theobald, Turton and West

**Apologies:** Councillors Duncan

Officers Present : Tim Nicholls, Head of Environmental Health and Licensing; Jean Cranford, Licensing Manager; Annie Sparks, Divisional Environmental Health Officer, Pollution Team; Rebecca Sidell Lawyer and Penny Jennings, Democratic Services Officer

#### PART ONE

#### 1. APPOINTMENT OF DEPUTY CHAIR

- 1.1 Councillor Cobb was proposed by Councillor Pidgeon but declined to be considered for the position as a decision had been taken by her group that they would not take on this role, she understood however that councillor Lepper had been offered the Deputy Chair. Councillor Lepper stated that this was not the case.
- 1.2 It was confirmed that as both of the other political groups had been offered place on record his disappointment that a Member of one of the other the position of Deputy Chair and had declined that the majority group could appoint from one of their number. Councillor West wished to groups had been unwilling to take on this responsibility.
- 1.3 Councillor Sykes was proposed as Deputy Chair by Councillor West Councillor Deane seconded the proposal and Councillor Sykes was therefore duly appointed as Deputy Chair.
- 1.4 **RESOLVED** - That Councillor Sykes be appointed Deputy Chair for the ensuing Municipal Year.

**2. PROCEDURAL BUSINESS****2a Declaration of Substitutes**

2.1 There were none.

**2b Declarations of Interest**

2.2 There were none.

**2c Exclusion of the Press and Public**

2.3 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I of the Act).

2.4 **RESOLVED** - That the press and public be not excluded from the meeting during consideration any item on the agenda.

**3. MINUTES OF THE PREVIOUS MEETING**

3.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 10 February 2011 be agreed and signed as a correct record.

**4. CHAIR'S COMMUNICATIONS**

4.1 There were none.

**5. PUBLIC QUESTIONS**

5.1 There were none.

**6. PETITION(S)**

6.1 The Committee considered a report of the Strategic Director, Resources detailing a joint e-petition and accompanying paper petition which had originally been presented at Council on 24 March 2011. The joint petitions contained a total of 371 signatures.

6.2 The Chair suggested that as this item was taken up in the report "Review of the Cumulative Impact Zone", Item 7 on that afternoon's agenda that the petition be noted and received as the issues raised by the petitioner would be taken up under that item. It was confirmed that the lead petitioner (who was not in attendance at the meeting) would receive a written response in relation to their petition and to any recommendations agreed in respect of the review of the Cumulative Impact Area.

6.3 **RESOLVED** – That the content of the petition be noted and received.

## 7. REVIEW OF THE CUMULATIVE IMPACT AREA

- 7.1 The Head of Environmental Health and Licensing explained that the Council as Licensing Authority had a statutory duty to review its Statement of Licensing Policy (SoLP) every three years following the creation of the Cumulative Impact Zone (CIZ). Post March 2008, this area and the Special Stress Areas SSA's had been reviewed regularly and consequently year on year data was available in respect of those reviews.
- 7.2 Consequently at Full Council on 17 December 2010 the updated policy had been adopted and it had been recommended that the Licensing Committee receive a report as part of the Annual Review of Licensing Policy following consultation with ward councillors and the Police and having regard to the concerns of local residents reviewing the evidence with a view to the possible inclusion of the Special Stress Areas (SSA's) in the Cumulative Impact Zone. The merits of using a matrix approach were also explored in Appendix F to the circulated report.
- 7.3 At the meeting of the Licensing Committee held 10 February 2011 the Committee had requested a report on the annual review of licensing policy following consultation with Ward Councillors and the Police, reviewing evidence and having regard to residents concerns with a view to possible inclusion of special stress areas in the Cumulative Impact Zone. The merits of a matrix approach to licensing decisions would also be explored. At Full Council on 24 March 2011, a petition had been received containing signatures of 371 residents concerned about the licensing of further establishments in Brunswick and Adelaide Ward and had been referred forward to that meeting of the Licensing Committee (Item 6 on the above agenda refers). At a recent meeting of the Licensing Strategy Group, the North Laine Community Association had confirmed their previous and consistent request for inclusion of that area of the city in the Cumulative Impact Zone.
- 7.4 In answer to Members' questions, the Head of Environmental Health and Licensing explained that the purpose of the report was to receive a steer from Members on this issue. Officers would then consult further and bring a report back to the next scheduled meeting of the Committee in November. Any changes proposed to the existing arrangements at that stage would need to go forward to Full Council for approval at that time. The noise maps and other charts circulated highlighted the findings extrapolated from the data collected and continuing to be collected.
- 7.5 Chief Inspector Nelson was in attendance representing the Police. The Head of Environmental Health and Licensing explained that the Police had provided data and commentary included in the report and that officers of the Council, the Police, health and other partners had worked co-operatively in order to seek to protect the economic health of city and to support a responsible approach to alcohol consumption whilst also having measures in place to counter some of its worst excesses.
- 7.6 Chief Inspector Nelson explained that it had been recognised that a balance needed to be found, measures taken needed to be appropriate and proportionate without

compromising the economic health of the city, the needs of residents also had to be respected. Over the past two years as a result of the measures put into place (particularly within the CIA), the city had not witnessed the further increases in crime and disorder and anti-social behaviour that had occurred elsewhere in the country. There had been a shift towards “pre-loading” whereby individuals purchased and consumed alcohol, usually at far cheaper prices than bars, pubs and clubs from off-licences and supermarkets earlier in the evening prior to visiting other establishments. As a result the average spend per head in pubs and clubs had reduced and some were struggling. Residents in areas of the city on the periphery of the CIA, the North Laines and the Brunswick and Adelaide Ward which was adjacent to Western Road were effected by people noise and other late night disturbance and this needed to be addressed sympathetically.

- 7.7 Chief Inspector Nelson referred to Operation Marble, the Policing Operation which focused on the night time economy in the city centre (CIA) each weekend. A pro-active approach taken in that it enabled resources to be focused on areas where potential problems had been identified and to contain them. The success of the previous weekends operation was reviewed each week and it was stressed that the Police needed to be able to exercise a degree of flexibility in relation to deployment of their officers. The Police’s preference would be to distinguish between the different types of premises, based on the available data and in relation to the relative harm they might present. It was appropriate to support growth of appropriate businesses.
- 7.8 Mrs Sparks, Divisional Environmental Health Manager, Pollution, referred to the level and concentration of noise complaints across the City. Noise complaints related arose from domestic and commercial locations and the last year had seen a 22% in the number of complaints. Complaints in relation to late night premises related not only to noise break out and noisy music but to people noise and noise from gardens and private forecourts. On street noise caused by those leaving premises late and in the early hours of the morning was difficult to deal with under the Council’s statutory powers. However, use of resources within the CIA and Special Stress Areas where the noise patrol team had extended their activities and had held intelligence gathering meetings and had particularly focused their attentions on identified “problem” premises had borne fruit. The noise maps showed the distribution of noise nuisance “hotspots” and indicated how particularly in the Brunswick and Adelaide area of Hove, which was located in a Special Stress Area (SSA) but not the CIA, late night noise issues could arise as a result of people noise and other nuisance arising from those leaving the CIA to go home.
- 7.9 Councillor West was pleased to note that the number of noise complaints had reduced, but sought reassurance that this was not due in part to residents or Ward Councillors ceasing to complain if notwithstanding their complaints it became clear that the remedies available were limited. Mrs Sparks stated that whilst she was aware that complaint fatigue could be an issue, a pro-active approach was taken, as officers attended Local Action Team (LAT) meetings receiving feedback from residents as well as providing the opportunity to explain the legal processes and procedures available. Whilst the necessity of keeping noise diaries had been criticised as being burdensome, nonetheless a robust case needed to be made in order to secure success in the Magistrates Court.

- 7.10 In answer to further questions by Councillor West, Mrs Sparks explained that the department conducted customer satisfaction surveys as follow up to ascertain whether complaints had ceased because a problem had been resolved.
- 7.11 Mrs Lawson was in attendance on behalf of the NHS Trust. Although health was not currently a licensing objective she considered that both the short and longer term impact on health and the implications for resourcing which arose in consequence should not be lost sight of.
- 7.12 Councillor Simson enquired whether the evidence collected was sufficiently compelling to suggest that it would be appropriate to extend the existing CIA and or to include the SSA's. Some of the data provided by the Police was difficult to comprehend and confusing. Robust evidence was necessary in order to support any changes to the existing areas otherwise the licensing authority would find itself vulnerable to legal challenge.
- 7.13 Chief Inspector Nelson stated that if changes were ultimately to be made the Police would need to give thought to how best to support those changes. Currently 20% of the premises in the CIA contributed to 40% of the violent crime there. The Head of Environmental Health and Licensing explained that there was sufficient evidence to at least give further thought to drawing a new boundary to the CIA and to carry out a detailed consultation process which would form the basis of a report for consideration by the Committee at its next scheduled meeting. He referred to the apparent change in direction of travel by central government in relation to policies surrounding licensing and to the advice and input especially in relation to adoption of a matrix approach given by Philip Kolvin QC at the Members' training session he had delivered the previous autumn.
- 7.14 Councillor C Theobald referred to the problems currently experienced in the Brunswick and Adelaide might have been reduced by its earlier inclusion in the CIA. Chief Inspector Nelson explained that currently Operation Marble had been extended into this area on a trial basis. This was subject to review but could be made permanent. Councillor Sykes stated that as one of the Ward Councillors for this area he was contacted regularly by residents associations and directly by residents expressing their concerns in relation to late night people noise and other nuisance.
- 7.15 Councillor Cobb stated that previously Members had been informed that crime figures across the City were reducing, however this seemed to be contradicted by the information being presented. It was explained that whilst crime overall had reduced across the city as a whole, on-going concerns were continuing to be addressed in relation to some aspects of the night time economy.
- 7.16 The Chairman, Councillor Deane stated that the reference to the CIA in some instances and to the CIZ in others was confusing and that one or the other, whichever was considered to be the most appropriate should be used for consistency. Councillor Cobb concurred in that view.
- 7.17 Councillor Simson sought clarification that if members agreed to some of the recommendations that others would automatically fall, stating that she considered a matrix approach could be effective and would provide the licensing authority with some

“teeth”. The legal adviser to the Committee gave advice in respect of this matter and the Head of Environmental Health and Licensing explained the context of each of the recommendations.

- 7.18 Councillor Hyde stated that it was important to ensure that consultation took place in relation to all of the recommendations agreed as she did not consider that this had been explicitly spelt out.
- 7.19 Councillor Lepper welcomed the report and cited the effective and collaborative approach adopted when drawing up the CIA. The CIA had enabled the Licensing Authority to work in concert with the Police to maintain control of the night time economy. Off sales appeared to be at the root of a number of problems particularly on the periphery of the existing SSA's, this was an issue which needed to be addressed. She also favoured a matrix approach.
- 7.20 Councillor West also welcomed the report and agreed with Councillor Lepper it was appropriate to make exceptions in some instances rather than adopting a blanket approach. He considered that various problems remained and needed to be addressed, it was timely therefore to consult further. Whilst a matrix approach could be helpful it was as yet untested and might not ultimately provide the best approach.
- 7.21 **RESOLVED** - That Committee resolves to adopt the following recommendations for the purposes of authorising officers to follow the procedure set out in the statutory licensing guidance to create a special policy, consulting with those specified in 5.3 of the 2003 Act (including Ward Councillors);
- (1) To expand the current CIA to incorporate the current SSA's and to expand the SSA's as shown in the map at Appendix D to the report;
- (2) To apply the decision making matrix at Appendix F to the report to the areas referred to in (2) above and in the map at Appendix G;
- (3) That officers are authorised to follow the consultation procedure described at above;
- (4) That subject to the outcome of the consultation Officers report back to the Committee.

## 8. SCHEDULE OF LICENSING APPEALS

- 8.1 The Committee considered the schedule of Licensing appeals carried out during the period covered by the report.
- 8.2 **RESOLVED** – That the content of the report be noted.

## 9. SCHEDULE OF LICENSING REVIEWS

- 9.1 The Committee considered a report setting out details of the Licensing reviews carried out during the period covered by the report.

9.2 **RESOLVED** – That the content of the report be noted.

**10. ITEMS TO GO FORWARD TO COUNCIL**

10.1 There were none.

The meeting concluded at 4.30pm

Signed

Chairman

Dated this

day of





# LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

## Agenda Item 15

Brighton & Hove City Council

<b>Subject:</b>	<b>Statement of Licensing Policy Consultation response</b>		
<b>Date of Meeting:</b>	<b>17 November 2011</b>		
<b>Report of:</b>	<b>Head of Planning and Public Protection</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Jean Cranford</b>	<b>Tel: 29-2550</b>
	<b>Email:</b>	<b>jean.cranford@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Council, as a licensing authority must carry out a consultation exercise prior to any review of its Licensing Policy. Consultation was undertaken on a proposal to increase the cumulative impact area and special stress areas and to introduce a “matrix” approach to licensing decision making.

#### 2. RECOMMENDATIONS:

- 2.1 That Committee expand the cumulative impact zone and the special stress area as shown on map in appendix 3.
- 2.2 That Committee implement a “matrix” approach to licensing decisions as shown in appendix 1.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 At Licensing Committee on 10 February 2011, committee called for a report on the review of licensing policy following consultation with Ward Councillors and the Police, reviewing evidence, having regard to resident concerns with a view to possible inclusion of special stress areas in the Cumulative Impact Zone. The merits of a matrix approach to licensing decisions would also be explored. On the 23<sup>rd</sup> June 2011 the Licensing Committee received a report and authorised officers to initiate consultation regarding a review of the CIZ.
- 3.2 Cumulative impact is not mentioned specifically in the 2003 Act but is detailed in the Section 182 National Guidance. It means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. At 13.25 the Guidance states: In some areas, where the number, type and density of premises selling alcohol for consumption on the premises are unusual, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from licensed premises.

- 3.3 Guidance also currently states that there should be an evidential basis for the decision to include a special policy within the Statement of Licensing Policy (SoLP). For instance, Crime and Disorder Reduction Partnerships may have collated information which demonstrates cumulative impact or Environmental Health Departments may be able to show concentrations of valid complaints relating to noise disturbance. This will change when the Police Reform and Social Responsibility Act 2011 is enacted, guidance is likely to remove any suggestion of a need for an evidential, or a statistical base for cumulative impact. Guidance is likely to make it explicit that cumulative impact policies may be introduced if following consultation, the authority considers it “appropriate”.
- 3.4 National Guidance states at 13.28: the steps to be followed in considering whether to adopt a special policy within the statement of licensing policy are summarised below:–
- Identify concern about crime & disorder or public nuisance
  - Consider whether there is good evidence that crime & disorder or public nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent
  - Identify the boundaries of the area where problems are occurring
  - Consult with those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation
  - Include and publish details of special policy in licensing policy statement.
- 3.5 Officers have now carried out the first four bullet points above and if committee are minded to agree the recommendation/s, will produce and publish a revised statement of licensing policy which will be brought back to the Licensing Committee before progressing to Full Council.

#### **4. COMMUNITY ENGAGEMENT AND CONSULTATION**

- 4.1 The consultation commenced on 18 July and ran for 12 weeks with a closing date for comments on the proposal of 9 October 2011.
- 4.2 Consultation involved the Licensing Strategy Group which includes businesses via City Centre and Hove Business Fora, Police, Tourism, Events Office, Seafront Office (including Seafront Trader Association), Trading Standards, Legal and Finance, residents via residents associations and Community Associations and using the council’s consultation portal. Consultation was also available on the council’s website via the licensing pages.
- 4.3 Responses to the consultation via the council’s consultation portal can be found at appendix 1. A total of 178 responses were received via the portal.
- 4.4 Responses to the consultation received by letter or email can be found at appendix 2. 12 responses were received by letter or email.
- 4.5 If members were minded to change the statement of licensing policy, Full Council alone can exercise the function of revising the authority’s policy.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally by government. The recommendations in this report would only affect new applications and variations to existing premises licenses, and would not impact on current levels of income from renewals of applications

*Finance Officer Consulted: Karen Brookshaw Date: 26/10/11*

### Legal Implications:

- 5.2 These are set out in the report. The SoLP should follow the fundamental principles set out in the Licensing Act 2003 and statutory guidance. Adoption or revision of a Special Cumulative Impact Policy is a major step and one which must be taken in accordance with proper procedure and legal advice in order to avoid legal challenge. Appropriate weight should be given to the views of those consulted in accordance with the Licensing Act 2003.

*Lawyer Consulted: Rebecca Sidell Date: 26/10/11*

### Equalities Implications:

- 5.3 A rebuttal presumption against new licensed premises in a CIA may reduce the ability for small businesses to open as off-licences. Affected businesses may often be operated by members of minority ethnic groups.

### Sustainability Implications:

- 5.4 Licensed premises throughout the city rely on local licensing policies in ensuring there is clear guidance on the continued operation of local businesses. Maintaining a regularly reviewed policy, which has undergone public consultation, will ensure a consistency of support to licensed premises, members of the public and other stakeholders affected by these activities.

### Crime & Disorder Implications:

- 5.5 CIA proposals are geographically based around evidence of crime and disorder, etc. and should assist in the council's overall aim in reducing current levels. The Special Policy promotes the four licensing objectives: public safety, the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

### Risk and Opportunity Management Implications:

- 5.6 Failure to meet this statutory duty would lead to uncertainties in decision making, loss of business continuity and an inability to meet customer care standards.

Public Health Implications:

- 5.7 Public Health is not a licensing objective. However, the health effects of alcohol are a major concern in Brighton & Hove. It is difficult to control consumption but it is possible to limit supply by using Cumulative Impact and the matrix approach and strictly adhering to policy. With the implementation of the Police Reform and Social Responsibility Act 2011, Primary Care Trusts and Local Health Boards will become responsible authorities, able to make representations.

Corporate / Citywide Implications:

- 5.8 The policy promotes the licensing objectives and sets out a general approach to making licensing decisions. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this Special Policy is framed around those objectives.

Proposals for new licensed premises, or for certain variations to existing ones, within a CIA will normally be refused following relevant representations unless it can be demonstrated that there will be no negative cumulative impact.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 Statement of Licensing Policy to remain as it is but with the inclusion of a matrix approach.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 Committee called for a report on the review of licensing policy.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Consultation responses received via the council's consultation portal.
2. Consultation responses received via letter and email.
3. Map of proposed extended CIA and SSA.

### **Documents in Members' Rooms**

NONE.

### **Background Documents**

1. Statement of Licensing Policy.



**Responses to the consultation received via the council's consultation portal**

**Q1 - Do you agree with proposed extension to the Cumulative Impact Area?**

	Response	Percentage
Yes	147	83%
No	23	13%
Don't know	8	4%
Total	178	100%

Are there any particular reasons why you **AGREE** with the extension of the Cumulative Impact Area?

The City has a large number of residents that live in it's centre. Those people deserve to have a peaceful life.
Because the area covered already suffers badly from drunkenness, the result of the granting of an excessive number of licences by the Council. Not only should no more be granted, many should be revoked and licensing hours reduced in residential areas.
Difficulty for residents to feel safe and secure in the central areas during evenings and especially weekends
to monitor crime
There are enough licensed premises in the city as it is
i live in the area concerned and experience significant impact as a result of drinking, anti-social behaviour, over crowding and car parking
Yes, because this should help the council to limit the impact alcohol has on the city. It would be good if it included London Road though.
There are plenty of drinking establishments in that entire area already, David, so it makes sense that new applications for licenses within that area are refused as a general rule, and only granted as the exception
the prevalence of the numbers of corner shops providing sales of liquor appears to be increasing and the sheer availability of outlets can only fuel consumption. shop sales are less likely to be responsible sellers whilst bars and clubs are far more closely scrutinised.
We live in Dorset Gardens and have lived in Brighton since 2000 we are seriously considering leaving Brighton if we manage to sell out home due to the high number of street drinkers, the anti social behaviour you witness on a daily basis. The problem with this proposal is that it needs to look at current licences when being renewed.
There are many premises within this area that sell alcohol within this boundary - would like to see extension that covers the Hanover and Queens park areas
Problem of drinking covers these areas
There are other areas apart from West St etc where there is too high a concentration of late night drinking establishments and shops which sell alcohol late into the evening and at night. This leads to alcohol fuelled noise and anti-social behaviour in several mixed residential/commercial areas.
There are too many licenses being granted in largely mixed residential/commercial areas, leading to more incidents of drunken anti social behaviour. The CIA should be extended as far as Bedford Street in the east.
As more and more premises open the original area does not suffice.
I am fed up with groups of drunken people making their way past my property from pubs, night clubs etc. Often they sit on the bench outside my bedroom shouting, swearing etc. The police are as good as useless, they have only once turned up when contacted and then the persons concerned returned about fifteen minutes later. I can assure you, it's not much fun being woken up at five in the morning by these morons. I also have an ongoing problem with a bar in my area, despite all the trouble and changes of ownership a licence is always granted. No one seems to take any notice of what I and other residents think or want.
too many licences already

<p>My partner and I feel that certain parts of the city centre are 'no go' areas at the weekend due to excessive alcohol consumption. I am also concerned about the public purse having to pick up the consequences from policing to street cleaning. It makes sense to reconsider and think carefully about who to license and the responsibilities that go in hand. I anticipate that monitoring and assessing licensing carefully will contribute to keeping our main streets diverse, which is much needed.</p>
<p>There are far too many shops selling alcohol in these areas and it is not necessary that every other shop you walk past sells alcohol.</p>
<p>We lived on the edge before and the junkies and street drinkers moved to our area. This will move them away from us.</p>
<p>Alcohol is too readily available and encouraged by irresponsible promotions and low pricing by supermarkets</p>
<p>There are enough licensed premises. I don't think it goes far enough into Hove</p>
<p>Noise</p>
<p>If it is reasonably managed and doesn't stop the party atmosphere Brighton needs to survive, then the larger the area of control, the better</p>
<p>The boundaries need to take in more of the surrounding residential areas.. The closing down of 'Lord-of-the-Wines' in Upper St. James street by the Police &amp; Licensing department, is a prime example...</p>
<p>It would seem appropriate to consider a wider area of the city when looking at cumulative impact, although I wonder why it does not go any further west than Palmeira Square.</p>
<p>A very high proportion of crime, especially violent crime and serious driving offenses, is associated with alcohol abuse; this in turn is associated, particularly for younger people, with easy availability and loss-leading pricing policies. The CIA is already saturated with licenced bars, pubs, clubs, restaurants and retail outlets, and like many Brighton residents I find it an uncomfortable place to walk in the evening due to the erratic, rude or threatening behaviour of people who are clearly drunk. For local residents it can present repeated misery. I applaud the Council's intention of considering the curtailment of further development of alcohol-licenced premises.</p>
<p>Because we have too many licenced premises/availability to purchase alcohol in our small city</p>
<p>Am very concerned about the impact on the character of the streets of Brighton caused by excessive drinking. As far as I'm concerned, the bigger the Cumulative Impact area the better. Living with high levels of drinking increases all sorts of petty nuisances, from noise pollution to littering and inappropriate behaviour.</p>
<p>Already too many alcohol outlets open for too much of the time</p>
<p>much alcohol is consumed before entry into the main socialising areas</p>
<p>We in Camelford Street are very seriously affected by constant noise and antisocial behaviour. This can often be at all hours of the night as people leave pubs and clubs. This creates stress and mental health issues for residents. This can make peaceful sleep impossible for residents.</p>
<p>I don't want to see anymore shops closing to become another 'stack em high' off-licence. There are more than enough licensed premises in the area - the number should be decreasing and not increasing. Alternative venues offering food at table with live music caberet should be encouraged. However, I think the 'cafe culture' idea has been a major failure. Clubs should shut at 3am, Pubs no later than 1am and Off-licenses including supermarkets should not sell alcohol after 11pm.</p>
<p>The area around the station, that is not covered currently, is definitely a noise/trouble area.</p>
<p>although brighton is, in my mind, a 'party town' the impact of those who are drunk is having a greater and greater affect on the residents of central brighton. a more sensible and balanced approach to licensed premises is needed to help limit a number of social issues.</p>
<p>As part of the attempt to reduce harmful drinking behaviour in the City, we need to limit the number of alcohol-selling venues.</p>
<p>Too many shops including news agents selling alcohol it should only be off licences and supermarkets selling it.</p>
<p>Because I think drinking is completely out of control in B&amp;H and the CIA only moves the problem to other areas. The whole of B&amp;H should be covered by the same CIA.</p>
<p>The area recommended for extension has become, over the last few years a very real nuisance to local residents with anti social behaviour and low level crime and disorder caused by the proliferation of clubs,pubs and late night takeways and existing licensed premises extending their hours of business.</p>



<p>Since the 2003 Licensing Act, 24 hour drinking has seriously increased noise and disturbance in the North Laine area. The number of convenience stores in the area gaining off-licenses has increased beyond all reasonable needs of the local residents. Stag and hen nights from arriving at Brighton Station pass through the North Laine heading for the beach and Kemp Town B&amp;Bs - pre-loading alcohol on their way. The noise and disturbance affects residents' health as indicated by the Health Impact Assessment 2009/10. Criminality, vandalism and anti-social behaviour has increased alarmingly in North Laine since the 2003 Licensing Act and the introduction of all-night drinking. Residents have had to put up with car damage, broken windows, graffiti and anti-social behaviour such as kicking communal bins along our streets, urinating and vomiting against front doors and down basements.</p>
<p>I live in the area and cant see we need more licence premises</p>
<p>As a resident of a road off Western Rd. nearly all our antisocial weekend problems are linked to alcohol.</p>
<p>knock on effects of people pushed out of the city centre and the amount of street drinking</p>
<p>It would strengthen licensing powers within the North Laine area which is already saturated with licensed premises.</p>
<p>There are many residents in this area and there is noise at closing of pubs and clubs.</p>
<p>I rarely get a nights sleep because of drunks coming home from pubs and clubs from 11am - 3 am particularly Thursday - Sunday (Inc) I have seen drunks dancing on cars along my street - window boxes are vandalized - it can feel very threatening.</p>
<p>There are opportunities to buy alcohol at most street junctions and at most hours of the day. There is no need to for more alcohol. There is a lot of street noise related to alcohol.</p>
<p>The current cumulative impact area doest consider the nearby residential areas that are directly affected by people using the residential streets as rat runs to access their night clubs and other venues at all hours of the night. Extending the current area and the stress boundary will help preserve and protect the balance between quality of life for residents while preserving Brighton's appeal as an active and vibrant city to enjoy.</p>
<p>Because the late night licensing situation along Western Road is getting out of control. Anti-social behaviour and crime has increased in the residential streets in this area. There is also an increased number of outlets selling alcohol off license. All this is contributing to a deteriorating quality of life for local residents which needs to be halted. There are already quite enough outlets selling alcohol off license and plenty of opportunity for drinking in late night bars - we do not need any more. Brighton seems to be drowning in a sea of alcohol.</p>
<p>Late night noise is an increasing problem in Trafalgar Street.</p>
<p>Because of the problems caused by late night drinking including noise and the costs associated with anti social behaviour</p>
<p>Because there are too many licensed premises in this extended area already and we don't need any more.</p>
<p>My family lives in North Laine and over the last 12 to 18 months our quality of life has decreased significantly. Parties of drunk young people use our streets for access when the pubs and clubs close, frequently between 1 and 3 in the morning, with no thought for the residents. Friday and Saturday nights in particular, but not exclusively, mean constantly disrupted sleep. We have had vomit on our doorstep, broken glass and empty bottles and cans left, the wing mirror of our car broken off and my neighbours have suffered also. Drunken people have impacted on our enjoyment of our local amenity to a significant extent.</p>
<p>too many bars already in the area with load music and people problems - stress of living in these areas where there are no enforced rules.</p>
<p>I am doing this consultation as Chair of the North Laine LAT. Since the introduction of the Licensing Act, the number of licensed premises has doubled. There are now approx 60 licensed premises in the North Laine area, including virtually every corner shop selling cheap alcohol often to youngsters late at night. With the proliferation of licensed premises, and the extension of hours, drinkers walking home through the North Laine or to another venue late at night cause enormous stress to residents. They suffer from being constantly woken up and from vandalism. The North Laine used to be, before 2005, a quiet area at night after 12 midnight. Now at weekends in particular, residents are constantly being woken up. For some this can be a health issue. The selling of alcohol in supermarkets and corner shops at cheap prices has led to pre loading by young people. This proliferation in the availability of alcohol and its relative cheapness has caused immense problems in the city. More women are dying from alcohol related diseases in Brighton and Hove than almost anywhere else in the country. The number of people treated in hospital every day for drink related illnesses has risen by nearly half in just five years, and the amount of alcohol drunk by children varies according to how many licensed premises are in the area where they live. This problem must be addressed and it is now time to put the interests of residents and the health of the population ahead of the interest of the night time economy. How ethical is it to have a city's economy based on increasing levels of alcohol?</p>

I live in a stress area and I feel that already being so close to so many licensed premises impacts on my quality of life. Were further licensing applications granted, I would have to move away.
Residents are suffering in the areas so far not covered.
Yes, there is already evidence to suggest that the number of licensed premises can be linked to increased alcohol abuse by young people. Too many licensed premises leads to discounted alcohol sales which can encourage alcohol abuse
The area is already saturated with licensed premises and needs extended legislation to keep the quality of the area for residents and visitors alike.
There are already so many premises with late licences in the Brunswick town area, with consequential anti-social behaviour in Norfolk square and the passage from Western Road to Farman street. This gives a bad impression to tourists and is unpleasant for residents.
noise and nuisance from licenced premises.
Living in the Brunswick area, I'm passionate about keeping the integrity of the area and reducing the impact of noise and awful behaviour from establishments with late licenses.
There are far too many late-night bars in Brunswick.
The current CIA has an effect of encouraging premises to open just outside its boundaries and is having a clear effect on the SSA in the residential Brunswick area which has become saturated with licensed premises. This justifies adding the Brunswick area to the CIA in order to to constrain the amount of noise and disruption and rough sleeping which attend increased numbers of licensed premises.
I live in Tichborne Street in the Northlaine area and we are often disturbed by drunken behaviour late at night including shouting, fighting, arguing and urinating in doorways and general loutish behaviour. This can be expected to an extent at weekends but it also happens during the week and can be very disturbing.
The residential area of Brunswick is already saturated with licensed premises. This is at least in part due to the current CIA ending just outside the Brunswick area and thus encouraging licensed premises to open in the Brunswick area. Thus, I strongly support the Brunswick area being added to the CIA in order to limit the noise level, disruption and rough sleeping that accompany the number of licensed premises increasing.
It feels unsafe walking home at night to Brunswick Terrace even relatively early due to the consequences of alcohol related anti-social behaviour.
The area is a mix of residential and business, with a current high level of license premise and high level of public nuisance form noise of license premises, related crime and disorder and public safety over the weekends
Being a former resident of the Brunswick area, and current resident of St James Street, I feel it better reflects the area where licensed premises have reached saturation level.
Brunswick Town area suffers from late night revellers making their way from Western Road to the seafront; noise and anti-social behaviour are commonplace.
As someone who lives in the Old Town of Brighton, there are now so many shops and other premises with alcohol licenses in both the yellow and purple areas marked on the map that is has reached saturation point. I am certain that people from the rest of the country now see our beautiful, historic city of Brighton not as a city that where people live and work but merely as place to get drunk and behave in a way in which they would never do in their home town. Why do people think they need so much booze to have fun? I think we have reached saturation point as public nuisance and violence has really now got quite out of hand.
The area around Brunswick is coming increasingly popular with late night drinkers.. We're an historic area, and we can't take the strain of the violence and mess that comes with more drinking. As a resident I accept the cost of the upkeep of our grade II listed building, but having accepted that I expect the council to have regard to the cost I bear by not taking action that will encourage more people into the area at unsocial hours with resulting increase in crime. Most of the recent applications for new licences have been for late night drinking which is not required by local residents.
There are too many outlets for the sale of alcohol. I would prefer to consider removing licences from the supermarkets as well.
I am unconvinced that a bureaucratic delineation without zero-tolerance enforcement is going to contribute anything but am utterly supportive of any initiative that will allow any citizen of any age/gender/persuasion to walk freely without fear of consequence.
I live in the North Laine and I am constantly being kept awake by people walking through our streets.

<p>Too many licences have been granted to small shops selling cheap alcohol in the town centre. This adds to the increased level of drunken and disorderly behaviour. Even when pubs and clubs may refuse to serve alcohol to drunks people still have access to more from these shops. It has made the town centre a no-go area for many people in the evening, especially at the weekends. The amount of drinking on the beach and horrific levels of rubbish have also been vastly increased by the number of places close to the beach selling cheap alcohol. As well as the CIA, the existing shops should not be granted 24hr licences, they should close well before pubs and clubs so that people cannot use them to top-up after those premises close.</p>
<p>I agree to the widening of the CIA to include areas beyond the immediate centre of Brighton. I am particularly pleased that the Triangle area is included in the CIA. We have reached saturation point along the Lewes Road with too many premises selling alcohol, with negative impact on our community.</p>
<p>It's a rat hole of a busy evening in all those places. Better value better managed licensed premises would be a start for better business in the drinks/restaurant trade in the centre of Brighton</p>
<p>Too many licences premises in Brighton it's out of control</p>
<p>Far too many licenses to sell alcohol have been issued already in this area. It has caused the residents much concern as late night drinkers are coming to the area and causing trouble and waking the residents late at night.</p>
<p>Because this Area is already saturated with licensed premises, although personally I would extend the area</p>
<p>There are too many off licences in the area already including cheap supermarkets, and children are already using them (via proxy purchasing) and being put at risk. Also, the abundance of alcohol for sale normalises alcohol use to children, which again puts them at risk of inappropriate use either now or later in life. We need to be giving messages to young people that alcohol is not a compulsory part of adulthood, that drinking is not something attractive or cool. By reducing the numbers of purveyors, we can reduce the strength of the message that they should be drinking.</p>
<p>The granting of licences to too many outlets has forced the closure of specialist retailers who seemed to have a more responsible policy towards sales to the already intoxicated and minors.</p>
<p>Because there are already wall to wall drinking areas here, and it makes life hell for the residents.</p>
<p>The negative impact that the current licensing regulations are having on the area. Particularly crimes such as antisocial behaviour, property damage. Generating a very unpleasant and unsafe atmosphere.</p>
<p>It would prevent the late-night drinking establishments from becoming more prevalent in more residential areas.</p>
<p>Western Road and Church Road aren't included at present.</p>
<p>The extension of the CIA will have a positive effect on Health and Safety of people in Brighton, both residents and visitors</p>
<p>Need for community safety against ongoing criminal, antisocial, intimidating and disturbing behaviour</p>
<p>far too many late night Off-licenses.</p>
<p>It really is needed, would like it extended to my area too.</p>
<p>This area is totally out of control.</p>
<p>It seems very clear that Hove seafront and the North Lanes are very well provided for in terms of pubs and bars. If they are not included in the CIA then there is a chance that more licensed premises will change the nature of the area to the busy night-club-filled night-life of central Brighton.</p>
<p>Unfortunately we are in an era of public drinking which leads to anti social behaviour, this makes it very intimidating for many members of the public to feel comfortable or safety on the City streets. There are too many 24hour licences in the City. France is setting a very good effective example of clamping down on street drinking something that is long overdue in Brighton &amp; Hove.</p>
<p>I live in the proposed cumulative impact area and would welcome the change</p>
<p>Because anti-social behaviour, including littering, has a negative impact on the lives of all residents within the designated areas. It appears from the maps that the area down to and including the King Alfred Leisure Centre is being excluded from the newly-extended CIA? If this is the case, I feel that it should be included. Drinking on the beach by the King Alfred Leisure Centre, often with barbeques, food and alcohol purchased at Tesco in Church Road, or Texaco and Londis on Kingsway is a feature of the summer months. Council refuse disposal crews will attest to the quantity of litter, including bottles and cans, which greets them (and us) every morning during the warmer months on the Esplanade and beach along Kings Esplanade.</p>
<p>its a busy residential area with many children having to currently encounter drunk and aggressive behaviour outside their homes and en route to and from schools and park activities.</p>
<p>There are already in this area a ridiculously high amount of outlets selling alcohol. I believe that the Cumulative Impact Area should be further extended to take in the London Road area up to Preston Circus.</p>

The extension is proportionate to the emerging issues that have arisen from new alcohol consumption habits and how they impact on communities.
The stress areas are now destroying quality of life for residents and becoming deeply squalid late night places. In addition, the western bit on the Hove side has, over the last year, seen an almost frenzied competition amongst traders to be the one to be open the longest (all night) - all in an alcohol-related way. There is to us a perception that there is an alarming increase in such licensing applications along Western Road and environs in Hove.
I have lived here for 41 years but the area has only changed considerably in the last few years since a. longer drinking hours have been introduced b. no smoking inside pubs and other premises has caused an overflow onto the pavement areas of our city. In Western Road where it is often too narrow for this ie. Freemasons pub it is often not possible as a pedestrian to walk along the pavement in the evenings as it is totally taken up by pub clientele. This requires saying excuse me to often drunk people or avoiding this, walking in road (dangerous, with buses and speeding drivers). I really think pedestrians should have a clear pavement to walk on, then there are the A boards etc. cluttering up the pavement. The area is very noisy on Friday and Saturday nights and result of too much drinking can be seen on pavements next morning. At night people use Brunswick Square as a toilet esp. along railings at top of Square. Last Sunday at 10:30 am I actually saw someone being sick in the gutter outside The Cheese Cave. Nice for business (NOT!) The streets are dirty and sticky esp. after it has not rained for a long time except for the few premises that hose their outside down. Please don't forget that this is a dense residential area as well as a commercial area. Do any more alcohol licences need to be given out. I have seen outlets round here which I call 'boozeagents' selling alcohol to obviously already drunk people, once with a couple of children in tow.
Already there are a huge amount of bars and restaurants which create noise and unsocial activity especially after midnight which have an adverse impact on rest and sleep. Although I enjoy going out in the evenings and at w/ends I wish to protect the quality of the bit of peace we still have. I can't quite make out the area on the map but I hope that it includes CHURCH ROAD in Hove!!
Because it would include the North Laine area
The number of licensed premises on Western Road has mushroomed. It has led to a big increase in anti-social behaviour and drink-related crime/problems for all those who live on the streets off Western Road. It resembles West St at times at night and ordinary residents find it intimidating to walk along the road at night and at times even impossible to walk on the pavements because of drinkers massing outside these establishments. There has been an increase in noise from revellers walking down the roads towards the sea after they exit the drinking establishments and some "restaurants" which are in reality club/bars. It has led to a reduction in my quality of life and that of my family due to harassment, anti-social/drunken/loud behaviour,
Brighton & Hove experience quite serious issues associated to alcohol related crime and disorder, and this has a serious negative impact on the lives of local residents. I feel that any additional restrictions placed on licensed premises would be beneficial and would demonstrate the council's commitment to local residents that they are trying to address the problem.
As a resident and member of a Residents' Association we have worked hard to improve the environmental conditions of our lives. We strongly support this proposal. We have been troubled by the number of alcohol outlets of all kinds in the Brunswick Area - evidence available by the number of objections and attendances at hearings made by members. However, the Cumulative Impact Area needs to include up to ST JOHNS CHURCH, PALMEIRA SQUARE - there are already problems caused by drinkers there; . In addition, there are already SIX outlets, and two supermarkets in close proximity. We urge an extension otherwise trouble will increase. What is the definition of Church Road Hove, which has a number of outlets? - and if there is no control there, the current problems will move westwards, it being a main artery and bus route.
Children of 12 - 15 years old hang around off licences at the Level and Wind Me Up at Preston Park persuading adults to buy them vodka.
Need to curb excessive consumption of alcohol for a number of reasons, including reducing crime, disorder and antisocial behaviour, plus health reasons
I live just off the Ditchling Road and am frequently woken after midnight at weekends by noisy drunken people coming home from the proposed Cumulative Impact area.
I know from experience that central areas outside the current area are suffering from the problems the Cumulative Impact Area seeks to redress. My only objection is that the extension does not go far enough.
Because I live on Lower Market Street and the Conqueror perpetually breaches its licence conditions. I strongly oppose any further impact on our lives.

Are there any particular reasons why you **DISAGREE** with the extension to the Cumulative Impact Area?

Major income source for the city is tourism and alcohol is central to this.

<p>If you overlay the crime map now available to see where crimes are committed in the area you will see that the majority of crime in the area very closely relates to establishments that sell alcohol, including pubs and clubs in Brighton and Hove. Click this link to see the evidence and compare this with the pubs in the area. <a href="http://www.police.uk/crime/?q=Hove, East Sussex BN3 4GQ, UK#crimetypes">http://www.police.uk/crime/?q=Hove, East Sussex BN3 4GQ, UK#crimetypes</a></p>
<p>I think you should leave it open for public to buy alcohol anywhere they like. From my experience you can not stop any one from buying alcohol as they go to the nearest spot available especially with the 24 hours licenses MOST OF THE pubs,bars and nightclubs have.....I believe if you want to do so and you want to stop some shops from selling alcohol at certain time you should make this law effective on BARS,PUBS AND NIGHTCLUBS otherwise it is pointless.....</p>
<p>I believe all retailers should be allowed to sell alcohol as part of offer to their customers. If they show that they are irresponsible the licence should be taken off them.</p>
<p>Brighton is a City renown for bars and clubs. Weekend revellers spend a great deal of money in Brighton, shopping and eating out during the day and then partying at night. To gain access to an evening venue, bar or club, they have to produce id and pass the scrutiny of the door staff. I feel this is sufficient. If you reside in an area with a fair number of attractions, people are going to walk past your throughout the day and night. This is Brighton after all.</p>
<p>THEY ARE NOT RELEVANT TO THE "PROBLEM"</p>
<p>You have not produced any evidence to justify an extension</p>
<p>As a resident of Upper St James's Street, I'm pleased that the special stress area has been extended to include the portion up to Bristol Road. However, I think that the boundary does not go further enough east. there is regular disturbance of people moving between licensed premises selling both on site consumption and off site sales in the area from St George's Road and St James's Street. On the whole the licensed premises in my immediate area are well managed on site, but this does not take into account people moving between premises as described above. The disturbance tends not to occur on site, but rather after hours. I would like to have seen the area from St James's Street along to approximately Eaton Place included in the Cumulative Impact Zone for tighter control of present alcohol sales and new premises opening. St James's Street is amongst the busiest areas for licensed alcohol sales and the present boundaries do not take into account its full impact. From my own experience it is clear that people on a night out do not just move west from St James's Street into the city centre. There are a number of attractive and popular licensed premises to the east, in Upper St James's St, St George's Road, pubs upon side roads, the Hanbury Rooms, Restaurants a number of off-licenses and a late night off license. In recent years the number of licensed premises has risen, with a now defunct off-license, licensed cafe and a re-opened pub. I would like to see the Strategy take account of this. furthermore, with the increased size and length of the Pride part in St James's Street the overspill into the area has increased further still.</p>
<p>I would extend the CIA to Church Road, Hove especially as more restaurants in this area now have extended licences and 'clubs' attached to them.</p>
<p>It's not clear how this demarcation of area has any impact on the four targets.</p>
<p>Makes it too difficult for new independent bars / clubs aiming towards an alternative friendly clientele to get a licence.</p>
<p>Thousands of licensed pubs and clubs are going out of business each year, It is going to make it impossible to re-licenses them again..</p>
<p>Brighton needs clubs and bars to attract tourists all year round. You should be encouraging the development of the city, not restricting it. I go out to pubs, clubs, and bars at least five nights a week but I never see any problems.</p>
<p>There is no evidence to support a link to the on-licensed trade as required by the licensing act guidance.</p>
<p>it's a personal freedom issue. I'd like to see the main breweries in brighton/hove have their monopoly on licenced premises and fixing beer prices challenged. hopefully more premises MAY challenge</p>
<p>A complete waste of time and money</p>
<p>It will create a false sense of security for residents who will expect that all new applications or variations will be refused and will be disillusioned when the objections are withdrawn following consultation with the applicant. It could also act to stifle new businesses that would have no detrimental effect and that could actually enhance and regenerate the area. The council should be concentrating on dealing with premises that are already causing nuisance and giving rise for concerns to residents.</p>
<p>Because I don't believe that you should refuse a license application purely on the basis that other premises have got one. For example, a new restaurant will rely on it's ability to serve alcohol with a meal, and I don't see why they shouldn't be able to.</p>
<p>As each application is judged on it's own merit a one size fits all approach is not necessary</p>

## Q2 - Do you agree with the extension of the Special Stress Area?

	Response	Percentage
Yes	140	79%
No	24	13%
Don't know	14	8%
Total	178	100%

### Are there any particular reasons why you **AGREE** with the extension of the Special Stress Area?

The City has a large number of residents that live in it's centre. Those people deserve to have a peaceful life.
Because there is always overflow into neighbouring areas, and there are substantial residential developments, both old and new, within the area.
Yes, because in areas of high stress due to alcohol sales and consumption, the more you limit this the better the outcomes for residents and other members of the public.
as above - Difficulty for residents to feel safe and secure in the central areas during evenings and especially weekends
We must do all that is necessary to make out city a good and safe place to live
It will provide greater control in areas which are currently limited in control and more responsibility will be put on current and potential licensees. Alcohol is a major problem in the city and access to it ought to be managed appropriately.
as above - i live in the area concerned and experience significant impact as a result of drinking, anti-social behaviour, over crowding and car parking
1. Because it will take in London Road, an area which is negatively affected by the existing number of on/off licenced premises. 2. This wider area is not only affected by local premises but also but noise/asb caused by people walking home from city centre venues. The addition of further premise in these residential areas would increase the impact this has on local residents and the CIA should make it easier for the council to support local communities.
I can't really say I know all the areas within that SSA but still think the onus should be on new applicants to make their case, rather than the onus being on licensing officials to make their cases against.
concerns from residents living close to the city centre towards problems of noise and nuisance are ever present, so their amenities need to be monitored and protected
Brighton is becoming a street drinker haven, there are far to many off sales
see above - There are many premises within this area that sell alcohol within this boundary - would like to see extension that covers the Hanover and Queens park areas
More controls need to applied to the Lewes Road area, starting from the Level.
Other, previously quiet, neighbourhoods are increasingly affected by alcohol fuelled noise and anti-social behaviour.
I think that resources are focussed on a relatively small area, i.e centre of town near West Street, and nothing / very little in other areas that should be considered as part of the whole. I have no way of objecting to (off) licensed premises sprouting up in my area (Lewes Road), which they do frequently!
As above - I am fed up with groups of drunken people making their way past my property from pubs, night clubs etc. Often they sit on the bench outside my bedroom shouting, swearig etc. The police are as good as useless, they have only once turned up when contacted and then the persons concerned returned about fifteen minutes later. I can assure you, it's not much fun being woken up at five in the morning by these morons. I also have an ongoing problem with a bar in my area, despite all the trouble and changes of ownership a licence is always granted. No one seems to take any notice of what I and other residents think or want.
see above - too many licences already
Living close to the city centre and on the trajectory to London Road we experience Friday and Saturday night disturbances due to excessive alcohol consumption, we also have a 'Booze Box' on our local row of shops on Beaconsfield Road. If anything the area should be widened to take account of small cornershops in residential area in particular.
Same as q1 - We lived on the edge before and the junkies and street drinkers moved to our area. This will move them away from us.
We need to encourage better community activity
There are enough licensed premises. I don't think it goes far enough into Hove

Noise
Because the Lewes Road areas up from the Level and Past the Sainsburys is saturated with shops selling alcohol and does not need any more.
See Q1 - If it is reasonably managed and doesn't stop the party atmosphere Brighton needs to survive, then the larger the area of control, the better
I believe it needs to happen...
As in my response to Q1, with the additional comment that in my experience the spread of unacceptable behaviour related to alcohol consumption, to St James and Edward streets and London Road, requires some controls on any further development of licenced premises.
As the Lewes Road/London Road/Preston Pk areas have also seen a dramatic increase in shops with alcohol for sale.
For the same reasons I gave above.
Recently been a big increase in the number of alcohol outlets some of which are open from 7.00am till 3am
As a resident living in the Kemp Town area for the past 5 years I've seen a steady increase of alcoholics, drug addicts and homeless people occupying the streets. The alcoholics have become more apparent since the smoking ban was enforced. You can walk down St. James's Street in Kemptown and see the same alcoholics standing outside the bars and pubs daily, no matter what hour of the day. What kind of message is this sending to society? and how are the landlords getting away with this without being prosecuted for serving already inebriated customers with more alcohol. The general law abiding public and residents of Kemptown are fully aware that something's amiss with regards to the policing and monitoring of this situation, yet it appears the council and police turn a blind eye to it on a daily basis. Kemptown is saturated to the point of drowning in alcohol. A typical case of the council not listening to residents objections: It was outrageous that the Camelford Arms in Camelford Street was granted a license over a year ago after the residents of this once lovely residential street were subjected to years of intrusion and noise nuisance from the said pub when it was previously called the White Horse. Then, after the council finally revoked the premises license after witnessing firsthand the nuisance and distress the pub was causing the residents, what do they go and do, but grant another alcohol license to the premises new owner. This is a typical case of the Council not listening to what the residents of Brighton are saying. Now the residents in Camelford Street are having to endure more distress and more noise nuisance as the new pubs landlord appears hell bent on trying to turn Camelford Street into a beer garden. The Camelford Arms's promise of a quiet, discreet pub for the local community that would not infringe on any of the residents lives, as was promised by the new owners when they applied to the council for their license, has clearly been forgotten about, This is why the Kemptown area is in the situation its in now with regards to alcohol saturation. You have to be more strict with the landlords, and start listening to the complaints you receive from residents and acting on them. Residents don't make complaints unless there is something wrong.
street drinking and high alcohol intake in houses with children are ongoing problems
see above - We in Camelford Street are very seriously affected by constant noise and antisocial behaviour. This can often be at all hours of the night as people leave pubs and clubs. This creates stress and mental health issues for residents. This can make peaceful sleep impossible for residents.
I think the 'cafe culture' idea has been a major failure. Clubs should shut at 3am, Pubs no later than 1am and Off-licenses including supermarkets should not sell alcohol after 11pm. Residents in quieter residential areas should have no licensed premises open after 1pm. The SSA should be a the first stage to having the CIZ increased in size - again.
The 'Stress areas' highlighted are areas whereby individuals and residents are feeling the secondary effects to others alcohol consumption
As above - As part of the attempt to reduce harmful drinking behaviour in the City, we need to limit the number of alcohol-selling venues.
Too easily acquired by all ages.
There needs to be a recognised mechanism for controlling more licensed premises spreading into this area and existing premises extending their hours of business.
The North Laine is currently in a SSA and this has helped when considering representations against applications for new licences and variations.
Close monitoring or additional premises and granting additional licenses is needed to protect local residents
As above - As a resident of a road off Western Rd. nearly all our antisocial weekend problems are linked to alcohol.
as above - knock on effects of people pushed out of the city centre and the amount of street drinking
It would strengthen licensing powers in areas with growing problems.
as above - There are many residents in this area and there is noise at closing of pubs and clubs.

<p>More alcohol licensing is not what Brighton needs! Thornes Foods opposite my house has recently been granted a license making it almost impossible to sleep some nights because of people chatting outside on Friday and Sat nights.</p>
<p>Too many drunk people getting too aggressive.</p>
<p>Trafalgar Street is the Northern boundary of the current stress area. Immediately South of Trafalgar Street is the North lane Residential area that has been totally disregarded when the Green door under the Brighton station was granted a 24 hour licence. This has decimated the quality of life for North Lane residents with drunken activity resulting in severe public nuisance throughout the night with unacceptable noise levels, foul language and occasional vandalism often until after 4am. We need sleeping plugs occasionally and can't sleep with or windows open anymore. In Over street many families are selling their home and leaving the area all because of the one horrendously poor judgement by the council in granting such a late license opposite a residential area that people use as access to other night clubs all night long. This decision is altering cultural face of the North lanes area and should be reversed if possible. The proposed stress area would have prevented the Green door from obtaining their late night licence just 20 meters from the Prince Albert that must stop its music at 11pm and close by midnight (that is reasonable) for the area.</p>
<p>For the same reasons as the previous question. The licensing regime has been far too liberal for the past 6 years and residents (voters) are tired of the late night violent behaviour, noise, disturbance, broken windows, vomiting and urinating in the streets that have all accompanied the increasing creep of late night licenses further west into Hove. This is not a coincidence - these issues are directly related.</p>
<p>No</p>
<p>Because of the problems caused by late night drinking including noise and the costs associated with anti social behaviour</p>
<p>alcohol is ruining our town and it's about time that the council did something about this. Certain areas of B&amp;H are already over loaded with alcohol licensed premises and these areas need special help.</p>
<p>For neighbourhoods in these areas monitoring and awareness are important. Many families are moving out and once residents move out landlords move in and the general amenity and streetscape deteriorates. Brighton needs to support families and individuals who wish to live centrally and take advantage of good public transport and independent shopping. People will not want to live in Brighton if it is taken over by licensees wishing to make money out of drinking. For business owners these are not the people who spend money in the shops. It is a beautiful and exciting place to live for a variety of people not just the few who pass through or use up police and NHS resources.</p>
<p>I live in a problem area (Norfolk square) with drunks and junkies being drawn into the residential areas due to late alcohol licensing - associated noise from fights - drunks around cars going home after clubs - cafes getting drinking licenses which then turn into late night drinking clubs with no rules - no regards to residential needs such as working and sleeping next to a very loud bar (no amount of complaints work - they just change their name and open again). I feel unsafe on the streets due to large bands of aggressive drunks.</p>
<p>Brighton and Hove has an alcohol problem and we need to do something to redress the situation.</p>
<p>Every new application for licensing in and around the centre of Brighton must be subject to particular attention to the impact of the local environment.</p>
<p>You should have provided a comments box for the "Don't know / Not sure" option. My concern is that controls here, being less rigorous, will simply result in the problems being gradually being transferred to this area.</p>
<p>as above - Yes, there is already evidence to suggest that the number of licensed premises can be linked to increased alcohol abuse by young people. Too many licensed premises leads to discounted alcohol sales which can encourage alcohol abuse</p>
<p>The area is already saturated with licensed premises and needs extended legislation to keep the quality of the area for residents and visitors alike.</p>
<p>Brunswick is a mixed business/residential area, and as such, residents rights to privacy and safety must be addressed and acknowledged.</p>
<p>as above - Living in the Brunswick area, I'm passionate about keeping the integrity of the area and reducing the impact of noise and awful behaviour from establishments with late licenses.</p>
<p>There are many pubs and clubs in the current Special Stress Area and the problems radiate outwards from these loci.</p>
<p>With the extension of the CCU businesses will look to extend in the perceived busy areas on the edge of the CCU. This Will prevent the build up of new hot spot areas.</p>
<p>From experience of walking in various parts of the extended Special Stress Area late at night, incidents of drunken behaviour are the norm - including high incidence of intoxicated young people, especially during school holidays.</p>



<p>as above - As someone who lives in the Old Town of Brighton, there are now so many shops and other premises with alcohol licenses in both the yellow and purple areas marked on the map that it has reached saturation point. I am certain that people from the rest of the country now see our beautiful, historic city of Brighton not as a city that where people live and work but merely as a place to get drunk and behave in a way in which they would never do in their home town. Why do people think they need so much booze to have fun? I think we have reached saturation point as public nuisance and violence has really now got quite out of hand.</p>
<p>As above, for the Brunswick and other residential areas - there needs to be a place where we can live and sleep quietly even though we live close to the centre of Brighton</p>
<p>Because close monitoring of crime, disorder and public nuisance are really important, to increase public confidence that they are being dealt with and that reports of such behaviour is taken seriously by the authorities. In Goldsmid ward, the area most commonly reported for public nuisance is around the No. 7 bus terminus near George Street. We are promised that the bus shelter will be boarded up. This has not happened yet. Along with a residential building across the road this is surely a 'hot spot' for public disorder due to alcohol abuse. Are the street drinkers likely to be buying their alcohol in the surrounding streets?</p>
<p>I am unconvinced that a bureaucratic delineation without zero-tolerance enforcement is going to contribute anything but am utterly supportive of any initiative that will allow any citizen of any age/gender/persuasion to walk freely without fear of consequence.</p>
<p>Every Local Shop is now selling alcoholic drinks cheap.</p>
<p>The rash of shops selling cheap alcohol is radiating out from the centre, this causes problem hot-spots in residential areas as teenagers gather to try and buy alcohol or ask someone else to do it for them. They also seem to be predominantly interested in selling alcohol, stacking it up in the windows and promoting cheap offers. They also affect other small retailers in an area which may have been selling alcohol responsibly but now face unfair competition. It would be a good policy to say that shops cannot advertise alcohol in their windows and seriously look at their pricing can it be possible to sell 2 bottles of wine for £6 and be paying UK duty. Why are so many of the 6 cans for £5 offers on cans which appear to be produced for consumption in foreign countries i.e. sourced abroad.</p>
<p>Same as above - I agree to the widening of the CIA to include areas beyond the immediate centre of Brighton. I am particularly pleased that the Triangle area is included in the CIA. We have reached saturation point along the Lewes Road with too many premises selling alcohol, with negative impact on our community.</p>
<p>as above - Too many licence premises in Brighton it's out of control</p>
<p>Applications for Alcohol licences will move from the Cumulative Impact Zone outwards. These must be carefully considered not just rubber stamped by the Council.</p>
<p>As above - There are too many off licences in the area already including cheap supermarkets, and children are already using them (via proxy purchasing) and being put at risk. Also, the abundance of alcohol for sale normalises alcohol use to children, which again puts them at risk of inappropriate use either now or later in life. We need to be giving messages to young people that alcohol is not a compulsory part of adulthood, that drinking is not something attractive or cool. By reducing the numbers of purveyors, we can reduce the strength of the message that they should be drinking.</p>
<p>For the same reasons as above</p>
<p>This area is primarily residential.</p>
<p>The extension of the SSA will have a positive effect on Health and Safety of people in Brighton, both residents and visitors.</p>
<p>Need for community safety against ongoing criminal, antisocial, intimidating and disturbing behaviour</p>
<p>far too many late night Off-licenses.</p>
<p>The West Hill area would seem to me to be primarily a residential area (with a few pubs and a shopping area at the 7 Dials) but there are already several out-of-town late night licenses near the Dials and on Buckingham Place which buck that idea. Therefore, it is time to give serious thought to how much more late noise and alcohol-related disturbance the area can take, no matter how well monitored.</p>
<p>For the reasons explained above. It is not only the licensed premises such as pubs and clubs which generate ASB. People can purchase alcohol and food at supermarkets (such as Tesco in Hove), petrol stations (such as Somerfield / Texaco on Kingsway) and at convenience stores (such as Londis on Kingsway). This would be all well and good if it did not result in massive littering of beaches and lawns and shouting late at night.</p>
<p>as above - it's a busy residential area with many children having to currently encounter drunk and aggressive behaviour outside their homes and en route to and from schools and park activities.</p>
<p>It is a high residential area and needs the monitoring of the sale of alcohol which is well known can be the cause or can exacerbate trouble.</p>

The proposed area reflects reasonable walking distances for those returning home from the city centre. It recognises that the proliferation of off-licenses and take-aways within those areas are a potential source of anti-social behaviour and further crime and disorder within those neighbourhoods.
None other than am glad that its being kept an eye on!
Actually, I am concerned that it does not extend along from Western Road to include Church Road, Hove which has seen a steady and determined increase in late-night, alcohol-specific outlets and this has now crept past Hove Town Hall to about Hova Villas with the planning consent given to the north-side place that backs onto the carpark area. This place used to be The Arrogant Frog upmarket French cafe and is now a basically youth-oriented bar. Was this also the Dresswell shop before it moved down by The Drive (it is now closing altogether)? Extending the Special Stress Area to include Studentville is unfortunately necessary to protect the City's reputation from further degradation into student/hen/stag destination gutter levels of destination excess which drives everyone else away and destroys resident amenity.
for the same reasons I have stated above, basically.
see above - Already there are a huge amount of bars and restaurants which create noise and unsocial activity especially after midnight which have an adverse impact on rest and sleep. Although I enjoy going out in the evenings and at w/ends I wish to protect the quality of the bit of peace we still have. I can't quite make out the area on the map but I hope that it includes CHURCH ROAD in Hove!!
As explained above - The number of licensed premises on Western Road has mushroomed. It has led to a big increase in anti-social behaviour and drink-related crime/problems for all those who live on the streets off Western Road. It resembles West St at times at night and ordinary residents find it intimidating to walk along the road at night and at times even impossible to walk on the pavements because of drinkers massing outside these establishments. There has been an increase in noise from revellers walking down the roads towards the sea after they exit the drinking establishments and some "restaurants" which are in reality club/bars. It has led to a reduction in my quality of life and that of my family due to harrasement, anti-social/drunken/loud behaviour,
It would provide the council with the opporunity to impose better measures and monitoring of licensed premises in a far broader area.
As above, children are risking their health and making themselves vulnerable to predatory adults
as above - Need to curb excessive consumption of alcohol for a number of reasons, including reducing crime, disorder and antisocial behaviour, plus health reasons
I live just off the Ditchling Road and am frequently woken after midnight at weekends by noisy drunken people coming home from the CIA. I would like both sides of Ditchling Road up to and including Fiveways included as Special Stress Area. This proposal is a step in the right direction. I am commenting here because there is no comment space in the Special Stress Area page: I would agree with the proposal for pub licensing in the Special Stress Area and Mixed Commercial & Residential if it was until 11.30pm not 2am
See reasons for Q1 - I know from experience that central areas outside the current area are suffering from the problems the Cumulative Impact Area seeks to redress. My only objection is that the extension does not go far enough.
Because I live on Lower Market Street and the Conqueror perpetually breaches its licence conditions. I strongly oppose any further impact on our lives.

Are there any particular reasons why you **DISAGREE** with the extension of the Special Stress Area?

same reason above BARS ,PUBS AND NIGHTCLUBS
Brighton is a City renown for bars and clubs. Weekend revellers spend a great deal of money in Brighton, shopping and eating out during the day and then partying at night. To gain access to an evening venue, bar or club, they have to produce id and pass the scrutiny of the door staff. I feel this is suffiecient. If you reside in an area with a fair number of attractions, people are going to walk past your throughtout the day and night. This is Brighton after all.
AS ABOVE - THEY ARE NOT RELEVANT TO THE "PROBLEM"
You have not produced any evidence to justify an extension
I fail to see the justification for including areas such as the north end of Freshfield Road and surrounding streets and not St George's Road as detailed in my last answer. Also as covered in my last answer, I think that the area east of st James's Street should be in a CIA rather than SSA.
As above, why is the special stress area extended further West into Hove, where there are a high number of licensed restaurants?
It's not clear how changing these areas will impact on the targets, the current area doesn't appear any more or less troubled than any other part of the town.

Makes it too difficult for new independent bars / clubs aiming towards an alternative friendly clientele to get a licence.
Who has proposed the NEW Special Stress Area????
I think it should be extended to include Clifton Hill area, which is becoming full of late opening shops selling alcohol, to the detriment of the area.
Brighton needs clubs and bars to attract tourists all year round. You should be encouraging the development of the city, not restricting it. I go out to pubs, clubs, and bars at least five nights a week but I never see any problems.
There is no evidence to support a link to the on-licensed trade as required by the licensing act guidance.
same as above. I'd like to add that people themselves do the anti-social actions, not the premises.
I believe the cumulative impact area should take in a wider area.
The current area seems to be sufficient cover
A complete waste of time and money.
For the same reasons as the CIA. Other methods of controlling the number of outlets and their trading behaviours should be sought.
As each application is judged on it's own merit a one size fits all approach is not necessary
Not sufficiently large in terms of Church Road Hove - this should be included

Matrix % responses for licensing decisions in a Statement of Licensing Policy

	<b>Cumulative Impact Area</b>	<b>Special Stress Area and London Road</b>	<b>Mixed Commercial and Residential Areas (streets containing shopping parades)</b>	<b>Residential Area (solely residences in street)</b>	<b>Marina</b>
<b>Restaurant</b>	Yes (midnight) 71%	Yes (2am) 69%	Yes 83%	Yes (11.30pm) 84%	Yes 78%
<b>Late Night Takeaways</b>	No 90%	Yes (midnight) 56%	Yes (midnight) 60%	Yes (midnight) 56%	Yes 60%
<b>Night Club</b>	No 79%	No 82%	Yes (3am) 37%	No 91%	Yes 66%
<b>Pub</b>	Yes (11pm) 76%	Yes (11pm) 48%	Yes (3am) 73%	Yes (11pm, midnight Friday and Saturday) 78%	Yes 73%
<b>HVVD (Super pub)</b>	No 89%	No 87%	No 87%	No 90%	Yes 53%
<b>Non-alcohol lead (e.g. Theatre)</b>	Yes (favourable) 89%	Yes (favourable) 91%	Yes (favourable) 89%	Yes 87%	Yes 80%
<b>Off-licence</b>	No 84%	No 81%	No 79%	Yes (8pm) 78%	Local shops only 66%
<b>Members Club</b>	Yes (<100) 54%	Yes (<100) 57%	Yes 55%	Yes (11pm and midnight Friday and Saturday) 70%	Yes 69%

## Notes on matrix

- 1) Policy would be strictly adhered to
- 2) Each application would be considered on individual merit
- 3) Departure from policy is expected only in exceptional circumstances
- 4) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix
- 5) Exceptional circumstances may include: close consultation with Sussex Police and the Licensing Authority, meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to off set impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts), BCRP membership
- 6) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, members clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre
- 7) Shatterproof drinking receptacles will normally be required by licence condition in alcohol led establishments in the city centre
- 8) Outdoor events will be supported where arranged through the council's event planning process
- 9) Favourable consideration will be given to residential need
- 10) Favourable consideration will be given to local businesses properly engaged with the local licensing authority and responsible authorities

<b>CIA disagreee - Why do you disagree with the proposed policy for a licence to sell alcohol in the 'Cumulative Impact Area' and what changes would you like to see?</b>
Need to be aware that Brighton is dependent on this revenue.
2 am is much, much too late when residents have to go to work at normal hours. It means there are drunk people walking around into the small hours of the morning, making so much noise it is impossible to sleep. No alcohol should be served after 11 pm, given that the drinking up time has been extended to a full hour.
Members clubs do not necessarily police the drinking and behaviour of their members more than other outlets
Every type of business is wanting to sell alcohol, leave it to the pubs, clubs and PROPER off licenses. Restaurants yes, cafes no.
All premises should have the ability to sell alcohol to begin with. If it is proven that they are irresponsible with the sale of alcohol the licence should be removed. Other wise it could restrict re-generation of an area
Although late night food outlets can attract people and can be a focus for noise/occasional asb, its important that people have access to food. This 'soaks up' some of the alcohol drunk and from personal experience, reduces the chances of a person being sick the morning after.
I'm not sure if this could be exploited as a loophole...
There should be adequate controls through the issue of a license to minimise any problems considered likely. In addition the scale of the premises / numbers likely to attend should have some relevance. The CIA is the most appropriate location for Night Clubs.
It is an expectation to go to a club and purchase alcohol. Without this facility, most, if not all clubs would close. This will have an enormous impact on tourism in this city. Brighton is a City renown for bars and clubs. Weekend revellers spend a great deal of money in Brighton, shopping and eating out during the day and then partying at night. To gain access to an evening venue, bar or club, they have to produce id and pass the scrutiny of the door staff. I feel this is sufficient. If you reside in an area with a fair number of attractions, people are going to walk past your home throughout the day and night. This is Brighton after all. If this isnt what you want, why do you live here?
If all pubs close at 11, then everyone will leave at the same time, and just go to clubs. having everyone leave at the same time will in fact increase noise levels for residents at around 11.30. Nightclubs and late night takeaways should be considered on individual merit, not a blanket refusal.
Because there are too many already and they impact on residential areas and the licencing authority pay NO attention to local objections. The business is always put before people's right to enjoy reasonable peace and quiet in their homes.
It might turn into another strip club, and for under 100 members it could be too excluding of 'ordinary' residents.
LATE NIGHT TAKE-AWAY: Availability of food might reduce drunkenness, so unless there's other problems with the takeaway (anti-social behaviour, noise etc) I'm not sure a licence should be refused. Presumably the market for late night food is predominately determined by the concentration of people attending entertainment venues (clubs, bars, theatre, cinema), so the concentration of takeaways is determined by the licensing of those venues and shouldn't require a rigid policy of it's on unless people gathering at takeaways causes the problems in itself. But I'd say if it does, then the problem is really the result of having too high a concentration of venues that encourage excess drinking, and that is the source problem that needs to be address. I don't think restricting the availability of food is helpful. CLUB: If a club is well-run, it should be a safe environment for drinking, and people who drink to excess can be removed or refused serving at the bar. As you have to pay to go into a club, people tend to stay there for several hours and it is easier for bouncers and bar staff to monitor their behaviour and drinking. This isn't the case in large super pubs, and to some extent in smaller pubs too (if people are moving from venue to venue). Also night clubs provide some other entertainment (dancing, music, shows etc) which means the focus is less on drinking. So I actually think encouraging well-run clubs could be beneficial to the behaviour of people on a night out, as well as increasing the diversity of entertainment available and contributing to the economy.
LICENCES IN THE AREA SHOULD BE THE SAME FOR ALL
You have not produced any evidence to justify an extension of the restriction
Members clubs can cause just as much disturbance as any other. It depends upon good management, i don't think blanket refusals are the way to go. I think that Midnight is reasonable for new pubs in the city centre
I am sick and tired of the problems caused by the misuse of alcohol. Much tighter controls are needed in this so called city, the sooner the better.
stricter control can only be gained by keeping the licencing area as it is.

No alcohol to be sold after 10.30 pm anywhere - this gives people the opportunity to get 8 hours sleep and go to work
No restaurant needs to be open that late.. Only if the club is within or close the a residential area.. If Fire & Safety regulations are adhered to, and the club is big enough to take a bigger audience, I cant see a problem...
Surely issuing an alcohol license to members clubs will make most establishments who cannot get a license set themselves up as members only which would result in exactly the same problem. I hope that the refusal of an alcohol license to off licences is targeted at places that sell cheap alcohol, often from split cases, and not at legitimate wine merchants. I also wonder how this policy will get bent my those with enough money to make the council back down - e.g. Tesco, Sainsbury's etc.
Restaurants rarely open until 2am in the city - do we need another late night cafe?
This could seriously harm the alternative music scene in Brighton. It is vital that new clubs for example are allowed to open up in order to evolve the city's musical culture. It seems harsh to treat all new establishments in the same way when it is the chain bars / clubs catering to a non-specialised market which usually create problems. More specialised independent 'alternative' clubs / bars, especially with live acts, are much less likely to cause problems. I feel it is important for establishments to have no limits on their closing times otherwise you are forcing large groups of people onto the streets all at the same time, which doesnt seem beneficial.
Members club can be just as disruptive as night club. would like mix away from alcohol focus
2. am is too late for restaurant. 1.am maximum but only on friday and saturday. No more pub/bar licenses to be granted in the area at all
the factors involved are the number of outlets, the overall timing of availability and the pricing in those outlets. Off-licenced premises should have restricted hours to discourage early morning and late evening purchase AND a strong pricing regime - as these are the main sources for on-street drinking. On-licenced premises should have restrictions on pricing as this is the main source of binge drinking. Late opening clubs should have at least a one and half hour prior to closing restrictions as this would enable a greater "recovery" time before clients leave the premises
Any increase in the number of pubs in the CIA will only increase the alcohol-related social problems.
We have enough establishments that sell alcohol and need no more.
We feel that restaurants open to 2am selling alcohol would still cause a problem with late night noise and disturbance in the North Laine area and would recommend not later than 11pm.
The anti social problems related to excessive alcohol consumption impact upon residents living in central Brighton and discourage 'normal' activities within the city centre, especially at the weekend.
Noise and unreasonable behaviour of a few people using the facility to the discomfort of residents.
it has all got out of hand, only supermarkets should sell alcohol to prevent corner shops selling single cans of strong drink , street drinkers would find it difficult to obtain supplies as they only sell in 6 packs, also they have better control of where their supplies come from stopping illegal spirits and cigarettes from getting into circulation
I would oppose the opening of more clubs even if private.
If there police (on foot) at the crucial hours then I would be ok with it. I feel like we are terrorized some evening by gangs of drunken youths marauding the streets of North Laine with no one around to keep them in order. Last week I had 6 12- 14 year olds sit on my doorstep rolling joints and drinking cans of strong lager at 2am - when I asked them to be quiet they insisted they wouldn't move until they had finished their splifs!
Because 2am is an unacceptable hour in my opinion to still be serving alcohol and 99 members who have had too much to drink could cause a lot of noise and disturbance.
Brighton needs clubs and bars to attract tourists all year round. You should be encouraging the development of the city, not restricting it. I go out to pubs, clubs, and bars at least five nights a week but I never see any problems. I would like to see pubs and clubs given the right to select who they admit. Apparently a gay pub is currently unable to hold a men only night. Why not? What harm does it do? I do not want to go to a pub with women in it. You are not addressing my needs. Furthermore there should be no need for straight couples to go to gay pubs. Please ensure that they are provided with ample facilities elsewhere.
Because the late night licensing situation in Brighton is out of control. Why do restaurants need to stay open as late as 2am? Who is eating food at that time? I would think 1am would be the absolute latest
Restaurants should be treated as pubs - no later than 11pm if sited in midst of mainly residential street. People hang around for sometime after closing saying loud farewells, car noise and general revelry so noise goes on well beyond closing times.

2am is too late, 11pm is better for restaurants. There are already enough pubs in the area.
I would like to see fewer premises licenced to sell alcohol as I think the alcohol situation is completely out of control in B&H
It is more the effects of alcohol - noise and actions of those too drunk to care. Why would a real restaurant need a 2am license for serving food? Night clubs need to be zoned in non residential areas. Western road is a prime example of how late licensing has gone wrong.
I think that 2am is too late for a restaurant in a residential area as people leaving licensed premises at this late hour will, in the North Laine, be likely to wake people up because of the Victorian houses and the configuration of the streets.
Re the restaurant - grant but no later than 2am - I think 2am is too late and this should be 11pm in line with the pubs. Restaurants that are open and serving alcohol until 2am end up being bars that happen to serve food - if you look at any decent restaurant in the city they are not open until 2am. I would suggest granting the licence to restaurant but no later than 11pm or midnight at the very latest.
The guidance to the licensing Act does not allow for a matrix approach as it seeks to introduce quotas and terminal hours
2am is too late.
The problem with agreeing to new licenses of any description in the CIA is that premises tend to change use once they have the licence such as the case of madam Geisha 'restaurant' in east street that clearly operates as a nightclub.
I agree that a licence to sell alcohol should be sought, however I don't think we can or should eradicate the use or consumption of alcohol in an area completely. We should be looking at the type of the place applying for a licence in an area, look at the type of people they will attract and grant according to the area. We're looking for sensible levels of alcohol consumption - it's clear from the type of establishment if the levels will be sensible.
Inappropriate in a largely residential area.
I would like to see mixed residential and commercial areas have the same rules as residential areas as the council should do more to protect its local residents whether they live in a commercial area or not.
People could pretend that theirs is a members only club
Restaurant licences would be better to end at 11pm. What kind of club sells alcohol?
I think restaurant should only be allowed to sell alcohol till 12.00pm and this applied to Members Clubs.
i'd like to see bars and restaurants open for as long as they want as long as they are not disturbing anyone nearby. I live above a bar and opposite a nightclub. I have never really encountered a problem that is alcohol related. I knew what i was getting myself into when i moved here so i can't complain about noise, fighting, etc (which happens sometimes).
Too many licences premises selling alcohol the centre of the City resembles a war zone, with pubs clubs and restaurants that are struggling doing very cheap drinks this rises crime and disorder.
All sales of Alcohol late at night in what is a Residential should be banned.
Restaurant - why 2am? Think this should be amended to say, 12 midnight. Area has enough pubs, clubs etc where alcohol can be consumed. Take-away should not be encouraged (therefore off-licence) Not sure what's special about a members club
Restaurants do not need to stay open until 2am selling alcohol. Their function is to provide food and not for people to get drunk, therefore I find this proposal unnecessary.
The area is already saturated with alcohol and drunks. Police the licences that have already been granted as they are already ignored.
There are far too many licensed properties in this area already causing problems for local residents especially late at night.
2am is too late for a restaurant licence.
Reduce all outlets selling alcohol
I firmly believe in a case by case basis and there are some pubs and night clubs which are exceptions and I know are not problematic
Clubs open until 3am. Pubs Midnight Sun to Thursday and 1am Friday and Sat. No more Off-Licenses.
All will become members clubs as a way around restrictions



While I am generally not in favour of late night drinking anywhere, I realise that we have to accept it has arrived and the centre of town would be the best place to allow alcohol sales as late as the law allows, rather than in areas where the impact on residents is high.
I think my previous answer covers this question. Quite simple the streets of Brighton are not safe, due to the ease of obtaining alcohol.
Surely this is about all Licensable activities not juts alcohol sales otherwise why are Non alcohol led Theatres on the list? Account should also be taken of the number of premises closing - restriction of numbers of each different kind of outlet?. Other types of food led outlets both retail and eat-in should be on the list eg. cafebars, specialist food outlets etc. which are different to restaurants
11pm is too early, should be midnight, What is the point of having a members club with only 100 members who are not all going to be drinking at the same time. Either it's not allowed or put a realistic membership level in.
I believe that midnight is reasonable and quite late enough for alcohol to be served in restaurants.
Referring to former comments, it means that no new licensed businesses can be opened. What happens when one of the businesses that currently has a license granted closes? I'm not sure why pub licenses shouldn't be later than 11pm in town but allowed to be later in residential areas too.
The Members Club proposal to say 'yes' is an open invitation to make every outlet application a spuriously member one. You just let anyone become a member for a nominal sum and cancel the membership when you leave so there is a space for a new member. So-called Members Clubs cannot be held responsible for the behaviour of excess-driven customers once they leave the establishment and curtilage areas and must not be encouraged to proliferate. Do we really want to increase policing costs which would then become necessary? No. It is important to protect visitor/tourism income but what kind of tourists do we want? Destination Excess tourism is loathsome and degrades quality of life for residents and gives the city a cheap and nasty image. Keep all new nightclub and so-called 'Member' club applications within the identified Commercial/retail central section for control reasons and to contain policing and environmental complaint costs. Where is the figure for the NUMBER of outlets allowed in any of these areas? There should be quotas, agreed with residents. Back in the 1990's a Leader cover story reported exasperated police saying if there were any more applications for super-bars they would put in objections. That is a tacit call for quotas on the numbers of outlets in that category at least.
already increase in violence and crime due to alcohol related consumption. residents in these areas are constantly kept awake by noise from late night revellers
There are already plenty of outlets selling alcohol, often more than one in every block! We don't need any more. What is a members club anyway? It seems too vague a term. Could cover many different things, some undesirable for the area, so would have to say no on that one.
2 am is far too late! Again, it will have an impact on peace and quiet at night!
I believe that restaurants should only be able to operate licences up to 1pm not 2 pm as some of these restaurants are in reality bars which serve food as an afterthought. They have tables and seats outside their premises where people can sit and drink with friends standing around on the pavements with drinks in hand. We in Lansdowne Place had awful trouble from noise generated late at night from a restaurant on the corner with drinkers outside being served supposedly seated at the tables but standing around with no food in sight. There is also the problem that leaving these places after 2 pm means disruption to sleep from noisy customers as they disperse through the residential streets off Western Road. Would you like to be woken by noisy customers in an inebriated state at 2.15 am?
Too late closing in the case of restaurants,- suggest 12 midnight Suggest private members club is less than 75
Responsible pubs handle these matters well and pubs are the best places to have adults drinking because there's a rationing process (price and getting to the bar) and boundaries in place, so I'd say smaller pubs to be able to serve alcohol till midnight/1am

<b>Why do you disagree with the proposed policy for a licence to sell alcohol in the 'SSA and London Road' and what changes would you like to see?</b>
For the same reason: nobody should be drinking in a public place after 11pm. Later than that, and they are wandering the streets making a lot of noise, and frequently vomiting outside our bedroom windows, in the early hours. Brighton has a major drink problem: the Council should be doing all it can to reduce it.
Take aways should not be able to sell alcohol later than the average pub that is 11 clock. Alcohol would be too easily available in places that are of high stress anyway. Alcohol would more likely be sold to underage consumers than in a pub or club where id could be checked more easily.

crime, noise
License policy upheld and not let Supermarket convenience stores and the like sell alcohol
Would look to see closure at 2300 hrs
if you want to make a law it should be for everyone..... all same time same law.....
All premises should be allowed to sell alcohol until proven that they are irresponsible. Other wise it could restrict re-generation of an area
2pm? You mean 2am? In which case grant...but only to 11pm
As regards Restaurants, I see no need to be open so late, in what must be an area with significant residences liable to noise pollution. Night Club size could be an issue for discussion. Again if we are in an area with numerous residences 2pm seems unnecessarily late, limit to midnight ?
This will have an enormous impact on tourism in this city. Brighton is a City renown for bars and clubs. Weekend revellers spend a great deal of money in Brighton, shopping and eating out during the day and then partying at night. To gain access to an evening venue, bar or club, they have to produce id and pass the scrutiny of the door staff. I feel this is sufficient. If you reside in an area with a fair number of attractions, people are going to walk past your home throughout the day and night. This is Brighton after all. If this isn't what you want, why do you live here?
Late night take aways add nothing to the fabric of the local community they can encourage large groups and noise until they close.
Too much opportunity to buy alcohol in this area
Each application should be on merit. Many off licences in London Rd are small businesses and their licence would have little overall impact. If pubs can stay open til 2, many will not, esp in the week and so people will not leave all at once
It is the late night takeaways that often cause a lot of the problems. Customers don't need to drink alcohol with their pizzas etc. Also 2am is too late for a pub in an SSA and London Rd - again it is these kinds of premises that cause the problems in the first place.
For the same reason as in the CIA - these places and their licences impact on local residents and the council don't care!
There are already plenty of take-aways in this area in my view. Again, the 'private' clubs are excluding of residents and may be strip clubs or similar - not appropriate in such a densely populated (with families) area of town.
Midnight would be a preferable limit.
CLUB: See previous answer for the cumulative impact area.
AS ABOVE
You have not produced any evidence to justify an extension of the restrictions
Pub closing too late - should be 11pm
The SSA includes a greater proportion of residential properties and the expectation in these outlying areas is to a greater level of amenity than those living in city centres as such I don't think it fair to have those open much later than the CIA. Re: Members clubs, see my previous answer
Because I have to suffer from all the problems related to alcohol abuse. Get tough on who is given a licence. same, to better control it.
Please refuse in line with comments re: disturbances in residential areas.
I don't think take aways should be allowed to sell alcohol in these areas people can buy alcohol elsewhere if they want it and lots of young people go to takeaways its an unnecessary temptation for them.
It's outrageous that pubs could be allowed to serve until 2am - people need to be allowed to get 8 hours sleep and get up for work. Many people get up at 7a.m. Pubs in residential areas should stop serving at 10.30 and close at 11pm every night of the week. There needs to be better monitoring of noise nuisance from pubs.
As I stated before.. No Restaurant needs to stay open that late... Unless a person is working a night shift, then they should be hope in bed, getting a proper nights sleep for their job the next day..

<p>Surely issuing an alcohol license to members clubs will make most establishments who cannot get a license set themselves up as members only which would result in exactly the same problem. I hope that the refusal of an alcohol license to off licences is targeted at places that sell cheap alcohol, often from split cases, and not at legitimate wine merchants. I also wonder how this policy will get bent by those with enough money to make the council back down - e.g. Tesco, Sainsbury's etc. I'm not sure why late night take-aways require an alcohol license at all. Surely this will be the place where people will go for alcohol when all other places are closed/unavailable. Again, we do not resolve the problem.</p>
<p>As in the case of the CIA, pubs in the SSA &amp; London Road areas should not be granted extensions to the normal 11.0 p.m. closing time, and certainly not to 2.0 a.m, as by that time those whose drunken behaviour is likely to lead to crime will have had sufficient opportunity to get drunk. In the hours between 11.0 p.m. and 2.0 a.m. there are still many local residents walking or busing home from cinemas, theatres, restaurants, etc; and they should enjoy the freedom to do so without having their evening disrupted by offensive or threatening behaviour.</p>
<p>I think licensing takeaways is poor practice, likely to encourage late-night drinking and bad behaviour. People exiting pubs, drunk, often head for takeaways. Do we then want people loading up on yet more booze - the more drunk people are in my experience, the louder their voices, the more litter they drop etc. These may sound like small nuisances but if it's midnight and you're trying to sleep (in readiness for work the next day) it can be infuriating.</p>
<p>See last answer. Placing these kinds of limitations on Brighton could be devastating for its late night culture, vibrancy and reputation.</p>
<p>Times are too late, if you want to reduce alcohol problems then you need to restrict access to alcohol</p>
<p>No pubs should be granted a 2 am license in an area that has more residents than businesses.</p>
<p>Refuse</p>
<p>the closing hours of pubs should be control outside of limited occasions per week - also pub "promotions" and special prices (happy hours/two for ones etc) should be strictly limited in hours - not available at least two hours before closing times</p>
<p>No need for extra outlets selling alcohol</p>
<p>Takeaways are a flash point for trouble late at night, continuing the sale of alcohol in the evenings at all will only add to that trouble.</p>
<p>Late night takeaway shouldn't be allowed to sell alcohol. its a takeaway!! will only increase street drinking further. stupid idea if allowed</p>
<p>More emphasis should be given to the local residents and their needs for a decent night's sleep.</p>
<p>Pubs are a source of noise and in a residential area should be restricted to no later than 1.00am.</p>
<p>The proposed SSA would border the North Laine Conservation Area. Therefore, we feel that restaurants and pubs be restricted to the late night and take-away grant of not later than midnight. Gloucester Place and York Place are in close proximity to Trafalgar Street and Pelham Square where residents currently suffer noise and disturbance.</p>
<p>I think off licences are a different case. As long as they close by 11 they provide a service to those who use alcohol responsibly.</p>
<p>As above</p>
<p>Fewer members' clubs</p>
<p>Again, if we had more police on the beat to keep control of drunkenness I would be ok with it</p>
<p>I just feel 12-2am is very late for people to be purchasing drinks</p>
<p>Brighton needs clubs and bars to attract tourists all year round. You should be encouraging the development of the city, not restricting it. I go out to pubs, clubs, and bars at least five nights a week but I never see any problems.</p>
<p>I believe that the special stress areas should see an 11pm license with doors closing at midnight. Electric music hasn't been addressed in the survey but should also stop at 11pm. The problem here is that drunken activity creates the greatest public nuisance during the night when people try to sleep. The stress area is in the heart of many, or on the boundary of residential areas that must be protected.</p>
<p>as in previous question 1am should be enough time for restaurants and i would say midnight for pubs. 2am is too late for a pub closing time - having a whole bunch of people leaving at that time causes noise and disturbance for residents.</p>
<p>With the social, health and monetary costs associated with late night drinking no public house should be open later than 11.30pm at weekends and 11.00pm on weekdays. Many people live in these areas and they should not be subjected to the problems caused by late night drinking. The alternative is a wasteland of pubs and clubs destroying the social fabric of the city centre.</p>

As mentioned previously.
Members club limit seems too low.
I do agree that restaurants or pubs need to sell alcohol until 2am. Midnight would be a much better limit and in keeping with the late night take away. It is the people coming back after 2am having drunk all evening until 2 in the morning who keep the local residents awake and frequently damage their property.
as before same reasons
These areas are already well serviced with takeaways and public houses. In particular, takeaways are in general unhealthy and the moral obligations of a council should take into consideration their part in making high sugar high salt foods easily available. However, if particular concern is the alcohol, as mentioned - there are already plenty other places to buy alcohol around.
Re the restaurant - grant but no later than 2am - I think 2am is too late and this should be 11pm in line with the pubs. Restaurants that are open and serving alcohol until 2am end up being bars that happen to serve food - if you look at any decent restaurant in the city they are not open until 2am. I would suggest granting the licence to restaurant but no later than 11pm or midnight at the very latest. Re the pun - GRANT but no later than 2am - I think this is simply a bit late as there are already plenty of late night pubs and clubs already on offer - I would restrict this to 11am during the week and midnight at weekends.
The Licensing act guidance does not allow for such an approach as it seeks to introduce quotas and terminal hours
Members Club - depends on the type of club. Should be discretionary - "look at favourably". 2am is too late for pub.
There is already an abundance of public houses in the SSA and London road. With a decreasing market the most likely result in allowing more to open will be discounted alcohol and lower standards. The greater the number of outlets selling alcohol the greater the likelihood of abuse especially by young people.
Should be no later than midnight
Late night takeaway no later than 11.30 pm. Pub - no later than midnight (except NY Eve)
2am is too late - 11pm would be more reasonable but drinkers may still cause disorder later than that, as they travel home.
With reference to "Late night takeaway - GRANT - but no later than midnight" - this is inevitably going to result in alcohol being consumed in the streets. A proportion of the people indulging in this manner are going to be at best a nuisance, at worst, commit offences against people and/or property.
Late night takeaways should be restricted to midnight, pub should be no later than midnight, off-licences should be carefully monitored but their density in some areas is not too high
where is the option to choose "allow later than 2am"? that is what i believe should be allowed.
The SSA and London Road contain a lot of residential properties which can be affected by the noise from takeaways and pubs/clubs open late. Midnight is late enough for pubs and clubs in these areas and takeaways should provide food not alcohol.
It depends on the pub, perhaps initially and well-behaved local venues can apply for favourable waiver, the character of a pub is down to it's management and locals, I mean this for locals pubs
Even in these areas there are far too many alcohol venues, there is no shortage of pubs and restaurants and with residential around midnight is late enough, street drinking is also bad in these areas.
There are many residents living in these areas. They should not be woken late at nigh by drinkers
Do not want to encourage "outside" drinking What's so special about a Members Grant?
London Road area is known for street drinking, heavy alcohol users, and violence at night. More alcohol vendors could attract more of this. Takeaways and restaurants do not need to sell alcohol. Alcohol should be sold with meals in, or in an off licence or pub, in my opinion, so as to reduce normalisation.
I think off licences are better places than late night takeaways to sell alcohol - more responsible - less likely to be selling super lagers and cider.
2am too late for a restaurant.
Have enough pubs/off licences also members only clubs can be gotten round easily by just becoming a member on the night so effectively it becomes a nightclub open to all.
I think this is rather late considering the proximity of residential housing to London Road itself.

<p>I don't understand why it is preferable to shift late pub licenses out of the central area and into parts of the town where more people live over, next to and within earshot of pubs. I have no problem with off licenses anywhere, provided they close by 11pm. This is all informed by my own experiences living very close to a late license pub which stays open until 1am on weeknights and 3am at weekends. While it has improved in the last 3 years, the various noises generated are frequent enough to wake me once traffic noise has all but gone. I am no longer reporting instances to the noise team as I'd like to sell my flat soon...deceptive to the next occupants but sadly practical.</p>
<p>Have you not read &amp; seen the abuse that the residents of Brunswick Row suffer. Quite recently I was travelling home to Hangleton from Westdene on a 5A at 8pm. School children were on the upper deck drinking alcohol, throwing MT tins down the stairs. Their behaviour was so bad that even the adult men felt it was unsafe upstairs. These schoolchildren got off the bus at Somerfields London Rd &amp; went straight into Brunswick Row where they met up with others just like themselves</p>
<p>Surely this is about all Licensable activities not just alcohol sales otherwise why are Non alcohol led Theatres on the list? Account should also be taken of the number of premises closing - restriction of numbers of each different kind of outlet?. Other types of food led outlets both retail and eat-in should be on the list eg. cafebars, specialist food outlets etc. which are different to restaurants</p>
<p>I would like to see pub being licensed until midnight rather than until 2am.</p>
<p>2am is too late and noisy drinking disrupts the residents sleep quality</p>
<p>Midnight is late enough for either pub or restaurant to be serving alcohol as really peace and calm should descend on the streets at this late hour.</p>
<p>Again, I don't think you can refuse a license on the type of business. There are more factors to take in to consideration.</p>
<p>Think is should stop at midnight</p>
<p>The 2am proposal for granting licences to pubs is excessively generous. Midnight at the latest is what should be laid down. People have to be free to sleep and carousing idiots at 2am leaving a pub, slamming car doors, shouting and laughing loudly destroy resident amenity. Again, the members club is a get-out-of-jail-free card that must not be minted. Everyone would just be careful to make a Members Club application and it would offer NO resident amenity protection whatsoever, especially as the 'club' cannot be held responsible for the behaviour of its idiot, excess-driven customers once they leave. Policing costs would be driven up, as would Environmental noise complaints costs to the council. On consequential cost grounds alone, these late night, all night applications must be resisted. It is important to protect visitor/tourism income but what kind of tourists do we want? Destination Excess tourism is loathsome and degrades quality of life for residents and gives the city a cheap and nasty image. Keep all new nightclub and so-called 'Member' club applications within the identified Commercial/retail central section for control reasons and to contain policing and environmental complaint costs, but only if they agree to a midnight closure.</p>
<p>Crime , violence and general late night noise will be exacerbated by more alcohol consumption. London Road is already very noisy at night . Midnight and not 2 am would be more acceptable re restaurant.</p>
<p>The city is overrun with alcohol. More consideration should be given to residents of these areas who do not wish to over indulge in alcohol. I would say the previous government's idea that making drinking hours later would create more responsible drinking has not worked and it has just created more drinking.</p>
<p>See reasons re restaurants set out in cumulative area consideration. The same applies for restaurants in this area and to pubs. 1 a.m should be their limit</p>
<p>Suggest that licences for restaurants should close at midnight Take-aways close at 11 p.m. Membership should be less than 75 This should include Church Road Hove</p>
<p>No drinking off premises</p>
<p>No pub should be open after 11pm if its in a residential area.</p>

<p><b>Why do you disagree with the proposed policy for a licence to sell alcohol in the 'Mixed Commercial &amp; Residential' and what changes would you like to see?</b></p>
<p>Too much alcohol is sold and consumed in the wee small hours and availability should be reduced. Residents' right to the peaceful enjoyment of their homes is compromised when it is impossible to sleep at night.</p>
<p>The times need to be restricted to 11 o'clock for takeaways and 2 am for clubs, as in a residential areas need protection from noise nuisance.</p>
<p>I would be happy for alcohol to be sold in these venues up until midnight</p>
<p>residential areas should be a quiet, safe place, there are plenty of resources to obtain alcohol in the town</p>

People are quite often drunk by the time they get to the takeaway. Food yes alcohol no.
Need close definition of mixed, commercial and residential areas.
All premises should be allowed to sell alcohol until proven that they are irresponsible. Other wise it could restrict re-generation of an area
Night club - i can not see any advantage in having a night club in these areas. It would have a large impact on neighbouring communities/residential areas/ Members clubs - would still need a members limit.
I'm not sure takeaways should be selling booze until midnight. Maybe just to 11pm I'm not sure you'd want clubs in mixed areas open till 3am. It's a club chucking out time that the worst noise occurs. Pub - grant but only till what time?
too much noise
This will have an enormous impact on tourism in this city. Brighton is a City renown for bars and clubs. Weekend revellers spend a great deal of money in Brighton, shopping and eating out during the day and then partying at night. To gain access to an evening venue, bar or club, they have to produce id and pass the scrutiny of the door staff. I feel this is sufficient. If you reside in an area with a fair number of attractions, people are going to walk past your home throughout the day and night. This is Brighton after all. If this isn't what you want, why do you live here?
Mixed residential areas 3 am is still very disruptive in these areas and again leads to other problems at 3am in the summer people will still be around at 4 am etc
Night club should be no later than 1am
3am is too late for a Night Club in a mixed area. People leaving these establishments cause noise an anti-social behaviours as they wend their way through adjacent residential streets. For takeaways see answer to previous question. The public should not be encouraged to think that alcohol has to be drunk with every meal. We have a major drinking problem in B&H.
There are enough clubs in town, with enough variety for every taste. Again, 'members clubs' could mean strip clubs and exclusion for local residents.
Unnecessary for a takeaway to sell alcohol, particularly late at night. Likely to encourage those already drunk to consume excess alcohol, through spontaneous purchase. As the alcohol bought at a takeaway is not intended to be drunk at the place of purchase, it is likely to be consumed in public places, resulting in loud drunken, anti-social behaviour in residential streets,
I don't think an off-licence should be refused unless there's specific concerns (e.g. too many in the area already, noise etc).
You have not produced any evidence to justify an extension of the restrictions
I don't think nightclubs in outlying areas is acceptable. re Members clubs see my previous answers
As stated previously.
potential disturbance to residents could go up. again to keep it controlled
There are enough clubs
Because it's a residential area, and people need peace & quiet to be able to sleep.. People should be able to buy alcohol locally up to 10:30pm, as in the old days...
Surely issuing an alcohol license to members clubs will make most establishments who cannot get a license set themselves up as members only which would result in exactly the same problem. I hope that the refusal of an alcohol license to off licences is targeted at places that sell cheap alcohol, often from split cases, and not at legitimate wine merchants. I also wonder how this policy will get bent by those with enough money to make the council back down - e.g. Tesco, Sainsbury's etc. I'm not sure why late night take-aways require an alcohol license at all. Surely this will be the place where people will go for alcohol when all other places are closed/unavailable. Again, we do not resolve the problem.
Impact of late opening on residents, reduce the hours
See my answer above about late night takeaways. Re night club - I don't want any more licensed night clubs in Brighton. I would also suggest that licences be granted no later than 2am. We suffer a lot from pissed people coming back in the small hours walking through residential streets (we live in Devonshire Place off St James St), sometimes collapsing on the street, other times simply waking us ALL up. No one keeps their voice down, simply because when you're drunk you don't realise how loud your voice is.
Please see last answer. Also, since Brighton has quite a liberal population, this kind of forced authoritarianism will cause a lot of anger amongst young people in particular, with the potential of greatly harming relations between the council and the community.

Refuse take aways and nightclubs, there are plenty already
The amount of residents living in the area have to be taken into account before any licenses are agreed. This fact is not being taken into account.
the problems for residential areas are the amount of alcohol available for off premises (street) drinking; the availability of late cheap alcohol; the availability of alcohol close to the finishing times in clubs. there is no reason why take-away food premises should need also to sell alcohol for street consumption
Again, why do takeaways need to be selling alcohol at all? Too similar to an off license. 3am for nightclubs in this area is too late.
takeaways should not be allowed to sell alcohol. residents will suffer with increased availability of alcohol
As stated before plus it does not mix to sell alcohol in residential areas only in supermarkets where it is monitored better and to stop under age drinking and also the street drinkers. Drunks can cause harm to others as well to themselves and can get aggressive so why encourage it. Too many licences are given to little shops.
Residents needs should be put first. All residents should be guaranteed a good night's sleep.
I am not sure what constitutes a mixed commercial and residential area. This seems to be a rather grey area that could lead to problems.
It is too late.
Restaurants and pubs should be restricted to the same hours as take-aways - ie no later than midnight.
It is the local residents that shoulder all the problems!
noise and bad behaviour experienced as a resident
Residents need to be able to sleep and not be disturbed by drunks in the early hours. I am struggling to work some days because of sleep disturbance. I gave a pub at both ends of my street and yet another licence has been granted to sell alcohol which is in a residential street - this I really don't understand!
In residential areas the hours are too late. I have a young child and the pub opposite us is the bane of our life with people regularly drinking outside right by my sons bedroom window. In my experience when people have had too much to drink they lose all reason and can be very inconsiderate.
The shops that open late and sell alcohol bring down residential areas, increasing late night noise from customers who have little or no regard for residents. I live on Clifton Road and regularly get woken up by people who have shopped at the late opening shops for more alcohol. Why are these shops allowed to open in this residential area?
Brighton needs clubs and bars to attract tourists all year round. You should be encouraging the development of the city, not restricting it. I go out to pubs, clubs, and bars at least five nights a week but I never see any problems.
I feel there is already enough night drinking / dancing options in Brighton. I value the small, quiet, safe side of Brighton is a major part of its success and what makes it attractive to people for short stays and long term stays. I value the community atmosphere of Brighton and I want to protect that and pass it on to the future.
Mixed commercial and residential areas have not been clearly defined on the map. I live in the North lanes and would oppose any 3am license within the proposed street boundary unless it is in the heart of Brighton South of North Street. The Green door night club is 20 meters north of the current stress boundary and is a curse on the residents of the North lanes. Please don't let this situation happens again. If it is north of North Street I would like to see the same rules as for pubs apply.
For the same reasons as i have already stated in previous questions. More attention needs to be paid to residents concerns in ANY residential area in the city. Clearly, following the previous disastrous "liberalisation" of alcohol policy in this city, we have all suffered - whether by personal disturbance, crime and nuisance or the waste of tax payers' money on the increased police and NHS resources needed to deal with the results.
Depends on how late restaurants are open till and 3pm too late for clubs as patrons of both wend their way through residential streets bringing their noise and car disturbance well after closing
As previous comment
We have enough night clubs in the city centre, why spread disruption further?
If a club is in a residential area then it should not be selling alcohol until 3am. The impact on the local residents is unacceptable. Pubs should not be able to sell alcohol until 3am in residential areas either.
as before -
It runs counter to the licensing act guidance in seeking to introduce terminal hours and quotas
All these outlets should be considered on their merits - not a blanket granting of licence.

I do not believe that nightclubs should be in mixed commercial / residential areas, the police resources are too far stretched already and in the event of significant disorder the emergency services would be unlikely to be able to respond in reasonable time without leaving the town centre depleted. Most residential areas are already served by existing public houses.
3am is far too late for licence. There is already disruption to local residents.
Late night takeaway - no later than 11.30 pm
I would like to see all licences granted only to midnight. People who live in commercial areas have a right to be able to be able to sleep by 11pm - 12am at the latest as part of their human rights. The policy assumes that people who live in these areas do not have to get up for work in the morning. These residents ALSO make an important contribution to the city's economy.
Not sure how you are defining mixed here, but any licence granted to 3am will have a significant impact on any resident to 3am - and beyond, and not necessarily limited to the weekend.
because of disturbance to residents and examples set to children.
With reference to "Late night takeaway - GRANT - but no later than midnight" - this is inevitably going to result in alcohol being consumed in the streets. A proportion of the people indulging in this manner are going to be at best a nuisance, at worst, commit offences against people and/or property.
I don't disagree, but there is no option to choose "later than 3am" Allow pubs, clubs, food outlets, shops to open as late as they want and serve alcohol
As per previous comments where there is residential property licences should be restricted to midnight and takeaways shouldn't sell alcohol.
I don't agree with late night takeways selling beer etc. There's enough 24 hours shops in Brighton/Hove if you are that much of a lush
Once again there are too many alcohol licences leading to crime and disorder.
Late night drinkers make a noise and often leave their empty cans etc on the street. No public toilets are available so doorways to houses are used as toilets and drug taking.
Do not think drinking "outside" should be encouraged esp residential area - vomit, glass, noise, fighting etc etc Why 3am for nightclub in mixed establishment? Why Members Club ?
Residential areas are not good places for night clubs opening til 3am. It is unfair on the house owner and tenant.
I think off licences are better places than late night takeaways to sell alcohol - more responsible - less likely to be selling super lagers and cider.
seems rather late if these are residents in the area
Similar reasons to the above...if late licenses are granted here, it destroys the peace which people expect in a predominantly residential area.
My previous answers cove this question
Surely this is about all Licensable activities not just alcohol sales otherwise why are Non alcohol led Theatres on the list? Account should also be taken of the number of premises closing - restriction of numbers of each different kind of outlet?. Other types of food led outlets both retail and eat-in should be on the list eg. cafebars, specialist food outlets etc. which are different to restaurants Maximum terminal hours should also be set for these areas.
the noise at 3am is much too late for residents to get their sleep
Why does a nightclub in a residential area get granted a license, but not in town? Surely these establishments should be encouraged away from where people are living.
It is important to protect visitor/tourism income but what kind of tourists do we want? Destination Excess tourism is loathsome and degrades quality of life for residents and gives the city a cheap and nasty image. Keep all new nightclub and so-called 'Member' club applications within the identified Commercial/retail central section for control reasons and to contain policing and environmental complaint costs. Midnight should be the absolute cut-off time for all new applications within the stress and cumulative impact areas and, indeed disallowed in all residential areas beyond.
I have stated to grant for pub but I think pub opening hours should be reduced. There was no time stated on the question. We don't need any more off licences. There are plenty already. Drinking alcohol with food is preferable to drinking without food. It seems people drink, then go to late takeaway then throw up over pavement. Why would you want to grant a takeaway a drinks licence?
The hospitals in our area are already at breaking point. Why do planners believe that drinking is an appropriate past time??



Many visitors and late night revellers pass through the North Laine more often than not carrying cans of alcohol obtained from somewhere, presumably from late night takeaway establishments.
Restaurants need a limit on time - say 1100 p.m late night take aways are a source of problems close at 11.00 p.m. Night club source of problems, close at 1.00 a.m. Too many pub licences already and will seek to extend to the next areas. Refuse...Members clubs - restrict to 75 members
Restaurants in mixed areas, till 1am No to takeaways 3am is too late
3am is very disruptive for a residential area
I would like to see licences in such areas restricted to an earlier time, such as midnight rather than the current 3 am limit, for the sake of residents, and to avoid turning these areas into late-night party destinations.
Again if the area has any nearby residents then it should be 11pm closing for pubs

<b>Why do you disagree with the proposed policy for a licence to sell alcohol in the 'Residential Area' and what changes would you like to see?</b>
See all my previous replies. Too much drinking, with its consequent anti-social behaviour.
11 pm for a takeaway in a residential area , 11 pm for a pub in a residential area to protect the residents from noise nuisance and possibility of anti social behaviour.
if as a result of alcohol related crime, noise-then the premises that sold "made profit" should be fined to pay for enforcement for a peaceful residential environment
Takeaways should be for food not alcohol
All premises should be allowed to sell alcohol until proven that they are irresponsible. Other wise it could restrict re-generation of an area
I don't think takeaways in res areas should serve alcohol until midnight - just 11pm. I think pubs should stop at 11pm
I would like a competitor to Tescos, Sainsbury's et al
This will have an enormous impact on tourism in this city. Brighton is a City renown for bars and clubs. Weekend revellers spend a great deal of money in Brighton, shopping and eating out during the day and then partying at night. To gain access to an evening venue, bar or club, they have to produce id and pass the scrutiny of the door staff. I feel this is sufficient. If you reside in an area with a fair number of attractions, people are going to walk past your home throughout the day and night. This is Brighton after all. If this isn't what you want, why do you live here?
latenight take aways should not be selling alcohol later than 11pm if at all
Late night takeaway in residential areas no later than 8pm
People should be able to drink later in a pub if they wish.
See answer to previous question. We need to call a halt on new ways to purchase alcohol in ALL areas.
re off-licence: wouldn't want to restrict business of currently trading neighbourhood shops which are often open later than 8 p.m., usually run very responsibly with good ties to local community. re. members club. Don't see any reason to have a member's club in a residential area.
For the same obvious reasons. residential areas have enough access to alcohol outlets as it is.
members clubs are excluding or 'ordinary residents, and could mean more strip clubs..
For the ones I disagree with, I don't think there's any intrinsic reason to refuse or restrict the opening, unless there's specific issues due to the particular location or possible problems with noise.
RIDICULOUS RED TAPE
You have not produced any evidence to justify an extension of the restrictions
See my previous answer as per Nightclubs. i think members clubs open till 11pm and midnight on Fri and Sat is acceptable and reasonable
As stated previously.
to protect the area and its residents and keep control of the situation
Residential areas need as much assistance as possible to not be disturbed at night. Many takeaways in residential areas become hubs for disturbance if selling alcohol.
as before

There should be no alcohol sold after 10.30pm anywhere, every night of the week. People need to sleep.
Take-aways should close the same time as the Restaurants in the same area.. Off-licences should be allowed to stay open until 10:30pm....
Surely issuing an alcohol license to members clubs will make most establishments who cannot get a license set themselves up as members only which would result in exactly the same problem. Outlets that sell cheap alcohol, often from split cases, need to be refused alcohol licenses. I also wonder how this policy will get bent my those with enough money to make the council back down - e.g. Tesco, Sainsbury's etc. I'm not sure why late night take-aways require an alcohol license at all. Surely this will be the place where people will go for alcohol when all other places are closed/unavailable. Again, we do not resolve the problem. Do the non alcohol lead venues not require a no later than 11.30pm proviso?
Make the cut off 10pm, food could be later
Again, isn't selling alcohol via late-night takeaways just going to encourage inappropriate late-night, post-pub drinking, and all the annoyances that go with that?
See last answers but in general I don't believe that blanket policies are particularly intelligent. Surely reach case should be judged on its own merits. For example, a pub with a late licence in a student area is likely to be popular rather an unpopular. If a club is well soundproofed then potentially that won't cause any problems in a residential area (*particularly* if the club is a specialised 'alternative' club catering to niche markets).
Refuse takeaways and members club due to noise and disruption in residential areas
All pubs should be closed by 11.00 pm. The Bulldog in St' James 's Street is a classic example. This pub is a disgrace to society.
in residential areas there should be due regard to the availability of late hours alcohol - this may be controlled by restricted public house opening but should not then be transferred to off-licence venues, including "member's clubs" and late hours off premises food outlets
No need for additional alcohol outlets
Again, why are takeaways in residential areas being allowed to sell alcohol in the evenings at all? Serves the same purpose as off licenses.
Allowing restaurants to supply alcohol with meals after 11.30 is unlikely to lead to social problems in residential areas
I think restaurants and members clubs should be allowed to sell alcohol until later, and take-aways should never sell alcohol.
As previous
I think off licences can reasonably stay open later than 8pm.
OK but with strict controls.
Should be no later than 11pm. bad behaviour experienced by club members. told by club members and committee "have no right to live near a club if not prepared to hear noise late at night."
See reasons given for last question.
I feel in residential areas the law needs to be tightened and monitored as pubs get away with serving alcohol much later than 11.30pm by saying it's a private party. Once in a blue moon this would be fine but every weekend is a nightmare. I have also noticed the pub opposite us have taken to holding karaoke nights etc on a Tuesday night as they know the noise prevention people only come out at weekends. I think in general alcohol sales in Brighton and Hove need to be cracked down on. I do a radio show on a Saturday night and at the early, I think, hour of 8pm walking down St James Street and Kemptown in general is shocking. I have to dodge people throwing up in the street along with avoiding making eye contact with drunk people. All we hear at home on Friday and Saturday night is the sound of sirens I'm sure most of which are attributed to people having too much to drink. If money was spent on regulating the sale of alcohol think of the money it would save our Police force and NHS in the long run. Finally in the North Laine area where I live there is a lovely little park opposite us that at certain times of the day I wouldn't want to walk through with my son as there are quite a few people drinking 'superbrew' type beverages. If more areas like this were handed over to be playgrounds for our children then it would go some way to regenerating the area.

Brighton needs clubs and bars to attract tourists all year round. You should be encouraging the development of the city, not restricting it. I go out to pubs, clubs, and bars at least five nights a week but I never see any problems.
I think 11.30 pm is OK if doors close at midnight, otherwise 11pm, so that people can make their way home as soon as possible after midnight.
Times should be no later than 11pm. Noise of patrons continues well after closing - often for several hours while people chat, shout goodbyes and call/wait for taxis etc
Local restaurants should be able to go to 1am, local pubs also. Off licence to 9, Members to 12.
In built up residential areas the sound of people milling and queuing around a shop resonate far more than you realise. This is due to the echo effect. I live in a residential street and in the evening it is possible to make out the conversations of those many feet away. When you are alone in the house and perhaps in your bedroom with the light off, it feels invasive.
It runs counter to the licensing act guidance in seeking to introduce terminal hours
Opening times creep later and later. Thin end of wedge. The result of this tendency is that it becomes acceptable to be noisy whilst most people are sleeping. Hence the pressure that the EH noise patrols are under. 11pm is late enough in a residential area - except for one-off events, of course, which should require a separate application to the council. .
Off licences in residential areas can be a magnet for young people who try to persuade those over to buy alcohol for them. I believe that outlets for alcohol should be kept away from residential areas in which young people may be tempted to abuse alcohol.
I think this could be the cause of noise and antisocial behaviour around midnight, and they should not be allowed after 11pm
Late night takeaway - no later than 11.30 pm Pub - no later than 11 pm.
I believe the off license should be till 9pm
The extension of the cumulative impact and special stress areas: for example, Blatchington Road, George Street, Goldstone Villas, Seven Dials
With reference to "Late night takeaway - GRANT - but no later than midnight" - this is inevitably going to result in alcohol being consumed in the streets. A proportion of the people indulging in this manner are going to be at best a nuisance, at worst, commit offences against people and/or property.
this survey is leading and misleading at the same time. but at least allows me to say here: even in residential areas allow pubs and restaurants to open later than 11.30pm if they want to. this prohibition is ridiculous. And an off-licence closing at 8pm?! Where are you all coming from??? Let them open later
Takeaways should serve alcohol, it just provides another place to get alcohol later than an off-licence.
Seems unfair on local restaurants if it's a table license, see previous comments on take-aways not selling alcohol, local pubs also seems unfair, depends how they are run and what local people round the pub think, a local off licence that shuts at 8pm is really useless
I would like all to have the hours returned to what was in place 10 years ago.
Usual comment, do not encourage street drinking Off licence - would extend to 9pm
I think an 11:30 limit on restaurants and pubs is unnecessary if the threat of losing the licence due to noise / nuisance complaints is real and enforced. Same for off licences which should be granted licences in preferences to takeaways.
I would like to see cognisance taken of the number of already existing Off-Licence premises
Maybe the residential area should extend IN to town a bit more. Seems like the 2 middling zones will be harder hit than anywhere else... Theatres can be noisy when audiences leave...
See my previous answers. & see the mess residents in Hangleton have to clear up from those leaving the Grenadier PH
Surely this is about all Licensable activities not just alcohol sales otherwise why are Non alcohol led Theatres on the list? Account should also be taken of the number of premises closing otherwise shopping parades could become empty and run down. However, saturation should never be reached. Other types of food led outlets both retail and eat-in should be on the list eg. cafebars, specialist food outlets etc. which are different to restaurants. .

should be midnight at weekends
These rules can't be as cut and dry. There are off-licenses in residential areas that can server much later than 8pm, and why should residents not be able to buy alcohol locally from an off license later than that? These decisions should be made on things like the licensee's ability to adhere to rules.
What does the word 'residential' mean? It means just that, with, historically, some retail and restaurant service. Members clubs are in the same category as a Superpub and a Nightclub these days. They are not about, say, The Royal British Legion Members Club (the one in Hove closed), or Brownies or Women's Institute are they? These days they are about lap-dancing and alcohol, perhaps most of all. And they Hoover people in from outside residential areas that disturb the peace of residents and provide influences that are not what you should be putting in front of gawping children. And all activity is NOT confined to the interior of these places. Anti-social behaviour spills onto the streets. It is important to protect commercial business rates income but what kind of income do we want? Destination Excess commerce is loathsome and degrades quality of life for residents and gives the city a cheap and nasty image. Keep all new nightclub and so-called 'Member' club applications within the identified Commercial/retail central section for control reasons and to contain policing and environmental complaint costs. And to protect children from early exposure to what amounts to a normalisation of creepy behaviour that destroys lives.
I have refused members club as would have to know what sort of club it is. Do they sell food or just drink, for example. Don't know or what sort of club it is, so can't say yes to grant.
What exactly are MEMBER'S CLUBS?? Are we talking seedy lap-dance etc? I definitely do not want to see these in any residential area!
Takeaways located in residential areas should abide by the same rules governing Off-Licences, i.e. be restricted to selling alcohol up to 20:00 hours.
Restrict take-away to 11.00 p.m. Pub - restrict to 11.00 p.m.
No takeaways selling alcohol Pubs till midnight Off licences to be closely monitored but responsible ones to trade until 10pm
In residential areas pubs and clubs should be closed by 11pm.

<b>Why do you disagree with the proposed policy for a licence to sell alcohol in the 'Brighton Marina' and what changes would you like to see?</b>
The Marina doesn't need a super pub. It would take police away from the City Centre.
I disagree on the grounds that late night takeaways can cause serious anti social behaviour due to access and availability of alcohol, that super pubs encourage binge drinking via special offers, and that off licences should only be open until 8 pm to restrict the availability of alcohol to prevent anti-social behaviour in an area of high stress such as the Marina and adjoining Kemp Town.
Disagreed here just to put comments in about the four I was unsure about. This seems to suggest that where restrictions will apply everywhere else, there will be no restrictions on licensing at the marina... is this not also a residential area? Is this not also a consideration for some control? To someone not in the know it just looks like this is a massive business development move trying to attract as much nightlife and cash into that area as possible - OK fine but why should it not have the same licensing considerations as other areas?
The Marina has a residential part, is an area of risk to people who are drunk/fighting,
National chains should not be restricted. They can offer far better quality, service and value for money than smaller local shops
This is very much a "destination" location with visitors driving or bussing home. Can't see a high proportion walking therefore bearing in mind there are local residences I think there should be justification for night takeaways or Super Pubs confirming how they might impact on the local residential community. Off licenses should be directed to serve the residential community, thus an 8pm limit might be justifiable.
The idea of a SUPER-PUB is horrific!!
These proposals may create more problems at the other end of town, making drunk people's route home a nightmare
I don't think alcohol sales should be considered as an essential of buying a takeaway. Why can't the establishments just sell food and soft drinks?
I think Super pubs are the worst type of venue for encouraging heavy binge drinking. These are also likely to be national companies so not contribute so much to the local economy.
I think the marina for a variety of reasons including transport and public safety is poor siting for a night club. I think that super pubs only serve to encourage large consumption of cheap alcohol and cause much of the problems in towns and cities. So would I oppose those everywhere.

As stated previously.
again, its an area where potentially problems can get worse so to gain control and keep the nightlife enjoyable and try and introduce nights out without excessive amounts of alcohol.
It should be the same as other areas
Alcohol is costing Brighton too much and is too readily available
Surely this proposal to make the Marina a free zone for all alcohol related outlets will result in huge problems with crime and disorder. What about the residents of this place and the affect thsi will have on the value of property? I think careful consideration needs to be given to the Marina and similar restrictions given to outlets here like in other areas of the city.
I don't believe Brighton & Hove needs any super pubs. Many ordinary pubs have closed or are struggling to survive, with the loss of many jobs and neighbourhood landmarks. Unless equally good counter-arguments can be made for a super pub, I think B&H Council should use the powers they have to discourage this kind of corporate investment which is likely to take profits outside the city.
Disagree with late-night takeaway licences at Brighton Marina for same reasons as above.
the Marina should not be seen as a late availability alcohol source - especially given the problems of beach drinking and the incentive to use vehicle access to sources otherwise closed
Late night takeaways attract crime and disorder. Super Pubs are a disgrace and only increase health problems associated with drinking - also increased levels of ASB. The Marina has a large supermarket open 24-7. Why would they need extra off-licenses?
Needs time provisions on it.
Local residents need to sleep and there are already sufficient pubs/ restaurants etc at the Marina.
Why is it that the council are the owners of Brighton Marina Complex and they seem fit to allow what ever license to be issued there !!!!!!! ( why is that ) If the council took some notice of the marina complex they would see that there are already a few empty licensed premises on there, clearly there is not a call for an OPEN LICENSING POLICY ON THE MARINA!!!!!!
I have only been to the Marina a couple of times but as I see it, it is a residential area and I wouldn't want people getting drunk outside my home especially with the risk of them falling in the Marina itself. If the people consuming the alcohol aren't living at the Marina it could encourage drink driving or if they were responsible enough take a taxi out they would be back on the streets of Brighton causing a disturbance.
Ideally drinking should be in a social environment.
There are enough licensed premises in the marina as is and no more are required. This is also a residential area and the rights of these people need to be taken into consideration.
It runs counter to the licensing act guidance in seeking to introduce terminal hours and quotas
Does the marina really need another pub, let alone a superpub? Most of the outlets on the marina already seem to sell alcohol, the area is already saturated. 3 pubs, 2 very large bars plus lots of licensed restaurants and even a super market selling cheap alcohol.
Super pubs should not be allowed at all
As before for takeaways. Super pubs are not a good idea anywhere their concepts (cheap offers 2 for 1 etc) just encourage excess drinking and due to their size there is much less control over who is served alcohol and not serving drunk people.
Broadly speaking I don't see why the Marina is so special that it can have no time restraints as per other areas, it's a short hop from there to Kemptown, Whitehawk with a tinnie or two etc.
The Marina is over run with alcohol establishments including Asda selling alcohol cheaper than water. it does not need more.
Usual comment about late night takeaway Do not regularly visit area and therefore cannot comment on impact But note this is both commercial AND residential and "small" area
Not even the Marina deserves a Super pub.
Just think super pubs encourage groups of young men so will always have fights to contend with.
My worry would be that if other areas are being told that takeaways, clubs and pubs are being refused in other areas that there would be an undue concentration of the problem at the Marina.
Whilst it is rare for me to be in the Marina area late at night I would not want to see this become as bad as either London Road or Western Rd/Norfolk Square
There should be time restrictions on all of these.

Need to know what member's club is used for. Should be based on merits of club. For example, a sailing club that sold food could have a licence to an appropriate hour.

This area is also residential With no time restrictions, this area could become highly difficult to control. Suggest time restrictions be placed on activities.

Alcohol sales should stop at 3am

Brighton Marina has a high residential element and the granting of licences to nightclubs, superpubs and late night take-aways may lead to disturbance.

**What is your connection to Brighton & Hove? Please tick all that apply.**

	<b>Response</b>	<b>Percentage</b>
Live in the city	168	94%
Work in the city	106	60%
Run a business	34	19%
Study in the city	5	3%
Other	8	4%

**Postal sector for those 'living in the city'**

	<b>Response</b>	<b>Percentage including 'no reply'</b>	<b>Percentage excluding 'no reply'</b>
BN1 1	8	4.5	5.6
BN1 2	4	2.2	2.8
BN1 3	14	7.8	9.7
BN1 4	20	11.2	13.9
BN1 5	2	1.1	1.4
BN1 6	4	2.2	2.8
BN1 7	2	1.1	1.4
BN1 9	2	1.1	1.4
BN2 0	1	0.6	0.7
BN2 1	21	11.7	14.6
BN2 3	9	5	6.3
BN2 5	4	2.2	2.8
BN2 6	1	0.6	0.7
BN2 9	3	1.7	2.1
BN3 1	28	15.6	19.4
BN3 2	3	1.7	2.1
BN3 3	8	4.5	5.6
BN3 4	2	1.1	1.4
BN3 5	2	1.1	1.4
BN3 6	2	1.1	1.4
BN3 7	4	2.2	2.8
Total	144	80.4	100
no reply	35	19.6	
Total	179	100	

Responses to the CIA/SSA and matrix approach consultation received via letter or email

Responses received from:

I am writing on behalf of the **Friends of Palmeira & Adelaide** as their Chairman, regarding the anticipated changes in the CIZ and SSA areas which will have an important effect on the area of Palmeira Square and Adelaide Crescent.

At present because we are outside both these areas, as the map shows, it has been clear for the last few years that many more licensed premises are moving into our part of the town, to the detriment of the area. This does not only include restaurants, but many shops selling alcohol as well.

Due to the high density of residential homes in the Square, Crescent and Mansions, it is really important that these residents are considered when planning future zones. As well as local residents, many families use our gardens in both the Square and Crescent and will also be affected by these plans. It is not desirable that families with their children should be adversely affected by the outcome of future plans.

On behalf of the Friends of Palmeira & Adelaide Association I am writing to request that consideration is given to changing the status of Palmeira & Adelaide, up to and including St John's Road from the existing Cumulative Impact Area to the east of us and to the north to include Palmeira Mansions and the lower part of Palmeira Avenue, so that in future we would be part of a new Cumulative Impact Area. This would certainly improve the quality of life for residents and prevent the increase of public nuisance from people using this area as an open space for the consumption of excessive alcohol as does happen from time to time now.

I do realise that at the moment we are not even a Special Stress Area, and I must say that we were all quite surprised to find that out recently, I do not know why that has happened.

However, the similarity of Brunswick Square and Palmeira & Adelaide is clear and I feel sure consideration could be given to this request to include us in a future Cumulative Impact Area.

I look forward to hearing from you when a decision has been made, and hope that I have given you enough information to make the change I am requesting.

With kind regards  
Yours sincerely

**Susan Hunter**  
**Chair Friends of Palmeira & Adelaide**

I have been asked to write a reply on behalf of the **London Road Area Local Action Team** with the agreement of the meeting.

We have been concerned about Licensing Issues in recent years and refer you to the previous letter addressed to Tim Nichols - Head of Licensing from the LAT 17/6/2010 when we raised our

concerns and requested tightening up of restrictions on issuing of Alcohol licenses. (attached). Our concerns and reasoning remain the same.

- We welcome the extension of SSA and CIZ, and also the inclusion of London Road as a specifically named area. This is all heading in the right direction. **N.B. On the criteria proposed we prefer a reduction in pub and restaurant opening hours up to midnight rather than 2am (as suggested on the website questionnaire).** This is on the basis of noise and disturbance to residents in the immediate and adjoining areas.
- **We would strongly like to propose the extension of the CIZ to include the London Road Area.** i.e. for the CIZ to go further north- up to Viaduct Road in the North, the station on the West and to include Ditchling Road (and thus premises facing on to the Level from the West) as the Eastward boundary.

The **London Road Area Local Action Team** have asked us to write to you about licensing, with particular respect to the sale of alcohol.

### **Context**

London Road is – as you know – a shopping street with many small businesses, set within the larger residential context of St. Peter's North Laine ward. Anti-social behaviour by locals and visitors with alcohol- and drug-related problems forms a small but arguably the worst feature of the area.

### **Particular problem areas**

This is highlighted

(a) on the open-space area of “The Level” where “street drinkers” habitually congregate.

(b) in the York Place area where users of the CRI needle exchange (11 St George's Place) are inevitably present during large portions of the day.

In the case of York Place the situation is made worse by the presence of three sensitive locations – **the needle exchange**, the **pharmacy** where drug prescriptions are dispensed, and **off-licenses selling cheap alcohol**. In both cases existing problems are inevitably exacerbated by the ready availability of alcohol.

### **Licensing and other issues**

We have noted the following features of the existing licensing regime:

1. it is virtually impossible for local residents to have any effect on restriction of licences
2. the period of time available for comments is so quick that our monthly LAT meetings cannot keep up with applications
3. the licensing criteria take no account of excessive supply already being present
4. the licensing criteria take no account of other risk factors (e.g. presence of needle exchange and pharmacy)
5. the low price of alcohol means that it is too readily available in large quantities to all (including under-age and problem drinkers)
6. the low price of alcohol means that drinking at home, in the street, in open spaces is preferentially occurring compared with drinking in a pub or other responsibly supervised location.
7. it is impossible to restrict sale of higher strength products



We bring these points to your attention in the hope that an accumulation of repeated comments will be able to improve local and national licensing strategy.

Thank you for doing this consultation,  
Philip Wells, **London Road Area Local Action Team**

As a member of licensing I guess it may not be appropriate for me to respond. But if it is, then I support the proposals.

**Cllr Pete West**

I have completed the survey and have the following general remarks to make on behalf of the police:

We support a proportionate extension to the Cumulative Impact Area (CIA), as proposed, as it accurately reflects the change in drinking routines and consequential impact. The proposed Special Stress Area also reflects reasonable walking distances from the city centre, where a proliferation of off-licences and take-aways are likely to contribute to increased incidents of crime, disorder and anti-social behaviour within those neighbourhoods. A matrix which provides guidance according to the type of area and licensed premises, allows both sensible and proportionate controls as well as responsible business opportunities.

Although violent crime continues to fall, we recognise that anti-social behaviour has a detrimental effect on our communities and we all have a responsibility to address the high levels of alcohol-related health conditions in the city. Many partnership measures are in place to prevent alcohol-related disorder, however the affordability and availability of alcohol remains a threat to our continuing progress.

In conclusion, we consider that the proposed changes will support us in working with others to keep people safe and assist in preserving a reasonable quality of life for local people.

Kind regards, Simon

**Simon Nelson**  
Chief Inspector  
**Operations Team, Brighton and Hove Division**

Have circulated around my amenity associations and have filled in myself.

Best wishes

**Phelim Mac Cafferty**  
Green Party Councillor for Brunswick and Adelaide

### Alcohol Placement in Shops



In February 2011, Alcohol Concern published a report entitled '*Out of the Way – Alcohol Displays in Supermarkets*', which proposed that “all alcohol should be displayed in a single area of a store premises”<sup>1</sup>. Using evidence from survey data which showed that 70% of shoppers would support such a policy, and arguing that the prominence of alcohol in shops “reinforce[s] the notion that alcohol is a normal and desirable part of our culture, rather than an intoxicating and potentially

---

<sup>1</sup> Alcohol Concern (2011) '*Out of the Way – Alcohol Displays in Supermarkets*', Cardiff

harmful drug”<sup>2</sup>, the group urged the UK government to adopt public health policies similar to those enacted in Scotland in the 2010 Alcohol Act. Under the Scottish legislation, shops will only be allowed to display alcohol in a specific area which has been set aside for drink, and customers will now find that they can only purchase beers, wines, or spirits from specific alcohol aisles.

It is still too early to draw conclusions from sales figures from Scottish supermarkets, and so it is difficult to assess the impact of the 2010 Act. However, examination of evidence given by interested parties to the Parliamentary Select Committee on Health in 2009, and its subsequent report, can help to inform the debate about whether alcohol placement in supermarkets should be restricted.

So that they may be fairly assessed, it is important to outline the arguments on either side. Those in favour of restricting alcohol to specific aisles argue that it would improve public health by bringing down sales of drink. This is because “the biggest drivers of increased drinking are the price and the availability”<sup>3</sup>, and that “where products are placed in supermarkets... [has] an impact on consumption”<sup>4</sup>. Further, a moral case is put forward that positioning alcohol promotions in close proximity to other household items normalises consumption and has an adverse effect on children’s attitudes to drinking. By contrast, those who oppose such restrictions on alcohol placement argue that increased regulation would incur undue costs for retailers<sup>5</sup>, inconvenience shoppers<sup>6</sup>, rupture the positive relationship between alcohol and food consumption<sup>7</sup>, and that an agreement between supermarkets would breach competition law<sup>8</sup>.

However, there are several flaws in the arguments put forward by opponents of regulated placement. Firstly, the claim that regulation of store planning would incur an increased financial burden in terms of staff retraining and reorganisation does not sit easily with the existing voluntary practice of not placing drinks promotions next to certain items such as children’s clothing and toys<sup>9</sup>. Indeed, advocates of increased regulation would argue that such costs are not unreasonable, given the aim of reducing costs to public services incurred through alcohol abuse.

A similar claim could be made in regard to convenience: that a measure of inconvenience is a small price to pay in an attempt to reduce levels of alcohol abuse. In fact, a counter claim could be made that locating all alcoholic beverages in one place would be more convenient for shoppers as it would allow easier comparison between different products, saving shoppers time.

Retailers often claim that drinks promotions are placed alongside food in supermarkets in order to encourage responsible drinking with meals, to maintain a traditional association between certain foods and certain drinks (such as wine and cheese), and to provide a seasonal atmosphere around holidays such as Christmas and Valentine’s Day<sup>10</sup>. However, supporters of increased restriction would argue that very few alcohol

---

<sup>2</sup> Ibid (2011)

<sup>3</sup> Professor Gilmore, evidence to the Health Select Committee, 23/4/2009. House of Commons Health Select Committee (2010) Alcohol: First report of session 2009-10, Volume 1, London, The Stationary Office

<sup>4</sup> Dr Anderson, evidence to the Health Select Committee, 23/4/2009. House of Commons Health Select Committee (2010) Alcohol: First report of session 2009-10, Volume 1, London, The Stationary Office

<sup>5</sup> Further memorandum by Sainsbury’s (AL 21A), House of Commons Health Select Committee (2010) Alcohol: First report of session 2009-10, Volume 1, London, The Stationary Office

<sup>6</sup> Giles Fisher, evidence to the Health Select Committee 15/10/2009. House of Commons Health Select Committee (2010) Alcohol: First report of session 2009-10, Volume 1, London, The Stationary Office

<sup>7</sup> Ibid (2010)

<sup>8</sup> Jeremy Beadles, evidence to the Health Select Committee, 14/5/2009. House of Commons Health Select Committee (2010) Alcohol: First report of session 2009-10, Volume 1, London, The Stationary Office

<sup>9</sup> Ibid (2010)

<sup>10</sup> Giles Fisher, evidence to the Health Select Committee 15/10/2009. House of Commons Health Select

promotions located outside alcohol aisles reflect this rationale. For example, Alcohol Concern found that alcoholic drinks were placed in areas such as at tills where there is no other food, in untraditional pairings, such as wine at the end of the dairy aisle<sup>11</sup>, and with little regard for seasonality. Furthermore, retailers and industry figures themselves accept that alcohol, as a “regulated product”, should not be sold in the same way as everyday items such as eggs and bread<sup>12</sup>.

Representatives from major retailers such as Tesco, ASDA, and Sainsbury’s have claimed that an agreement to standardise practices would be illegal under the Competition Act and European competition regulations. However, Sonja Branch from the Office of Fair Trading has suggested that supermarkets are not powerless to implement certain standards in alcohol placement. Indeed, “retailers could choose to act unilaterally,” and “you could have trade association guidance in principle on product placement if it did not have an impact on the way in which the market players were competing”<sup>13</sup>. Therefore voluntary implementation of standards is certainly possible. Based on the evidence, the committee concluded that “measures restricting alcohol to one aisle should be instituted in England.”<sup>14</sup>

This is becoming increasingly popular. In New Zealand, the Alcohol Reform Bill currently before parliament “will require supermarkets to keep alcohol in one place as a condition of their licence”<sup>15</sup>. The bill has cross-party support and is expected to become law. In addition, the Welsh Assembly’s substance misuse strategy for Wales 2008 – 2018 states the devolved government’s intention to “introduce separate areas for [alcohol’s] sale in supermarkets.”<sup>16</sup>

Note from TN re above: I infer this is a recommendation for policy to support regulated placement of alcohol: restrictions on alcohol placement so that all alcohol must be displayed in a single area of a store premises; avoiding positioning alcohol promotions in close proximity to other household items.

---

Committee (2010) Alcohol: First report of session 2009-10, Volume 1, London, The Stationary Office; Further memorandum by Sainsbury’s (AL 21A), House of Commons Health Select Committee (2010) Alcohol: First report of session 2009-10, Volume 1, London, The Stationary Office

<sup>11</sup> Alcohol Concern (2011) ‘Out of the Way – Alcohol Displays in Supermarkets’, Cardiff

<sup>12</sup> Mike Benner, David North, evidence to the Health Select Committee, 14/5/2009. House of Commons Health Select Committee (2010) Alcohol: First report of session 2009-10, Volume 1, London, The Stationary Office

<sup>13</sup> Sonja Branch, evidence to the Health Select Committee, 2/7/2009. House of Commons Health Select Committee (2010) Alcohol: First report of session 2009-10, Volume 1, London, The Stationary Office

<sup>14</sup> House of Commons Health Committee: Alcohol, First Report of Session 2009–10. HC 151–I Published on 8 January 2010 by authority of the House of Commons. London: The Stationery Office Limited

<sup>15</sup> ‘Govt considers further alcohol restrictions’, NZ Herald, 25/08/2011

<sup>16</sup> Welsh Assembly Government (2008) ‘Working together to reduce harm: the substance misuse strategy for Wales 2008- 2018’, Cardiff, Welsh Assembly Government

To whom it may concern

North Laine is a quiet residential area which has suffered since the lavish grant of licences to sell alcohol to any business that applies. Late night noise has increased. Disorderly behaviour has increased. Petty criminality has increased.

We would be grateful if the Council would not grant any more licences to sell alcohol in or around the North Laine area.

With best wishes  
Sarah Jenny Dunsmure  
45 Over Street  
Brighton BN1 4EE, UK  
T. +44 1273 699282

My view is that we need to address the problem with illegal alcohol in the City and in particular counterfeit and smuggled alcohol.

It is unclear whether the situation here is worse than elsewhere or it is rather that we are better at identifying counterfeit and smuggled alcohol. That said colleagues in HMRC have told me B&H does seem to be problematical and we often are the first or one of the first to identify new problem spirits, so far this year in the space of a few weeks we identified Troika vodka with a false duty stamp number and transfers to make the stamp fluoresce, Admiral vodka with high levels of Methanol and also Arctic vodka with industrial alcohol. To me we need both a strategy to tackle the trade in illegal alcohol and also a policy for dealing with licensed premises. I'd also suggest that when talking about smuggled/counterfeit alcohol we also include smuggled/counterfeit tobacco, although admittedly we haven't had much of a problem but we have discovered it on 2 occasions this year in licensed premises.

Catriona McBeth  
Trading Standards, BHCC

I have a few comments to make on the 'Consultation on proposed extension to CIA/SSA and introduction of matrix approach'

1. I am in favour of the current CIA.
2. I am in favour of the SSA being added to the current CIA.
3. I am slightly confused by the report 'Report to Licensing Committee June 2011' because:
  - a. I am guessing that the Matrix Approach, appendix F, was explained to the LC, but it does not read well as a stand-alone document: if it will be used to guide policy it will need to be more 'robust'.
  - b. Appendix G appears to be missing (Matrix area).
4. It is not clear that what affect the Matrix Approach will have on the number of licences granted. It may be in the report – it may not: I just can't find any prediction, based on evidence. Without this it will (should) be difficult for any Member to take a view and vote on the policy. e.g. I am in favour of strong policies being available to deny licences that are likely to cause further distress within the city, but I don't know, from reading the document, if the Matrix Approach once applied to the current CIA will help or hinder this process.

Many thanks for accepting my comments

Tony Janio

Councillor Hangleton and Knoll, Opposition Spokesman on Environment and Sustainability

I have responded to the Survey; thank you for this opportunity. However, I wish to comment on the proposals. I write as a committee member of Lansdowne Area Residents' Association and in a personal capacity and as a regular attendee at LAT and BR Nag meetings. If you would like a hard copy of this, please let me know

1. The extension of the Cumulative Impact Area to include some of Brunswick is **welcomed**.

**Thank you**

2. The CIA needs to be **extended up to and to include St. John's Church** - there are already **5/6 outlets between Holland Road and the Church**, and residents have regularly reported incidents, the cause of which appear to be linked to alcohol.

3. We welcome the restriction on late night takeaways - again experience shows us that these are a source of problems

4. The SSA could be extended along Church Road Hove

5. At the recent LAT meeting it was proposed and seconded that the extension of the CIA should be welcomed - the residents have had problems over many years

6. We very much appreciated your talk at Brunswick and Regency NAG at which we hope you took on our feelings.

7. The residents in the area have used every means possible to object to applications where the availability of alcohol would increase the anti-social behavior.

8. We hope that these proposals will be implemented, particularly in terms of health of both residents and visitors (we took part in the Health Consultation)

Juliette Hunting

member of Lansdowne Area Residents' Association, LARA Committee,

c/o 41 Lansdowne Place. Hove BN3 1 HF. 01273: 770193

I am not an ancient kill joy but would support anything that prevents indiscriminate allowances for drinking alcohol.

Drunks wondering down Waterloo St at night not only keeps me awake but the ensuing conversations outside my flat ground floor window is not exactly inspiring, usually starts with "fuck this and that" and ends the same way.

Thanks for any efforts you make

Dorothy Carr

Flat 1 15 Waterloo St

Friends of Brunswick Square and Terrace

Feel strongly that the CIZ should be extended as proposed to incorporate Brunswick Square and Terrace, as well as (and crucially) the Western Road area.

(letter received in hard copy –scanned copy below )

James Arnell, Chairman, FBST

RECEIVED  
0 OCT 2011

From: James Arnell,

Chairman, FBST

9 Brunswick Square, Hove, BN3 1EG

Dear sirs,

**Re: Cumulative Impact Area Consultation**

I write as Chairman of the Friends of Brunswick Square and Terrace ([www.fbst.org.uk](http://www.fbst.org.uk)), a residents' association with 120 member households, in connection with the above consultation.

We feel very strongly that the CIZ should be extended as proposed to incorporate Brunswick Square and Terrace, as well as (and crucially) the Western Road area.

The violent crime hotspot map and the noise pollution map, included as supporting documents to the proposal, show clearly a problem that our residents have to contend with on a daily basis: excessive alcohol consumption and related antisocial behaviour.

Recent examples of this sort of behaviour include:

- Gatherings of street drinkers in our green areas, urinating and defecating, abusing passers-by and intimidating children;
- Large numbers of people spilling onto the street in Western Road both during the day and late at night, making it difficult for pedestrians to pass by and, in the case of some more elderly residents, creating an ambience in which they are reluctant to go out;
- Windows of local businesses along Western Road smashed at the weekends;
- Drug dealing activities (serving the "drunken economy") in the area, which reinforce a climate of fear among residents;
- Rowdy singing and shouting in residential streets, preventing residents from enjoying a decent night's sleep.

Many of our residents are of advanced years and suffer disproportionately under this alcoholic tyranny. Meanwhile, our local children (and I am a parent of two) are forced to walk a gauntlet of staggering drinkers and dope smokers, often abusive and almost invariably completely insensitive to the impact of their behaviour on others. My children's vocabulary has been brought on in leaps and bounds by the contributions from local drinkers...

All of us enjoy going out for a few drinks of an evening, but the proliferation of licensed premises, late night opening fast food and late night off-sale premises is of increasing concern to us and is having a dramatic effect on our quality of life.

Some of those considering this consultation may live in our area. For those that do not, we would urge them to come and witness a busy weekend. We are confident that they would be shocked and would scratch their heads at how local residents put up with it all.

No doubt some will argue that extending the CIZ will have a negative impact on the local economy. These arguments are spurious. The reality is that there is considerable wealth in the area (Hove is one of the most affluent areas in the UK), but less is spent locally than would otherwise be the case, because the alcohol-fuelled excesses of a few squeeze out the spending power of the many.

This marginalisation of the majority of our local population harms local businesses. These businesses also suffer increased direct costs: increased insurance premiums, security costs, repair bills, and so on.

From a broader economic perspective, Brighton and Hove already offers plenty of opportunities for visitors to get "wasted". The Western SSA area could and should offer a different experience to visitors and residents alike. Away from the hen and stag parties of the city centre, our area is accessible and attractive and can deliver a compelling offer to a different sort of visitor and to its own residents: healthy local businesses and quality restaurants in an attractive location.

Therefore, to those who argue that extension of the CIZ will harm the local economy, we would respond that a failure to extend the CIZ is likely to lead to the loss of a distinct and vibrant local economy and, ultimately, to a collapse in property values as the affluent find the area an increasingly unpleasant place to live, and leave.

We trust that good sense will prevail and that you will take the views of the many into consideration and not only the well-funded views of the few.

We urge you to extend the zone.

Yours faithfully,



James Arnell

Chairman,

Friends of Brunswick Square and Terrace

Goldsmid LAT

Residents initially welcomed the proposed extension of the CIA and SSA as outlined in the licensing consultation, with one resident requesting that the SSA be extended to include St Ann's Well Gardens, extending the proposed area north along Holland Road and east along Davigdor Road & Goldsmid Road to join Seven Dials.

This then prompted a discussion around the ambivalence of the proposed matrix approach, where another resident observed that it would be more beneficial for communities to be identified as 'residential' or 'mixed commercial' rather than be encompassed as part of the SSA. For example, a pub in a residential area may be granted a license until 11.30pm compared to a pub in the SSA until 2am. In this way it is less beneficial for areas encompassed in the SSA, regardless of the tighter conditions placed on new applications. If this is the case, then residents in the area would not favour extending the SSA.

Many thanks for thinking through the implications of areas of Goldsmid being designated as Special Stress Areas, from the practical point of view of late night sale of alcohol. I am certain that residents would not be in favour of pubs and restaurants being free to sell alcohol until 2am! Nor would most (?) residents wish late night take-always to stay open until midnight, let alone sell alcohol until midnight. The logical difficulties that are arising are due to the difference between the 'broad-sweep' concept of areas being 'closely monitored' as would be the case in special stress areas, and what this monitoring would be bound by. For an appreciation of the practicalities we have to look at the matrix.

I believe the matrix suggestions arose from public consultation. I would like to read the outcomes of the consultation and, Becky, please forgive me if you have already told us! It is hard to believe that residents in mixed commercial/residential areas support late night (3am) opening of night clubs to include the sale of alcohol or even the midnight deadline for late night takeaways. The discrepancy seems to arise from the outcomes of the survey that demonstrates different perceptions about late evening lifestyles.

I am grateful to you, Dave, for looking at the maps and the matrix concurrently during yesterday's GLAT meeting, and therefore spotting that the practical implications of living in a SSA could actually result in more extreme late-night activity than being designated as a residential area.

I am glad that you will be drawing our initial confusion between the matrix and the wider definition of SSAs to the attention of the licensing team.

LAT Chair Clare Tikly





B&HLA

Please find attached the report of B&HLA with regard to the proposal for a CIA/SSA and the introduction of a matrix approach.

*Nick Griffin*

Nick Griffin FBII  
Managing Director  
Pleisure Pub Co

## Brighton & Hove Licensees Association

# Report to Brighton & Hove City Council into Cumulative Impact Zones & Special Stress Areas

August 2011

# Table of Contents

<b>Executive Summary</b>	<b>1</b>
Brighton & Hove Licensees Association	1
Brighton & Hove	1
Cumulative Impact	1
B&HLA remain “Positive & Progressive”	1
The Evidence Base	1
<b>Cumulative Impact</b>	<b>1</b>
What is Cumulative Impact	1
Cumulative Impact in Brighton & Hove	1
Tourism	1
B&HLA Position	1
<b>The Evidential Base</b>	<b>1</b>
Evidence of Cumulative Impact	1
<i>Reviews Received for On-Licence Premises</i>	1
<i>Police Evidence</i>	1
<i>Dr Tom Scanlon Evidence (Director of Public Health)</i>	1
<i>The Environmental Protection Scheme (EPT)</i>	1
<i>The Council Position</i>	1
<b>Existing Initiatives</b>	<b>1</b>
Police Reform and Social Responsibility Bill	1
Cumulative Impact	1

<i>Key Measures</i>	2
Community Safety, Crime Reduction and Drugs Strategy 2011-14	2
Alcohol Brief Interventions in Primary Care	2
Other initiatives include:	2
<i>Joint Intelligence Meetings</i>	2
<i>Out of Hours Noise Patrol</i>	2
<i>Warning and Fixed Penalty Notices under the provisions of the Noise Act 1996 being extended to include licensed premises.</i>	2
Inn-Credible	2
<b>The Matrix Approach</b>	2
The Matrix	2
The Guidance	2
<b>The Consequences</b>	2
Partnership fails	2
The Pub Industry	2
Judicial Reviews & Policy Challenges	2
Tourism and the Local Economy	2
<b>The B&amp;HLA Way</b>	2
Not Restrictive and Reactionary, Positive and Progressive	2
<b>Conclusion</b>	2
<b>Appendices</b>	2
Appendix 1 Plotted map of licence reviews for Brighton & Hove	2
Appendix 2 Alcohol Consumption in the EU	2
Appendix 3 Letter to Brighton & Hove City Councillors	2
Appendix 4 Response to Appendix 3 from Chair of Licensing Committee	2
Cumulative Impact	2

Appendix 5 Police Beats compared to The proposed ClZ zones

**3**

**Appendix 5 Police Beats compared to The proposed ClZ zones**

**3**

# Executive Summary

## Brighton & Hove Licensees Association

Brighton & Hove Licensees Association (B&HLA) is an association of on-trade premises licence holders based in the City of Brighton & Hove. We act with the interest of our membership and aim to promote responsible retailing for the benefits of both our members and the City of Brighton & Hove.

## Brighton & Hove

The City of Brighton & Hove is one of the key tourist attractions visited by holiday makers coming from within both Britain and from overseas. The hospitality sector is both a key employer for the City and a major tax provider for both central government and the local authority.

## Cumulative Impact

Cumulative Impact is not mentioned specifically in the Licensing Act 2003, but the guidance on the Act notes it relates to the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The guidance also notes the requirement of an evidential basis for the decision to include a special policy within a local authority's statement of licensing policy.

## B&HLA remain “Positive & Progressive”

It is our belief that adopting an enlarged Cumulative Impact Zone (CIZ) is a reactionary step, one that neither resolves any current issues faced nor ensures a positive and progressive future. It is a blunt instrument that doesn't address the concerns expressed by some residents, risks employment and tax revenues and could put the City of Brighton & Hove back decades. The licensed trade is essential to the success of Brighton & Hove and working in partnership to create a safe secure environment for both residents and business is a goal of all sides. This is best achieved through co-operation and development of a responsible licensed trade sector, a goal B&HLA has been working towards and will continue to promote.

## The Evidence Base

It is our belief that there is no evidence base for the adoption of an enlarged CIZ based on **valid** complaints or direct links to the on-licensed trade specific to the proposed areas as required by the Licensing Act 2003.

# Cumulative Impact

## What is Cumulative Impact

Cumulative Impact is not mentioned specifically in the Licensing Act 2003, but the guidance on the Act notes it relates to the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The guidance also notes the requirement of an evidential basis for the decision to include a special policy within a local authority's statement of licensing policy.

## Cumulative Impact in Brighton & Hove

Following a public consultation a proposal to introduce a Cumulative Impact Zone was accepted by Brighton & Hove Full City Council on 13th March 2008. This created one of the largest Cumulative Impact Zones in the country.

## Tourism

15% to 20% of jobs in the city are tourism-related. Eight million visitors bring £400 million into the local economy with the 18% who stay one or more nights accounting for 57% of that.

The city is currently well regarded by both visitors and media and is recognised as "The friendliest city in the UK"<sup>17</sup>, "Best all-round seaside holiday destination in the UK"<sup>18</sup> and "Best Destination for Young People"<sup>19</sup>.

The "Creating A Sustainable Community Strategy" highlights the need to develop an approach towards sustainable and responsible tourism practice and to strengthen partnership with **local** business.

## B&HLA Position

Brighton & Hove Licensees Association are strongly of the opinion that an enlarging of the Cumulative Impact is a reactionary and ill-conceived step. It is our belief that as a blunt instrument the proposed policy will neither promote responsible retailing of alcohol nor will it foster good relationships between business and community. Indeed it is our belief that local business will suffer by the imposition of an enlarged cumulative impact policy. We assert that an enlarged cumulative impact zone, even with a matrixed approach will risk jobs and tax revenue from one of the key sectors in the City.

It is the belief of B&HLA that current initiatives must be given the opportunity to be seen to work (or fail as the case may be). We are strongly of the opinion that responsible retailing, promoted through already developed relationships between Industry, community, police and local authority are the best means of addressing many of the issues raised in support of an enlarged CIZ. Indeed, it is clear that simply stopping variations and new licenses does nothing to deal with issues that may already exist and indeed could exacerbate these issues by foreclosing competition and protecting poor business. This can hardly be the intention. If the argument is that these can be dealt with through other existing methods then we contend so can any issues emanating from new premises.

---

<sup>17</sup> Sunday Times Travel Magazine Awards 2009

<sup>18</sup> Coast Magazine

<sup>19</sup> British Education Travel Association

It is our belief that there is no evidential basis for an increased CIZ that relates to the on-trade and that the guidance to the Licensing Act 2003 does not allow for a concentration of off-licences to be taken into consideration. Nor does the guidance allow for a “matrix approach” and the arbitrary introduction of terminal hours.

As an association we have always sought to foster good relationships with our neighbours, after all they are our customers too. We want to promote a responsible licensed trade throughout the City of Brighton & Hove, we believe this is the only way in which many of the issues around anti-social behaviour can be addressed head on. You must not penalise the local on-licensed trade, but work in partnership with it to create a safe, fun city within which we will all be proud to live and work. Introducing an enlarged CIZ jeopardises this.

# The Evidential Base

## Evidence of Cumulative Impact

The Guidance to the Licensing Act 2003 notes:

13.26 There should be an evidential basis for the decision to include a special policy within the statement of licensing policy. For example, Crime and Disorder Reduction Partnerships will often have collated information which demonstrates cumulative impact as part of their general role on anti-social behaviour; and crime prevention strategies may have already identified cumulative impact as a local problem. Similarly, environmental health officers may be able to demonstrate concentrations of valid complaints relating to noise disturbance. The open meetings recommended at paragraph 1.22 of this Guidance should also assist licensing authorities in keeping the situation as to whether an area is nearing this point under review.

One of the key elements of this guidance is that of “concentrations of **valid** complaints”. As an Association we note with interest the supporting documentation provided by both police and Environmental Health in support of the adoption of a new CIZ which, while dealing with noise complaints, makes no comment on the validity of these complaints. We are happy to put the record straight on this issue to ensure that there is no misconception here by looking at the reviews of licensees throughout Brighton & Hove.

### Reviews Received for On-Licence Premises<sup>20</sup>

Map No:	Name & Address of Premises	Date of Hearing	Determination	In proposed CIZ?
1	Northern Tavern Ditchling Road Brighton BN1 4SD	9.2.2006	Modifications of conditions	Outside
2	Standard 77 West Street Brighton BN1 2RA	24.2.2006	Modifications of conditions & DPS advised	Outside
3	New Vic The Victoria Public House 31A Richmond Road Brighton BN2 3RL	21.4.2006	To be determined	Outside
4	Stanmer Park Tavern 292 Ditchling Road Brighton BN1 6JG	10.7.2007	Further Conditions attached to licence	Outside

<sup>20</sup> Figures provided by Brighton & Hove City Council



Map No:	Name & Address of Premises	Date of Hearing	Determination	In proposed CIZ?
5	Creation Night Club 78 West Street Brighton BN1 1AL	2.3.2007	Modifications of conditions	Outside but in original
6	Brighton Charter Hotel & Core Club 12-12a Kings Road Brighton BN1 1NE	23.3.2007	Further conditions attached to licence and 1 month exclusion for certain licensable activities for the Core Club	Outside
7	Bear Inn Lewes Road Brighton BN2 4AE	6.7.2007	Minor modification to conditions	Outside
8	Hove Place 37 First Avenue Hove BN3 2FH	20.8.2007	No action in relation to the inside of the premises. Modify the conditions relating to the outside area.	Outside
9	The White Horse 30-31 Camelford Street Brighton BN2 1TQ	TBC	Conditions were attached, hours reduced and regulated entertainment prohibited	Outside
10	Black Horse 16 Montagu Place Brighton BN2 1JE	16.2.2009	Suspended for 3 months, remove DPS, modify and add conditions	Outside
11	Oxygen 63-65 West Street Brighton BN1 2RA	19.2.2009	Suspended for 1 week. DPS removed. Condition amended and others added. DPS to be on site at all times for 3 months	Outside but in original
12	Water Margin 9-12 Middle Street Brighton BN1 1AL	24.3.2009	Interim steps suspended licence for 3 weeks. Review-hours curtailed and additional conditions	Outside but in original
13	The Winner 291 Elm Grove Brighton BN2 3EA	16.4.2009	Modified hours and conditions added	Outside

Map No:	Name & Address of Premises	Date of Hearing	Determination	In proposed CIZ?
14	Whelan's Lion & Lobster 24 Sillwood Street Brighton BN1 2PS	16.9.2009	Adopt conditions agreed between the Environmental Protection officer and the licence holders	Inside
15	Tom's 13 Prince Albert Street Brighton BN1 1HF	18.9.2009	Additional Conditions	Outside but in original
16	The New Bush 1 Arundell Road Brighton BN2 5TE	1.10.2009	Additional Conditions	Outside
17	The West Hill Buckingham Place Brighton BN1 3PQ	15.10.2009	Additional Conditions	Outside
18	Entourage 1 Middle Street Brighton BN1 1AL	26.10.2009	Additional Conditions and hours of trading cut back	Outside but in original
19	The White Horse 30-31 Camelford Street Brighton BN2 1TQ	7.12.2009	Licence revoked	Outside
20	Ocean Rooms 1-2 Morley Street Brighton BN2 9RA	15.1.2010 5.2.2010	Licence suspended pending review Licence revoked pending appeal	Outside
21	Om Bar 5 Steine Street Brighton BN2 1TE	12.5.2010	No Action	Outside but in original
22	Bevendean Hotel 50 Hillside Brighton BN2 4TF	7.6.2010	Licence suspended until 2.8.2010 plus conditions added	Outside
23	VaVoom 31 Old Steine Brighton BN1 1EL	21.1.2011	Voluntary closure for one month then re-open with cut back hours and added conditions	Outside but in original

For a plotted map please refer to Appendix 1

What we learn from this list of reviews is that only one on-licensed premise is within the proposed extension to the cumulative impact zone and that the proposed extension into the North Laine area of Brighton has received no licence reviews. This seriously undermines the evidential basis provided.

### Police Evidence

The police evidence is also open to interpretation. They have provided no specific evidence linking any rise in crime to the new proposed areas. It is our understanding that this is essential in giving consideration to any new special area. Whilst we acknowledge the police have given evidence around beat areas, these do not mirror the proposed extensions to the CIZ as the beat areas they highlight include areas already within the CIZ and these may seriously skew the numbers. Either the evidence does not exist or we have yet to be provided with it. Either way it leaves the police analysis seriously in question with regard to the proposed CIZ areas. There is no specific evidence linking the on-licensed trade within the proposed area provided by the police and it therefore cannot be used to justify the boundaries considered in the current consultation process.

We now take a closer look at the Police evidence:

#### Violence against the Person

- The police evidence makes much of the violence against the person figures they provide, yet strangely they fail to comment on the level of this crime in Beat 2, other than graphically. We estimate approximately two-thirds of one of the proposed zones to be in Beat 2. A beat that has very lower levels of Violence against the person. (We have provided a map of the Beats and how they relate to the proposed Zones in the Appendices)
- The Violence against the person figures rely heavily on the figures of Beat 3 yet this beat covers much of the existing CIZ zone and consequently seriously skews any numbers given to justify the proposed areas. There is no specific evidence connecting the proposed extensions to the CIZ, nor the on-licensed trade to the figures outlined in the police evidence. This is required by the Licensing Act 2003,
- Despite much of Beat 3 being within the current CIZ zone we note it still has the highest level of violence against the person. It would appear that the current CIZ hasn't proved an effective tool in this regard.
- The police do report an increase in violence against the person but admits that it is still 10.6% lower in 2010/11 than in 2006/7. The police do note increases in the past year, but again the police evidence fails to mention whether this relates to the specific proposed CIZ extension zones. We feel it is wrong to support an area specific policy with justification from either city-wide figures or figures based on beats that do not mirror the proposed zones and contain much of the existing CIZ within it's numbers.
- We note with great interest the large fall in violence against the person in Beat 2, the largest fall in the City from the figures we have put forward in the police evidence. This beat makes up two-thirds of one of the proposed zones yet we see an increase in Beat 3 which incorporates the majority of the current CIZ. Far from being evidence supporting the extension of the zone we would consider this evidence for scrapping the current one!
- We note the levels of "Key Road & Venues" offered in the police evidence. Of the venues highlighted by the police as recording 5 or more violent offences against the person all are contained within the current CIZ, none are in the proposed extension. Again this does not support the extension.
- The same can be said for the highways evidence. More support that CIZ doesn't work where it currently exists and evidence against extending the zones.
- The police also draw our attention to evidence of violence against the person perceived to have taken place under the influence. None of this evidence is either linked to the proposed CIZ areas nor to the on-

licensed trade and as such cannot be considered as evidence in support of the proposed extension to the existing CIZ. City wide figures must not be used in support of an area specific CIZ

#### Public Place Sexual Offences

- We note that the majority of public place sexual offences take place within Beat 3 which covers most of the existing CIZ, with levels in Beat 2 being very low. Again we struggle to see the justification for the proposed extension when the police evidence points to far higher rates existing within the current zone with very low levels within two-thirds of one of the proposed extension areas. Indeed it would appear the police tacitly acknowledge this by concentrating their evidence on Beat 3.

#### Robbery

- We are unsure how the activity of on-licensed premises relates to robbery statistics. The police haven't made a causal link and we seriously doubt that one could be made between the on-licensed trade. However if we accept the police evidence it again shows an increase in Beat 3 an area currently within the CIZ. Further evidence that the CIZ extension is not a panacea.

Finally we are pleased to note the summary of Chief Inspector Nelson where he notes "the link between place of purchase and impact is now often blurred by distance and time". This alone is evidence that an area specific approach is the wrong way to proceed, we need to look at ways in which we can improve the standards and encourage best practice city wide rather than stifle business in specified areas. Chief Inspector Nelson goes on to note "Pre-loading and public space drinking after the purchase of alcohol from off-licences, creates new challenges within any acceptable walking distance of the city centre" We are pleased the Chief Inspector recognises the impact the off-trade has on our city centres and business. This is not a justification for an extension to the CIZ, the guidance to the legislation is clear on this, it must only be based on the concentration of on-licensed premises.

We are pleased that Chief Inspector Nelson notes, "in fact, the on-trade is often left to manage the consequential impact of the new routines [pre-loading, purchases from the off-trade etc]....a proportionate and well balanced response by the partnership assists in managing that threat while also supporting the local economy and social choice. At present there are no clear incentives, other than punitive measures, for business excellence and trade community engagement, and we are keen to explore opportunities as to how we might promote this". As an association we agree with this sentiment, however further penalising the on-licensed trade by adopting a CIZ extension is a further punitive measure and will seriously jeopardise co-operation of our members, responsible retailers, that are actually a part of the solution, not a part of the problem. We need to promote partnership, promote responsible retailing. This is acknowledged by the Chief Inspector, this proposal does not achieve this, it does the opposite.

#### Dr Tom Scanlon Evidence (Director of Public Health)

It is with great interest that we read Dr Scanlon's report. We believe it is evidence in support of the on-licensed trade when taken in context.

Dr Scanlon's evidence was initially submitted in response to a call for evidence of an application for an off-licensed premises, Sainsbury's, North Street, Brighton. A premises contained within the current CIZ. No where does Dr Scanlon's evidence deal specifically with the on-trade and the concentration of on-licensed premises within the proposed zone.

We are in complete agreement with Dr Scanlon when he notes the particular risks to children from alcohol. He also notes that there is increasing pressure on health services and the ambulance emergency service. We would not contest much of what Dr Scanlon claims (though there are some specific ways in which alcohol admissions are calculated that are questionable and should be dealt with in a different report). What we would note is that these are all issues exacerbated by the off-trade, not the on-trade where alcohol is consumed in a regulated and supervised manner. In introducing an enlarged CIZ we may well exacerbate some of the problems highlighted by Dr Scanlon (especially if a matrix approach is adopted with terminal hours stated). It is of note that by definition, alcohol purchased at off-licensed premises is not consumed at the time of purchase, it is consumed at the time of purchase in on-licensed premises. Forcing people into

unregulated and unsupervised drinking rather than promoting drinking in responsible On-licensed premises, will surely exacerbate the issues outlined by Dr Scanlon.

Again we note that the evidence does not make any reference to the On-licensed concentration specific to the proposed areas and as such, whilst compelling evidence for the need for us all to tackle issues surrounding alcohol, is not evidence to support the adoption of an enlarged CIZ. As the Guidance to the Licensing Act notes “Special policies will usually address the impact of a concentration of licensed premises selling alcohol for consumption on the premises.”

**The Environmental Protection Scheme (EPT)**

We note that the EPT states “Licence reviews have also been requested to prevent public nuisance. Applying licence conditions which mitigate and control noise has been a valuable method of preventing public nuisance” . B&HLA agrees, this is the correct method to deal with problem premises, rather than a broad-brush, indiscriminate approach such as a CIZ. We are also pleased that the EPT points to other initiatives such as the Joint Intelligence Meetings and the Out of Hours Noise Patrol along with Warning and Fixed Penalty Notices under the provisions of the Noise Act 1996 being extended to include licensed premises.

The evidence of the EPT also notes a 22% reduction in noise complaints. We welcome this as evidence that current initiatives are working. The EPT then goes on to note that there is a rise in % of noise complaints in the Special Stress areas (the areas proposed to be the new CIZ extension) however the numbers actually show a drop in complaints in these areas when actually looking at the numbers and not simply the percentage:

Year	Total number of noise complaints	% of noise complaints in Special Stress Area	Number of noise complaints in Special Stress Area
2008/9	383	15%	57.5
2010/11	299	17%	50.83

This shows a clear drop in the number of complaints of around 11% since 2008, again more evidence that existing initiatives are working.

There appears to be some inconsistency in the EPT evidence when they claim the “percentage of noise complaints relating to licensed premises in the CIZ remains fairly similar over the past three years” yet we are later informed that the “existence of the CIZ has clearly contributed to the reduction in noise complaints associated from licensed premises. It would appear that there has been a greater drop in areas outside of the CIZ given the above, evidence that existing initiatives are working despite the introduction of the CIZ..

We are also concerned that the EPT notes in regard to the CIZ consideration to “possibly widen it further to include areas which are known thoroughfares for customers returning from licensed premises”. This clearly falls outside the guidance for adoption of a CIZ and would fail any evidence test of concentration of premises within the proposed zone.

Finally we are not sure of the position of the EPT as in summary they appear to contradict a previous recommendation when they “recommend that it continues as extant policy”. Does this mean they want the current policy to remain in place and not extended?

### **The Council Position**

Whilst claiming there is an evidential basis for a Cumulative Impact Zone, evidence which must be based on the concentration of on-licensed premises if the Guidance of the Licensing Act 2003 is to be adhered to, the Matrix Approach proposed by the council allows for public houses within the CIZ. Clearly this is at odds with any claim of saturation and too many licensed premises already existing within the proposed CIZ. How can it be that there are too many premises, yet the council are willing to allow premises under the matrix approach. It would appear to our members that the council doesn't itself believe there to be too many on-licensed premises undermining the evidential basis required.

Further to this, in the letter from Lizzie Dean Chair of the Licensing Committee (See Appendix 4) it is clear that rather than believing there to be too many on-licensed premises, the council believes the issue to also be contained within off-licensed premises. This is evidenced by:

**“ a particular aspect of alcohol consumption s is the easy availability of cheap alcohol, particularly off-sales from supermarkets and retail outlets that are open at all hours. This is also a cause of great concern to the police and health service as well as the local authority. The Licensing Committee, along with local residents, the police and health professionals are only too aware of the damaging effects of street drinking during the day, and pre-loading by night time revellers, who purchase their alcohol at supermarkets and other licensed retail outlets, who can offer no effective control once the alcohol is purchased and leaves the shop.”**

and is further evidenced in the council support for a lower VAT threshold for the on-trade:

**“It is for this reason that the council has participated in a lobbying letter to the Treasury requesting a reduction in VAT to pubs and those in the hospitality industry.”**

# Existing Initiatives

It is the belief of B&HLA that there are already a number of initiatives either in place or a long way into consultation. It is our understanding that most of these are pro-active and look for a partnership approach. Firstly it seems bizarre to us that we should be considering a further measure when these initiatives have not been given time to see if they are effective and secondly, some of the initiatives rely on the goodwill and partnership of the licensed trade throughout Brighton & Hove, it jeopardises this goodwill and partnership if the industry is at the same time penalised through a restrictive and reactionary approach such as Cumulative Impact.

## Police Reform and Social Responsibility Bill

In the Queen's 2010 speech, the government announced the introduction of legislation that would make the police service more accountable to local people and tackle alcohol-related violence. The Police Reform and Social Responsibility Bill provides for this through its overhaul and rebalancing of the Licensing Act 2003.

### Key Measures

Measures for consultation include:

- making it easier for communities to have their say on local licensing by allowing local authorities to consider the views of the wider community, not just those living close to premises
- overhauling the Licensing Act to give more powers to local authorities and police to tackle any premises that are causing problems, doubling the maximum fine for persistent underage sales and permitting local authorities to charge more for late-night licences to contribute towards the cost of policing the late-night economy
- taking tough action against underage drinking by doubling the fine to £20,000 for those found persistently selling alcohol to children, extending orders that see premises closed on a voluntary basis to a minimum of seven days and bringing in automatic licence reviews for these problem premises – which can see licences revoked
- charging a fee for late-night licences to pay for the cost of extra policing and scrapping ineffective, bureaucratic and unpopular alcohol disorder zones
- ensuring policing and health concerns are fully considered so that the impact of licensing on crime and disorder or public health can be fully taken into account when assessing licence applications
- increasing licence fees so that local councils can cover costs linked to enforcement leaving premises to pay rather than the local taxpayer
- tightening up rules for temporary licences by limiting the number of Temporary Event Notices that can be applied for in any one year - these are often used to get around the restrictions of applying for a permanent licence
- introducing a ban the sale of below cost alcohol and consulting on how this can be achieved.

The Police Reform and Social Responsibility Bill was introduced in the House of Commons on 30 November 2010. It completed its Committee stages in the Commons on 17 February 2011 and the Bill was introduced into the House of Lords on 1 April. The Lords Committee stages were completed on 16 June, Report stages on 15th July and Third Reading on 20th July.

Royal Assent is expected later this year (2011).

It seems clear to B&HLA that the steps contained within the Police and Social Responsibility Bill are designed to deal with many of the issues that the proposal for the Cumulative Impact Zone increase are also looking to address. It would seem sensible and prudent to allow the measures contained within the bill to be allowed to work. The increased powers

to deal with poor licences is the right way to move forward rather than penalise the entire trade and restricting the development of responsible retailers. This is the common sense, targeted approach, not the broad-brush non targeted and reactionary approach of a CIZ.

### Community Safety, Crime Reduction and Drugs Strategy 2011-14

During 2010/11 it was agreed that alcohol should be the subject of one of three 'intelligent commissioning' pilots to trial a process around the evidence-based commissioning of future service provision. A needs analysis was produced bringing together information around: local need from the crime/disorder and health perspectives; what sort of services have been proven from national evidence to be effective; and how our current services/initiatives need to be adjusted to ensure we are

using our resources to best effect. Many partner agencies have contributed to this process and the action plan which follows is taken from the outcome of this work. Work is to be overseen by the multi-agency Alcohol Programme Board and will be taken forward within four 'strategy domain groups' which focus:

- on prevention of alcohol misuse
- availability and cost of alcohol
- the night-time economy
- early identification and effective treatment.

Developments from within these groups can be summarised as:

Alcohol Misuse Action Plan –
<b>Area of work 1 (Alcohol Programme Board)</b>
Strong strategic leadership to reduce alcohol-related harm through providing appropriate governance and infrastructure to enable effective partnership working
<b>Actions</b>
1.1 Alcohol Programme Board provides leadership
1.2 A clear communications plan drawn on by other strategic partnerships
1.3 Resources protected to support the work in this action plan
1.4 Effective and timely performance monitoring
1.5 Effective partnership working
<b>Area of work 2 (Strategy Domain Group 1)</b>
Achieve a city-wide cultural shift which challenges and changes tolerance to problematic drinking
<b>Actions</b>
2.1 The Big Debate for Alcohol: city-wide survey to develop insights and pre-test possible interventions
2.2 City-wide media and communications strategy is developed



Alcohol Misuse Action Plan –
2.3 Targeted social marketing programmes developed & evaluated, to reach identified priority audiences (e.g. men <35, young people aged 10-15yrs)
2.4 To identify ways of intervening with young people to provide appropriate advice and support around drugs & alcohol
2.5 To promote sensible drinking messages to enable employers to make informed choices and ensure access to specialist services as required
2.6 Implement a consistent & effective drugs & alcohol workforce policy across the city
2.7 Training for priority workforces in early identification is promoted & encouraged
2.8 Work with managers of key services to implement a new system of consistently screening, intervening and referring to appropriate services for those at increased risk who are pregnant or have children under 5yrs
2.9 Work with managers to improve existing screening, intervention and referral process for young people at increased risk of substance misuse, particularly those aged 13-18yrs
Area of work 2 (Strategy Domain Group 1)
Reduction of alcohol consumption across the city through measures to reduce its availability, especially to young people and heavy drinkers
Actions
3.1 Review Cumulative Impact Zone boundaries and use Matrix Model to review existing/future licensing decisions
3.2 Clarify the Cumulative Impact process for councillors
3.3 Stakeholder event held to improve community engagement in licensing decisions
3.4 Strengthen links between licensed trade (pub watches etc.) and local action teams
3.5 Public health to be a licensing consideration
3.6 Influence planning policy to alter the number of new off-licences through reclassification of off licences from A1 (retail) to its own use class (DCLG) and seeking greater restrictions on A1 (off-licences) and A5 (pubs and bars)
3.7 Neighbourhood plans developed under Localism Act
3.8 Seek integration of council policies as commercial landlord, planning authority and licensing authority
3.9 Minimum unit pricing (Home Office). Rethink using duty + VAT as “below costs”
3.10 Lower differential VAT rate on alcohol for on licences (Treasury with EU dispensation)
3.11 Counterfeit, smuggled alcohol investigations to reduce availability of illegal alcohol
3.12 Proxy purchase and test purchasing investigations to reduce availability to young people
Area of work 4 (Strategy Domain Group 3)
Reduction in the impact of alcohol harm arising out of the night-time economy
Actions
4.1 Work with the local authority arts team to develop alternative events throughout the year which encourage responsible drinking and promote the city as a focus for cultural activity which is attractive to all groups
4.2 Encourage alternative activities for children and young people through the effective oversight of collective services as directed by the youth service review

Alcohol Misuse Action Plan –
4.3 Support a scheme developed by businesses selling alcohol for consumption on and away from the premises, which encourages the highest standards of practice and community responsibility
4.4 Work within the partnership to ensure that any late night levy is used to best effect in managing the reduction of alcohol-related harm within the NTE
4.5 Control and influence behaviour in public areas through planning and development opportunities. Protect existing people-calming measures while exploring new opportunities to shape attitudes
4.6 Continue the development of the Cardiff Model with A&E staff to reduce the risk of assaults and injuries occurring within licensed premises
4.7 Support a reduction in serious assaults within licensed premises by encouraging the development of viable serve alternatives
4.8 Protect existing measures and initiatives which already prevent harm. Ensure that effective interventions are in place and stakeholders recognise their role in reducing alcohol-related harm.
4.9 Support the existing Park and Marble operations with opportunities to divert, refer and manage persistent and high risk offenders e.g. curfews
4.10 Support co-ordinated health campaigns by offering opportunities to publicise key messages as well as promote alternatives to binge drinking
Area of work 5 (Strategy Domain Group 4)
Effective early identification/screening, treatment and after care for alcohol misusers
Actions
5.1 Provide alcohol awareness and identification/screening training packages and support for Tier 1 and 2 workforce e.g. ante/post natal staff (midwives, health visitors), mental health staff, housing/hostel workers, domestic violence workers, social workers
5.2 Improved uptake and outcomes through Brief Intervention Services within A&E and Primary Care settings
5.3 Improve effectiveness of transition services for young people
5.4 Evaluate & continue with Frequent Flyers: Assertive Outreach and Engagement pilots focussing on A&E/Hospital and hostel residents
5.5 Review commissioning of tier 4 Residential Rehab treatment services
5.6 Evaluate & maintain Women's Group Aftercare Programme pilot initially funded via the SE Regional Alcohol Innovation Fund.

Brighton & Hove Licensees have fully engaged in this process with representation from B&HLA on 2 of the 4 Strategy Domain Groups. This is further evidence that initiatives are already under way to address issues surrounding alcohol and while the action plan discussions consultation for a CIZ it is the belief of B&HLA that other measures are far more constructive in finding a progressive, forward thinking solution rather than penalising responsible businesses throughout Brighton & Hove. It is our belief that constructive partnership between the community, council, police and licensed trade is the best way to move forward and the on-licensed trade, through B&HLA has aimed to promote responsible retailing and to work in partnership with all other agents. Penalising the on-licensed industry through the adoption of an enlarged CIZ jeopardises this partnership approach

## Alcohol Brief Interventions in Primary Care

An alcohol brief interventions service, commissioned by NHS Brighton and Hove, is offering support for patients who would benefit from information and advice about safer alcohol consumption. Most alcohol-related harm is suffered by people whose consumption regularly exceeds recommended drinking levels, rather than people with severe alcohol dependency problems.

- Brief interventions in primary care settings have been shown to be both cost and clinically effective, with a single brief intervention enough to help many people to reduce their drinking levels for a number of years.

The CRI (Crime Reduction Initiatives) has been commissioned by the PCT to deliver advice and information about safer alcohol consumption to people aged 16 and over. The team have been asked to work in a range of community settings including GP practices where they can offer an immediate service to patients.

- NHS Brighton and Hove's target is to deliver 12,000 interventions per year with the aim of reducing alcohol-related A&E admissions across the city.

Again it is clear to B&HLA that an initiative is already in place that targets problem drinkers leading to safer responsible drinking within responsible licensed premises. It is of note that many of these targeted drinkers will not be consuming most of their alcohol in on licensed premises, but will be getting their alcohol from off licenses and supermarket premises.

## Other initiatives include:

### Joint Intelligence Meetings

### Out of Hours Noise Patrol

**Warning and Fixed Penalty Notices under the provisions of the Noise Act 1996 being extended to include licensed premises.**

## Inn-Credible

It has always been the belief of B&HLA that an inclusive partnership approach is the best way to ensure responsible retailing of alcohol is promoted. Enhancing our already very popular night time economy, creating safe and enjoyable environments for both residents and visitors alike. We have worked closely with both the City Council and Brighton & Hove Police, a partnership approach that has already brought real developments.

As an Association we have developed Inn-Credible, a scheme that has already received local authority support and backing from the Police. Further to this the scheme has been acknowledged and recognised by the British Institute of Innkeeping (BII) and they have allowed the scheme to carry their Best Bar None logo, a unique accolade for a scheme such as that proposed in Inn-Credible.

This is partnership approach in action, working with the on-licensed trade in a positive progressive manner. In adopting an indiscriminate policy such as the CIZ extension this partnership is jeopardised. Local business may no longer feel disposed to work in partnership when it is envisaged that this partnership is a one way street. There is a real threat to the good work already planned in adopting such a broad brush approach, feelings among our members are running high that their businesses development opportunity is being stunted when they have done nothing but act in a responsible manner. We must avoid penalising the innocent, CIZ, being a broad brush, indiscriminate policy fails this test.

# The Matrix Approach

The consultation document asks is to give consideration to a Matrix Approach and proposes the following matrix:

## The Matrix

	CIZ	Special Stress Areas and London Road	Mixed Commercial & Residential Areas	Residential Areas	Marina
Restaurant	Yes (2am)	Yes (2am)	Yes	Yes (11.30pm)	Yes
Late Night Takeaways	No	Yes (Midnight)	Yes (Midnight)	Yes (Midnight)	Yes
Night Club	No	No	Yes (3am)	No	Yes
Pub	Yes (11pm)	Yes (11pm)	Yes (3am)	Yes (11pm, midnight Friday and Saturday)	Yes
HVVD (Super Pub)	No	No	No	No	Yes
Non-Alcohol Led (e.g. Theatre)	Yes (Favourable)	Yes (Favourable)	Yes (Favourable)	Yes	Yes
Off-Licence	No	No	No	Yes (8pm)	Local Shops Only
Members Club	Yes with members less than 100	Yes with members less than 100	Yes	Yes (11pm, midnight Friday and Saturday)	Yes

## The Guidance

The Guidance (Amended Guidance issued under Section 182 of the Licensing Act 2003- October 2010) clearly clarifies the position regarding such an approach:

13.37 A special policy relating to cumulative impact cannot justify and should not include provisions for a terminal hour in a particular area. For example, it would be wrong not to apply the special policy to applications that include provision to open no later than, for example, midnight, but to apply the policy to any other premises that propose opening later.

The effect would be to impose a fixed closing time akin to that under the “permitted hours” provisions of the Licensing Act 1964. Terminal hours dictated by the Licensing Act 1964 were abolished to avoid the serious problems that arise when customers exit licensed premises simultaneously. Attempting to fix a terminal hour in any area would therefore directly undermine a key purpose of the 2003 Act.

It is clear from the proposed Matrix approach that it includes provisions for terminal hours and as such will fall foul of the Licensing Act Guidelines. The approach further adds to our belief that there is no evidential basis of a concentration of on-licensed premises to justify a CIZ if the matrix approach is prepared to permit pubs within the CIZ. This undermines the evidential basis that is necessary for the adoption of a CIZ Special Policy.

Further to this we see inherent flaws within an approach that will allow for Night Clubs and Pubs in mixed areas to open to 3am yet don't allow for night clubs within CIZ and Special Stress areas. This can lead to greater disruption to residents and the spreading of police resources too thinly as people enjoying an evening out relocate to alternative areas to carry on their evening. We don't consider this too great a problem as the matrix Approach fails the acid test of the Licensing Act Guidance anyway.

The Matrix approach also falls foul of the Guidance in:

13.38 Special policies must not impose quotas – based on either the number of premises or the capacity of those premises – that restrict the consideration of any application on its individual merits or which seek to impose limitations on trading hours in particular areas. Quotas that indirectly have the effect of pre- determining the outcome of any application should not be used because they have no regard to the individual characteristics of the premises concerned. Public houses, nightclubs, restaurants, hotels, theatres, concert halls and cinemas all could sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard should be given to those differences and the differing impact they will have on the promotion of the licensing objectives.

The Matrix Approach looks at both imposing quotas (in the example of member's clubs) and limiting trading hours for a number of types of licensed premises.

# The Consequences

## Partnership fails

The on trade through B&HLA has always believed in a partnership approach. This is evidenced by the work it has done in representation on the Licensing Strategy Group of Brighton & Hove City Council and it's involvement in 2 of the 4 SDG groups. Further to this B&HLA has proactively developed the Inn-Credible scheme.

It is the feeling of our membership that despite our co-operation and willingness to act in partnership with both the police and City Council to help develop a responsible on-licensed trade throughout Brighton & Hove, the introduction of an extended CIZ penalises responsible on-licensed trade businesses. There is genuine concern for the future willingness of the on-licensed trade to work in partnership if it feels, as many of our members do, that the partnership is only working one way. Any extension to the CIZ to include other areas will be divisive.

## The Pub Industry

Despite the claims of many that we are all drinking more and more this is a myth. Though a widespread one which even those in the highest positions quote as fact. In her letter (Appendix 4) Lizzie Dean, Chair of Brighton & Hove City Council Licensing Committee notes "However, since the relaxation of licensing laws came into effect in 2005, alcohol consumption in the city centre has rocketed". This is not a situation recognised by B&HLA members, nor supported by the evidence. The pub industry is one in crisis with over 25 pubs shutting a week. Brighton & Hove has not been immune to this, it too has seen venues shut their doors for good in the City. Further to this there is a high level of business churn in public houses throughout the city with many businesses going into administration. One national Pubco Landlord has informed us that of the 65 sites in Brighton & Hove they lease out there have been 33 business failures since 2008, of these sites around half are in the current or proposed CIZ.

The British Beer and Pub Association's (BBPA) Statistical Handbook 2011 shows that UK alcohol consumption is still lower per capita than it was six years ago, when a decline in consumption began. Indeed, consumption over the period 2004 to 2010 has fallen by 11%. The numbers mean that the UK ranks below the European average in terms of consumption per head (see Appendix 2) and the BBPA suggests that this is at least partially linked to the fact that it also has the second highest tax rates in the EU on beer and wine (behind only Finland) and has the fourth highest on Spirits. The BBPA go on to raise the question as to why there is currently (and almost permanently) such a great hue and cry regarding alcohol consumption when it is in fact falling. Perhaps it could fall faster but the BBPA suggests that 'it's time the alcohol consumption debate caught up with the facts' and points out that duty on beer in the UK has risen by 35% in the past three years.

Further evidence is provided by advisory firm Zolfo Cooper in their survey conducted in the summer of 2011. Their survey shows the number of visits to pubs and bars has fallen by 19% in the last year as falling disposable incomes, fears over job security and rising taxes have kept would-be consumers at home. Zolfo Cooper suggests that, across a sample of 3,000 customers, household income had fallen by around 1.6% and that visits to pubs had fallen from 5.3x per month to 4.3x with spend per visit also down by £2.80 (19%) to £15.08.

We would contest that in a struggling industry any constraints on business progress is likely to lead to more irresponsible retailing, the opposite of the intention of the policy. Again we re-iterate it is through partnership and the promotion of responsible retailing that we move forward, not in broad-brush, indiscriminate and reactionary policies such as a CIZ.

## Judicial Reviews & Policy Challenges

It is our belief that the proposal fails the evidential basis required to introduce a CIZ. We have already examined the evidence submitted with the consultation document, none of which appears to link categorically issues within the specific boundaries of the proposed extensions and the on-licensed trade. Again a further requirement stipulated in the Guidance to the Licensing Act.

We have looked at the proposed Matrix Approach. Again we are clear that this does not comply with the Guidance to the Licensing Act 2003 and have explained why earlier in the report.

All of this opens any adoption of extension up for judicial review. Challenges to the policy are inevitable. Not only will this create an expense for the Council in defending a deeply flawed policy it will discriminate against the local independent on-licensed traders who will not be in a financial position to consider challenges. Is it really the policy of Brighton & Hove Council to discriminate against their current licensees, rates payers and employers in favour of national companies who may not have the best interest of Brighton & Hove at heart?

Further to this, following a Freedom Of Information request we understand that the council has already spent £54,614.40 in defending the CIZ in the current zone. Given that it is our belief that the proposed zone is even less justifiable as explained, is this a cost the council can justify moving forward given the austerity measures we are all aware of?

## Tourism and the Local Economy

In our letter to all Brighton & Hove City Councilors we noted our genuine concern for the future of the City should the CIZ be extended. We take this opportunity to re-iterate those sentiments in relation to the local independent on-licensed trade

**“It is these local, responsible traders, our members, who should be at the very forefront of the regeneration of the town centre as we emerge from recession. We are already one of the largest employers, collectively, in the city creating revenues for local and central government and are at the very essence of what makes the City of Brighton & Hove such a special place. Very few cities are as fortunate as Brighton & Hove, to have such a diverse and successful, independent local licensed trade. a trade that has been only too happy to engage in partnership with both the Local Authority and the Police. Consulting on a policy that disadvantages such a responsible group of people is both counterproductive and counterintuitive.”**

Many of our members have been trading in Brighton & Hove for many years. They remember what Brighton & Hove was like in the 1980's and early 90's. It is on the back of the hard work of the independent licensed trade that has helped make Brighton & Hove the place adored by so many tourists each year and the place that many now wish to call home. If the local licensed trade is penalised through a CIZ scheme they are likely to look elsewhere to develop and grow their businesses. AS we note in our letter of 30th June 2011:

**“Blanket rebuttal policies, rather than promote and develop responsible retailers, run the risk of stifling one of the key economic powerhouses of our city, damaging tourism, creating business loss and the spectre of rising unemployment. These are conditions all too readily seen in other coastal cities and seaside towns and a condition that Brighton & Hove has moved away from in the last thirty years with the on-trade being at the very heart of this development. Let us not run the risk of turning the clock back, rather let's embrace partnership and good practice and work together to develop our wonderful city.”**

# The B&HLA Way

## **Not Restrictive and Reactionary, Positive and Progressive**

B&HLA believes that working in partnership is the only way to ensure a progressive and responsible licensed trade operates throughout the City of Brighton & Hove. It is in the spirit of this partnership approach that B&HLA has worked with the local council and police on an ongoing basis, culminating in the Inn-Credible scheme.

It is the view of our members that the CIZ does not fall into the category of partnership. It is a policy that puts a check on local independent businesses, restricting their growth opportunity and consequently jeopardising the commitment of the On-Licensed trade to continue to work hand in hand with the Council and Police. No one wants this.

Rather than adopt the blunt instrument that is the CIZ, a policy that does nothing to deal with the actual issues, but simply creates a rebuttal position for new licenses without regard for the suitability and/or responsibility, B&HLA wants to continue to foster genuine improvement in the on-licensed trade in Brighton & Hove.

We believe that the promotion of a responsible licensed trade will ensure the continued development of the City of Brighton & Hove, ensuring it emerges from the recent recessionary times stronger, and ready to take on the challenges it is bound to face from competitive tourism centres both at home and abroad. This approach brings money into the local economy, creates jobs and ensures we continue to develop a dialogue between the on-licensed trade, council, police and residents. For the benefit of all parties, not restrictive and reactionary, but positive and progressive.



# Conclusion

1. Cumulative Impact is a blunt instrument. It solves no existing problems and does nothing to promote responsible alcohol retailing
2. Cumulative Impact penalises local, independent, responsible on-licensed retailers. Restricting their ability to grow their business
3. Cumulative Impact by restricting local business opportunities may lead to successful local business turning their focus away from Brighton & Hove
4. Regeneration of our city centre is dependent on the licensed trade, a key employer and tax generator for the local economy. Cumulative Impact restricts this, a major risk for a tourism centre of excellence such as Brighton & Hove.
5. Cumulative Impact can protect poor and irresponsible business from competition
6. Cumulative Impact can exacerbate health issues, forcing people to drink in unregulated and unsupervised environments with alcohol purchased from the off-trade.
7. There is no evidence directly linked to the on-licensed trade in the specified CIZ extension proposal in the support documentation or elsewhere, indeed we would counter that there is evidence to suggest the opposite.
8. There is little to no valid evidence in regard to licence reviews that highlights the proposed CIZ areas as problematic with Adelaide and Brunswick having only one review and the North Laine proposed area having zero reviews
9. It is our contention that many see the off-trade as the main issue. this is supported by B&HCC supporting a cut in VAT rates for the hospitality sector and the Matrix approach allowing for pubs within the CIZ The Guidance for the Licensing Act states that a CIZ must be based on concentration of on-licensed premises, not off-licensed.
10. The Matrix Approach as proposed is fundamentally flawed in that it looks to create terminal hours and quotas, both of which fall foul of the Licensing Act Guidance
11. There are many initiatives already in place or about to happen, these must be allowed to take effect.
  1. Police Reform and Social Responsibility Bill
  2. Community Safety, Crime Reduction and Drugs Strategy 2011-14
  3. Alcohol Brief Interventions in Primary Care
  4. Joint Intelligence Meetings
  5. Out of Hours Noise Patrol
  6. Warning and Fixed Penalty Notices under the provisions of the Noise Act 1996
  7. Inn-Credible
10. Cumulative Impact seriously jeopardises the partnership approach between licensed trade, police and local authority
11. There are better ways of dealing with issues. Cumulative impact improves nothing, a partnership approach with the on-trade industry can improve retailing and hence the City of Brighton & Hove
12. Due to the lack of an evidential base and that the proposal is at odds with the Licensing Act Guidance the policy, if adopted would be wide open to challenge and possible judicial review. This would be a great expense to Brighton & Hove City Council to defend, it would also discriminate against the local independent licensed trade who would not be financially in a position to mount any challenges.

**Brighton & Hove Licensees Association urge that there is no extension to the Cumulative Impact Zone and that the partnership approach is preferred. We do not see that the two are mutually compatible.**

# Appendices

## **Appendix 1 Plotted map of licence reviews for Brighton & Hove**

This map shows the valid licence reviews of Brighton & Hove. This shows only one occurs within the proposed enlarged CIZ areas. With one area, the North Laine proposal, having had no reviews.

## **Appendix 2 Alcohol Consumption in the EU**

## **Appendix 3 Letter to Brighton & Hove City Councillors**

## **Appendix 4 Response to Appendix 3 from Chair of Licensing Committee**

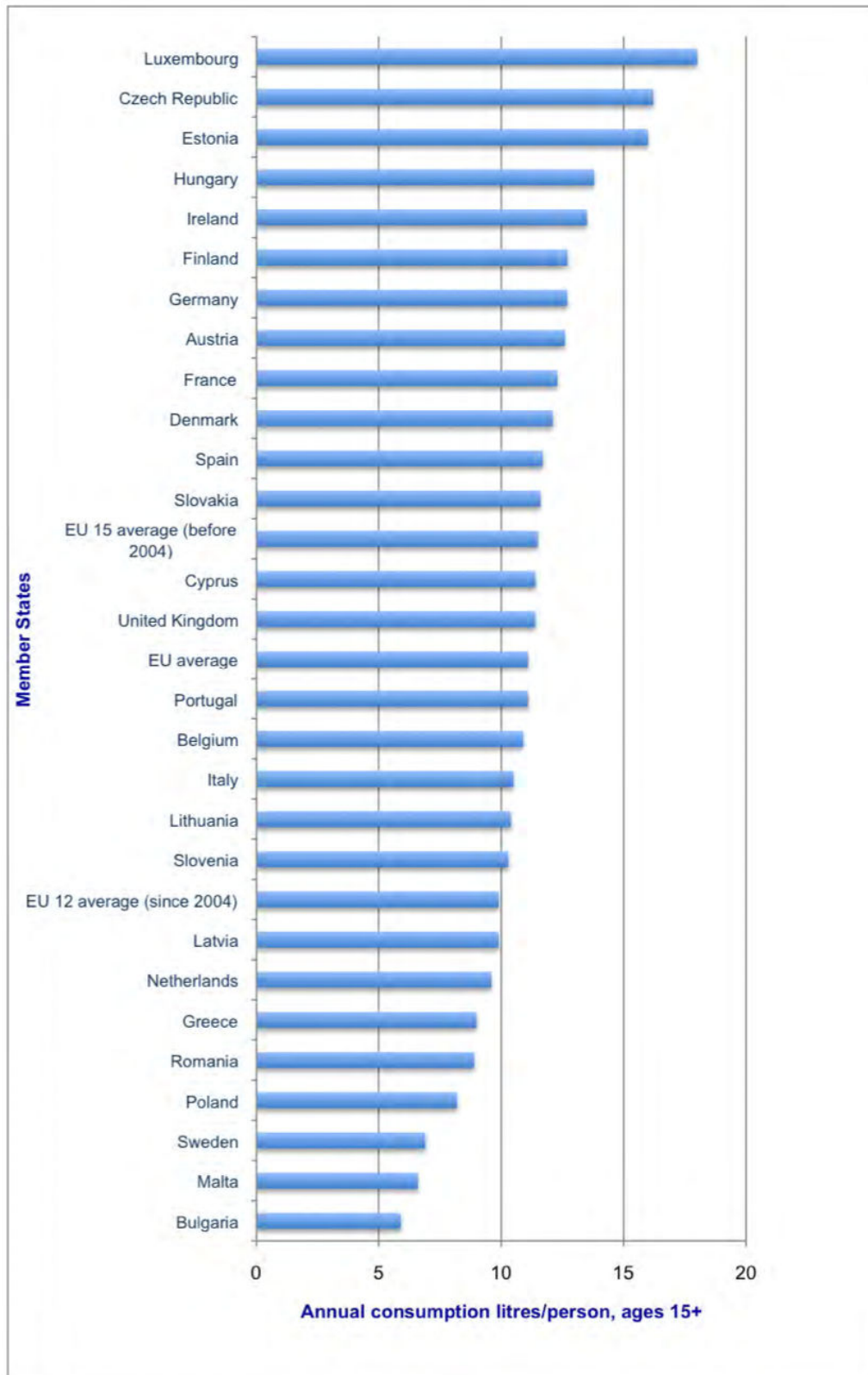
## **Appendix 5 Police Beats compared to The proposed CIZ zones**

Appendix 1 Plotted map of licence reviews for Brighton & Hove



Appendix 2 Alcohol Consumption in the EU

Pure alcohol consumed (annual consumption litres/person, ages 15+), 2009<sup>1</sup>



### Appendix 3 Letter to Brighton & Hove City Councillors

30 June 2011

Councillors

Brighton & Hove City Council

Bartholomew Square

Brighton

Dear Councillor,

It is with interest and no little concern that Brighton & Hove Licensees Association notes Brighton & Hove City Council's plans to consult on extending the cities already large Cumulative Impact Zone (CIZ) by an area that will see the zone grow by almost two-thirds. It is our belief, as we will outline, that this is a blunt instrument that does nothing to quell the concerns of local residents, may actually exacerbate problems and indeed will damage the City of Brighton & Hove and all its residents who rely on taxation, employment and the role our members play within the wider community.

Further to this we are dismayed that Brighton & Hove City Council will embark on an expensive consultation process with the aim of producing a policy that has to have a detailed evidential base. As an Association that has worked closely with the Police and Local Authority we are concerned that we are told there is no money to promote a scheme such as Best Bar None, something we fully understand in these times of austerity and central and local government cutbacks, leaving us to work in partnership to help create a bespoke scheme for our city, a process we willingly undertook. Considering the imminent changes to the Licensing Act and the increased powers these will bring for Local Authorities and police alike combined with the efforts of the Licensed On-Trade to work together this seems ill-timed and an unnecessary expense. Add to this the fine work of the four Alcohol Strategy Domain Groups and there seems to be an element of overkill and reluctance to actually allow the work carried out by others, sponsored by the Council and Central Government, to be considered and allowed to succeed. One wonders why we all give our time and energy to such forward thinking programs when we are faced with such a reactionary approach to licensing. All the work we have done in partnership to be dismissed with an approach that is not only expensive but divisive doesn't seem the best approach for a forward thinking progressive council.

Let us now look at what any extension to the Cumulative Impact Zone will mean for Brighton & Hove. Firstly as a blunt instrument it does not target problem areas, indeed it does nothing to stop any problems that may already exist. A cumulative impact zone creates an automatic rebuttal for any application for licensed premises, this includes many major variations to licenses already in existence whether they be good operators or not, whether they be responsible operators or not. The adoption of a CIZ extension cannot, normally, be based upon the concentration of stores, shops and off licenses selling alcohol for consumption off the premises, yet it is our understanding that it is precisely these types of premises that are the main concern of residents. This will leave any adopted zone wide open for challenge at judicial review, further expense to the council and again to the detriment of good quality local on-trade operators who will not be in the financial position to go to judicial review should they wish. The unique nature of Brighton & Hove, its independence, is being put at risk by adopting an extension to the CIZ.

It is these local, responsible traders, our members, who should be at the very forefront of the regeneration of the town centre as we emerge from recession. We are already one of the largest employers, collectively, in the city creating revenues for local and central government and are at the very essence of what makes the City of Brighton & Hove such a special place. Very few cities are as fortunate as Brighton & Hove, to have such a diverse and successful, independent local licensed trade. A trade that has been only too happy to engage in partnership with both the Local Authority and the Police. Consulting on a policy that disadvantages such a responsible group of people is both counterproductive and counterintuitive.

B&HLA

It has always been our intention to work with the Local Authority and Police to the benefit of the City of Brighton & Hove. This is evidenced by our work with the SDG groups and the promotion of Inn-Credible. We can only work in partnership to help the local economy and create employment if we are given the opportunity to do so and do not feel like we are being penalised for problems that are not of our making. It is only through the promotion of responsible retailing of alcohol that we can all ensure the vibrant, unique and independent nature of Brighton & Hove can be maintained and developed in our sector. Blanket rebuttal policies, rather than promote and develop responsible retailers run the risk of stifling one of the key economic powerhouses of our city, damaging tourism, creating business loss and the spectre of rising unemployment. These are conditions all too readily seen in other coastal cities and seaside towns and a condition that Brighton & Hove has moved away from in the last thirty years with the on-trade being at the very heart of this development. Let us not run the risk of turning the clock back, rather let's embrace partnership and good practice and work together to develop our wonderful city.

It is with the best intentions for both the City of Brighton & Hove and for the defence of our own businesses and the local economy that we urge that there is no extension to an already huge CIZ. We will be forensically examining all the evidence that is proposed as supporting evidence and making our case as plainly and clearly as we can that this is a poor proposal that will not solve the problems people may feel already exist and through the law of unintended consequence (though we will be highlighting many of them) create greater issues that will be to the detriment of Brighton & Hove.

Yours faithfully,

**Nick Griffin**

Nick Griffin FBII  
Spokesperson  
Brighton & Hove Licensees Association

CC: Nick Bish - ALMR  
Rita King - BBPA  
Simon Nelson - Sussex Police  
Tim Nichols-Brighton & Hove City Council

**Appendix 4 Response to Appendix 3 from Chair of Licensing Committee, Brighton Councillor**

21<sup>st</sup> August 2011

Mr Nick Griffin FBII  
Brighton & Hove Licensees Association  
16 Madeira Place  
Brighton  
BN2 1TH

Dear Mr Griffin,

Thank you for your letter of 30<sup>th</sup> June on behalf of the Brighton and Hove Licensees Association concerning the council's consultation on the proposal to extend the Cumulative Impact Zone and Special Stress Areas.

The council greatly values the city's hospitality industries which, as you indeed point out in your letter, contribute greatly to local employment and the local economy.

However, since the relaxation of licensing laws came into effect in 2005, alcohol consumption in the city centre has rocketed, and the resulting effects of crime, noise and antisocial behaviour caused by irresponsible drinking levels has caused and continues to cause considerable nuisance and disturbance to local residents and increased crime that means the police must find the resources to control the city centre well into the early hours of the morning.

It is estimated that excess alcohol consumption accounts for 40% of crime committed in the city centre and dealing with revellers late into the night is creating an ever-increasing strain on police resources.

The cumulative impact zone was created on the basis of crime and disorder data collected by Sussex Police. Any expansion will be dependent on such data, which also includes reported incidents of resident disturbance. Both the North Laine Community Association and the Brunswick Town Residents Association have lobbied for a long time to be included in the CIZ as they consider that the protection afforded by being a Special Stress Areas does not go far enough. A change of category, should it take place, will be in response to resident demand, backed up by data from the Police and Environmental Health.

As you also point out, a particular aspect of alcohol consumption is the easy availability of cheap alcohol, particularly off-sales from supermarkets and retail outlets that are open at all hours. This is also a cause of great concern to the police and health service as well as the local authority. The Licensing Committee, along with local residents, the police and health professionals are only too aware of the damaging effects of street drinking during the day, and pre-loading by night time revellers, who purchase their alcohol at supermarkets and other licensed retail outlets, who can offer no effective control once the alcohol is purchased and leaves the shop.

We greatly value the fact that pubs and clubs offer an environment that exercises an element of control over drinking levels. We recognise that they are finding it increasingly difficult to compete with the low prices and special offers available through supermarkets and off-licences.

It is for this reason that the council has participated in a lobbying letter to the Treasury requesting a reduction in VAT to pubs and those in the hospitality industry.

It is important that we balance the needs of business and resident interests and I look forward to continuing dialogue with the Association over the coming months so that we can reach a solution that best represents all interests.

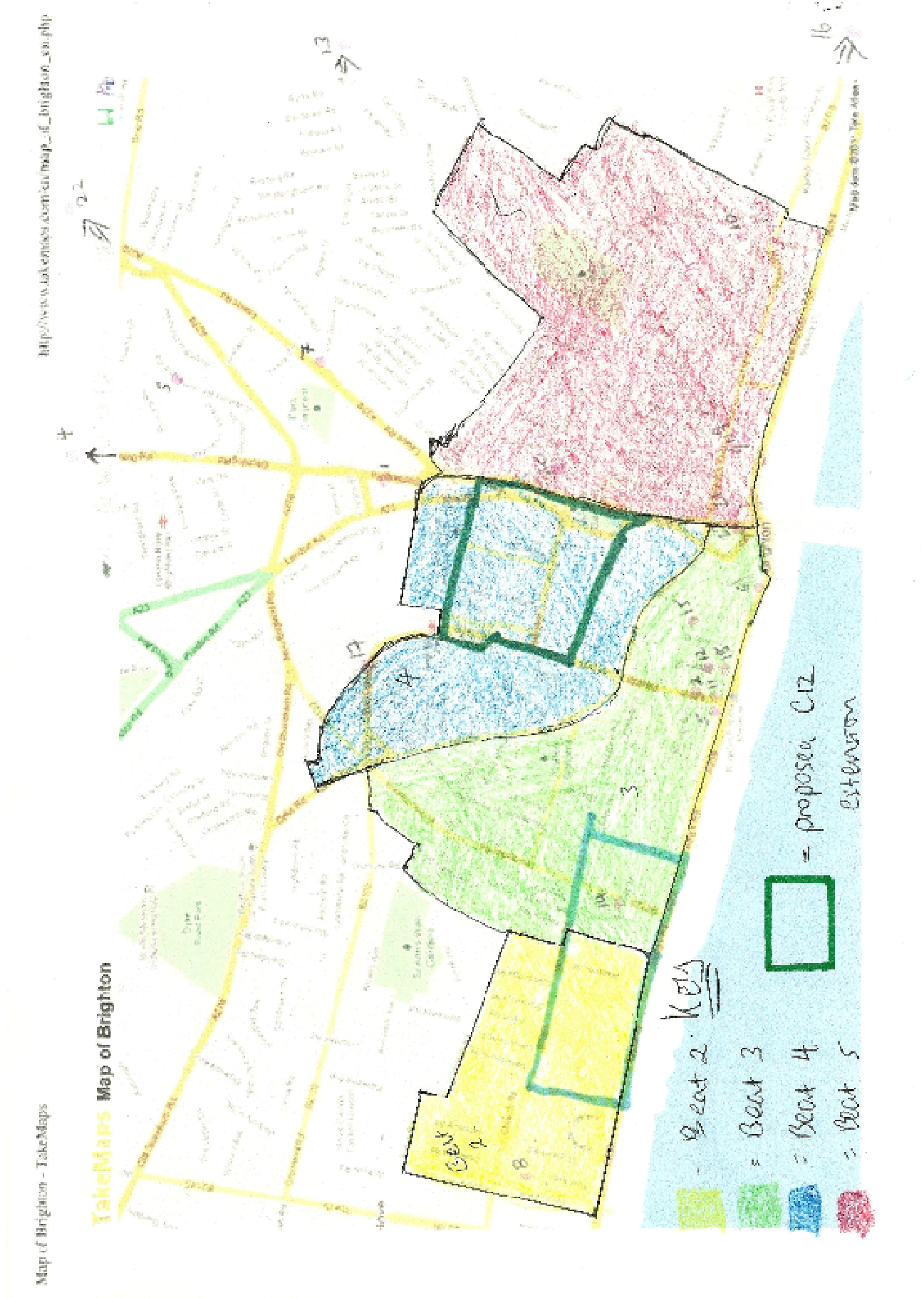
Yours sincerely,

Lizzie Deane

Green Party Councillor for St Peter's & North Laine ward  
Chair of Licensing Committee  
Chair of West Hill Action Team (WHAT)  
Member of Culture, Recreation and Enterprise Overview and Scrutiny Committee  
Member of Community Safety Forum  
Outside bodies: Consumer Direct, Brighton & Hove in Bloom



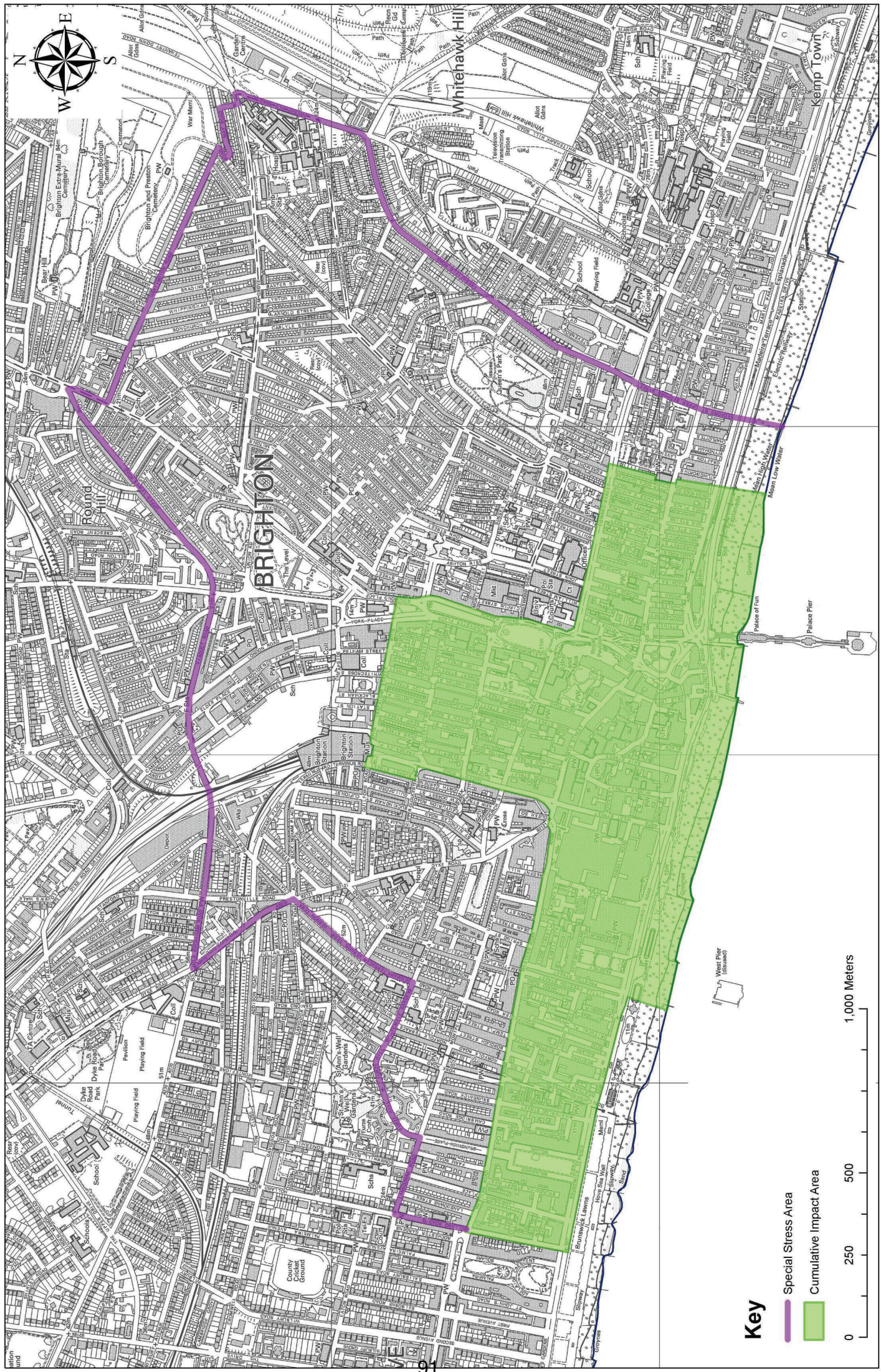
Appendix 5 Police Beats compared to The prosed CIZ zones







# Cumulative Impact Zone



## Key

- Special Stress Area
- Cumulative Impact Area







# LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

## Agenda Item 16

Brighton & Hove City Council

<b>Subject:</b>	<b>DCMS proposals to deregulate regulated entertainment</b>		
<b>Date of Meeting:</b>	<b>17 November 2011</b>		
<b>Report of:</b>	<b>Head of Planning and Public Protection</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Jean Cranford</b>	<b>Tel: 29-2550</b>
	<b>Email:</b>	<b>jean.cranford@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 To report the Department of Culture, Media and Sport (DCMS) proposal to deregulate regulated entertainment for audiences of less than 5000 people.

#### 2. RECOMMENDATIONS:

- 2.1 That Committee note officers concerns regarding deregulating regulated entertainment and responds to DCMS that deregulation is not justified and the exemption level is set too high to provide necessary protection for audiences and residents.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 On 14 September 2011, the DCMS published a consultation on the proposal to examine the deregulation of Schedule One of the Licensing Act 2003 (Regulated Entertainment). See appendix 1.
- 3.2 The Licensing Act 2003 brought together nine separate outdated licensing related regimes, and created instead a single Act that controlled alcohol supply and sale, late night refreshment, and "regulated entertainment". Government believes that in tidying up the old licensing regimes new problems were created for many wishing to host entertainment events and aim to remove licensing regulation that 'unnecessarily restricts creativity or participation in cultural and sporting events'.
- 3.3 Regulated entertainment within the Licensing Act 2003 covers the following:
- a performance of a play,
  - an exhibition of a film,
  - an indoor sporting event,
  - a boxing or wrestling entertainment (both indoors and outdoors),

- a performance of live music,
  - any playing of recorded music,
  - a performance of dance,
  - provision for entertainment facilities (which generally means the provision of facilities which enable members of the public to make music or dance).
- 3.4 The Government is therefore proposing a reform of activities currently classed as "regulated entertainment" in Schedule One of the 2003 Act. The consultation seeks views on the removal in certain circumstances of the requirement for a licence in England and Wales to host a performance of a play, an exhibition of a film, an indoor sporting event, a performance of live music, any playing of recorded music, or a performance of dance to audiences of less than 5000 people. Government believes that removing the need for proactive licensing for regulated entertainment could provide a great boost for community organisations, charities, cultural and sporting organisations, for artists and performers, for entertainment venues, and for those local institutions that are at the heart of every community, such as parent/teacher organisations, schools and hospitals.
- 3.5 Government intends to retain the licensing requirements for
- Any performance of live music, theatre, dance, recorded music, indoor sport or exhibition of film where the audience is of 5,000 people or more.
  - Boxing and wrestling.
  - Any performance of dance that may be classed as sexual entertainment, but is exempt from separate sexual entertainment venue regulations. (This refers to pubs who can put on such a performance less than 12 times per year).
- 3.6 Venues which hold 'audiences of less than 5000' are very large venues. For example, the Brighton Centre holds an audience of 4500 or 5100 if standing for concerts; the Dome holds 2102 and the Komedia holds 350. Elsewhere, the Royal Albert Hall has a capacity of 3929 if seated or 5250 with some standing.
- 3.7 Environmental Health Officers as the responsible authority in relation to minimising risk of pollution of the environment or of harm to human health object to this deregulation measure. Regulated entertainment is discouraged from buildings abutting or containing residencies within the Statement of Licensing Policy and previously the Public Entertainment licensing policy. This limitation is imposed for necessary protection for residents against structure borne noise that cannot be remedied by statutory nuisance powers.
- 3.8 Colleagues in the Police and Council health and safety inspectors feel that the limit should be less than 500, not 5000. This would be consistent with existing licensing regulation such as Temporary Event Notices which operate for audiences of 499. Alternatively the figure of 200 could be used as intended by Section 177 of the Licensing Act 2003. This would still represent a radical deregulation measure.
- 3.9 To encourage live music in pubs, officers will encourage use of the incidental music exemption, use of temporary event notices and minor variation process. Deregulation is unjustified. Locally, protection of residents from nuisance from entertainment pubs has been achieved by Statement of Licensing Policy, licence reviews and statutory noise controls.

3.10 Officers intend to respond to the consultation – see appendix 2.

#### **4. COMMUNITY ENGAGEMENT AND CONSULTATION**

4.1 This matter has been discussed at the council's Licensing Strategy Group

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

5.1 As the majority of licensed premises are licensed for the sale or supply of alcohol as well as regulated entertainment, licence fees would continue to be paid. The deregulation of regulated entertainment would potentially increase the need for enforcement, noise patrol and police presence, which could place additional burdens on health & safety and environmental protection regulation budgets.

*Finance Officer Consulted: Karen Brookshaw Date: 26/10/11*

##### Legal Implications:

5.2 Covered in the body of this report.

*Lawyer Consulted: Rebecca Sidell Date: 04/11/11*

##### Equalities Implications:

5.3 Urban residents would be more likely to be subject to low level nuisance below levels that could be addressed by statutory noise nuisance powers.

##### Sustainability Implications:

5.4 None.

##### Crime & Disorder Implications:

5.5 Potential for unregulated entertainment for audiences of 4999.

##### Risk and Opportunity Management Implications:

5.6 Provision of regulated entertainment presents a risk that warrants prior consent to protect public safety (regrettably some personal injury solicitors have focussed on accidental injury).

##### Public Health Implications:

5.7 Public Health is not a licensing objective. However, the health effects of alcohol are a major concern in Brighton & Hove. The health impact assessment carried out in 2009/10 reports residents concern about noise.

##### Corporate / Citywide Implications:

5.8 Unregulated entertainment for audiences of 4999 not linked in with Council's Events Management Plan.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

6.1 Leave Schedule One as it is but with exceptions for community halls, parent/teacher organisations, schools and hospitals.

**7. REASONS FOR REPORT RECOMMENDATIONS**

7.1 Officers are concerned that deregulating regulated entertainment will cause problems in the city, especially noise problems, as well as the potential to undermine the Cumulative Impact Area by having large, unlicensed events in the city centre.



## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. DCMS Consultation proposal to examine the deregulation of Schedule one of the Licensing Act 2003.
2. Officer's response to the consultation.

### **Documents in Members' Rooms**

1. None

### **Background Documents**

1. None





department for  
**culture, media  
and sport**

# Regulated Entertainment

A Consultation proposal to examine the deregulation of  
Schedule One of the Licensing Act 2003

September 2011

improving  
the quality  
of life for all

Our aim is to improve the quality of life for all through cultural and sporting activities, support the pursuit of excellence, and champion the tourism, creative and leisure industries.

# Contents

---

Foreword .....	4
Chapter 1: Regulated Entertainment - a proposal to deregulate.....	5
Chapter 2: The Current situation, and our detailed proposal .....	7
Chapter 3: The role of licensing controls .....	13
Chapter 4: Performance of Live Music .....	20
Chapter 5: Performance of plays.....	22
Chapter 6: Performance of dance .....	24
Chapter 7: Exhibition of film .....	25
Chapter 8: Indoor sport.....	27
Chapter 9: Boxing and Wrestling.....	29
Chapter 10: Recorded Music and Entertainment Facilities .....	30
Chapter 11: Clearing up unintended consequences: clear laws and clear guidance .....	32
Annex A: Summary list of questions.....	34
Annex B: How to Respond .....	39
Annex C: List of Consultees.....	40

# Foreword

---

At the moment, the law and regulations which require some (but not all) types of entertainment to be licensed are a mess. For example, you will need a licence if you want to put on an opera but not if you want to organise a stock car race. A folk duo performing in the corner of a village pub needs permission, but the big screen broadcast of an England football match to a packed barn-like city centre pub does not. An athletics meeting needs licensing if it is an indoor event, but not if it's held outdoors. A free school concert to parents doesn't need a licence, but would if there is a small charge to raise money for PTA funds or if there are members of the wider public present. A travelling circus generally needs a permit whereas a travelling funfair does not. A carol concert in a Church doesn't need a licence, but does if it is moved to the Church Hall. There are many other examples where types of entertainment are treated differently for no good reason – the distinctions are inconsistent, illogical and capricious.

But they cause other problems too. Whenever we force local community groups to obtain a licence to put on entertainment such as a fundraising disco, an amateur play or a film night, the bureaucratic burden soaks up their energy and time and the application fees cost them money too. Effectively we're imposing a deadweight cost which holds back the work of the voluntary and community sector, and hobbles the big society as well.

Equally importantly, the various musicians' and other performers' unions are extremely concerned that all these obstacles reduce the scope for new talent to get started, because small-scale venues find it harder to stay open with all the extra red tape. There is also evidence that pubs which diversified their offer to include activities other than drinking were better able to survive the recession. Making it easier for them to put on entertainment may therefore provide an important source of new income to struggling businesses such as pubs, restaurants and hotels.

Last but not least, laws which require Government approval for such a large range of public events put a small but significant dent in our community creativity and expression. If there's no good reason for preventing them, our presumption should be that they should be allowed.

So this is a golden opportunity to deregulate, reduce bureaucratic burdens, cut costs, give the big society a boost and give free speech a helping hand as well. Our proposals are, simply, to remove the need for a licence from as many types of entertainment as possible. I urge you to participate in this consultation so that we can restore the balance.

**John Penrose**

Minister for Tourism and Heritage

# Chapter 1: Regulated Entertainment - a proposal to deregulate

---

## Introduction

- 1.1. The consultation seeks views on a proposal to remove licensing requirements in England and Wales for most activities currently defined as “regulated entertainment” in Schedule One to the Licensing Act 2003.
- 1.2. The Licensing Act 2003 brought together nine separate licensing related regimes covering alcohol supply and sale, late night refreshment, and “regulated entertainment”. In doing so the Act modernised many out-dated laws that had been left behind by changes in technology and modern lifestyle.
- 1.3. The Licensing Act 2003 changed the way that licensing procedures worked. Having a single licence for permissions for multiple licensable activities was undoubtedly a great step forward for many, who had previously needed to make separate costly and time consuming licence applications. In this respect, the 2003 Act has been a success. In other respects, it has been less successful. The Government is currently legislating via the Police Reform and Social Responsibility Bill to rebalance alcohol licensing in favour of local communities, for example.
- 1.4. In addition, despite a radical approach to alcohol licensing, the 2003 Act failed to match its ambition. The regime for “regulated entertainment” missed a real opportunity to enable entertainment activities and either simply aped old licensing regimes or instead took a new, overcautious line. This was particularly apparent with the removal of the “two in a bar” rule, which allowed previously two musicians to perform in a pub without needing to obtain a specific entertainment licence. But instead of modernising an old law that had simply gone past its sell by date, the 2003 Act ended up potentially criminalising a harmless cultural pastime.
- 1.5. Indeed tidying up the administrative processes created new problems for many others. The Government has received countless representations about the difficulties that the 2003 Act has brought to a wide range of cultural and voluntary sector and commercial organisations. New licensing requirements, under the 2003 Act were, for many, a step backwards, bringing costly and bureaucratic processes for low risk, or no risk, events, including:
  - Private events where a charge is made to raise money for charity;
  - School plays and productions;
  - Punch and Judy performances;
  - Travelling circuses;

- Children’s films shown to toddler groups;
  - Music performances to hospital patients;
  - Brass bands playing in the local park;
  - School discos where children are charged a ticket price to support the PTA;
  - Exhibitions of dancing by pupils at school fetes;
  - Costumed storytellers;
  - Folk duos in pubs;
  - Pianists in restaurants;
  - Magician’s shows;
  - Performances by street artists;
  - And even performances by a quayside barber shop quartet.
- 1.6. Before the General Election both Coalition parties recognised the need for reform, and in the Coalition Programme for Government we made a firm commitment to remove red tape affecting live music in small venues. Then, as part of the Growth Review which was published alongside the Budget this year, we announced an examination of “regulated entertainment”, with the aim of removing licensing regulation that unnecessarily restricts creativity or participation in cultural and sporting events. This consultation is the result of that work.
- 1.7. In the chapters to come we will explore each of the entertainment activities regulated by the Licensing Act 2003 and ask for views on the key question: “what would happen if this activity were no longer licensable?”
- 1.8. In many areas, early discussions with stakeholders have indicated that deregulation would be welcome and straightforward. With other forms of licensable activity though, we recognise that there may be some inherent difficulties. In such circumstances, this consultation outlines where we feel particular protections will be needed, and indeed where full deregulation may not be possible at all.
- 1.9. This consultation is predicated on the fact that we think there is ample scope to sensibly deregulate most, but not all, of Schedule One to the 2003 Act. Removing the need for proactive licensing for regulated entertainment could provide a great boost for community organisations, charities, cultural and sporting organisations, for artists and performers, for entertainment venues, and for those local institutions that are at the heart of every community, such as parent/teacher organisations, schools and hospitals.
- 1.10. We do, though, need to request and examine evidence from this consultation in order to fully evaluate the proposals and to ensure we have a complete picture with regard to any potential benefits or impacts to ensure there are no unintended consequences.



## Chapter 2: The Current situation, and our detailed proposal

---

### The current situation - background

2. The Licensing Act 2003 classifies the following activities as “regulated entertainment”, and therefore licensable:

- a performance of a play,
- an exhibition of a film,
- an indoor sporting event,
- a boxing or wrestling entertainment (both indoors and outdoors),
- a performance of live music,
- any playing of recorded music, and
- a performance of dance

- 2.1. In addition, there is a licence requirement relating to the provision for entertainment facilities (which generally means the provision of facilities which enable members of the public to make music or dance).
- 2.2. Licensable activities can only be carried out under the permission of a licence<sup>1</sup> or a Temporary Event Notice (TEN) from a local licensing authority. Licences (or TENs) are required for any of the activities above (subject to limited exemptions set out in part 2 of Schedule 1) whether they are free events to which the general public is admitted, or public or private events where a charge is made with the intention of making a profit - even when raising money for charity.
- 2.3. Applications for licences to host regulated entertainment can often occur as part of an application for an alcohol licence, particularly in venues such as pubs, clubs, and hotels, but there are also many venues that are primarily “entertainment venues” that operate a bar, such as theatres, which still require alcohol licence permissions to do so.

---

<sup>1</sup> In this consultation “licence” refers to a Premises Licence or a Club Premises Certificate for ease of reading.

## Licensing powers and national scale

- 2.4. The Licensing Act 2003 has four underlying licensing objectives: Prevention of Crime and Disorder; Prevention of Public Nuisance; Protection of Children from Harm; and Public Safety. Licensing authorities must exercise their functions and make their decisions with a view to promoting those objectives .
- 2.5. In support of these four objectives, licences can be subject to extensive conditions. These conditions can be placed on a licence at time of grant - either volunteered by the applicant or imposed by the licensing authority, as part of an application to vary a licence, or imposed as part of a licence Review. Conditions play an important part role in ensuring a “contract” between a licensing authority and licensee, and play an important role in setting the context in which the licensed premise can operate.
- 2.6. Similarly, licence Reviews play an important role in the controls process. Reviews provide relevant authorities with powers to address problems, and they ensure appropriate local representation in the decision making processes. Reviews can be triggered by complaints from local residents or businesses, or by representations by relevant authorities such as the police. For a licensee, a licence review is a very serious issue, and failure to comply with the law could lead to closure of a premises, a very heavy fine, and even a potential prison sentence.
- 2.7. In terms of scale, there are currently around 133,000 premises in England and Wales licensed for regulated entertainment, with almost all of these premises licensed to sell alcohol. Additionally, over 120,000 TENs are authorised each year. TENs can be used as an alternative to a fuller licence, as a “one-off” permission for a licensable event, at a cost of £21 per application.
- 2.8. An event organiser is permitted up to five TENs per year, unless they also hold a personal licence for alcohol sale or supply, in which case the limit is extended to 12 TENs per year at the same premises or up to 50 events at different places.

## This proposal

- 2.9. The starting point for this consultation is to examine the need for a licensing regime for each of the activities classed as “regulated entertainment”. Where there is no such need, we propose to remove the licensing requirement, subject to the views and evidence generated through this consultation.
- 2.10. Where there is a genuine need to licence a type of entertainment, then this consultation proposes that the licensing requirement would remain, either in full, or in part if more appropriate. In such cases this consultation seeks to identify the precise nature of the potential harm, and seek evidence to identify effective and proportionate solutions.
- 2.11. Chapter 3 of this consultation will address the generic issues that are relevant to more than one type of regulated entertainment. For example, we are interested to hear views on the handling of health and safety protections and noise nuisance prevention, as well as views from a public safety and crime and disorder perspective. The consultation will pose a number of questions related to these aspects, and will ask a final question where any further comments can be added on any issues of note.

- 2.12. Chapters 4-11 will then examine each activity in Schedule One to the Licensing Act 2003 and investigate specific issues particular to that activity.
- 2.13. Although both Chapter 3, and Chapters 4-11 will ask questions relating to deregulation principles, **this consultation would like to make clear at the outset that in any instance, Government intends to retain the licensing requirements for:**
- Any performance of live music, theatre, dance, recorded music, indoor sport or exhibition of film where the audience is of 5,000 people or more.
  - Boxing and wrestling.
  - Any performance of dance that may be classed as sexual entertainment, but is exempt from separate sexual entertainment venue regulations.

More details of how we would ensure these protections are in place can be found in Chapters 4-11.

## Next steps and methodology

- 2.14. We will collate and review comments from this consultation and then publish a Government response. Where we have a clear view that deregulation for an activity is supported, we will look to remove or replace the Schedule One definition relating to that activity as soon as possible, using existing powers in the 2003 Act to do so where this is possible.
- 2.15. Where changes would require either new exemptions or new provisions in the Licensing Act 2003, or an amendment to any other legislation, we will assess needs and legislative options following the consultation analysis and set out the forward plan in the consultation response.

## Who will be interested in this proposal?

- 2.16. Each aspect of regulated entertainment has a wide range of interested parties. In some cases there are groups of stakeholders who will have interest in more than one of the regulated entertainment activities. Some of these will include:
- Existing small and medium professional and amateur cultural groups, such as arts centres, theatre groups, dance groups.
  - Mainstream and independent cinemas, film clubs
  - Musicians – amateur and professional
  - Actors, performers
  - Local cultural providers and practitioners, and event organisers
  - Charities, PTAs, Schools
  - Community audiences for all of the art forms regulated by the 2003 Act
  - Residents and community representatives
  - Licensed premises, such as clubs and pubs, hotels and bed and breakfasts

- Unlicensed premises such as coffee shops, scout huts, church halls, record shops, schools and hospitals, amongst others
- The music industry
- Larger cultural institutions, and cultural development stakeholders
- Those involved in local regeneration
- Other cultural and creative institutions, such as dance and theatre companies, sports bodies who could gain increased exposure in their sport from greater opportunities, potentially leading to an uptake in participation
- Cultural and sporting development organisations
- Licensing authorities, noise officers, health and safety officers
- The police, fire service and trading standards officers and others with an interest in public safety and crime and disorder.

## Impacts and benefits

- 2.17. An initial Impact Assessment has been produced for these proposals. This Assessment details, wherever possible, the benefits and impacts of these proposals and has been examined by the independent Regulatory Policy Committee. The initial Impact Assessment can be viewed online at [www.culture.gov.uk](http://www.culture.gov.uk) and is available in hard copy from DCMS from the address provided in annex A.
- 2.18. The initial Impact Assessment has a provisional status and will be informed by the responses to this consultation. We will undertake further work to quantify the consequential costs, benefits and burdens on the police, licensing authorities and others on the central proposal to deregulate entertainment events involving 4999 people or less. Many of the activities classed as regulated entertainment are small local events and, because of this, national data collection is currently disproportionately expensive.
- 2.19. In these circumstances assumptions have been made by Government analysts, following various extrapolations of the available data but in this consultation we would be very grateful for any new data that may be helpful to our overall understanding of the local nuance or the national statistical picture.
- 2.20. It is not possible, for instance, to predict precisely the additional activities that we expect to arise if there were currently no licensing requirements in respect of regulated entertainment, and so we are grateful for views through the questions in this consultation. It has also not been possible to cost every possible benefit (such as the effect of the Culture and Sport Evidence Programme led by DCMS, Arts Council England, English Heritage and Sport England) or possible impact (for example data on costs of the noise complaint processes under the Noise or Environmental Protection Acts) - so again we will use evidence from the consultation responses to update the Impact Assessment to ensure costs and benefits of these proposals are reflected as accurately as possible before any final considerations.
- 2.21. The headline detail from the Impact Assessment is that we would expect to see a huge range of benefits, with a total economic benefit of best estimate of £43.2m per year. Besides the direct economic benefit, and the costs and labour saving, there are expected to be substantial benefits to individual and collective wellbeing due to extra provision of entertainment and participation, as well as additional social interaction

benefits.

- 2.22. This proposal would also bring clarity to existing laws, ending uncertainty about whether and in what circumstances activities, such as street artists, buskers, poets, and carol singers would require a licence under the Licensing Act 2003.

### **Effect on the current licensing regime**

- 2.23. Over 133,000 premises have some form of regulated entertainment provision granted on their licence. The benefits of removing licensing requirements will vary, depending on individual circumstances.
- 2.24. Premises that currently hold a licence **only** for the activities that were formerly classed as regulated entertainment (for example, some church halls) would no longer need a licence. In these cases all licensing requirements would cease, and fees and licence conditions would end when a licence is surrendered. Venues would be able to host activities formerly classed as regulated entertainment without the need for any licence.
- 2.25. Premises that continue to hold a licence after the reforms (for example, for alcohol, late night refreshment, or remaining forms of regulated entertainment) would be able to host entertainment activities that were formerly regulated without the need to go through a Minor or Full Variation process. We propose that all existing conditions on such licences would continue to apply unless the premises decided to apply for a variation to remove or amend them - a situation that should prevent the need for a wholesale reissue of licences by licensing authorities. Conditions are an integral part of a licence authorisation, so this consultation seeks evidence with regard to any potential transitional issues, to ensure sufficient certainty for both licensee and those monitoring compliance to ensure all parties are aware of what is required of a premises. Taking account of any such issues, full guidance would be issued to licensing authorities and other interested parties before any changes would be made.
- 2.26. Finally, on a very practical local level, there are also at least 900 areas listed on the DCMS licensed public land register<sup>2</sup> which represent areas licensed by local authorities solely for regulated entertainment purposes - such as town centres, promenades, high streets, parks, gardens and recreation grounds. Licensing authorities would also no longer have to process and oversee over 12,500 licences per annum for which they do not receive a fee, such as village halls and for certain performances held in schools. Together this is at least 13,400 community and non-commercial premises per annum that would no longer be subject to a licensing regime.

---

<sup>2</sup> [http://www.culture.gov.uk/what\\_we\\_do/regulated\\_entertainment/3196.aspx](http://www.culture.gov.uk/what_we_do/regulated_entertainment/3196.aspx)

### Proposal Impacts: Questions

**You may wish to read the full document before commenting - a composite list of questions is provided at the end of the document**

**Q1: Do you agree that the proposals outlined in this consultation will lead to more performances, and would benefit community and voluntary organisations? If yes, please can you estimate the amount of extra events that you or your organisation or that you think others would put on?**

**Q2: If you are replying as an individual, do you think this proposal would help you participate in, or attend, extra community or voluntary performance?**

**Q3: Do you agree with our estimates of savings to businesses, charitable and voluntary organisations as outlined in the impact assessment? If you do not, please outline the areas of difference and any figures that you think need to be taken into account (see paragraph 57 of the Impact Assessment).**

**Q4: Do you agree with our estimates of potential savings and costs to local authorities, police and others as outlined in the impact assessment? If you do not, please outline the areas of difference and any figures you think need to be taken into account.**

**Q5: Would you expect any change in the number of noise complaints as a result of these proposals? If you do, please provide a rationale and evidence, taking into account the continuation of licensing authority controls on alcohol licensed premises and for late night refreshment**

**Q6: The Impact Assessment for these proposals makes a number of assumptions around the number of extra events, and likely attendance that would arise, if the deregulation proposals are implemented. If you disagree with the assumptions, as per paragraphs 79 and 80 of the Impact Assessment, please provide estimates of what you think the correct ranges should be and explain how those figures have been estimated.**

**Q7: Can you provide any additional evidence to inform the Impact Assessment, in particular in respect of the impacts that have not been monetised?**

**Q8: Are there any impacts that have not been identified in the Impact Assessment?**

**Q9: Would any of the different options explored in this consultation have noticeable implications for costs, burdens and savings set out in the impact assessment? If so, please give figures and details of evidence behind your assumptions.**

**Q10: Do you agree that premises that continue to hold a licence after the reforms would be able to host entertainment activities that were formerly regulated without the need to go through a Minor or Full Variation process?**

## Chapter 3: The role of licensing controls

---

### Introduction

3. In this section we will explain the general background to regulatory protections in the Licensing Act 2003 and ask for views that apply across the “regulated entertainment” regime. Chapters 4-11 will cover individual items included in Schedule One, so you may choose to apply your comments in questions posed in those sections if more appropriate.

### The four licensing objectives

- 3.1. As set out in paragraph 2.4, the Licensing Act 2003 has four licensing objectives and licensing authorities must exercise their functions with a view to promoting those objectives. They are:

- Prevention of Crime and Disorder;
- Prevention of Public Nuisance;
- Protection of Children from Harm;
- Public Safety.

These four objectives are important protections, particularly in respect of alcohol sale and supply, which is the principal component of the Licensing Act 2003.

- 3.2. In taking stock of the efficacy and proportionality of the licensing regime, this proposal seeks to examine the need for licensing in the context of the other legislative protections that are already in place. This chapter will do this by examining each of the four licensing objectives and seek views regarding necessary controls.
- 3.3. This consultation proposal suggests that regulated entertainment itself in general poses little risk to the licensing objectives. There are though considerations concerning noise nuisance from music and where audiences of up to 4,999 people could attend events where no licensing authority licence was present, as well as related public safety issues.

### Crime and disorder

- 3.4. Where problems do occur, it is often because of the presence of alcohol sales and consumption.
- 3.5. Most existing venues offering regulated entertainment are already licensed for alcohol and **existing controls will continue to apply under these proposals**. The existing alcohol safeguards provide a powerful incentive to ensure that licensing objectives are safeguarded, and as outlined earlier, failure to comply can result in a licence review,



which can lead to closure of the premises, a very heavy fine, and a potential prison sentence for the licensee. However, under our proposals, there would be no requirement to notify the licensing authority or the police of an event of up to 4999 people that did not involve the sale of alcohol.

- 3.6. The Government is also legislating via the Police Reform and Social Responsibility Bill to rebalance the regulation around alcohol licensing. These measures include, for example giving licensing authorities and the police more powers to remove licences from problem premises and increasing the involvement of health bodies and environmental health authorities in licensing decisions, including Temporary Event Notices.
- 3.7. In addition, the Government is giving local communities additional powers to shape their night-time economies and tackle alcohol-fuelled crime and disorder, by allowing licensing authorities to collect a contribution or levy from late opening alcohol retailers towards the cost of late night policing and extending powers to restrict the sale of alcohol in problem areas. The Government will also take steps to dismantle unnecessary legislation but will continue to regulate in a targeted way where this is needed. The new measures on alcohol, taken together with a sensible deregulation of the no risk or low risk entertainment activities, should lead to a more effective and focussed controls regime.
- 3.8. So while there would no longer be a requirement for a specific permission for activities currently classed as regulated entertainment, there would still be generic controls in place related to the alcohol licence (or, where relevant, permission for late night refreshment). For example, under the current arrangements, a pub does not need a specific permission to show a big screen football international. However, if it is necessary to address identifiable risk of disorder related to the event, a responsible authority such as the police can seek a review to apply measures such as limits on opening hours before the screening, or the use of plastic glasses, or the employment of extra door staff - even though the television broadcast itself is not a licensable activity.
- 3.9. Events in non-licensed premises that are currently held under a TEN will usually be held in non-commercial premises that are overseen and controlled by a management committee or governing body (for example, a community hall, school or club) or otherwise run by the local authority. While this may not singularly remove every risk of crime and disorder, it does suggest that a blanket requirement for all those providing music and other entertainment to secure a licence is disproportionate and unnecessary.
- 3.10. However, we should also pay regard to the fact that the removal of licensing regulations will remove the requirement to automatically notify the Licensing Authority and the police that an entertainment event is taking place. We would be grateful for views on potential public safety and crime and disorder considerations in the questions in this consultation.



## Public Nuisance (noise)

- 3.11. **Premises selling alcohol will still require a licence** as outlined above. Alcohol licences can already be used to address noise and other areas of concern, and the Licensing Act 2003 gives the police powers to close licensed premises at short notice as a result of disorder or on the grounds of public nuisance, which includes noise. This process can result in conditions being stipulated which must be met before the premises can reopen. Such Closure Orders under the Licensing Act 2003 lead automatically to a review of the licence where, again, conditions can be attached to the licence. Local Authorities also maintain the right to impose a full range of conditions on alcohol licenses after a licence Review. Again, failure to comply can result in a very heavy fine, and a potential prison sentence up to six months for the licensee.
- 3.12. **All premises**, whether licensed for alcohol or not, will also continue be subject to existing noise nuisance and abatement powers in the Environmental Protection Act 1990. These powers require local authorities to take reasonable steps to investigate a complaint about a potential nuisance and to serve an abatement notice when they are satisfied that a nuisance exists or is likely to occur or recur.
- 3.13. Additionally, there are also powers in the Anti-Social Behaviour Act 2003 which allow the police to close licensed premises to prevent a public nuisance caused by noise from those premises. Earlier this year, the Government set out proposals to radically simplify and improve the powers the police and others have to deal with anti-social behaviour.
- 3.14. There is also the Noise Act 1996 which allows the local authority to take action (issuing a warning notice, or fixed penalty notice, or seizing equipment) in respect of licensed premises where noise between 11pm and 7am exceeds permitted levels.
- 3.15. Finally, under the Criminal Justice and Public Order Act 1994, the police currently have powers to remove people attending or preparing for night-time raves on land in the open air - refusal to leave or returning to such land following a police direction is a criminal offence.
- 3.16. **Premises which do not sell alcohol** (such as non-licensed restaurants and cafes, as well as non-commercial premises such as community halls, schools and hospitals) would be covered by noise nuisance legislation such as the Environmental Protection Act 1990. As referenced above, non-commercial premises such as village halls tend to be run by a local management board or committee to represent the interests of the local community and exercise necessary control should problems occur. In such circumstances though the existing licence controls would no longer be in place, and so in the questions in this consultation we would be grateful for views on any potential concerns.

## Public Safety

- 3.17. The Health and Safety at Work Act 1974 together with disability legislation, offers protection in relation to the safety of the public at an event, placing a clear duty to take reasonable steps to protect the public from risks to their health and safety. In addition, the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541) imposes fire safety

duties in respect of most non-domestic premises.

- 3.18. Potential problems at events should be prevented through the risk assessments and compliance with other duties imposed by this legislation, rather than the additional layer of bureaucracy imposed by requirements of the Licensing Act 2003.
- 3.19. Although some licensing authorities rely on the Licensing Act 2003 rather than other legislation, many types of existing mass entertainment activity already take place successfully outside the licensing regime. Large numbers of people gather in one place without an entertainment licence for events such as fun fairs, country shows, political rallies and demonstrations, religious events, stock car racing, or outdoor sport such as the Ryder Cup, or three-day eventing. There is no directly justifiable reason why events such as ballet, classical concerts or circuses should be considered any more of a risk to public safety than these activities.

### **Protection of Children**

- 3.20. There are two main areas of relevance in relation to regulated entertainment where it is important we protect children from harm.
- 3.21. The first of these is the prevention of access to unsuitable content (for example by film classification restrictions, and by restrictions on sexual entertainment). The second aspect is with the physical protection of children in relation to participation in indoor sport and other activities.
- 3.22. Issues specific to unsuitable content in the context of dance and film are addressed directly in chapters 6 and 7 respectively in this consultation. Some content protection themes do though cut across several forms of regulated entertainment, and we seek your views on these at the end of this chapter.
- 3.23. Adult entertainment is not a separate or distinct licensable activity under the 2003 Act, but is generally dealt with under other legislation (see paragraph 11.4). Some forms of adult entertainment (such as “blue” comedians) are not currently licensable at all. In most cases, such activities take place in premises that are licensed for the sale of alcohol for consumption on the premises, and restrictions automatically apply on the admission of unaccompanied children. The proposals in this consultation would not affect the status quo.
- 3.24. In the second area of child protection (physical protection for children taking part in indoor sports, and similar activities) there are already robust existing child protection policies in place across all Government funded sports. Recognised sports are required to have a governing body in place that controls the sport and ensures that coaches and officials are properly trained.
- 3.25. Most importantly, the Children Act 1989 places a duty on Local Authorities to investigate if there are concerns that a child may be suffering or may be at risk of suffering significant harm. Additionally, the employment of children is covered by other legislation, such as the Children and Young Persons Act 1963 which, among other things, places restrictions on children taking part in public performances.

## Size of events

- 3.26. The Government recognises that, once an event reaches a certain size, it can be difficult to control the events using alcohol licences alone, and there may also be large entertainment events that do not – either currently or in the future – choose to sell alcohol. Sports ground safety legislation, which applies to outdoor sport, applies a limit of 5,000 spectators for football, and 10,000 for other sports before specific safety requirements apply.
- 3.27. The Licensing 2003 Act already recognises the additional burden that large events can cause for local authorities by applying an additional licence fee for events where more than 4,999 people are present.
- 3.28. **This consultation therefore proposes that only events with an audience of fewer than 5,000 people are deregulated from the 2003 Act.**
- 3.29. We would welcome views on this figure in the questions at the end of this chapter. The Association of Chief Police Officers has, for example, suggested that the 500 audience limit which applies to Temporary Event Notices may be a more appropriate starting point.
- 3.30. Similarly, we would welcome views on whether there should be different limits for different types of entertainment – for example whether unamplified music performances should have no audience limit applied at all (as they are self-limiting, due to acoustic reach), and whether outdoor events should be treated differently to those held in a building. Again, questions relating generically to these issues are posed at the end of this chapter.

## Time of events

- 3.31. Noise nuisance can be a particular issue of concern for those living near venues. It has been argued that particular controls need to be applied to events held after 11pm. The background to this issue is that 11pm is stipulated in existing noise legislation as the beginning of “night hours” (defined by the World Health Organisation as *the period beginning with 11pm and ending with the following 7am*) in the Noise Act 1996 and the point at which the control powers of the Noise Act begin to apply.
- 3.32. **This consultation does not propose applying an 11pm cut off for the deregulation of regulated entertainment.** This is because existing legal powers in the Noise Act 1996 already make special provision to deal with problems occurring after 11pm for alcohol licensed premises, which will cover the vast majority of venues for entertainment. Noise Act powers work in tandem with the Licensing Act 2003 so that any premises that is not abiding by its licence conditions can be immediately tackled by Local Authority officers, but it should be noted that most Local Authorities do not operate a full nuisance complaints service outside normal working hours.
- 3.33. The Anti-Social Behaviour Act 2003 provides Local Authorities with powers to immediately close noisy premises for up to 24 hours, with consequences of up to three months in prison, a fine up to £20,000, or both. Whilst this is a substantial deterrent we would be grateful for views relating to any potential problems or enforcement or

resourcing issues, including where there may be other issues, such as “out of hours” resourcing.

- 3.34. Additional measures under the Criminal Justice and Public Order Act 1994 cover outdoor night time music events that are not licensed under the 2003 Act. Most currently regulated entertainment does not go beyond 11pm, but to impose a cut off would introduce inflexibility and in effect make it illegal for an unlicensed performance to run 10 minutes over time. This would simply reintroduce the kind of unintended consequences the deregulation seeks to remove whereby illegality has no bearing on the impact of the actual individual activity.
- 3.35. In the recent debate during the Committee stage of the Live Music Bill in the House of Lords, several speakers, expressed their support for a cut off time of midnight for exemptions for small music events.<sup>3</sup>
- 3.36. The Government is therefore not proposing any time related cut off for entertainment which is to be deregulated from the 2003 Act. However, we welcome views on this issue at the end of this chapter. This includes seeking views on whether any time restrictions should apply and, if so, whether this should be the same for all entertainment activities or just those which are believed to pose a particular risk. It would also be helpful to have views on whether there should be a distinction between indoor and outdoor events.
- 3.37. One alternative option to the current licensing arrangement could be to develop a Code of Practice for entertainment venues. This could help to ensure preventative best practice without the need for regulation. While this would have no statutory sanctions, it would encourage good practice. Would such an approach mitigate risks? Again, we would welcome views.

---

<sup>3</sup> <http://www.publications.parliament.uk/pa/ld201011/ldhansrd/text/110715-0001.htm#11071554000685>

## The Role of Licensing Controls: Questions

**Q11: Do you agree that events for under 5,000 people should be deregulated across all of the activities listed in Schedule One of the Licensing Act 2003?**

**Q12: If you believe there should be a different limit – either under or over 5,000, what do you think the limit should be? Please explain why you feel a different limit should apply and what evidence supports your view.**

**Q13: Do you think there should be different audience limits for different activities listed in Schedule One? If so, please could you outline why you think this is the case. Please could you also suggest the limits you feel should apply to the specific activity in question.**

**Q14: Do you believe that premises that would no longer have a licence, due to the entertainment deregulation, would pose a significant risk to any of the four original licensing objectives? If so please provide details of the scenario in question.**

**Q15: Do you think that outdoor events should be treated differently to those held indoors with regard to audience sizes? If so, please could you explain why, and what would this mean in practice.**

**Q16: Do you think that events held after a certain time should not be deregulated? If so, please could you explain what time you think would be an appropriate cut-off point, and why this should apply.**

**Q17: Should there be a different cut off time for different types of entertainment and/or for outdoor and indoor events? If so please explain why.**

**Q18: Are there alternative approaches to a licensing regime that could help tackle any potential risks around the timing of events?**

**Q19: Do you think that a code of practice would be a good way to mitigate potential risks from noise? If so, what do think such a code should contain and how should it operate?**

**Q20: Do you agree that laws covering issues such as noise, public safety, fire safety and disorder, can deal with potential risks at deregulated entertainment events? If not, how can those risks be managed in the absence of a licensing regime?**

**Q21: How do you think the timing / duration of events might change as a result of these proposals? Please provide reasoning and evidence for any your view.**

**Q22: Are there any other aspects that need to be taken into account when considering the deregulation of Schedule One in respect of the four licensing objectives of the Licensing Act 2003?**

## Chapter 4: Performance of Live Music

---

### Introduction

4. The Coalition Agreement committed to cutting red tape to encourage the performance of more live music.
  - 4.1. We intend to honour this agreement in two ways. The first is to honour our public commitment to support the Live Music Bill, a Private Member's Bill tabled in 2010 in the House of Lords by Lord Clement Jones, which followed a recommendation for live music deregulation by the Culture, Media and Sport Select Committee in 2009 and a full public consultation on the subject in 2010. Because of this, the Live Music Bill is **not** the subject of this consultation.<sup>4</sup>
  - 4.2. The second is to examine, through this consultation, whether our proposed deregulation is ambitious enough for the vast quantity of talent in England and Wales that would benefit from a wider deregulation than the Live Music Bill will, alone, permit. In examining live music we would be grateful for responses to the generic questions posed in chapter 3, and also to the live music questions based on the consultation proposal below.
  - 4.3. Live music is at the heart of our national and local cultural traditions, and continues to play a very important part in our national and local identity. As well as being exhilarating and inclusive, music can change the way we view ourselves and how others perceive us. Our musical heritage is strongly felt across England and Wales, with a live line of performance from folk and traditional song through many hundreds of years to our present day with internationally famous local music scenes across so many towns and cities.
  - 4.4. In recent years though, whilst music in large venues is thriving, music in small venues has been gradually dwindling. Many pubs – the traditional venue of much live music - have closed, and there has been a downward trend in music provision in secondary venues<sup>5</sup>.

---

<sup>4</sup> Lord Clement Jones' Bill was tabled last year, and can be read in full at: <http://services.parliament.uk/bills/2010-11/livemusichl/documents.html>

<sup>5</sup>[http://webarchive.nationalarchives.gov.uk/%2B/http://www.culture.gov.uk/reference\\_library/research\\_and\\_statistics/4854.aspx](http://webarchive.nationalarchives.gov.uk/%2B/http://www.culture.gov.uk/reference_library/research_and_statistics/4854.aspx)

## Our proposal

- 4.5. **This proposal is to deregulate public performance of live music (both amplified and unamplified) for audiences of fewer than 5,000 people.**
- 4.6. As outlined in Chapter 3, other legislative protections already exist in respect of each of the four licensing objectives, and it is those measures that should be used as controls for music events, rather than an inflexible and burdensome licensing system.

## Audience size

- 4.7. The issues around size and time of events are often raised in relation to events such as large music festivals, which would continue to require a licence under Government proposals if they have capacities of 5,000 people or greater. As explained in chapter 3, the 5,000 limit is already recognised as an audience threshold for larger events in the sporting and entertainment sectors. This limit features also as a capacity boundary for fees in the Licensing Act 2003, recognising intrinsic issues associated with controls for events above that size of audience.
- 4.8. With regard to unamplified music, there is a potential argument that no audience limit is necessary due to the self-limiting possibilities from the event's acoustic reach. So we would thus welcome views on whether unamplified music should simply be deregulated with no restrictions on numbers or on the time of day.

### Performance of Live Music: Questions

**Q23: Are there any public protection issues specific to the deregulation of the performance of live music that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?**

**Q24: Do you think that unamplified music should be fully deregulated with no limits on numbers and time of day/night? If not, please explain why and any evidence of harm.**

**Q25: Any there any other benefits or problems associated specifically with the proposal to deregulate live music?**



## Chapter 5: Performance of plays

---

### Introduction

5. The regulation of plays has a long and famous history. The Licensing Act 2003 provided the first amendments to theatre licensing since the Theatres Act 1968, which released playwrights from the strict censorship of the Lord Chamberlain that had been in place since the introduction of the Licensing Act 1737.
- 5.1 It made clear that licensing authorities could not generally refuse a theatre licence on content grounds. The 1968 Act updated other aspects of law which still stand on the statute book – around obscenity, defamation and provocation of a breach of peace.

### Venue sizes

- 5.2. Each year, there are an estimated 92,000 performances of plays by voluntary or amateur groups alone, with the vast majority held in small venues or by touring productions. For many of these venues existence is hand to mouth, and individual productions are in constant jeopardy due to the need to recoup staging costs. We believe that deregulation of some of the requirements where alcohol is not sold or supplied offers a real opportunity to help make the staging of plays and performances in smaller venues much easier, as well as enabling greater opportunity for “site specific” theatre (for example, productions set in factories or forests) to flourish.

### Regeneration and renewal

- 5.3. The British theatre ecology is wide and varied, with amateur groups and fringe productions playing an important role in feeding into larger venues. The importance of theatre to the UK economy is well documented, with studies such as the Shellard Report (2004) showing a positive annual economic impact of £2.6bn.
- 5.4. We have seen the impact of theatre on small and large scale cultural festivals across the regions –the Edinburgh Festivals are thought to contribute £245m to the local economy. Cultural festivals have a huge regenerative effect and provide a highly positive community self-image.

### Educative value

- 5.5. Plays offer an almost unique opportunity to engage children, enhancing self-value, attendance within education, and participatory skills. At present it is not necessary for a school to apply for a licence where parents are admitted for free, but if the school wishes to perform for the wider public or charge a small entry fee to benefit the Parent-Teacher Association (PTA), a licence is required. As with dance and live music, this is one example of how removing the regulatory burden will free up schools



(and similarly community and volunteer groups) to put on low risk productions in the community.

- 5.6. But the educational effect of theatre does not stop at schools. The effects of prison theatre for example have a major role in rehabilitation, and public performance can have a similarly beneficial effect on self-value as seen in other educational forums.

### **Our proposal**

- 5.7. This consultation proposes that we remove theatre from the list of regulated entertainment in Schedule One to the Licensing Act 2003 for audiences of fewer than 5,000 people.
- 5.8. Existing controls from the 1968 Theatres Act on obscenity, defamation and provocation of a breach of peace remain on the statute book, and separate rules on health and safety and children's protection are set out in Chapter 3.

### **Performance of Plays: Questions**

**Q26: Are there any public protection issues specific to the deregulation of the performance of plays that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?**

**Q27: Are there any health and safety considerations that are unique to outdoor or site specific theatre that are different to indoor theatre that need to be taken into account?**

**Q28: Licensing authorities often include conditions regarding pyrotechnics and similar HAZMAT handling conditions in their licences. Can this type of restriction only be handled through the licensing regime?**

**Q29: Any there any other benefits or problems associated specifically with the proposal to deregulate theatre?**

## Chapter 6: Performance of dance

---

### Introduction

6. The main reasons for licensing performance of dance have historically centred around ensuring audience protection from unsuitable content, health and safety issues related to venues and performers, and generic noise control issues as outlined in Chapter 3.
- 6.1. At present dance in England and Wales is undergoing an explosion of interest across a very wide socio-demographic, with heightened interest in various forms of dance from street dance to ballroom as typified by television shows like *Britain's Got Talent*, *Strictly Come Dancing* and *So You Think You Can Dance?*.
- 6.2. There are multiple benefits from participation in this type of activity. As well as healthier lifestyles, there are social bond benefits in participation and performance. In addition the performance aspect of dance leads to awareness of teamwork and self esteem. As with plays, there is an empowering Big Society effect where local public place and local performance meet.
- 6.3. On many occasions, dance performance will be licensable, creating burdens on amateur dance groups and schools across England and Wales. At present schools are exempt from licensing requirements where parents are admitted for free, but if a school wished to admit the public or charge a small entry fee to benefit the Parent-Teacher Association (PTA), a licence or TEN would be required. This is one simple example of how removing the regulatory burden will free up schools (and similarly community and volunteer groups) to put on low risk productions in the community.

### Our proposal

- 6.4. **This consultation proposal is to remove dance from the definition of “regulated entertainment” in Schedule One to the Licensing Act 2003 for events for audiences of fewer than 5,000 people.**
- 6.5. Please note that Chapter 10 outlines that the Government is not proposing any relaxation of adult entertainment that could be classified as a performance of dance.

#### Performance of Dance: Questions

**Q30: Are there any public protection issues specific to the deregulation of the performance of dance that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?**

**Q31: Any there any other benefits or problems associated the proposal to deregulate the performance of dance?**

## Chapter 7: Exhibition of film

---

### Introduction

7. The exhibition of a film (defined as “any exhibition of moving pictures”) for public performance in England and Wales requires a licence.
- 7.1. Aside from any venue-specific operating conditions, as outlined in Chapter 3, the Licensing Act 2003 stipulates that licences to exhibit film must include as a mandatory condition that exhibitors comply with age classification restrictions on film content.
- 7.2. Section 20 of the Licensing Act 2003 sets out that that the licensing authority may itself provide the age restriction classification, or may defer to a qualified body under the Video Recordings Act 2004 (currently this is a role designated to the British Board of Film Classification “BBFC”).
- 7.3. Although licensing authorities use the BBFC ratings almost without exception, occasionally some licensing authorities have chosen to impose their own film classification to reflect local concerns.
- 7.4. In addition, licensing authorities are able to classify films that have not been given a BBFC rating. This can be because the film is not intended for national distribution - perhaps it is a local film or documentary intended mainly for streaming over the internet - or because a national classification will follow at a later point, as is the case with some film festivals, where a film is previewed before the final cut is made for distribution.

### Current situation - discrepancies

- 7.5. The existing BBFC and local licensing authority classification situation is, in our view, an effective mechanism to ensure child protection from unsuitable content and the Government has no intention of deregulating the exhibition of film unless it is able to continue the classification system which is well understood and is working effectively. However, the Government believes the licensing of film under the 2003 Act is largely unnecessary and disproportionate.
- 7.6. Examples have been where pre-school nurseries have required a licence to show children’s DVDs. There have been cases where pubs or clubs have wished to host a “tribute night” showing, for example, a recording of the 1966 World Cup final, but have been prevented from doing so by not having a licence. The list could extend to many other low risk activities, such as a members clubs wanting to show reruns of Virginia Wade’s Wimbledon victory during Wimbledon fortnight. Similarly if a venue without a licence permission for the exhibition of film wanted to run a film theme night, showing foreign film, or seasonal showing such as “It’s a Wonderful Life” at Christmas time –

they would require a licence or a TEN.

- 7.7. Additionally, where a venue wants to show a live broadcast of a football match there would not be a problem, but showing a broadcast that had been pre-recorded – even by a few minutes – would be classed as a licensable activity.
- 7.8. Besides these practical problems with the legislation as it stands, we have considered the potential benefits to film societies and community based film projects by removing the need for a licence – removing costs and bureaucracy. We would be grateful for your views on this aspect in the questions below.

### Our proposal

- 7.9. **This consultation proposal is to remove “exhibition of film” from the definition of “regulated entertainment” in Schedule One to the Licensing Act 2003 for events with audiences of fewer than 5,000 people. But before doing so we would ensure that the age classification safeguards could be retained.**
- 7.10. To do this we would use primary legislation to amend existing legislation before removing the activity from the Licensing Act 2003, so that there are no gaps in child protection. We see no reason to disrupt the arrangement where local licensing authorities are able to make local decisions on classifications, and we see the practical advantages in doing so.

### Cinema advertising

- 7.11. A separate consultation will be launched in the near future examining whether there is an ongoing need for both BBFC regulation and industry co-regulation of cinema advertising shown in auditoriums. **This is not the subject of this consultation.**

#### Exhibition of Film: Questions

**Q32: Do you agree with the Government’s position that it should only remove film exhibition from the list of regulated activities if an appropriate age classification system remains in place?**

**Q33: Do you have any views on how a classification system might work in the absence of a mandatory licence condition?**

**Q34: If the Government were unable to create the situation outlined in the proposal and above (for example, due to the availability of Parliamentary time) are there any changes to the definition of film that could be helpful to remove unintended consequences, as outlined earlier in this document - such as showing children’s DVDs to pre-school nurseries, or to ensure more parity with live broadcasts?**

**Q35: Are there any other issues that should be considered in relation to deregulating the exhibition of film from licensing requirements?**

## Chapter 8: Indoor sport

---

### Introduction

8. Indoor sport held before a public audience is also regulated by the Licensing Act 2003, unlike outdoor sport (excluding Boxing and Wrestling). It is unclear why indoor sport should be subject to this additional level of regulation. Sport in outdoor venues, including those with moveable roofs, is regulated by a different regime and does not require a licence under the 2003 Act.
- 8.1. Indoor sport is defined as: a sporting event which takes place wholly inside a building in front of spectators. Sport includes any game in which physical skill is the predominant factor, and any form of physical recreation which is also engaged in for purposes of competition or display. This includes activities such as gymnastics, netball, ice hockey and swimming as well as acrobatic displays at a circus or, where there is an audience, darts and snooker.

### Outdoor sport

- 8.2. Football is obviously one of the key spectator sports in England and Wales, and in the past has a history of crowd management problems. Football is regulated by the Safety of Sports Grounds Act 1975, modified by the Safety of Sports Grounds (Accommodation of Spectators) Order 1996, which makes use of a capacity spectator threshold of 5,000 before the specific designations need to be put in place for Premiership or Football League grounds. A higher limit, of 10,000, applies to other sports grounds.

### Indoor sport

- 8.3. The Government believes that the different approaches to outdoor and indoor sports are not justified and that indoor sport should be brought more in line with the arrangements for outdoor events.
- 8.4. This consultation therefore seeks views on the removal of indoor sport, for venues with under 5,000 spectators. Deregulating indoor sports with a capacity of below 5,000 spectators would put sports such as snooker, gymnastics and swimming on a par with football, which is often seen as a greater risk due to incidents of public disorder.

### Indoor Sport: Questions

**Q36: Are there any public protection issues specific to the deregulation of the indoor sport that are not covered in chapter 3 of this consultation? If yes, please outline the specific nature of the sport and the risk involved and the extent to which other interventions can address those risks.**

**Q37: Are there any other issues that should be considered in relation to deregulating the indoor sport from licensing requirements?**

## Chapter 9: Boxing and Wrestling

---

### Introduction

9. Public exhibition of boxing and wrestling and events of a similar nature are classed as regulated entertainment under Schedule One of the Licensing Act 2003.
- 9.1. Boxing and wrestling have historically been subject to licensing controls to ensure there is a safe environment for spectators with regard to crowd control and certain health and safety aspects connected with the physical activity on display. In addition, the licence requirement has provided additional safeguards for participants.
- 9.2. **This consultation proposes that boxing exhibitions, and events of a similar nature, should in general continue to be licensed.** However, we would welcome views as to whether boxing and wrestling events that are organised by the governing bodies of the sport recognised by the Sports Councils should continue to require licences under the 2003 Act. In addition, we would welcome views on whether the definition of boxing and wrestling should be refined to ensure it includes, for example, martial arts and cage fighting.

#### Boxing and Wrestling, and Events of a Similar Nature: Questions

**Q38: Do you agree with our proposal that boxing and wrestling should continue to be regarded as “regulated entertainment”, requiring a licence from a local licensing authority, as now?**

**Q39: Do you think there is a case for deregulating boxing matches or wrestling entertainments that are governed by a recognised sport governing body? If so please list the instances that you suggest should be considered.**

**Q40. Do you think that licensing requirements should be specifically extended to ensure that it covers public performance or exhibition of any other events of a similar nature, such as martial arts and cage fighting? If so, please outline the risks that are associated with these events, and explain why these cannot be dealt with via other interventions**

## Chapter 10: Recorded Music and Entertainment Facilities

---

### Background: recorded music

10. The playing of recorded music to an audience is licensable under the Licensing Act 2003, where music is more than merely incidental to another activity that is not, in itself, regulated entertainment. For example, recorded music playing in a hotel lobby or a shop is not likely to be thought to be the primary reason for attendance at that location and does not require a licence – but a performance of a set by a famous DJ is likely to be currently licensable in pursuance of the four licensing objectives of the Licensing Act 2003
- 10.1. We see no reason why recorded music needs to be licensed. If live music should be deregulated, as is our proposal, then we feel that the same principles should apply to recorded music, with the same controls and sanctions available to ensure that good practice is followed.
- 10.2. Please note that this is not the same issue as a requirement to pay the Performing Rights Society or similar organisation for use of their artists' intellectual copyright – the proposal is simply to deregulate from a licensing regime in pursuance of the four licensing objectives of the Licensing Act 2003.

### Our proposal

- 10.3. **We propose to remove the need for a special licence for the playing of recorded music to audiences of fewer than 5,000 people.** In the case of premises licensed to sell alcohol, we feel that this proposal is very sound. The possibility of a licence review, which can lead to the removal of an alcohol licence, a heavy fine, or even a sentence of up to six months imprisonment for the licence holder, provides a compelling reason for licensed premises to comply.
- 10.4. Where recorded music is played in other situations (such as a disco in a village hall with no alcohol licence) local management arrangements are likely to provide a common sense solution to any potential problems, coupled with the protections available in the Environmental Protection Act 1990. Nonetheless we welcome views on the subject below.
- 10.5. We have also received representations on the subject of “raves” and whether this proposal would open up any loopholes in the law with regard to illegal raves, and again, we pose questions below to ensure that this proposal does not open up any gaps in the law.



## Entertainment facilities

- 10.6. The definition of “entertainment facilities” in the Licensing Act 2003 has proved to be a thorny issue.
- 10.7. Entertainment facilities are defined in the Licensing Act 2003 in the following manner:
- “entertainment facilities” means facilities for enabling persons to take part in entertainment of a description falling within sub-paragraph (2) for the purpose, or for purposes which include the purpose, of being entertained.
- (2)The descriptions of entertainment are—
- (a) making music,
  - (b) dancing,
  - (c) entertainment of a similar description to that falling within paragraph (a) or (b).
- 10.8. The intention of the principle of “entertainment facilities” in the Licensing Act 2003 was to ensure that as well as ensuring that the activities classified as “regulated entertainment” were properly considered by licensing authorities, any key equipment and its effects were similarly reviewed.
- 10.9. This consultation proposes to remove the need for consideration of entertainment facilities in any eventuality. This would cover, karaoke, musical instruments, dance floors and other equipment needed in support of making music or dancing. We would be grateful for views on this proposal.

### Recorded Music and Entertainment Facilities: Questions

**Q41: Do you think that, using the protections outlined in Chapter 3, recorded music should be deregulated for audiences of fewer than 5,000 people? If not, please state reasons and evidence of harm.**

**Q42: If you feel that a different audience limit should apply, please state the limit that you think suitable and the reasons why this limit is the right one.**

**Q43: Are there circumstances where you think recorded music should continue to require a licence? If so, please could you give specific details and the harm that could be caused by removing the requirement?**

**Q44: Any there any other benefits or problems associated specifically with the proposal to deregulate recorded music?**

**Q45: Are there any specific instances where Entertainment Facilities need to be regulated by the Licensing Act, as in the current licensing regime? If so, please provide details.**

## Chapter 11: Clearing up unintended consequences: clear laws and clear guidance

---

### Introduction

11. There is a great deal of evidence that licensing authorities and event's organisers find parts of the Licensing Act 2003 very difficult to interpret. The 2003 Act is a voluminous and highly complex piece of legislation, and this has led to different interpretations across licensing authorities. In this chapter we would be grateful for views on this issue, and on how best to ensure greater clarity around entertainment licensing, notwithstanding the proposals to remove most regulated entertainment set out earlier in this document.

### Clear laws and clear guidance

11.1. Where it is possible to clear up any problematic issues with regard to regulated entertainment we would like to take the opportunity to do so via this consultation.

#### Unintended consequences: Questions

**Q46: Are there any definitions within Schedule One to the Act that are particularly difficult to interpret, or that are otherwise unclear, that you would like to see changed or clarified?**

**Q47: Paragraph 1.5 outlines some of the representations that DCMS has received over problems with the regulated entertainment aspects of the Licensing Act 2003. Are you aware of any other issues that we need to take into account?**

### Adult entertainment

11.2. **We see no reason to deregulate adult entertainment and this consultation is not seeking views on this issue.**

11.3. Although adult entertainment is not specified in Schedule One to the Licensing Act 2003 as a licensable activity, the Act does play a part in the current controls process.

11.4. The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 to make provision for the regulation of "sexual entertainment venues". As a result, venues that hold **regular** performance of adult entertainment,

such as lap dance, table dancing or striptease require a separate permission from the local authority.

- 11.5. The Licensing Act 2003 does though play a part in controlling performance of this nature that is held **infrequently**. Specifically, a venue is a sexual entertainment venue where live performance or live display of nudity is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
- 11.6. However, this does not apply when the venues has not been used on more than eleven occasions for such activities in the previous 12 months. In those instances, the activity is regulated under the 2003 Act as a performance of dance. In deregulating dance, the Government would ensure that there was no change in how sex entertainment is regulated.

#### **Adult Entertainment: Question**

**Q48: Do you agree with our proposal that deregulation of dance should not extend to sex entertainment? Please provide details.**

## Annex A: Summary list of questions

---

### Proposal Impacts: Questions

**Q1: Do you agree that the proposals outlined in this consultation will lead to more performances, and would benefit community and voluntary organisations? If yes, please can you estimate the amount of extra events that you or your organisation or that you think others would put on?**

**Q2: If you are replying as an individual, do you think this proposal would help you participate in, or attend, extra community or voluntary performance?**

**Q3: Do you agree with our estimates of savings to businesses, charitable and voluntary organisations as outlined in the impact assessment? If you do not, please outline the areas of difference and any figures that you think need to be taken into account (see paragraph 57 of the Impact Assessment).**

**Q4: Do you agree with our estimates of potential savings and costs to local authorities, police and others as outlined in the impact assessment? If you do not, please outline the areas of difference and any figures you think need to be taken into account.**

**Q5: Would you expect any change in the number of noise complaints as a result of these proposals? If you do, please provide a rationale and evidence, taking into account the continuation of licensing authority controls on alcohol licensed premises and for late night refreshment**

**Q6: The Impact Assessment for these proposals makes a number of assumptions around the number of extra events, and likely attendance that would arise, if the deregulation proposals are implemented. If you disagree with the assumptions, as per paragraphs 79 and 80 of the Impact Assessment, please provide estimates of what you think the correct ranges should be and explain how those figures have been estimated.**

**Q7: Can you provide any additional evidence to inform the Impact Assessment, in particular in respect of the impacts that have not been monetised?**

**Q8: Are there any impacts that have not been identified in the Impact Assessment?**

**Q9: Would any of the different options explored in this consultation have noticeable implications for costs, burdens and savings set out in the impact assessment? If so, please give figures and details of evidence behind your assumptions.**

**Q10: Do you agree that premises that continue to hold a licence after the reforms would be able to host entertainment activities that were formerly regulated without the need to go through a Minor or Full Variation process?**

## **The Role of Licensing Controls: Questions**

**Q11: Do you agree that events for under 5,000 people should be deregulated across all of the activities listed in Schedule One of the Licensing Act 2003?**

**Q12: If you believe there should be a different limit – either under or over 5,000, what do you think the limit should be? Please explain why you feel a different limit should apply and what evidence supports your view.**

**Q13: Do you think there should be different audience limits for different activities listed in Schedule One? If so, please could you outline why you think this is the case. Please could you also suggest the limits you feel should apply to the specific activity in question.**

**Q14: Do you believe that premises that would no longer have a licence, due to the entertainment deregulation, would pose a significant risk to any of the four original licensing objectives? If so please provide details of the scenario in question.**

**Q15: Do you think that outdoor events should be treated differently to those held indoors with regard to audience sizes? If so, please could you explain why, and what would this mean in practice.**

**Q16: Do you think that events held after a certain time should not be deregulated? If so, please could you explain what time you think would be an appropriate cut-off point, and why this should apply.**

**Q17: Should there be a different cut off time for different types of entertainment and/or for outdoor and indoor events? If so please explain why.**

**Q18: Are there alternative approaches to a licensing regime that could help tackle any potential risks around the timing of events?**

**Q19: Do you think that a code of practice would be a good way to mitigate potential risks from noise? If so, what do think such a code should contain and how should it operate?**

**Q20: Do you agree that laws covering issues such as noise, public safety, fire safety and disorder, can deal with potential risks at deregulated entertainment events? If not, how can those risks be managed in the absence of a licensing regime?**

**Q21: How do you think the timing / duration of events might change as a result of these proposals? Please provide reasoning and evidence for any your view.**

**Q22: Are there any other aspects that need to be taken into account when considering the deregulation of Schedule One in respect of the four licensing objectives of the Licensing Act 2003?**

### **Performance of Live Music: Questions**

**Q23: Are there any public protection issues specific to the deregulation of the performance of live music that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?**

**Q24: Do you think that unamplified music should be fully deregulated with no limits on numbers and time of day/night? If not, please explain why and any evidence of harm.**

**Q25: Any there any other benefits or problems associated specifically with the proposal to deregulate live music?**

### **Performance of Plays: Questions**

**Q26: Are there any public protection issues specific to the deregulation of the performance of plays that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?**

**Q27: Are there any health and safety considerations that are unique to outdoor or site specific theatre that are different to indoor theatre that need to be taken into account?**

**Q28: Licensing authorities often include conditions regarding pyrotechnics and similar HAZMAT handling conditions in their licences. Can this type of restriction only be handled through the licensing regime?**

**Q29: Any there any other benefits or problems associated specifically with the proposal to deregulate theatre?**

### **Performance of Dance: Questions**

**Q30: Are there any public protection issues specific to the deregulation of the performance of dance that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?**

**Q31: Any there any other benefits or problems associated the proposal to deregulate the performance of dance?**

## **Exhibition of Film: Questions**

**Q32: Do you agree with the Government's position that it should only remove film exhibition from the list of regulated activities if an appropriate age classification system remains in place?**

**Q33: Do you have any views on how a classification system might work in the absence of a mandatory licence condition?**

**Q34: If the Government were unable to create the situation outlined in the proposal and above (for example, due to the availability of Parliamentary time) are there any changes to the definition of film that could be helpful to remove unintended consequences, as outlined earlier in this document - such as showing children's DVDs to pre-school nurseries, or to ensure more parity with live broadcasts?**

**Q35: Are there any other issues that should be considered in relation to deregulating the exhibition of film from licensing requirements?**

## **Indoor Sport: Questions**

**Q36: Are there any public protection issues specific to the deregulation of the indoor sport that are not covered in chapter 3 of this consultation? If yes, please outline the specific nature of the sport and the risk involved and the extent to which other interventions can address those risks.**

**Q37: Are there any other issues that should be considered in relation to deregulating the indoor sport from licensing requirements?**

## **Boxing and Wrestling, and Events of a Similar Nature: Questions**

**Q38: Do you agree with our proposal that boxing and wrestling should continue to be regarded as "regulated entertainment", requiring a licence from a local licensing authority, as now?**

**Q39: Do you think there is a case for deregulating boxing matches or wrestling entertainments that are governed by a recognised sport governing body? If so please list the instances that you suggest should be considered.**

**Q40. Do you think that licensing requirements should be specifically extended to ensure that it covers public performance or exhibition of any other events of a similar nature, such as martial arts and cage fighting? If so, please outline the risks that are associated with these events, and explain why these cannot be dealt with via other interventions.**

## Recorded Music and Entertainment Facilities: Questions

**Q41:** Do you think that, using the protections outlined in Chapter 3, recorded music should be deregulated for audiences of fewer than 5,000 people? If not, please state reasons and evidence of harm.

**Q42:** If you feel that a different audience limit should apply, please state the limit that you think suitable and the reasons why this limit is the right one.

**Q43:** Are there circumstances where you think recorded music should continue to require a licence? If so, please could you give specific details and the harm that could be caused by removing the requirement?

**Q44:** Any there any other benefits or problems associated specifically with the proposal to deregulate recorded music?

**Q45:** Are there any specific instances where Entertainment Facilities need to be regulated by the Licensing Act, as in the current licensing regime? If so, please provide details.

## Unintended consequences: Questions

**Q46:** Are there any definitions within Schedule One to the Act that are particularly difficult to interpret, or that are otherwise unclear, that you would like to see changed or clarified?

**Q47:** Paragraph 1.5 outlines some of the representations that DCMS has received over problems with the regulated entertainment aspects of the Licensing Act 2003. Are you aware of any other issues that we need to take into account?

## Adult Entertainment: Question

**Q48:** Do you agree with our proposal that deregulation of dance should not extend to sex entertainment? Please provide details.



## Annex B: How to Respond

---

You can respond to the consultation in the following ways:

### Online

[Regulated\\_entertainment\\_consultation@culture.gsi.gov.uk](mailto:Regulated_entertainment_consultation@culture.gsi.gov.uk)

### By post

You can print out the summary list of questions above and fill in responses by hand. Please send these to:

Nigel Wakelin  
Regulated Entertainment Consultation Co-ordinator  
Department for Culture, Media and Sport  
2-4 Cockspur Street  
London  
SW1Y 5DH

### Closing date

The closing date for responses is **3 December, 2011**.

### After the consultation

We will post a summary of answers on the DCMS website ([www.culture.gov.uk](http://www.culture.gov.uk)) after the end of the consultation together with an analysis of responses. We will publish the Government's response in due course.

### Freedom of Information

We are required to release information to comply with the Environmental Information Regulations 2004 and Freedom of Information Act 2000. We will not allow any unwarranted breach of confidentiality, nor will we contravene our obligations under the Data Protection Act 1998, but please note that we will not treat any confidentiality disclaimer generated by your IT system in e-mail responses as a request not to release information.

### Compliance with the Code of Practice on Consultation

This consultation complies with the Code.

### Complaints

If you have any comments or complaints about the consultation process (as opposed to comments on these issues that are part of the consultation) please send them to:

Complaints Department (Consultations)  
Department for Culture, Media and Sport  
2-4 Cockspur Street  
London  
SW1Y 5DH

## Annex C: List of Consultees

---

Anyone can respond to this consultation. This list of consultees indicates those organisations that we will contact to suggest that they may wish to respond.

Agents' Association  
Action with Communities in Rural England  
Alcohol Concern  
Amateur Boxing Association  
Arts Council England  
Arts Council of Wales  
Association of British Insurers  
Association of Chief Police Officers  
Association of Circus Proprietors of Great Britain  
Association of Festival Organisers (AFO)  
Association of Independent Festivals  
Association of Independent Music (AIM)  
Association of Inland Navigation Authorities  
Association of Licensed Multiple Retailers  
Association of School and College Leaders  
Association of Show and Agricultural Organisations  
BII (British Institute of Innkeeping)  
BPI (The British Recorded Music Industry)  
British Arts Festivals Association  
British Association of Concert Halls  
British Beer and Pub Association  
British Board of Film Classification (BBFC)  
British Boxing Board of Control  
British Film Institute (BFI)  
British Holiday and Home Parks Association  
British Hospitality and Restaurant Association  
British Marine Federation  
British Retail Consortium  
British Wrestling Association  
Business in Sport and Leisure  
Cadw  
Campaign for Real Ale  
Carnival Village  
Charity Commission  
Chartered Institute of Environmental Health  
Chief Fire Officers' Association  
Children's Society  
Cinema Advertising Association  
Cinema Exhibition Association  
Circus Arts Forum

Commission for Rural Communities  
Committee of Registered Clubs Associations  
Community Matters  
Dance UK  
English Folk Dance and Song Society  
English Heritage  
Equity  
Federation of Licensed Victuallers  
Federation of Licensed Victuallers (Wales)  
Federation of Private Residents' Association  
Federation of Small Businesses  
Film Distributors' Association  
Fire Officers Association  
Football Licensing Authority (FLA)  
Foundation for Community Dance  
Guild of Master Victuallers  
Health and Safety Executive (HSE)  
Historic Houses Association  
Independent Street Arts Network  
Independent Theatre Council (ITC)  
Institute of Licensing  
International Live Music Conference  
Jazz Services  
Justices Clerk Society  
Lap Dancing Association  
Licensing Act Active Residents Network  
Local Government Regulation (LGR)  
Local Government Association (LGA)  
Magistrates Association  
Making Music (the National Federation of Music Societies)  
Maritime and Coastguard Agency  
Metropolitan Police  
Musicians Union  
National Arenas Association  
National Association of Head Teachers  
National Association of Local Councils  
National Association of Local Government Arts Officers  
National Campaign for the Arts  
National Confederation of Parent Teacher Associations  
National Farmers' Retail & Markets Association  
National Governors' Association  
National Neighbourhood Watch Association  
National Operatic and Dramatic Association  
National Organisation of Residents Associations  
National Rural Touring Forum  
National Village Halls Forum  
Noctis  
Noise Abatement Society  
Open all Hours  
Parliamentary Performers Alliance  
Passenger Boat Association

Paterson's Licensing Acts  
Police Federation  
Police Superintendents' Association  
Production Services Association  
Rotary International in GB and Ireland  
Society of Local Council Clerks  
Society of London Theatres/ Theatrical Management Association (SLT/TMA)  
Sports Council for Wales  
Sport England  
Sports and Recreation Alliance  
The Theatres Trust  
Tourism for All  
Trading Standards Institute  
UK Centre for Carnival Arts  
UK Live Music Group  
UK Music  
UK Sport  
Voluntary Arts Network  
Welsh Local Government Association  
Welsh Music Foundation  
Welsh Council for Voluntary Action





department for  
**culture, media  
and sport**

2-4 Cockspur Street  
London SW1Y 5DH  
[www.culture.gov.uk](http://www.culture.gov.uk)

Department for Culture, Media and Sport  
Regulated Entertainment 3

Annex A: Summary list of questions

Proposal Impacts: Questions

**Q1: Do you agree that the proposals outlined in this consultation will lead to more performances, and would benefit community and voluntary organisations? If yes, please can you estimate the amount of extra events that you or your organisation or that you think others would put on?**

**No – none. Venues moving into entertainment provision may use incidental music exemption, TEN, minor variation, variation processes. Local experience shows noise nuisance powers more likely to restrict venues.**

**Q2: If you are replying as an individual, do you think this proposal would help you participate in, or attend, extra community or voluntary performance?**

**N/A**

**Q3: Do you agree with our estimates of savings to businesses, charitable and voluntary organisations as outlined in the impact assessment? If you do not, please outline the areas of difference and any figures that you think need to be taken into account (see paragraph 57 of the Impact Assessment).**

**No – no savings recognised. Our SOLP makes presumption against regulated entertainment in buildings containing or abutting residences recognising impossibility of protecting residents while allowing sufficient artistic expression (sound levels)**

**Q4: Do you agree with our estimates of potential savings and costs to local authorities, police and others as outlined in the impact assessment? If you do not, please outline the areas of difference and any figures you think need to be taken into account.**

**No. Don't believe there will be any potential savings – costs will be increased by having to carry out additional enforcement, investigate complaints etc. There will be additional burdens on health and safety and environmental protection regulation.**

**Q5: Would you expect any change in the number of noise complaints as a result of these proposals? If you do, please provide a rationale and evidence, taking into account the continuation of licensing authority controls on alcohol licensed premises and for late night refreshment**

**Yes – since Licensing Act 2003 and night time have noise offence provisions, use of cumulative impact zone, noise complaints from licensed premises decline at c10% p.a..**

**Q6: The Impact Assessment for these proposals makes a number of assumptions around the number of extra events, and likely attendance that would arise, if the deregulation proposals are implemented. If you disagree with the assumptions, as per paragraphs 79 and 80 of the Impact Assessment, please provide estimates of what you think the correct ranges should be and explain how those figures have been estimated.**

**Number of extra events and attendance if deregulation proposals implemented. If live and recorded music was deregulated, potential for music events for 4999 people with no safety management plan etc.**

**Q7: Can you provide any additional evidence to inform the Impact Assessment, in particular in respect of the impacts that have not been monetised?**

**An assessment of RIDDOR reports and CIEH noise statistics should be undertaken.**

**Q8: Are there any impacts that have not been identified in the Impact Assessment?**

**Yes. Sussex Police feel that by having the need for a licence in place we demand a buy in from venues and will promote best practice and risk considerations. By deregulating we run the risk of allowing all manner of events to take place with little or no consultation. There will be no interest in running a safe event as the licence (which can be reviewed) is no longer in place. If we had a big problem following deregulation what enforcement action could we in all reality take against some non licensed premises or unscrupulous operators. Provision of regulated entertainment presents a risk that warrants prior consent to protect public safety (regrettably some personal injury solicitors have focussed on accidental injury).**

**Q9: Would any of the different options explored in this consultation have noticeable implications for costs, burdens and savings set out in the impact assessment? If so, please give figures and details of evidence behind your assumptions.**

**Costs will be increased by having to carry out additional enforcement, investigate complaints, additional policing of events etc. The option of having incidental music exemption, TENs and minor variations provide reasonable protections..**

**Q10: Do you agree that premises that continue to hold a licence after the reforms would be able to host entertainment activities that were formerly regulated without the need to go through a Minor or Full Variation process?**

**Self evidently. They would be able to host events without variation applications but they could also apply to remove any relevant conditions thus removing licensing enforcement powers. In many instances conditions were added to protect public safety, prevent public nuisance etc.**



## The Role of Licensing Controls: Questions

**Q11: Do you agree that events for under 5,000 people should be deregulated across all of the activities listed in Schedule One of the Licensing Act 2003?**

**No – 5000 is far too high. Agree with ACPO suggestion of 499 to tie in with TENs or 200 as S177 Licensing Act 2003. Night club customers are at risk of violence, slips and trips, falls from height, crushing from overcrowding. Neighbours suffer nuisance from premises and patrons leaving. SOLP recognises presumption against grant for regulated entertainment in buildings containing or abutting residences as impossible to protect residents from nuisance from structure borne sound and maintain sufficient sound levels.**

**Q12: If you believe there should be a different limit – either under or over 5,000, what do you think the limit should be? Please explain why you feel a different limit should apply and what evidence supports your view.**  
**499 (in line with Temporary Event Notices) would be better but that is still a large venue/lots of people with potential noise, nuisance, crime and disorder implications or as envisaged by Section 177 of Licensing Act 2003 – 200 but used as confusingly drafted.**

**Q13: Do you think there should be different audience limits for different activities listed in Schedule One? If so, please could you outline why you think this is the case. Please could you also suggest the limits you feel should apply to the specific activity in question.**  
**Difference audience limits for different activities – this would be difficult to enforce – make it the same for all activities? No enforceability.**

**Q14: Do you believe that premises that would no longer have a licence, due to the entertainment deregulation, would pose a significant risk to any of the four original licensing objectives? If so please provide details of the scenario in question.**

**Yes – as above. Sussex Police believe that by having the need for a licence in place we demand a buy in from venues and will promote best practice and risk considerations. By deregulating we run the risk of allowing all manner of events to take place with little or no consultation. There will be no interest in running a safe event as the licence (which can be reviewed) is no longer in place. If we had a big problem following deregulation what enforcement action could we in all reality take against some non licensed premises or unscrupulous operators. e.g. Hippodrome/potential to undermine CIZ? Almost all have a licence for sale of alcohol in effect would by conditions protecting safety and nuisance would be lost. Total licences would remain similar. The public nuisance objective would not be supported.**

**Q15: Do you think that outdoor events should be treated differently to those held indoors with regard to audience sizes? If so, please could you explain why, and what would this mean in practice.**

Yes – events planning. Sussex Police say: With having most forms of regulated entertainment require a licence we are currently up to date with most of the events which take place. The larger events tend to be well managed and there are planning meetings between interested parties in advance of the event itself. This deals with issues around public safety, traffic management, security, drugs etc. By adopting a stance of anything under 5000 is fine we are running the risk of becoming aware of events far too late to deal effectively with them if badly run or organised. Locally all major open spaces were licensed to promote concerts, events, circuses, street artists.

**Q16: Do you think that events held after a certain time should not be deregulated? If so, please could you explain what time you think would be an appropriate cut-off point, and why this should apply.**

Yes – SOLP specifies terminal hours for residential, mixed/residential, city centre leisure areas

**Q17: Should there be a different cut off time for different types of entertainment and/or for outdoor and indoor events? If so please explain why.**

Yes..... SOLP specifies at 4.5 regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas.

**Q18: Are there alternative approaches to a licensing regime that could help tackle any potential risks around the timing of events?**

No. If this deregulation measure was applied to the Road Traffic Act, you could drive a motor bike or car without a licence but not HGV/PCV.

**Q19: Do you think that a code of practice would be a good way to mitigate potential risks from noise? If so, what do think such a code should contain and how should it operate?**

No. Sussex Police believe best practice should always be in place and at least considered. No enforcement policy based on better regulation principles is sufficient.

**Q20: Do you agree that laws covering issues such as noise, public safety, fire safety and disorder, can deal with potential risks at deregulated entertainment events? If not, how can those risks be managed in the absence of a licensing regime?**

No. Sussex Police feel that it is not good enough to state that existing legislation in other forms will deal with any risks from deregulation. A commercial building with no alcohol or late night refreshment would have the ability to become a dance led venue with no regulation at all. If they bring their own alcohol where do we stand? Fire safety is already dealt with separately (RR) however public safety using H&S powers and public nuisance prevention using EP powers cannot be used as preventative action.

**Q21: How do you think the timing / duration of events might change as a result of these proposals? Please provide reasoning and evidence for any your view.**

**None – meaningless deregulation. Main obstacles to events remain the same: proximity of residents and safety of audiences.**

**Q22: Are there any other aspects that need to be taken into account when considering the deregulation of Schedule One in respect of the four licensing objectives of the Licensing Act 2003?**

**No.**

#### **Performance of Live Music: Questions**

**Q23: Are there any public protection issues specific to the deregulation of the performance of live music that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?**

**Yes. Potential for unregulated events of live music where large crowds of people attend – no safety management plan, noise plan etc etc. Recent experience of dealing with raves (in day time) made impossible by removal of controls on regulated entertainment.**

**Q24: Do you think that unamplified music should be fully deregulated with no limits on numbers and time of day/night? If not, please explain why and any evidence of harm.**

**No – Sussex Police feel that by deregulating unamplified music due to natural acoustic reach all we would potentially do would be to cram more people closer together to hear the music. This could easily and very quickly lead to crowd density issues. With this event being unlicensed there would be no safeguards in place potentially. From local experience this leads to overcrowding, nuisance from patrons, nuisance from music and audiences.**

**Q25: Any there any other benefits or problems associated specifically with the proposal to deregulate live music?**

**No. SOLP already encourages live music in B&H but in order to protect residents, it needs to be regulated in public interest as it is not without risks.**

#### **Performance of Plays: Questions**

**Q26: Are there any public protection issues specific to the deregulation of the performance of plays that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?**

**No. Theatres etc encouraged in SOLP – see 7.1, 7.2, 7.3**

**Q27: Are there any health and safety considerations that are unique to outdoor or site specific theatre that are different to indoor theatre that need to be taken into account?**

**Yes, temporary structures, outdoor temporary electrical installation, pyrotechnics, special effects.**

**Q28: Licensing authorities often include conditions regarding pyrotechnics and similar HAZMAT handling conditions in their licences. Can this type of restriction only be handled through the licensing regime?**

**Yes, unless a H&S improvement notice would be subject to appeal provisions.**

**Q29: Any there any other benefits or problems associated specifically with the proposal to deregulate theatre?**

**Theatres etc encouraged in SOLP – see 7.1, 7.2, 7.3**

#### **Performance of Dance: Questions**

**Q30: Are there any public protection issues specific to the deregulation of the performance of dance that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?**

**Potential for raves.**

**Q31: Any there any other benefits or problems associated the proposal to deregulate the performance of dance?**

**No**

#### **Exhibition of Film: Questions**

**Q32: Do you agree with the Government's position that it should only remove film exhibition from the list of regulated activities if an appropriate age classification system remains in place?**

**No. SOLP – appendix F – Film classification and 5.5 premises giving film exhibitions. Cinema licensing can also cover care of children, lighting levels, attendant levels, seating and gangways, balconies, safety checks, escape routes, capacities, first aid, electrical safety.**

**Q33: Do you have any views on how a classification system might work in the absence of a mandatory licence condition?**

**SOLP – appendix F – Film classification. It would require a new regulatory framework. Enforcing authority would need to be identified and funded.**

**Q34: If the Government were unable to create the situation outlined in the proposal and above (for example, due to the availability of Parliamentary time) are there any changes to the definition of film that could be helpful to remove unintended consequences, as outlined earlier in this document - such as showing children's DVDs to pre-school nurseries, or to ensure more parity with live broadcasts?**

**Add children's nurseries etc to legislation same as museums.**

**Q35: Are there any other issues that should be considered in relation to deregulating the exhibition of film from licensing requirements?**

**No.**

#### **Indoor Sport: Questions**

**Q36: Are there any public protection issues specific to the deregulation of the indoor sport that are not covered in chapter 3 of this consultation? If yes, please outline the specific nature of the sport and the risk involved and the extent to which other interventions can address those risks.**

**No.**

**Q37: Are there any other issues that should be considered in relation to deregulating the indoor sport from licensing requirements?**

**No.**

#### **Boxing and Wrestling, and Events of a Similar Nature: Questions**

**Q38: Do you agree with our proposal that boxing and wrestling should continue to be regarded as “regulated entertainment”, requiring a licence from a local licensing authority, as now?**

**Yes**

**Q39: Do you think there is a case for deregulating boxing matches or wrestling entertainments that are governed by a recognised sport governing body? If so please list the instances that you suggest should be considered.**

**No**

**Q40. Do you think that licensing requirements should be specifically extended to ensure that it covers public performance or exhibition of any other events of a similar nature, such as martial arts and cage fighting? If so, please outline the risks that are associated with these events, and explain why these cannot be dealt with via other interventions.**

**Yes – Sussex Police would like to see martial arts and cage fighting added**

#### **Recorded Music and Entertainment Facilities: Questions**

**Q41: Do you think that, using the protections outlined in Chapter 3, recorded music should be deregulated for audiences of fewer than 5,000 people? If not, please state reasons and evidence of harm.**

**No. About 10% of noise complaints arise from licensed premises, particularly regulated entertainment.**

**Q42: If you feel that a different audience limit should apply, please state the limit that you think suitable and the reasons why this limit is the right one.**

**499 or less to tie in with TENs or 200 as S177 Licensing Act 2003.**

**Q43: Are there circumstances where you think recorded music should continue to require a licence? If so, please could you give specific details and the harm that could be caused by removing the requirement?**

**Yes – music played by DJ’s – potential noise problems.**

**Q44: Any there any other benefits or problems associated specifically with the proposal to deregulate recorded music?**

**Local problems: various entertainment pubs and night clubs likely to create public nuisance.**

**Q45: Are there any specific instances where Entertainment Facilities need to be regulated by the Licensing Act, as in the current licensing regime? If so, please provide details.**

**Yes – karaoke, comperes at quiz nights – noise problems**

**Unintended consequences: Questions**

**Q46: Are there any definitions within Schedule One to the Act that are particularly difficult to interpret, or that are otherwise unclear, that you would like to see changed or clarified?**

**Yes – h) anything of a similar description to that falling within (d), (f) or (g) and k) entertainment of a similar description to that falling within (i) or (j).**

**Q47: Paragraph 1.5 outlines some of the representations that DCMS has received over problems with the regulated entertainment aspects of the Licensing Act 2003. Are you aware of any other issues that we need to take into account?**

1.5. Indeed tidying up the administrative processes created new problems for many others. The Government has received countless representations about the difficulties that the 2003 Act has brought to a wide range of cultural and voluntary sector and commercial organisations. New licensing requirements, under the 2003 Act were, for many, a step backwards, bringing costly and bureaucratic processes for low risk, or no risk, events, including:

- Private events where a charge is made to raise money for charity;
- School plays and productions;
- Punch and Judy performances;
- Travelling circuses;
- Children’s films shown to toddler groups;
- Music performances to hospital patients;
- Brass bands playing in the local park;
- School discos where children are charged a ticket price to support the PTA;
- Exhibitions of dancing by pupils at school fetes;
- Costumed storytellers;
- Folk duos in pubs;
- Pianists in restaurants;

- Magician's shows;
- Performances by street artists;
- And even performances by a quayside barber shop quartet.

**BHCC hasn't had any problems with any of the above as far as I'm aware. We licensed the majority of our parks and open spaces to allow travelling circuses to perform in the city without the necessity of having to apply for a licence. We have an enforcement policy and a risk based premises inspection which concentrates on working with problem premises.**

#### **Adult Entertainment: Question**

**Q48: Do you agree with our proposal that deregulation of dance should not extend to sex entertainment? Please provide details.**

**Yes – sex entertainment (including lap dancing/pole dancing) covered by other legislation and it must be made clear that deregulation of dance does not include SEVs.**

#### **Annex B: How to Respond**

You can respond to the consultation in the following ways:

##### **Online**

Regulated\_entertainment\_consultation@culture.gsi.gov.uk

##### **By post**

You can print out the summary list of questions above and fill in responses by hand. Please send these to:

Nigel Wakelin

Regulated Entertainment Consultation Co-ordinator

Department for Culture, Media and Sport

2-4 Cockspur Street

London

SW1Y 5DH

##### **Closing date**

The closing date for responses is **3 December, 2011**.





I have read through the consultation document and am amazed that this is being taken seriously at the numbers proposed. I cannot make the next meeting on the 20th as I'm away but here are some thoughts.

Would it not be easier to limit this to 500, as suggested by ACPO and not 5000 as proposed. This would mean that the small local events would not need apply for a licence. This would cover the non commercial and community events which seem to be highlighted within the document. However it would still mean that a licence (and potentially conditions which are enforceable) would be required for anything over this amount. It is not good enough to state that existing legislation in other forms will deal with any risks from deregulation. A commercial building with no alcohol or late night refreshment would have the ability to become a dance led venue with no regulation at all. If they bring their own alcohol where do we stand ??

With paragraph 2.25 (page 11) if a venue has existing conditions on the licence which directly apply to formerly regulated entertainment then how can they leave them on as they will potentially make any of the deregulated entertainment illegal - such as advance notice of events.

A lot seems to be made of adopting a common sense approach. Who decides what that is and what special interest groups are involved in this ?? I am all for making legislation as simple as possible but this is a bad idea. With having most forms of regulated entertainment require a licence we are currently up to date with most of the events which take place. The larger events tend to be well managed and there are planning meetings between interested parties in advance of the event itself. This deals with issues around public safety, traffic management, security, drugs etc etc. By adopting a stance of anything under 5000 is fine we are running the risk of becoming aware of events far too late to deal effectively with them if badly run or organised.

A common thread for me was paragraph 2.26 (page 11) as by limiting numbers to under 500 and for non commercial and community events this would still catch most of the 13400 premises which would no longer be subject to a licensing regime.

Paragraph 4.8 (page 21) seems to ignore that by deregulating unamplified music due to natural acoustic reach all we would potentially do would be to cram more people closer together to hear the music. This could easily and very quickly lead to crowd density issues. With this event being unlicensed there would be no safeguards in place potentially.

Paragraph 3.37 (page 18) should be something that is in place already. Best practice should always be in place and at least considered.

I feel that a lot of these areas of currently regulated entertainment could be amended. My personal view is that any deregulation should be for a maximum number of 499 (as per TEN's) and certainly not 4999 as proposed. We could make it far easier for places like schools and community events to run fund raising events which do not require the current licence, thus maximising any revenue they make.

I don't see a problem with deregulating performance of film subject to BBFC classification and would like to see martial arts and cage fighting added to boxing/wrestling requirements.

These are just some thoughts off the back of reading the consultation document. By having the need for a licence in place we demand a buy in from venues and will promote best practice and risk considerations. By deregulating we run the risk of allowing all manner of events to take place with little or no consultation. There will be no interest in running a safe event as the licence (which can be reviewed) is no longer in place. If we had a big problem following deregulation what enforcement action could we in all reality take against some non licensed premises or unscrupulous operators.

A nightmare scenario for us would be as follows:

The Hippodrome in the middle of Brighton has no licence currently as the old one was surrendered. The capacity is well over 2000. Theoretically someone could open the doors, not bother to apply for an alcohol or late night refreshment licence and host dance led events with recorded music all night if they wanted with no need for a licence or contact with any interested party. Yes we would have out of hours noise and other potential avenues of enforcement, however we would have no conditions at all to try and minimise the impact upon the local community beforehand. With no alcohol licence where is the threat of review ?? We have a city centre venue with no parking, dispersal policy, lack of nearby late

night refreshment, no nearby taxi rank etc. The impact not only from an unlicensed venue but also when the customers leave in what is a built up and residential area would be immense. It would potentially undermine CIZ as well as a venue could open without the need for a licence whilst still holding events which have a marked impact on the area.

If I have any other burning issues I will let you know.

**PS Malcolm Wauchope CW098**  
**Licensing Unit Brighton Police Station**

<b>LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)</b>	<b>Agenda Item 17</b>  Brighton & Hove City Council
---	--

### REVIEWS RECEIVED

<u>NAME AND ADDRESS OF PREMISES</u>	<u>Date consideration of closure order received from Magistrates</u>	<u>DATE OF HEARING</u>	<u>DETERMINATION</u>
<b>Best One/Dharni Stores</b> 165-167 Hangleton Way Hove BN3 8EY		<b>11.08.11</b>	Licence revoked
<b>Allsorts News Agents</b> 159 North Street Brighton BN1 1EA		<b>02.09.11</b>	Licence revoked
<b>The Corner Shop</b> 50 Upper North Street Brighton BN1 3FH		<b>02.09.11</b>	Licence suspended for 3 months
<b>QD'z Place</b> 40 Lewes Road Brighton BN2 3HQ		<b>06.10.11</b>	Additional condition
<b>Tescho Ltd</b> Lower Beavendean Post Office 1 Leybourne Parade Brighton BN2 4LW		<b>06.10.11</b>	Licence suspended for 3 months and conditions added.
<b>Sweet N Things</b> 100B Western Road Brighton BN1 2AA		<b>TBA</b>	TBA



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

**Agenda Item 18**

Brighton & Hove City Council

**Schedule of Licensing Appeals: Date of Meeting: 17<sup>th</sup>  
November 2011**

<b>Premises</b>	<b>Appellant</b>	<b>PTR</b>	<b>Hearing</b>	<b>Outcome</b>
Sainsbury's Local North Street	Sainsbury's		6 <sup>th</sup> and 9 <sup>th</sup> May 20 <sup>th</sup> and 21 <sup>st</sup> June	Appeal dismissed with costs
Sainsbury's Local 13 – 15 Old Steine	Sainsbury's	23 <sup>rd</sup> May 2011		Appeal withdrawn by Sainsbury's who undertook not to submit another application for 12 months from the 20 <sup>th</sup> May 2011
Allsorts Newsagents 159 North Street, Brighton	Licence holder Mr Abadi	10.10.11	22 <sup>nd</sup> and 23 <sup>rd</sup> December	
Dharni Stores/Food and Beverage 4U, 165 Hangleton Way Hove	Licence Holder Antonello Cavallaro/Food and Beverage 4U Ltd	10.10.11	5 <sup>th</sup> December	

