





**Brighton & Hove
City Council**

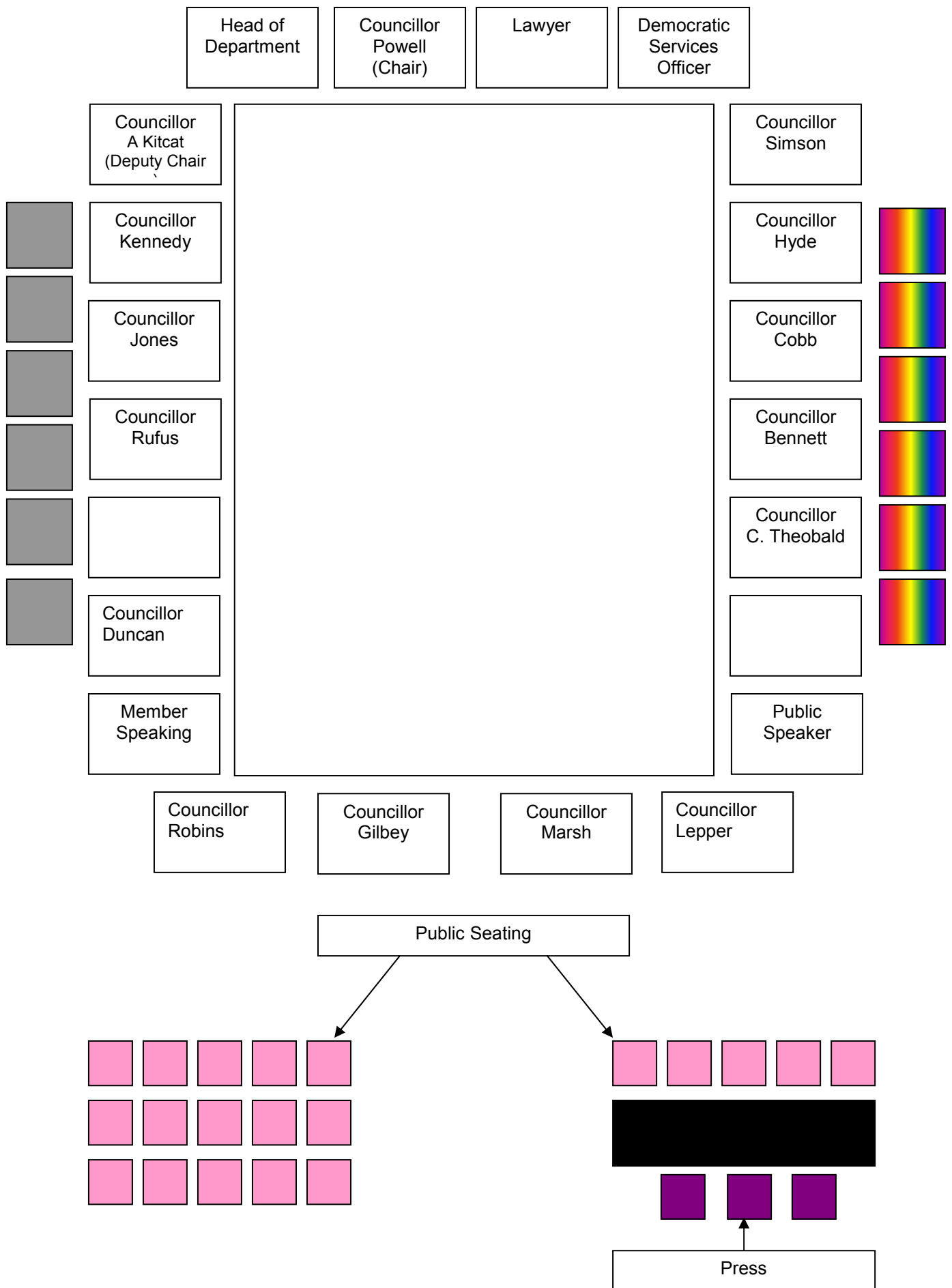
Licensing Committee

(Licensing Act 2003 Functions)

Title:	Licensing Committee (Licensing Act 2003 Functions)
Date:	5 March 2015
Time:	3.30pm (or conclusion of Non 2003 Committee)
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: Powell (Chair), A Kitcat, Simson (Opposition Spokesperson), Lepper (Opposition Spokesperson), Bennett, Cobb, Duncan (Deputy Chair), Gilbey, Hyde, Jones, Kennedy, Marsh, Robins, Rufus and C Theobald
Contact:	Penny Jennings Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

22 PROCEDURAL BUSINESS

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

(b) Declarations of Interest:

- (a) Disclosable pecuniary interests not registered on the register of interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

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

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

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

NOTE: Any item appearing in Part 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.

23 MINUTES OF THE PREVIOUS MEETING

1 - 8

Minutes of the meeting held on 20 November 2014 (copy attached)

24 CHAIR'S COMMUNICATIONS

25 PUBLIC INVOLVEMENT

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

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

- (a) **Petitions:** to receive any petitions presented to the full council or at the meeting itself;
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on the 26 February 2015;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 26 February 2015.

26 MEMBER INVOLVEMENT

To consider the following matters raised by councillors:

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

27	ANNUAL REPORT OF LICENSING AUTHORITY 2014	9 - 46
	Report of the Director of Public Health (copy attached)	
	<i>Contact Officer: Jim Whitelegg</i>	<i>Tel: 29-2143</i>
	<i>Ward Affected: All Wards</i>	
28	REVIEW OF STATEMENT OF LICENSING POLICY – INTERIM REPORT	47 - 52
	Report of the Director of Public Health (copy attached)	
	<i>Contact Officer: Jim Whitelegg</i>	<i>Tel: 29-2143</i>
	<i>Ward Affected: All Wards</i>	
29	RENEWAL OF PERSONAL LICENCES	53 - 56
	Report of the Director of Public Health (copy attached)	
	<i>Contact Officer: Jean Cranford</i>	<i>Tel: 29-2550</i>
	<i>Ward Affected: All Wards</i>	
30	SCHEDULE OF REVIEWS	57 - 58
	Schedule prepared by Director of Public Health (copy attached)	

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

3.30PM 20 NOVEMBER 2014

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Powell (Chair), Lepper (Opposition Spokesperson), Cobb, Gilbey, Hyde, A Kitcat, Kennedy, Marsh, Randall, Robins, Rufus, C Theobald and Wealls

Apologies: Councillors Bennett and Duncan

PART ONE

11 PROCEDURAL BUSINESS

11a Declaration of Substitutes

11.1 Councillor Randall declared that he was substituting for Councillor Jones and Councillor Wealls declared that he was substituting for Councillor Simson.

11b Declarations of Interest

11.2 There were none.

11c Exclusion of the Press and Public

11.3 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).

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

12 APPOINTMENT OF DEPUTY CHAIR

- 12.1 Nominations were requested to formally appoint a Deputy Chair for the remainder of the current municipal year. Councillor Ania Kitcat was nominated by Councillor Powell and this this was seconded by Councillor Rufus. A vote was taken and Councillor Kitcat was therefore duly appointed.
- 12.2 **RESOLVED** – That Councillor Ania Kitcat be duly appointed as Deputy Chair of the Non-Licensing Act 2003 Functions Committee for the remainder of 2014/15 Municipal Year.

13 MINUTES OF THE PREVIOUS MEETING

- 13.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 26 June 2014 be agreed and signed as a correct record.

14 CHAIR'S COMMUNICATIONS

- 14.1 There were none.

15 PUBLIC INVOLVEMENT**15a Petitions**

- 15.1 There were none.

15b Written Questions

- 15.2 There were none.

15c Deputations

- 15.3 There were none.

16 ISSUES RAISED BY MEMBERS**16a Petitions**

- 16.1 There were none.

16b Written Questions

- 16.2 There were none.

16c Letters

- 16.3 There were none.

16d Notices of Motion

16.4 There were none.

17 REVIEW OF STATEMENT OF LICENSING POLICY

17.1 The Committee considered a report of the Director of Public Health in relation to the Council's statutory duty as Licensing Authority to review its Statement of Licensing Policy (SoLP) every five years. The previous review had been adopted on 15 December 2011 by Full Council and the revised Statement of Licensing Policy had come into effect on 20 December 2011.

17.2 It was explained that the revised statement of licensing policy (at that time) had included an expanded cumulative impact zone (CIZ) and a new larger special stress area (SSA). In addition, a matrix approach to licensing decision making was adopted. Further, it had been agreed that the cumulative impact zone and special stress areas would be reviewed regularly. As a result the available data had been reviewed year on year in relation to implementation of the CIZ and the SSA's.

17.3 At its meeting on 26 June 2014 the Committee had considered a report of the Health & Well Being Overview & Scrutiny Panel (Scrutiny Panel on Alcohol February 2014) in relation to proposed revision of the current Statement of Licensing Policy and had noted the recommendations arising from it. The Committee had noted the Panel's recognition of the strengths of the Statement of Licensing Policy and has agreed to authorise officers to carry forward their recommendation that the Policy and Matrix be reviewed by this Committee, in particular:

- a) the geographical scope of the Cumulative Impact Zone;
- b) that café bars are given their own categorisation in the Matrix to recognise that they are not restaurants or pubs and that different guidance may apply;
- c) review the definition of residential or commercial areas;
- d) review the statement on hours of alcohol sale; and
- e) review the policy on food and alcohol retailers outside the CIZ;
- f) gather and assess the evidence necessary for a review of the policy as above in particular the evidence for inclusion of further areas into the CIZ and that officers report back to this committee with a detailed report and amended policy proposal for approval by the committee with a view to commencement of the statutory consultation process

17.4 Officers had followed the Committees recommendations and the recommendations set out in the report had been formulated on the outcomes of that work. Inspector Simon Morgan was in attendance from the Police Licensing Unit and Caroline Palmer, Senior Public Health Community Safety Analyst was also in attendance.

17.5 It was explained that guidance stated 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. The Licensing Authority should ensure that there was good evidence, not only that crime and

disorder or public nuisance were happening, but that they were caused by customers of licensed premises. The borders defined needed to identify the boundaries of the area where problems were occurring – not where they might occur at some time in the future, unless that was imminent.

- 17.6 Sussex Police had recommended that the CIZ and SSA were retained in their current form. This position was supported by the Council's Environmental Health Officers dealing with pollution, prevention and minimisation. Evidence had shown that the Special Policy had been successful as incidents of alcohol related crime and disorder and nuisance had decreased since 2011. Appendix C to the report set out the Review of Licensing in Brighton and Hove carried out by Sussex Police between – August 2013 to August 2014. Public Health and Community Safety Team analysis maps including mapping of licensed premises, alcohol related crime, noise and treatment centres had been reproduced as Appendix F to the report.
- 17.7 The Council's Environmental Health and Licensing section provides an advice and enforcement service in respect of noise nuisance from commercial premises and their report detailing noise issues arising in the city centre had been appended as Appendix D to the report.
- 17.8 The Head of Regulatory Services explained that the matrix approach provided a vision of what the licensing authority would like to see within its area and gave an indication of the likelihood of success or otherwise to investors and local businesses making applications. It was a mechanism for the locally accountable licensing authority to shape its local area and address public, social policy issues and, balanced the need for protection of local residents against the interests of the local economy, local employment and potential visitors. The matrix did not apply to existing premises just new/ variations. It provided a framework and it fell to each Panel to consider each application on its individual merits which would include the location and type of premises/activities. It was considered timely in the light of the recent review and feed back to recommend revisions to the existing matrix.
- 17.9 It was suggested that mixed commercial and residential categories be amended which would leave four categories instead: CIZ, SSA, Outside City Centre and Marina. It was considered that in concert with this it would be appropriate to expand the narrative/rationale for the matrix to ensure a more defensible robust approach, including exceptional circumstances and densely residential areas It was also proposed to remove the high Volume Vertical Drinking (super pub) category within the Matrix and to add a terminal time of 11pm for Members Clubs in the CIZ and to add Café Bars to the Matrix.
- 17.10 It was also suggested that paragraphs the SoLP as it was considered that as currently worded it was confusing. It was suggested that the reference to "times" in paragraphs 4.7 and 4.8 be removed.
- 17.11 In respect of off-licences there had been considerable success with the Sensible on Strength scheme where off licences signed up voluntarily not to sell cheap super strength beers and ciders. Positive feedback from alcohol treatment centres, where 80% of the high profile street drinkers had moved to lower ABV and more clients were engaging with rehab treatment centres, as well as breaking up hot spot drinking areas.

- 17.12 Councillor Wealls sought clarification that any changes made would only take effect in respect of new applications, citing the fact that there were a number of premises in his own Ward which were able to trade until a very late hour, he considered that if successive premises were unable to trade until a similar hour that could be open to challenge. The Head of Regulatory Services, Tim Nichols that all decisions could be subject to challenge although with the exception of premises situated within the CIZ, where the opposite was the case, there was a presumption that permission would be granted unless there were compelling reasons otherwise. The rationale for the Matrix approach was to seek to take a balanced fair approach, whereby any application would be considered on its individual merits whilst providing an indication for residents and the licensed trade as to what might be permitted, in certain areas of the city.
- 17.13 Councillor Wealls enquired regarding the feasibility of turning the whole city into a CIZ and the Head of Regulatory Service explained that this would be difficult to maintain, given that the CIZ in Brighton and Hove was already large, it would also be difficult to justify in terms of current evidence which suggested areas away from the city centre gave rise to fewer problems in terms both of numbers and scale of incidents. Caroline Palmer confirmed that this was borne out by the available data as did Inspector Morgan. Inspector Morgan also referred to "Operation Marble", the policing arrangements which operated in the City Centre every weekend and sought to ensure safe enjoyment of the city's night time economy.
- 17.14 Councillor Marsh commended the suggested revisions to the Matrix approach which she considered would be both clearer and would provide a robust and more defensible approach. She asked for clarification regarding the approach being taken with regard to the Marina and the Head of Regulatory Services explained that this area was becoming more active in terms of the night time economy. Whilst there was no desire to deter businesses, this was an area which needed to be kept under review.
- 17.15 Councillor Kennedy referred to the work that had been undertaken with street drinkers this represented an impressive body of work and had gone some way to addressing the issues associated with this problem, although it was recognised that this remained an on-going issue.
- 17.16 Councillor Robins acknowledged the work that had been undertaken but cited that problems still arose in that it appeared that the powers available in preventing licensed premises from opening appeared in some cases to be limited. The Head of Regulatory Services re-iterated that with the exception of premises located in the CIZ for applications to be refused it was necessary to evidence that one or more of the licensing objectives would be compromised. Although public health issues were not included directly within the Licensing objectives there was and continued to be increasing dialogue and collaborative work between the trade and other agencies "Sensible on Strength", being an example of this.
- 17.17 Councillor Rufus referred to the coloured maps and plans which had been provided to Members, whilst they were a useful tool they did not appear to compare like with like in every instance which could be mis-leading. In answer to questions by Councillor Rufus regarding "hot spot" areas of the city and whether incidents had increased in some

areas Superintendent Morgan explained that this was not the case, levels of reporting had increased and that was welcomed.

- 17.18 Councillor Gilbey also welcomed the proposed revisions to the matrix and sought confirmation regarding how areas would be defined in relation to ward boundaries.
- 17.19 Councillor Randall sought clarification regarding whether a licence applied to a person or to the premises, whilst welcoming the proposed changes which he considered were likely to be clearer for all and would be easier to apply.
- 17.20 Councillor Cobb referred to the licensing hours for public houses which fell outside the CIZ and the impact that this could have particularly at weekends. The Head of Regulatory Services explained that these issues would be addressed, if the existing arrangements were simplified it would be easier to defend decisions taken.
- 17.21 A vote was taken and the 9 Members who were present when the vote was taken voted unanimously that the recommendations set out below be agreed.
- 17.22 **RESOLVED** – (1) That Committee resolve to confirm the current Cumulative Impact Area (CIA) and Special Stress Area (SSA) as defined in the current SoLP and to continue to adopt the special policy in relation to that CIA and SSA and to continue to include these within the current statement of licensing policy;
- (2) Note the review of the matrix that had been carried out in accordance with the recommendations of *Scrutiny Panel on Alcohol (paragraph 1.5)*. *This new draft matrix is set out* in Appendix A to the report;
- (3) Officers to continue to carry out work to review the SoLP (set out in Appendix B) to the report, to incorporate emerging policy issues such as “Sensible on Strength” and off licences, and advice from Director of Public Health, Public Health England and the Local Government Association; and
- (4) Officers to report back to March 2015 Committee meeting with an updated draft SoLP for statutory and public consultation.

18 UNDERAGE GAMBLING TEST PURCHASE OPERATION

- 18.1 The Committee considered a report of the Director of Public Health detailing a recent underage gambling test purchase exercise by the Council’s Licensing Team and assisted by the Gambling Commission on the 9 October 2014. Following the report of the previous test purchase exercise presented at the June meeting of the Committee, officers had been instructed to continue to monitor premises and take appropriate enforcement action including test purchases. Previous failing businesses were retested. This report detailed the further monitoring which had taken place.
- 18.2 It was confirmed that following the initial failed purchases each premises had been sent a warning letter with details of the test purchase and the offence committed. The licence holder had been asked for a written response on how they will address the weaknesses in their underage gambling procedures shown by the test. They were also informed that Brighton and Hove Council intended to conduct a re-test of their gambling premises in

the future, and should that test again show weaknesses, consideration might be given to initiating a review of their premises licence. Written responses were received from all those premises that failed the test purchase acknowledging the failure and offence and committing to improve their policies and procedures.

- 18.3 A second test purchase operation had been carried out on 9 October 2014 by the Council's Licensing Team assisted by the Gambling Commission. A total of 5 premises were visited (1 Betting Shop, 1 Bingo and 3 AGCs). Bridge Bookmakers who had previously failed had notified officers of their closure so no re-test could take place. The operation involved three officers from the Local Authority and an officer from the Gambling Commission. A supervisor from the Licensing Team first entered the premises, to assess that the premises was safe to enter and machines were available for use, followed by the test purchaser entering. The test purchaser was a 16 year old boy and he was instructed to first walk around the premises then start playing a gaming machine (for 18 years persons only) for approx 7-10 mins.
- 18.4 Two of the premises failed the second test purchase by failing to challenge the young person. The three premises that passed had been written to informing them that they had passed the test purchase and that they needed to continue to monitor their policies and procedures for the prevention of underage gambling. The two premises that failed had been sent a letter informing them that they had failed the test purchase and that a review of their premises licence would be submitted by the Licensing Authority. Licence reviews of these premises would take place in the near future.
- 18.5 In answer to questions by Councillor Wealls it was confirmed that the test purchase operations had been carried out in accordance with recognised good practice within the industry and as operated by comparable local authorities. Councillor Wealls commended the work which had been undertaken.
- 18.6 **RESOLVED** – (1) That the Committee notes the contents of the report; and
(2) That officers continue to monitor premises and take appropriate enforcement action including test purchases.

19 SCHEDULE OF REVIEWS

- 19.1 The Committee considered a schedule prepared by the Director of Public Health setting out details of any reviews which had taken place since its last meeting.
- 19.2 **RESOLVED** – That the contents of the schedule be received and noted.

20 SCHEDULE OF APPEALS

- 20.1 The Committee considered the schedule prepared by the Head of Law containing details of any appeals lodged during the period since its last meeting.
- 20.2 **RESOLVED** – That the contents of the schedule be received and noted.

21 ITEMS TO GO FORWARD TO COUNCIL

21.1 There were none.

The meeting concluded at 6.10pm

Signed

Chairman

Dated this

day of

Subject: Annual Report of the Licensing Authority 2014
Date of Meeting: 5 March 2015
Report of: Director of Public Health
Contact Officer: Name: Jim Whitelegg **Tel:** 01273 292438
Email: Jim.whitelegg@brighton-hove.gcsx.gov.uk
Ward(s) affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1. This report sets out the licensing and gambling functions for Brighton & Hove Council carried out during 2014.
- 1.2. National matters: legislative changes and consultation
- 1.3. Local licensing matters
 - Alcohol Programme Board
 - Street drinking/Sensible on Strength
 - Student Freshers/Pub Crawls
 - Promoters
 - Sexual exploitation in the night-time economy
 - Underage/Fake ID – Test purchase (TP) operations
 - Events
- 1.4. Local gambling matters
 - Test purchase operations and subsequent reviews
 - Co-regulation and intelligence sharing between Licensing Authority, Gambling Commission and Police
 - Review Gambling Policy – impact on vulnerable?
 - Illegal poker – clubs and pubs
- 1.5. Members are apprised of local and national issues.

2. RECOMMENDATIONS:

- 2.1. That the committee notes the contents of this report.
- 2.2. That officers should continue to monitor trends of applications and illegal activity to inform future policy.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1. **Licensing Act 2003**

3.1.1. Table 1 below shows the numbers of applications and hearings for the last three years, including those granted, refused and withdrawn.

3.1.2. The Licensing Authority dealt with 10 reviews (including 2 gambling premises for failed test purchases see 3.6.1) in 2014. The full list can be seen in the Review table report. There were a number of challenging reviews, including West Beach Hotel (revoked) and Harbour View (revoked).

Table 1: Licensing Act 2003 figures 2014/2013/2012

1st Jan - 31st December 2014		1st Jan - 31st December 2013		1st Jan - 31st December 2012	
Number of premises		Number of premises		Number of premises	
- Premises Licences	1377	- Premises Licences	1532	- Premises Licences	1478
(surrendered)	13	(surrendered)	9	(surrendered)	10
- Club Premises	36	- Club Premises	45	- Club Premises	47
(surrendered)	0	(surrendered)	2		
New apps		New apps		New apps	
TOTAL	52	TOTAL	72	TOTAL	39
(granted)	46	(granted)	69	(granted)	34
(refused)	3	(refused)	1	(refused)	3
(withdrawn)	3	(withdrawn)	2	(withdrawn)	2
Variations		Variations		Variations	
TOTAL	29	TOTAL	33	TOTAL	35
(granted)	25	(granted)	29	(granted)	24
(refused)	3	(refused)	3	(refused)	6
(withdrawn)	1	(withdrawn)	1	(withdrawn)	5
Minor Variations		Minor Variations		Minor Variations	
TOTAL	50	TOTAL	84	TOTAL	66
(granted)	49	(granted)	83	(granted)	64
(refused)	1	(refused)	1	(refused)	2
Panel hearings	16	Panel hearings	23	Panel hearings	32
Reviews	8	Reviews	2	Reviews	2
Appeals	3	Appeals	3	Appeals	4
TENs		TENs		TENs	
TOTAL	903	TOTAL	892	TOTAL	987
(granted)	884	(granted)	850	(granted)	923
(refused)	16	(refused)	31	(refused)	42
(withdrawn)	3	(withdrawn)	11	(withdrawn)	22

3.2. Gambling Act 2005 - Licensing Authority Functions

3.2.1. The functions of licensing authorities may be divided roughly into five: publication of Gambling Policy, regulation of premises, registration of small society lotteries, maintenance of registers and compliance.

3.2.2. Table 2 shows types and numbers of gambling licences issued by Licensing Authority currently compared to 2007 when the Gambling Act 2005 came into force.

Premises Licences	Current (31 12 2014)	2007
Casinos	4	4
Bingo Licences	4	8
Adult Gaming Centres (AGCs)	10	28
Family Entertainment Centres (FECs)	2 (plus 4 FEC permits)	8
Betting tracks	2	2
Betting Shops	42	51
Gaming Machines		222
Gaming Machine Permit (> 2 x Cat C&D)	24	
Gaming Machine Automatic Entitlement (2 x C&D)	158	
Club Machine Permits	8	
Club Gaming Permits	3	

3.3. Press interest:

3.3.1. Licensing issues in Brighton and Hove have been at the forefront of the media between 1/1/14 – 31/12/14. Press interest includes:

Argus regularly reports on the work of the Licensing Panels and featured articles including:

- Underage Gambling – Further Failed test purchases and Policy review to protect residents
- GP praises moves against super-strength drink (Sensible on Strength)
- West Beach Hotel premises licence revoked
- Director of Public Health’s annual report “What will life be like 2024”
- Council test purchasing on gambling reveals high failure rate
- Two late night take-away shops have their licences revoked
- Magistrates give B & W Stores opportunity to improve (revocation appeal)
- License holder grilled over opening hours (Golden Grill prosecution)

Gambling Commission released this press release in February 2015 regarding last years TPs.

- A number of independent operators have had conditions attached to their premises licences in order to strengthen underage gambling controls at their premises.

Further to the programme of test purchasing conducted in 2014 by local authorities in partnership with the Commission, East Lindsey District Council, Brighton and Hove City Council and Hastings Borough Council have all reviewed premises licences where operators failed for a second time to challenge a test purchaser.

Two adult gaming centre operators, a family entertainment centre and a betting shop were subject to premises licence reviews.

Those operators had submitted improvement plans to their respective authorities after having failed a first test purchase earlier in the year, but the subsequent re-tests demonstrated that the weaknesses in their controls had not been remedied. Examples of the conditions that have been attached to premises licences following the reviews include:

- the requirement for the licensee to have a Think 21 or Think 25 policy for the premises

- the requirement for regular test purchasing to be undertaken, to ensure that the licensee monitors the effectiveness of their controls on an ongoing basis
- the use of Maglocks to restrict access to the premises
- the use of infra-red beams that trigger sound alerts when broken, to alert staff to the presence of customers in age-restricted areas
- Physical barriers to reduce the risk of children crossing from family entertainment centre premises into adult gaming centre premises
- Re-positioning Category D gaming machines away from the entrances to adult gaming centre premises, to reduce the attraction of children to those areas.
- Induction and refresher training for staff.

Operators cooperated with the local authorities during the review processes, and some offered up further measures to strengthen their controls in addition to the formal licence conditions, such as:

- Re-siting age-restricted gaming machines so that they are directly in front of manned areas or a staff counter, to improve levels of supervision.
- Assigning a member of staff to have specific duties for supervising the age-restricted area.

Matthew Hill, Director at the Commission, said:

“We welcome the action taken by our local authority partners to ensure that operators are able to manage the underage gambling risks at their premises, and also the cooperation of the licensees in the review processes. The recent Ipsos Mori research tells us that, while overall figures for underage gambling have remained broadly static, the prevalence of children playing fruit machines is a lot higher than for other forms of gambling participation, and has risen on previous years.

Machines are a form of gambling that can usually be accessed without any staff interaction, and it is vitally important that operators have the controls in place to prevent children from playing age-restricted products such as these.

And we must remind operators not to be complacent in this key area of compliance – where weaknesses persist, other sanctions such as the suspension or revocation of a licence could be considered by regulators”.

3.4. **National matters: legislative changes and consultation can be found in Appendix 1.**

3.5. **Local Licensing Issues**

3.5.1. Alcohol Programme Board

In 2010, in response to the Marmot Inequalities report, the Director of Public Health selected alcohol as a priority health inequality area. The Programme Board includes health commissioners and NHS/voluntary sector providers, the Council, University student reps, police, licensees, retailers and probation services. The work of the Alcohol Programme Board, domain group 2 (availability) developed an action plan which can be found at Appendix 2. The

Alcohol Programme Board is concerned about emerging themes concerning the availability of alcohol, in particular, pre- and post-loading, street drinking and binge drinking. Brighton & Hove City experiences local problems and local trends such as pre-loading, binge drinking and street drinking created by cheap alcohol and fierce, localised price competition, particularly between off-licence stores and supermarkets.

3.5.2. Street drinking/Sensible on Strength

Over recent years problems associated with street drinking have been experienced across the city but particularly by the Level, Lewes Road and New Road. There are many support services in place to deal with this and the drinkers themselves. In November 2013 the Licensing Authority launched the 'Sensible on Strength' scheme to reduce the availability of cheap super-strength beers and ciders. Off licences voluntarily sign up not to sell cheap super-strength beers and ciders and receive an accreditation. This has been a considerable success and we have received positive feedback including from businesses, alcohol treatment centres and health professionals, where 80% of the high profile street drinkers have moved to lower ABV and more clients are engaging with rehab treatment centres, as well as breaking up hot spot drinking areas. This is an ongoing scheme that will be reviewed regularly.

There are currently 112 members of Sensible on Strength. It is an ongoing scheme and the Licensing Team will continue to incorporate advice about the scheme when carrying out their risk based inspection programme and will sign up those who are interested and who qualify. The Licensing Team together with the Police and Trading Standards will continue to respond to any complaints about hot spot areas and investigate accordingly.

3.5.3. Student and Organised Pub Crawls

The Licensing Team and other agencies work with universities, event organisers and promoters to ensure events are responsibly run to include good practice measures based on mandatory conditions and promoting licensing objectives. Such measures include stewarding, on site medics, discounted non alcoholic drinks, water angels, and promotion of non-alcohol events. This includes working with Brighton University regarding a Home Office initiative for an accreditation scheme around a NUS alcohol impact project to encourage students to drink responsibly. Licensing officers are working with the university on a research project to identify vulnerable groups, audit licensed premises and look at the attitudes of those students that don't drink.

3.5.4. Promoters

The Licensing Act 2003 makes no mention or provision for the use of promoters within licensed premises. Many of the late night bars and clubs within the Brighton & Hove Cumulative Impact Area regularly hire promoters to sell nights at their venues. In recent years with the introduction of promoters within the Brighton night time economy, several issues have arisen. This includes promoters vouching for underage customers to get them inside licensed premises where they can access alcohol, providing flyers to passers by who throw them on the floor and irresponsible promotions for their nights. The Police

and Licensing Team have been working with promoters to educate and ensure they are aware of firstly the mandatory conditions and irresponsible drinking promotions and of late to also make them aware of the serious nature of protection of children from harm (underage entering the clubs). Many premises now have an agreement with their promoter for acceptable promotions and behaviour which includes the signing of a written contract of expectations. This shows premises evidencing their due diligence and ensures that promotion companies know what is expected of them. The contract could include, obligations to pick up self generated litter, verification of ages of their customers and users of their social media, promoters being over the age of 18 and responsible advertising on social media.

3.5.5. Sexual Exploitation in the Night-Time Economy

The team will be working with Helen O'Brien, Project Coordinator, The WiSE Project around student freshers events and joint intelligence based visits in the city centre. There are two strands to this; working with Allsorts Youth Project and addressing sexual exploitation in the night-time economy. Helen is one of the lead workers for 'Safe Space' and works regularly on a Friday and Saturday night. She sees many instances of vulnerable young girls who have got separated from their groups and are being preyed on by men. Helen's work includes promoting self-responsibility in young people and to be aware of where their friends are and even noticing if there are vulnerable, drunk people they don't know. It is also about educating door staff and bar staff to raise awareness of this problem; quite often young people are evicted from a club without any of their personal belongings, including mobile phones and bags. This is a real concern as this makes people even more vulnerable.

3.5.6. Underage/Fake ID project

In 2014 the Police carried out a number of test purchase operations on city centre on-licence premises and the number failures, together with intelligence from partners such as RUOK, suggested underage drinking and fake IDs were a bigger problem than first thought. The Licensing Team worked with the police to promote a fake ID poster campaign and advise about under age. Those premises found to sell to underage after an advice visit will be subject to Review and the licensing team will be asked to support any review bought by the Police.. We also hope to work with colleagues in Public Health to educate pupils in further education about the risks of using fake ID.

3.5.7. Events

The Licensing Team lead on behalf of Environmental Health & Licensing for the safety management and regulation of events in the city, including for 2014 Brighton Marathon, Brighton Festival & Fringe & The Great Escape, Kemptown Carnival, Paddle, Pride/GVP, Shakedown and Freshers. Focusing on structure and crowd safety, welfare/WC provision, public nuisance, food safety and compliance with licensing (alcohol, underage, illegal traders, etc).

The event that impacts most within the city is Pride. Since Pride in the Park has been fenced the problems of underage drinking and low level anti-social behaviour has moved from inside the Park to the periphery and surrounding

areas. Pre-pride and during pride licensing checks were carried out in all licensed premises associated with the event. Over the Pride weekend which includes the Parade, Pride in the Park and the Village Party, the Licensing team were focused on identifying and stopping any instances of licensed premises selling to children and people who were clearly drunk.

- a) Licensed premises around parade route, Park and PVP were generally good and compliant and had clearly responded to earlier pre licensing visits.
- b) Pre-event work and work on the day prevented raves occurring and private parties escalating. Noise abatement notices served on a seafront premises to prevent rave occurring. Minimal noise complaints. Team prevented outside parties by stopping people setting up sound systems on London road.
- c) Underage drinkers following parade or gathering in the Park had their alcohol seized by police and where asked majority sourced their alcohol from home (given by parents or taken) or they had asked someone over 18 to buy it for them.
- d) High levels of drunkenness and nitrous oxide citywide. Large group of underage drinkers on fringes of Park event similar to previous year. Well managed by the Police preventing previous years' disorder.
- e) Generally feeling was that the Pride in the Park event was a happy safe event (crowd peaked 25K of scanned tickets not including volunteers, sponsors or VIPs). The usual issues were outside the fenced event which almost feels like a separate event now. Large numbers of people in Preston Park outside of the fenced event. High levels of drunkenness and large number of youths 14-18 (approx. 1000) congregating around the tennis courts and bowling greens. Vast majority appeared to be drunk plus evidence of nitrous oxide all over the park. The atmosphere got progressively more edgy with the police having to cordon the area off to prevent further entry at 6pm. Generally very obnoxious with minor fights. Police cleared area around 8pm. The police report around 15 arrests, mostly drink and drug related at Park. Park got quiet from 8pm.
- f) First Aid are reporting an increase in the number of people transferred to hospital (they don't have finite figures yet) and a similar number of treatments from last year. There has been a particularly unpleasant "new" drug identified - Voodoo - which has been the cause of many of the treatments / hospitalisation and caused patients to be particularly combative. They reported that they were treating a lot of drunk 14-16 olds the majority of who were incoherent. Treatment centres full, majority from alcohol. My experience of talking to police who were seizing large quantities of alcohol from underage, was that the majority sourced their alcohol from home, either nicked or given from parents.
- g) Many peddlers on route and in park. Vast majority of mobile traders (ice cream & burger vans) were trading on private or park land not highway so exempt from street trading consents.
- h) A lot of people exited the Park around 8pm. City was very busy with people partying on every available green space between park and seafront but areas

around Level and Valley Gardens began to thin out by 9pm. Taxi rank at bottom of Stanford Av barely used.

- i) Pride Village Party – less congested than previous years, less glass, less aggressive atmosphere. Noise zones appeared to work with active management by event organisers. Some private parties in commercial premises delayed dispersal in street after PVP close.

3.6. Gambling Local and National Issues

3.6.1. Underage Gambling Test Purchase Operation

In April 2014, 6 out of 7 premises failed a test purchase exercise by allowing an under 18 year old to enter the premises and gambling on age restricted gaming machines. Those premises that failed were retested on the October 2014, where two premises (Regency Arcade and Metrobet) failed again. Review applications for these premises were submitted by the Licensing Authority and, for the first time nationally, the Gambling Commission supported the review application by submitting a supportive representation. The licensing authority liaised with the premises concerned and the Gambling Commission. The review hearing took place on the 19th December 2014 and took the following action:

- a) Re-altered Layout
- b) Infra Red Beam
- c) Maintaining of a Refusal Register
- d) Age Verification Testing
- e) Upgrade CCTV
- f) Training
- g) Challenge 25
- h) Signage and Prominent Gam Care Documentation

The Gambling Commission, as the national regulator, has welcomed the action taken by the Licensing Authority as an example of good practice by a local authority in tackling underage sales.

3.6.2. Co-regulation and Intelligence Sharing between Licensing Authority, Gambling Commission and other agencies – Policy Review

The Licensing Team are working with Public Health colleagues, Gambling Commission, outreach centres and other local authorities who have a high proportion of gambling premises. The purpose of this partnership working is to explore area vulnerability to gambling-related harm, to enable the authority to understand the impact that gambling has on health and wellbeing of local communities and to outline this approach in the Policy. The Council are required to produce a Gambling Policy which sets out the authorities approach to gambling and how it will consider applications. The Policy must be reviewed at least every 3 years and that's due this year so we would like to develop the policy to take a public health approach to gambling.

Officers continue to receive intelligence from the Gambling Commission and operators regarding illegal poker in pubs and clubs.

Poker can be played in a members' or commercial club providing that the conditions that apply to gaming clubs are followed, including limits on stakes and prizes. Clubs must be established and conducted wholly or mainly for purposes other than gaming. Stakes are limited to £10 per game with a maximum prize of £250, as opposed to a £5 stake and £100 prize for poker in pubs. A nominal participation fee of £1 or £3 can be charged in clubs, unlike pubs where no participation fee can be charged.

Officers have conducted joint visits with Gambling Commission regarding poker in pubs in the City where we found evidence of pubs breaching the limits of stakes and prizes. Warning letters have been sent which has resulted in poker being removed or operators complying with the restrictions.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1. Licensing Strategy Group, finance and legal services.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 The costs associated to activates allowable under the Licensing Act 2003 are funded by licence fee income; any variation between expenditure and income generated from licence fees is funded from existing revenue budgets.

Where fees are not set by central government, licence fees are set at a level that it is reasonably believed will cover the costs of providing the service and in accordance with the requirements of the legislation under which they are charged. Licence fees are approved annually at Licensing Committee.

Finance Officer Consulted: Steve Bedford *Date:* 21/01/15

Legal Implications:

5.2 Legal implications are contained within the body of this report.

Lawyer Consulted: Rebecca Sidell *Date:* 23/01/15

Equalities Implications:

5.3 There are no direct equalities implications.

Sustainability Implications:

5.4 There are no direct sustainability implications.

Crime & Disorder Implications:

5.5 Contained in the body of the report.

Risk and Opportunity Management Implications:

- 5.6 No implications

Public Health Implications:

- 5.7 Contained within report.

Corporate / Citywide Implications:

- 5.8 The local licensing delivers support improvement that help businesses comply with the law speedily, easily and economically.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

None – for information only.

7. REASONS FOR REPORT RECOMMENDATIONS

For information only.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix 1 – Legislative changes & consultation
2. Appendix 2 – Alcohol Programme Board minutes and action plan

Documents in Members' Rooms

1. None.

Background Documents

1. None.

Appendix I – Legislative changes and consultation

Legislative changes & consultation - listed below is a summary of the changes, both past and future.

Govt Alcohol Strategy March 2012

The Government will:

- July 2013 Govt set out its response, including a commitment to facilitate “local alcohol action areas” (LAAAs) – targeted local initiatives in places with significant levels of alcohol-related harm – April 2014.
- Introduce a ban on the sale of alcohol in England and Wales below the level of alcohol duty for a product plus value added tax, came into effect Spring 2014.
- Introduce changes to improve the effectiveness of the mandatory licensing conditions by enabling tougher action on irresponsible promotions, strengthen measures to help people drink more responsibly and improve age verification requirements – came into effect Oct 2014.
- Renew the challenge to industry so that further rapid action is taken to reduce alcohol-related crime and health harms.
- Introduce a new light touch authorisation to sell alcohol – the Community and Ancillary Sellers Notice – under the 2003 Act for ancillary sellers and community groups – not date for introduction.
- Increase the annual limit for the number of TENs that can apply to particular premises from 12 to 15 – likely to be Jan 2016.
- Free up businesses that provide late night refreshment by removing the requirement to have a licence where there is no need for one by enabling licensing authorities to make local exemptions for particular locations or types of premises. (low risk as opposed high risk late night drinking areas) – likely to be April 2015.
- Abolish the requirement to renew personal licences every ten years.
- Consult in due course on abolishing personal licences altogether – amended to remove requirement to renew – Spring 2015.

Also consulted on but not to be implemented at this stage :-

- Ban on multi-buy promotions & minimum unit pricing but Government felt no evidence it would have significant effect in reducing consumption.
- Adding health as a licensing objective for cumulative impacts but Government have not brought this forward at this stage although remain interested in principle.

Consultation

Further Deregulation of Regulated Entertainment

Wave 1: deregulation of plays, dance and indoor sport (between 08:00 am to 11:00 pm) and under 500 audience levels (1,000 for indoor sport); regulating for combined fighting sports (intro May 2013).

Wave 2: Parliament have approved the Legislative Reform (Entertainment Licensing) Order 2014. The entertainment deregulations within the Order will come into effect on 6 April 2015.

The Order generally exempts the following, up to 11pm, for an audience of up to 500:

- I. Live music in relevant alcohol licensed premises and workplaces.

Appendix I – Legislative changes and consultation

2. Recorded music in relevant alcohol licensed premises (not workplaces).
3. Live and recorded music held by 3rd parties in schools, hospitals, local authority and community premises.
4. Travelling circuses (no audience limit).
5. Incidental films (where the film is incidental to another activity which is not a itself description of regulated entertainment, e.g. drinking or eating).
6. The provision of entertainment by or on behalf of local authorities, health care providers or schools on their own defined premises (no audience limit).
7. Greco-Roman and freestyle wrestling (audience of 1000).

Wave 3: deregulation of community film/incidental film consultation 2014.

Personal Licences - Govt is removing the requirement for Personal Licence Holders to renew their licence every 10 years.

Actual law

Anti-Social Behaviour, Policing and Crime Act 2014 – enacted 20 10 14

These powers apply to any premises (domestic or commercial, licensed or not).

Closure powers under Antisocial Behaviour, Crime and Police Act 2014 are subtly different from Licensing Act 2003 and Section 40 Anti Social Behaviour Act 2003. They replace Police and LAs closure powers. They allow Local authority & Police to close any premises (not just licensed). Premises can be closed for nuisance or disorder or likely nuisance or disorder.

Scrap Metal Dealers Act 2013

Introduces a new licensing regime, administered and enforced by Local Authorities (site and collectors licences).

Live Music Act 2012

Deregulated live amplified music in licensed premises/work places for audiences up to 200 people between 8am and 11pm and unamplified music in all venues for unlimited audiences.

The Health and Social Care Act 2012 received Royal Assent on 27 March 2012. This was a critical step in the transition towards the establishment of a new public health system in local authorities and confirmed the Government's vision for the new public health role in local authorities and the new legal framework for local government that underpins that vision. Local authorities will be responsible amongst other things for alcohol and drug misuse services.

Police Reform and Social Responsibility Act 2011

- Extended Responsible Authorities to Licensing Authority and Public Health
- Scraped 'vicinity' test
- Lowered evidence threshold from necessary to appropriate.
- Reform system of TENs – EH & Police to object on all 4 LOs. One TEN 7 days.
- Licence suspension for annual fee non-payment
- SoLP review 5 yrs
- Late Night Levy & EMRO - No interest in Sussex. It's being considered elsewhere in the country but currently only aware of Newcastle and possibly City of London actively considering introducing such a scheme.

Appendix I – Legislative changes and consultation

Taxi Licensing - Law Commission - part of red tape agenda looking at reforming legal framework relating to taxis and private hire. LC have published their report and are awaiting response from Government.

Key issues for the Law Commission reviewing taxis are:

- § Quantity controls
Local Authority hackney carriage quantitative control powers.
- § Standard setting
Local Authority discretion to set standards for taxis.
- § Equality
Accessibility, disability, driver capability and training, compellability to take fares.
- § Cross border
Controls on cross border hiring enforcement and legal process.
- § Better regulation.

Fees - R (Hemming and Others) v Westminster City Council 16th May 2012 – appeal is currently being heard at the Supreme Court.

The EU Services Directive and Provision of Services Regulations 2009 were used by a group of Soho sex shop operators to obtain refunds of sex licensing fees from Westminster City Council. The Court of Appeal held that while the costs of the authorisation process, including monitoring compliance of operators, were fairly part of the fee, the costs of enforcement against third party operators was not.

Led to a reduction in fees and potential for liability going back to 2009. The judgment has a far wider effect, because it affects fees for much bigger licensing regimes, including the Licensing Act 2003. The Licensing Act 2003 (Fees) Regulations 2005 were lawful when they were published in 2005; they became unlawful when new European laws came into force in 2009.

It could also affect: street trading and highway licensing, but not gambling or taxis. Taxi licence fees are tightly regulated by separate legislation.

Appendix 2

ALCOHOL PROGRAMME BOARD MEETING

Monday 12th January 2015: 2.00 – 4.30 p.m.

Room 122, King's House

Brighton and Hove City Council

MINUTES

Present:	Tom Scanlon (Chair)	TS	Brighton & Hove City Council
	Tarek Khalil	TK	University of Sussex Student Union
	Katie Woolford	KW	Sussex Police
	Greg Cooper	GC	Brighton & Hove City Council
	Joanne Surguy	JS	Sainsbury's
	Jo-Anne Welsh	JWe	BOP
	Nicky Homewood	NH	BHT
	Tim Nichols	TN	Brighton & Hove City Council
	Richard Miles	RM	Brighton & Hove City Council
	Liz Tucker	LT	Brighton & Hove City Council
	Richard De Visser	RDV	Sussex University
	Jean Irving	JI	Sussex Police
	Jo Player	JP	Trading Standards
	Beth Kent	BK	Brighton University
	Penny Ashby	PA	CRI
	Jesse Wilde	JWi	Equinox
	Gillian Powell	GP	CAP Programme Manager
	Julia Gajlikowska	JG	Sussex Partnership NHS Trust Alcohol Liaison Nurse
	Tom Brennan	TB	CRI Assertive Outreach worker
	Mike Newman	MN	Cri
Lucy Basterra	LB	Fulfilling Lives	
Nicola Maxwell	NM	Probation	
Anna Gianfrancsco	AG	Brighton & Hove City Council	
Simon Ellory	SE	Brighton & Hove City Council	
Ellie Katsourides (Minutes)	EK	Brighton & Hove City Council	
Apologies:	Kathy Caley	KC	Brighton & Hove City Council
	Micky Richards	MR	Cri
	Kye Phoenix	KP	Cri
	Rick Cook	RC	Service User Rep
	Lance Freeborn	LF	Probation

	Graham Stevens	GS	Brighton & Hove City Council
	Amanda Griffiths	AG	Manager, Student Wellbeing, University of Sussex
	Jo Tomlinson	JT	University of Brighton
	Dan Greenburg	DG	University of Sussex Student Union
	Kerry Clarke	KCI	Brighton & Hove City Council

Item	Comment	Action
1.0	WELCOME AND APOLOGIES FOR ABSENCE	
	Apologies were received as above.	
2.0	MINUTES OF PREVIOUS MEETING AND MATTERS ARISING	
	The minutes of the last meeting held on 07.10.2014 were approved with the following amendments and matters arising:	
2.1	2.1 –c/f - University Policy – TK advised that work on the policy is still ongoing and is waiting to be finalised. He will circulate a draft to the Board in the next couple of weeks as soon as he has it.	TK
2.2	2.2 - Sensible on Strength – TN advised that over 100 had signed up to this already. TS and TN had met with reps from the trade & industry and felt that it had been quite a successful meeting..	
2.3	3 – Red Frogs – GC advised that Red Frogs are getting themselves established in the City and are focussing on the Universities first of all.	
2.4	6.1 – Dry January – GC advised that they are now looking at using social marketing to encourage sensible drinking. The Cri team are doing a 4-week focus for staff on relevant intranets and social media outlets. PA added that they are also running a campaign through pharmacies.	
3.0	Alcohol Research	
3.1	<p>RDV gave the attached presentation on the alcohol research he is currently working on. If anybody has any questions or suggestions for research then they can contact him directly. The following key points were noted:</p> <ul style="list-style-type: none"> • He has been developing some school based resources. • He has been looking at responsible drinking practices. • He has been conducting research around individual drinkers and has looked at providing some personalised feedback. • He has just received some funding and has been working with PA to look at the impact of using unit marked glasses. • Dry January – he has been looking at the effects of taking part in Dry January last year (2014). It would seem that most do drink less following it. • He has been looking at young people’s access to alcohol. <p>RDV advised that if there are any issues that people would like to know more about, to please let him know. It helps with funding applications if he can say that questions/queries came from services on the ground. JWi and RDV to meet to discuss possible areas of research. KW noted that the effect of Safespace on A & E figures would be an interesting area to look</p>	

Item	Comment	Action
	<p>into, as the figures for this year's New Year's eve were higher than ever. KW agreed to set up a meeting with JDV for herself and JG to look at A & E. RDV to be invited to future meetings and to receive the minutes.</p> <p>The group discussed older people and the increasing trend of ordering online where shoppers would probably not be served in the shops due to their intoxication levels. The group discussed what, if anything, could be done around this and whether amounts could practically be monitored/policed. JS will raise this potential issue with her online team. TB noted that he is aware of cases of people getting taxis to deliver alcohol to them also.</p>	<p>ALL JWi/RDV</p> <p>KW EK</p>
4.0	PRIDE	
4.1	<p>TN talked through Jim Whitelegg's debrief paper on PRIDE 2014. TN advised that this year his team focussed on licensing, both in advance of the day and on the day itself. They focussed on sales to young people and irresponsible promotions. From the information gathered afterwards, it did seem that most young people in trouble had accessed alcohol either from home or on the journey into Brighton. KW echoed this and advised that at its peak, approx. 3,000 people were intoxicated on a variety of substances. St Johns Ambulance and others said they had never seen it so bad before. Even outside the event numerous Nitrous Oxide canisters and the packaging for Voodoo 'legal High' were strewn around. LT advised that surprisingly the number of admissions into A & E were down on the previous year, from 220 attending to 178. KW advised that St Johns Ambulance did a lot of on-site triage which would have had a positive effect on the A & E numbers, but the numbers of heavily intoxicated people on the streets is definitely increasing.</p> <p>The group discussed Nitrous Oxide and KW noted that the Police do not have a legal right to confiscate it yet even though there have been some reported deaths from it. TK noted that at the University they have seen a reduction in the use of Nitrous Oxide as it has become more and more difficult for students to get large amounts delivered.</p> <p>Next year's PRIDE was discussed and AG noted that Children's Services are considering having a float with a youth element in the parade but there are associated issues still to be considered such as staffing and the appropriateness of leaving a group of young people at the park. This obviously needs more thought and any advice would be welcome. TS advised that Richard Butcher-Tusset has been working with LT on the numbers around PRIDE and they will bring something back to this Board to see if there is more we can do around the planning stages. JWa noted that there has been a shift in recent years around the intent of people going to the festival and now it seems to be just about getting as intoxicated as possible and the key messages of the event are being lost. TS will identify some other people to work with Richard on this year's event.</p>	<p>TS</p>
5.0	PUBLIC HEALTH AND LICENSING ACT 2003	
5.1	<p>TS referred to the summary document that had been distributed and highlighted the key areas that it covers. TN noted that it refers a number of times to the work that Public Health in Brighton & Hove has done with licensing, as this is not the case with most Local Authorities. TS agreed that this is only really possible for unitary authorities, as others will not have the necessary connections to relevant colleagues.</p>	

Item	Comment	Action
6.0	ACTION PLAN UPDATE AND REVIEW	
6.1	<p>The group went through progress on the individual action plans highlighting key issues:</p> <p><u>Domain Group 1</u> <i>Addressing the Drinking Culture – Leads: Greg Cooper</i></p> <p>GC outlined the project details as follows:</p> <ul style="list-style-type: none"> • Aims of the social marketing campaign: To raise awareness of the impact and consequence of drinking at hazardous level and promote moderate drinking behaviours to reduce alcohol consumption and frequency. • Objectives: To increase awareness among those drinking at risk and encouraging them to reduce their alcohol consumption through adopting healthy drinking behaviours or seeking specialist support from local recovery services. • Target audience: Middle age working adults (35 to 55 year olds) who are drinking above the recommended guidelines on a regular basis, predominately at home. <p>The three key messages developed through the insight work were:</p> <p>1) Daily drinking is as bad for you as binge drinking.</p> <ul style="list-style-type: none"> • This message communicates that regularly drinking over the recommended limits can lead to the same long term health problems as binge drinking on one or two days a week. <p>A key concept was reframing communications on drinking around the concept that, for couples “drinking the best part of a bottle of wine a night between you is worse for you than binge-drinking”.</p> <p>2) How will your drinking impact on your children?</p> <ul style="list-style-type: none"> • This message focuses on the potential burden of long term caring responsibilities resulting from alcohol which could be imposed on family members over time. <p>Another powerful set of concepts builds on the insight that children have a major influence on this group, as drivers of routine and as the key influence towards drinking at home and at a ‘morally acceptable level. Two key concepts were developing message that draw on the desire to ‘be there for the children; challenge the assumption that current behaviour are not harmful in terms of long term health (even if people are fit and otherwise leading healthy lives). The second was to deliver messages and interventions through schools, inspired by the way that children now influence parent’s behaviours on environmental issues and smoking.</p> <p>3) Alcohol can cause weight gain and make you look old before your time.</p> <ul style="list-style-type: none"> • This message is designed to appeal to those who may be concerned about their appearance as they get older. <p>Another message platform suggested by the insight research was to focus on short-term extrinsic values, in particular weight. Reframing communications on drinking around the concept that, weight gain and aging are linked to steady alcohol intake and regular drinking</p>	

Item	Comment	Action
	<p>PA gave a verbal update on the Alcohol Awareness Week and talked through the report she had sent round previously. PA advised that they are looking to change the format a little for next year. TS suggested that PA liaise with Paula Murray's team regarding the redevelopment of Churchill Square as currently proposals include a space for community/cultural events and it would be good to get in early and feed in our requirements/ suggestions so they can be incorporated. PA talked through various campaigns and training that she has coming up.</p> <p>TS advised he has been approached by The Argus re the Effekt Programme with parents in schools and he has directed them toward KCI.</p> <p>Safespace – GC talked advised that there was a Safespace outreach for 5 weeks on the lower esplanade which had a good impact. KW will try and look at the impact of Safespace and safe Haven on A & E. There are funding issues around Safespace and GC is in talks with A & E amongst others around this as it has such a positive effect on A & E. KW noted that some clubs have identified Safe Haven rooms, which is a positive step.</p> <p>An enhanced service was provided on NYE at St Paul's Church (Safe Space Venue) on West Street - 3 YMCA staff, 3 Red Cross first aiders and 1 SECAMB Paramedic . There were also 3 detached outreach teams of non-medically trained YMCA staff and Resolve security staff (Lower Esplanade, East Street, St. James Street). A Red Cross ambulance plus paramedic team was located between Pool Valley and Harry Ramsdens and there was one team operating from Waikiki night club on the Lower Esplanade. GC is developing a stronger working partnership with SECAMB - & Andy Cashman A&E –Rick Strang for future enhanced service delivery</p> <p>Resources - BSUH have approved the modified revision of the Scottish resource on the risks of alcohol consumption during pregnancy to be used by midwives – currently looking into getting this printed An easy read leaflet on accessing substance misuse services in Brighton and Hove has been developed and disseminated to young people and adults with a learning disability</p> <p>Intervention - Effekt Programme - one school is delivering the second workshop to parents and the other school has completed their first workshop. The response has been mixed in attendance – the general feedback of the program is positive but the challenge remains about engaging parents in enough numbers. On-site brief interventions for drugs and alcohol in schools - Four further schools have been identified for on-site drop-ins and at present PH are working to establish mechanisms to pick up this need as RU-OK, does not have the capacity.</p> <p>Workplace - GC is writing a new Drugs/alcohol guidance document for Sussex (09/14). There is currently an E-Learning course on drugs and alcohol: Agnes Munday (Cri) is working with Jo Tomlinson (Brighton Uni. Student Services manager) to refine the course for students. EDF new policy implemented & on-line training taken up.</p> <p>GC talked through the action plan for this domain group, focussing on the progress to date highlighted in yellow on the plan. GC advised that there are plans to update the priorities in February, please contact him directly if</p>	<p>KW</p> <p>ALL</p>

Item	Comment	Action
6.2	<p>you would like to input to this.</p> <p>BK gave the attached update on the Safety Bus which ran during Fresher's week. It was run the the 7 biggest nights for Brighton Student Union. They had been surprised by the low number of students who needed to use it, averaging at 12 a night, but they were only taking those who couldn't get home by alternate means. A number of lessons were learnt such as where they may need to focus on intervention work (Varley Park); Going to private residences and not just halls of residence would also help more students; a smaller bus would be adequate. Many more students were helped with safety messages and directions and at an estimate this was in the hundreds.</p> <p>TK advised that Sussex University had a scheme this year with City Cabs to get students back safely and he will look at the numbers of take-up for that and report back to the Board. He is open to working together with Brighton University on having a bus for next year and his only concern is around the associated costs of the Safe Bus. GC advised that going forward it is proposed that a minimal charge on tickets (say 10p) at clubs could cover the cost of running the bus and this is being looked into.</p> <p>.....</p> <p><u>Domain Group 2</u> <i>Availability of Alcohol – Leads: Tim Nichols / Linda Beanlands</i></p> <p>GP gave the attached presentation on the Community Alcohol Project (CAP) and also distributed the attached paper on CAP. GP talked through the CAP model which addresses under-age drinking in a non punitive way. Each CAP is unique to that area and is based on a lot of local research and statistics with a pilot period that is followed by a re-evaluation of the service. Free training is provided by partners and some CAPs see a decrease in alcohol related behaviour and A & E admissions. CAP can provide personalised posters free of charge which can be targeted to the local community. They work on enforcement and education and do a lot of work with the Alcohol Education Trust and also provide diversionary schemes such as cafes, film clubs etc.</p> <p>GP noted that Brighton & Hove has issues around under-age drinking and CAP is something that could be integrated into the work already being done. There would be no financial cost but someone would need to act as co-ordinator and this would take about 1/3 of their time. The CAP website has a toolkit which lists everything that would be needed. Once set up, the CAP would be cost effective as less Police and A & E resources would be used. CAP is funded by the Retail and Alcohol Standards Group and is a community interest company. Some of the funding does come from the Government.</p> <p>AG expressed support and thought it might help pick up from similar schemes such as Operation Parks, which had come to an end. Also a lot is dependent on neighbourhood policing. This was discussed and it was agreed by the Board that this scheme sounds good and it would be good to have an outside view of what is currently being provided and where the gaps are. It was agreed that JP would pick this up in the first instance to take this forward and JS, LT, KCI and AG should all be involved.</p>	TK

Item	Comment	Action
6.3	<p>TN referred to the SOLP Position Statement paper that had previously been distributed and advised that it is not looking like we have the evidence to expand the Cumulative Impact Zone (CIZ). This paper outlines the proposals for changes to Licensing Policy and TN will circulate the full Licensing Paper to the Group for all to feed in their comments please.</p> <p>Liz Tucker advised her team are on the case to update the PH Framework document for alcohol applications and she will liaise with TN re the additional data to be included.</p> <p>TN advised that they are looking to amend the Matrix for applications and JI noted that she is keen we keep the categories and geography in the matrix as this has proved very useful.</p> <p>.....</p> <p><u>Domain Group 3</u> <i>Night Time Economy: Leads Katie Woolford</i></p> <p>KW and JI gave the attached presentation on the LNL following their visit to Newcastle, which had been very positive. In Newcastle the Levy had been Council led rather than Police led. Newcastle advised that there had been no difficulties setting it up as everyone involved had bought into it, even the licence holders. There had been a couple of serious incidents and they knew it would help make people safer and a lot of the premises were aware that the now need to contribute to the Night Time Economy that they benefit from.</p> <p>KW advised that the process involved in setting up a LNL involves a consultation once it has been suggested, which would then go to the Licensing Committee for approval. TN noted that Political sponsorship would be required and a possible pre local election manifesto commitment by a major party would be helpful. There would need to be some form of commitment regarding the time involved and we would also need buy-in from the Director of Finance as it is a form of tax. His team is currently restructuring and there is an issue around capacity for running the LNL. He would want to make sure that some of his services which are being heavily cut receive some of the funds raised, such as late night noise services. KW advised that this is exactly the kind of thing that has been funded in Newcastle along with things like street cleaning.</p> <p>The Board agreed that the LNL is worth exploring further and TS and TN to take this forward.</p> <p>.....</p> <p><u>Domain Group 4</u> <i>Early Identification, Treatment and Aftercare: Leads – Kathy Caley</i></p> <p>JG, TB and LT gave the attached presentation on alcohol users who are frequent attenders at A & E. TB works with these and many live in independent accommodation and can be quite isolated. One aspect of his work is to get people engaged with services and he can act as a bridge to these.</p> <p>Referral numbers to the Alcohol nurse have dropped and the various reasons for this were discussed. The main issue is that for the last few</p>	<p>JP</p> <p>TN All</p> <p>LT</p> <p>TS/TN</p>
6.4	<p>Referral numbers to the Alcohol nurse have dropped and the various reasons for this were discussed. The main issue is that for the last few</p>	

Item	Comment	Action
	<p>months A & E has been so busy the nurses do not have the time to put the stickers in the book. The removal of an incentive is another reason for the lack of referrals. KC to talk to Masha Finn in A & E about how best to take this forward.</p>	<p>KC</p>
7.0	AOB	
	<ul style="list-style-type: none"> Deaths at sea last week. TS to discuss with GC separately 	TS/GC
8.0	FUTURE MEETINGS	
8.1	<p>The date of the next meeting is:</p> <p><u>Monday</u> 13th April 2015, 2pm – 4.30pm, Room 122, King’s House</p>	

**Alcohol Programme Board
SDG 2 : Availability**

Activity Area	Impact	Current Activity	Time Frame	Cost Impact	Leads	Identified KPIs and Progress
I. Reducing Alcohol Sales						
I.1 Street drinking Sensible on Strength Campaign	Reduce sale of high strength lager and cider and street drinking.	Sale of high strength beer and cider, illicit beer and street drinking linked around the hostel locality. Joint work with Equinox.	2014/15	Existing budget	§ Trading Standards Officers § Sussex Police Licensing Unit	New areas: Elm Grove Seven Dials
I.2 High ABV beer and cider "Sensible on Strength"	Reduce sale of high strength lager and cider and street drinking	"Safe on Strength" accredited off-licence scheme. Remove super-strength (>6% ABV). Documented training, Challenge 25, refusals policy, CCTV. Brand developed. Inspections commenced (St James's Street, London Road, Western Road.	2014/15	Existing budget	Trading Standards and Licensing Officers	300+ off licences. 101 Members.
Activity Area	Impact	Current Activity	Time Frame	Cost Impact	Leads	Identified KPIs

						and Progress
		Trading Standards approaching Cash & Carry.				Economic Development Newsletter.
1.3 Permitted price enforcement	Inclusion of permitted price enforcement in regulations	Inspection programme. Compliant investigation.	w.e.f. 6 April 2014	Within existing budget. P = D+ (D&V) P = Permitted price D = Duty chargeable V = VAT	§ Licensing prioritised inspection programme § SOS § Trading Standards investigations	1,400 licensed premises High level compliance with below cost pricing. Anomaly with non-sparkling cider.
1.4 Business Support Training	Reduction of supply of alcohol to children and young people		Continuous	Charge removed creating increased take up.	Trading Standards Officers	Covers age restriction, licence conditions, refusal, violence at work, scams. <u>2014/15</u> See attached appendix.
1.5 Application of policy (matrix) to resist proliferation of off licences	Halting off licence proliferation	Scrutiny report	2012/15 (SoLP) policy life	Licensing Panel hearing	Licensing Officers DPH	Scrutiny report to Licensing Committee – June 2014.
Activity Area	Impact	Current Activity	Time Frame	Cost Impact	Leads	Identified KPIs and Progress
1.6 Statement of Licensing Policy - Scrutiny	Restriction of licence proliferation Emerging policy issues:	Scrutiny Panel : Alcohol free events Responsible retailing		Licensing Committee and Full Council hearings	Licensing	Report to Licensing Committee – 20 Nov 2014

	<ul style="list-style-type: none"> § Licence training and competence § High ABV beer and cider § CIZ § Matrix : Café Bars/alcohol free choices 	<p>Abolishing personal alcohol licences will create training need.</p> <p>SDG2 views:</p> <ul style="list-style-type: none"> § No justification for more restrictive CIZ § Café bars should be viewed as pubs in matrix. § TENs in CIZ needs policy informative. § Restricting early off-sales hours difficult to justify, unless case-by-case street drinking foci. 				
Activity Area	Impact	Current Activity	Time Frame	Cost Impact	Leads	Identified KPIs and Progress
						<ul style="list-style-type: none"> § Lack of non-alcohol places to socialise <p>Issues arising in Cttee and Panel:</p> <ul style="list-style-type: none"> § High strength beer and cider off-sales, links

						<p>with street drinking and foreign labelled products</p> <p>§ The matrix: definition of classes of licensing premises, especially café bars; the definition of localities; and the strength of presumption</p>
Activity Area	Impact	Current Activity	Time Frame	Cost Impact	Leads	Identified KPIs and Progress
	<p>§ TENS : prevalence of city centre bar extensions and</p>	<p>Responsible authorities experience a reduction and withdrawal of TENS</p>			<p>Head of Regulatory Services to instruct</p>	<p>§ The cumulative impact zone and permissive approach to pubs and restaurants</p> <p>§ Training and competence of applicants and business operators</p>

	alcohol in community events (cognitive dissonance)	Concern about circumventing CI special policy			solicitor for potential Counsel advice	
Activity Area	Impact	Current Activity	Time Frame	Cost Impact	Leads	Identified KPIs and Progress
1.7 Proxy purchase and underage sale investigations and test purchase operations	Reduction of age restricted sales offences	15.2.14 – Operation Challenge 4/8 Licensed premises failed. 2013-14 64 premises and 212 persons received business support training	2012/13 Business Plan (Trading Standards)	Fair Trading Officer (£25k) Unit cost/TP operation = £110	<ul style="list-style-type: none"> § Trading Standards Officers § Sussex Police Licensing Unit § Licensing Panels 	<ul style="list-style-type: none"> § 4/8 Failures § ID Scanning introduced <p><u>2014</u> Operation Challenge – recent Police test purchase operation, Trading Standards – see attached Appendix.</p>
1.8 Work with students		Mtg with Bton University re partnership criteria of accreditation. Looking to run non-alcohol events.			<ul style="list-style-type: none"> § Licensing 	<ul style="list-style-type: none"> § Recent Freshers event well organised and managed.

		Advising that Licensing Authority be advised of events involving over 500 people.				
Activity Area	Impact	Current Activity	Time Frame	Cost Impact	Leads	Identified KPIs and Progress
2. Inclusion and engagement						
2.1 Improve community involvement in licensing decisions	Increase representations on applications. More appropriate businesses serving communities	Presentation at LATS, weekly lists to Ward Councillors. Changes to website (PRSRA). Public register published and advertised. Advice on representations. 2012/13 : Moulsecomb LAT. EBRA, East Street LAT, CMPCA, BARG, Central Hove, Licensing Strategy Group, LAT Chairs London Road LAT licence review of B&W Stores, York Place	Continuous	Within Licensing core budget	Head of Regulatory Services	Presentations to LATs and Residents' Associations. London Road LAT. Trading Standards attending regularly. LAT Chairs – TN presented. Presentation offered to Patcham LAT. West Hill Community Association TN - Seminar

Activity Area	Impact	Current Activity	Time Frame	Cost Impact	Leads	Identified KPIs and Progress
2.2 Strengthen links with the local licensed trade	Increased understanding of policy, applications appropriate to community and better expectation for applicants. Inappropriate applications deferred	Presentations at business association meetings. <u>2012/13</u> Village Pubwatch Tourism Alliance Destination Management Forum	ongoing	Within Licensing core budget	Head of Regulatory Services	Presentations to business assoc. Recent consultation with Licensing Strategy Group – Best Practice Schemes, Statement of Licensing Policy Review.
3. Government Alcohol Strategy						
3.1 <u>Minimum Unit Pricing</u> Likely Government consultation on 45p	Can beer (1.8 units) = 81p IL spirit : £18 (40% abv) Scotland (50p MUP) anticipates 50 fewer deaths in year 1, 300 fewer deaths in year 10 Cutting red tape proposals potential to increase availability	Home Office consultation closed. period on: 1. a ban on multi-buy promotions 2. a review of the mandatory licensing conditions 3. a minimum unit price of 45p 4. a new health-related objective for alcohol licensing 5. cutting red tape for responsible businesses	APB response to consultation and representation on two Home Office technical groups – health as alcohol licensing objective for cumulative impact and review of mandatory code	None Cost to local economy? (increased revenue?) No further action on this consultation.	Head of Regulatory Services	Below costs rules introduced (difficulty with cider anomaly).
Activity Area	Impact	Current Activity	Time Frame	Cost Impact	Leads	Identified KPIs and Progress

<p>3.2 <u>Licensing</u></p> <ul style="list-style-type: none"> § Health bodies as responsible authorities § Licensing Authority as responsible authority § Lower evidence test. Removal of vicinity test § Child protection – increased fine § Zoning permitted § CIZ/ Public health connection 	<p>Reduced new outlets</p>	<p>Policy and processes amended Liaison with DPH. Simplification of weekly application list. Pre-application for supermarket in CIZ</p>	<p>Current Home Office current consultation: abolition of personal alcohol licences and more flexibility: Community and Ancillary Notices</p>	<p>None</p>	<p>Head of Regulatory Services</p>	<p>Ancillary sales notices to be introduced (deregulation)</p>
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4. Responsibility Deal/Existing Licensing Enforcement

Activity Area	Impact	Current Activity	Time Frame	Cost Impact	Leads	Identified KPIs and Progress
<p>4.1 Health information on labels</p>	<p>Unit content CMO guidelines Pregnancy warning</p>	<p>Currently voluntary code (Portman Group)</p>				<p>Codes of Practice : Alcohol Sponsorship and</p>

	Drinkaware (optional) Responsibility statement (optional)	Portman introduced advertising and labelling Codes of Practice.				Naming, Packaging and Promotion of Alcoholic Drinks
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5. National Licensing Changes						
Activity Area	Impact	Current Activity	Time Frame	Cost Impact	Leads	Identified KPIs and Progress
5.1 Late Night Levy	<ul style="list-style-type: none"> § Reduced late night opening § Funding stream for taxi marshals and Safe Space § Revenue for Sussex Police 	<ul style="list-style-type: none"> § Monitoring and response to Home Office consultation § Report to Licensing Committee § Anticipation of regulations § Engagement of Council, Sussex Police and PCC § Consideration within Licensing Strategy Group (1.00am commencement for late night authorisation and hotel exemption?) § Calculation of revenue for different late night authorisations + exemptions § Monitoring national picture 	<ul style="list-style-type: none"> § Commencement October 2012 § Election of PCC in Nov 2012 § PCC police strategy 	<ul style="list-style-type: none"> § Theoretically collection self funding § Concern over complexity of collection and sufficient funding for projects § Potential cost to local economy 	Head of Regulatory Services; Sussex Police; PCC; Licensing Committee	Reported to Licensing Committee – March 2014 – to be kept under review.
Activity Area	Impact	Current Activity	Time Frame	Cost Impact	Leads	Identified KPIs and Progress
5.2 Early Morning Restriction Orders	<ul style="list-style-type: none"> § Reduced late night opening in locality 	<ul style="list-style-type: none"> § Monitoring and response to Home Office consultation 	<ul style="list-style-type: none"> § Commencement October 2012 	<ul style="list-style-type: none"> § Potential cost to local business (lost 	Head of Regulatory Services;	To be kept under review.

		§ Report to Committee § Anticipation of regulations § Consideration within Licensing Strategy Group (As a measure unlikely to counter general disturbance in city centre) § Monitoring national picture		revenue)	PCC; Residents' Associations; Licensing Committee	
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41

ARCHIVE

Discharged Activities

Activity Area	Impact	Subsequent Activity	Leads	KPIs
National Alcohol Strategy				
Amended licensing	Licensing and Public Health	Less permissive regime	Licensing Officers	Complete

procedures	are responsible authorities. Increased weight of Police representations. Lower evidence threshold.			
Amended Statement of Licensing Policy	New responsible authorities. Reinforces recent policy changes.	Alcohol strategy appears supportive to hypothesis that concentrations of alcohol outlets in city centres are detrimental to health	Licensing Lawyer Licensing Officers Licensing Panel	Complete

42

Activity Area	Impact	Subsequent Activity	Leads	KPIs
Licensing Councillor Expertise				
Officer training Licensing Councillors. External training. Member visits.	Increased Licensing Councillor expertise, leading to proportionate decisions.	Continuous Member development and induction for new Licensing Councillors	Head of Regulatory Services Licensing Lawyer	<ul style="list-style-type: none"> • Trained Councillors • Report to Licensing Committee • New Licensing Councillors for 2013/14 trained • Political training for Members by external advisor (Philip Kolvin QC)

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Activity Area	Impact	Current Activity	Time Frame	Cost Impact	Leads	Identified KPIs and Progress
Reducing Alcohol Sales						
Investigation of smuggled, falsely described and illicit alcohol supply	Reduction of duty, labelling, food standards and trademark offences, reducing cheap illicit alcohol in the market.	Intelligence led investigations, licence reviews and formal action All food enforcement staff checking wine, etc. provenance as part of Inspection programme. Intelligence sharing: Sussex Police, HMRC, TS, EH, Licensing	2012/13 Business Plan (Trading Standards)	Fair Trading Officer (£25k) Part of programme (10 food safety officers inspecting 1,200/3,300 FBOs pa)	<ul style="list-style-type: none"> § Trading Standards Officers § EHOs § Sussex Police Licensing Unit § Licensing Panels 	<ul style="list-style-type: none"> § Reviews and formal action § 13 Reviews and 1 prosecution since 1.4.10 § HMRC raid § HMRC made recent seizure at Moonlight store, Church Road, Hove. § TS leading

43

						licence work. § International, Preston Road
Activity Area	Impact	Current Activity	Time Frame	Cost Impact	Leads	Identified KPIs and Progress
Responsibility Deal/Existing Licensing Enforcement						
Mandatory code	§ Designated premises supervisor § Personal licence holder authorisation § Irresponsible promotions § Age verification § Smaller measures (½ pint beer, 25ml spirit, 125ml wine)	Under review (Home Office) Represented on Home Office technical group Home Office current consultation: abolition of personal alcohol licences and more flexibility: Community and Ancillary Notices.	Risk based inspection programme	Existing core licensing budget	Licensing Officers	Inspection numbers

44

S:\Environment\Management Group\ValPeters\MsOffice\TN - Alcohol (from July12)\SDG2 - Availability - Sept.14

Subject:	Review of Statement of Licensing Policy – interim report		
Date of Meeting:	5th March 2015		
Report of:	Director of Public Health		
Contact Officer:	Name:	Jim Whitelegg	Tel: 01273 292438
	E-mail:	jim.whitelegg@brighton-hove.gcsx.gov.uk	
Wards Affected:	All		

FOR GENERAL RELEASE

1 SUMMARY AND POLICY CONTEXT:

- 1.1 The Council, as Licensing Authority, has a statutory duty to review its Statement of Licensing Policy (SoLP) every five years. The previous review was adopted on 15 December 2011 by Full Council and the revised Statement of Licensing Policy came into effect on 20 December 2011.
- 1.2 The revised statement of licensing policy included an expanded cumulative impact zone (CIZ) and new larger special stress area (SSA). In addition, a matrix approach to licensing decision making was adopted.
- 1.3 It was further agreed that the cumulative impact zone and special stress area are reviewed regularly and as such we have reviewed data year on year from the implementation of the CIZ and SSA's.
- 1.4 On the 20th November 2014 Licensing Committee considered the Report of the Head of Regulatory Services in relation to proposed revision of the current Statement of Licensing Policy and the Committee resolved to confirm the current Cumulative Impact Zone(CIZ) and Special Stress Area (SSA) as defined in the current SoLP and to continue to adopt the special policy in relation to that CIZ and SSA and to continue to include these within the current statement of licensing policy; Note the review of the matrix that had been carried out in accordance with the recommendations of *Scrutiny Panel on Alcohol*. Officers to continue to carry out work to review the SoLP to the report, to incorporate emerging policy issues such as "Sensible on Strength" and off licences, and advice from Director of Public Health, Public Health England and the Local Government Association; and (4) Officers to report back to March 2015 Committee meeting with an updated draft SoLP for statutory and public consultation.

2 RECOMMENDATIONS:

- 2.1 Officers to continue to carry out work to review the SoLP to incorporate emerging policy issues such as Sensible on Strength and off licences, and

advice from Director of Public Health, Public Health England and the Local Government Association.

2.2 Officers to report back to June 2015 Committee with an updated draft SoLP for statutory and public consultation.

3 RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS: SOLP: Position statement/interim policy position – 230215

3.1 The Key Changes

- Review overall structure and layout
- Propose new section titled 'Special (local?) Policies' to include BHCC policies CIZ, SSA, Matrix, TENs, Off licences/sensible on strength scheme, student and organised beer crawls (examples below).
- Include Public Health section, incorporating latest PH thinking and perspective, include Alcohol Programme Board.
- Matrix review (para. 2.7) including café/bars category and define restaurant condition, removal of residential/mixed areas and include Other Areas, include notes on licensing authority taking into account Ward alcohol related health, crime and disorder data published in the Public Health Framework document.
- Updates and significant input needed from Police, Public Health, Planning, Arts/Tourism.

3.2 Special Policies

3.2.1 Off licences

In recent years there has been a noticeable shift towards more people buying alcohol from shops and drinking at home before going out, this includes people drinking on the streets prior to going into premises such as pubs and clubs. The council is concerned that alcohol loading from off-licence sales is a significant problem in the city and adversely affects the licensing objectives as it gives rise to problems of drunkenness, disorderly behaviour and a higher risk of alcohol sales to children. Representations from the police, local residents and the director of public health at licensing panel hearings have testified to these problems and information published in the Public Health Framework for assessing alcohol licensing presents a ward by ward analysis of crime and disorder and health data which is relevant in this respect.

The special policy on cumulative impact and the special stress areas apply to off-licences as explained in the matrix approach at 3.3.3. But in general/or outside these areas where applications are made for new premises or variations to existing licences, and where the police or others make representations against the grant of a further licence for off sales, the council will give specific consideration to restricting the number, type, and the hours of premises selling alcohol exclusively for consumption off the premises. The

council will want to be assured that the Operating Schedule of premises, and their overall management, training and levels of staffing, are appropriate to ensure that the licensing objectives are promoted in what may be challenging circumstances.

Areas of best practice that may be included in an Operating Schedule include:

- the installation of a digital CCTV system by liaison with, and to a standard approved by Sussex Police
- Challenge 25 policy
- Refusals system
- Documented staff training including underage sales, drunkenness and proxy sales
- Voluntary restriction of high strength alcohol - operating schedules may be used to limit high ABV beers and ciders
- BCRP membership (or other accredited scheme)
- No sale of single cans
- Displays should not be located at the entrance/exit points or near check outs

Over recent years problems associated with street drinking have been experienced across the city but particularly by the Level, Lewes Road and New Road. There are many support services in place to deal with this and the drinkers themselves. In November 2013 the Licensing Authority launched the 'Sensible on Strength' scheme to reduce the availability of cheap super-strength beers and ciders. Off licences voluntarily sign up not to sell cheap super-strength beers and ciders and receive an accreditation. This has been a considerable success and we have received positive feedback including from businesses, alcohol treatment centres and health professionals, where 80% of the high profile street drinkers have moved to lower ABV and more clients are engaging with rehab treatment centres, as well as breaking up hot spot drinking areas. This is an ongoing scheme that will be reviewed regularly.

3.2.2 Temporary Event Notices

The Licensing Authority will encourage bona fide community events. Applications for TENs at existing licensing premises will not be encouraged where the proposal is simply to extend the existing hours of operation and applications made in cumulative impact zones will be subject to increased scrutiny.

3.2.3 Student and Organised Pub Crawls

The Licensing Team and other agencies work with universities, event organisers and promoters to ensure events are responsibly run to include good practice measures based on mandatory conditions and promoting licensing objectives. Such measures include stewarding, on site medics, discounted non alcoholic drinks, water angels, and promotion of non-alcohol events. This includes working with Brighton University regarding a Home

Office initiative for an accreditation scheme around a NUS alcohol impact project to encourage students to drink responsibly.

3.2.4 Promoters

The Licensing Act 2003 makes no mention or provision for the use of promoters within licensed premises. Many of the late night bars and clubs within the Brighton & Hove Cumulative Impact Area regularly hire promoters to sell nights at their venues. In recent years with the introduction of promoters within the Brighton night time economy, several issues have arisen. This includes promoters vouching for underage customers to get them inside licensed premises where they can access alcohol, providing flyer to passers by who throw them on the floor and irresponsible promotions for their nights. The Police and Licensing Team have been working with promoters to educate and ensure they are aware of firstly the mandatory conditions and irresponsible drinking promotions and of late to also make them aware of the serious nature of protection of children from harm (underage entering the clubs). Many premises now have an agreement with their promoter for acceptable promotions and behaviour which includes the signing of a written contract of expectations. This shows premises evidencing their due diligence and ensures that promotion companies know what is expected of them. The contract could include, obligations to pick up self generated litter, verification of ages of their customers and users of their social media, promoters being over the age of 18 and responsible advertising on social media.

3.2.5 Sexual Exploitation in the night time economy

The YMCA Downsink Group runs two projects that aim to improve safety in the night time economy. Safe Space on West Street runs throughout the year on Fridays and Saturdays (11-3.30am) from its base in St Pauls Church, West Street. The project is intended to provide a safe place for users of the night time economy who are rendered more vulnerable due to alcohol and/or drug use. First Aid is provided by The British Red Cross with emotional and practical support from the YMCA. During the Spring and Summer months a mobile outreach team also operates along the seafront out of Waekiki. Mobile teams also operate on New Year's Eve in the Kemp Town and East Street areas. The YMCA's sexual exploitation project, WiSE Project, have also been busy running a campaign called WiSEUp increasing awareness of sexual exploitation in the night time economy. The two strands of work are to speak to workers such as pub and bar staff, door staff, fast food outlets, taxi firms and hotels to encourage them to look out for signs of sexual exploitation and inform them of how to report incidents of concern. This has been extremely well received and staff report that they feel more able to respond appropriately to vulnerable people using their services. The other strand involves talking to customers in the city centre and on student campuses about staying safe and looking out for other people using interactive beer mats and informative leaflets. The people that have been approached report that this is a fun and non-threatening way of getting people thinking about a serious topic.

4. CONSULTATION

- 4.1 Consultation involves 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. If members were minded to change the statement of licensing policy, officers should undertake the statutory consultation exercise outlined in Section 5 of the Act and Full Council alone can exercise the function of revising the authority's policy.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

The costs associated to the recommendations in this report are allowable under the Licensing Act 2003 and therefore funded by licence fee income; any variation between expenditure and income generated from licence fees is funded from existing revenue budgets. Licence fees are set by central government. The recommendations in this report would only affect new applications and variations to existing premises licenses, and is not expected to impact on current levels of income from renewals of applications.

Finance Officer Consulted: Steven Bedford

Date: 21/01/15

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 SoLP is a major step and one which must be taken in accordance with proper procedure and legal advice in order to avoid legal challenge.

Lawyer Consulted: Rebecca Sidell

Date: 23/01/2015

Equalities Implications:

- 5.3 A rebuttal presumption against new licensed premises in a CIZ 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 CIZ 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.

Corporate / Citywide Implications:

- 5.7 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 CIZ will normally be refused following relevant representations unless it can be demonstrated that there will be no negative cumulative impact.

Documents in Members' Rooms:

Copies of the most up to date working "draft" of the "Statement of Licensing Policy have been lodged in the offices of the political assistants at King's House. It is important to note that this document should be regarded as a work in progress as work on it is on-going and further changes will be made.

Background Documents:

None.

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

Agenda Item 29

Brighton & Hove City Council

Subject:	Renewal of Personal Licences		
Date of Meeting:	5 March 2015		
Report of:	Director of Public Health		
Contact Officer:	Name:	Jean Cranford	Tel: 29-2550
	Email:	Jean.cranford@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1. This report is to update Members on the 10 year renewal of personal licences.
- 1.2. That Members are apprised of local and national issues.

2. RECOMMENDATIONS:

- 2.1 That Members note the contents of this report.

3. CONTEXT/ BACKGROUND INFORMATION

3.1 Licensing Act 2003 – Personal Licences

- 3.1.1 When the Licensing Act 2003 was introduced in November 2005, the local authority became responsible for issuing personal licences. These licences were valid for 10 years at which time they would need to be renewed.
- 3.1.2 The Government is aiming to remove the requirement for personal licence holders to renew their licence every 10 years through the Deregulation Bill, which is currently before Parliament. The first personal licences were granted in February 2005. However, the Bill is unlikely to receive Royal Assent before the tenth anniversary of the date on which the first personal licences were granted. To ensure that personal licence holders are not disadvantaged by this position, the Government will introduce new arrangements through secondary legislation for those whose licences are due for renewal before the proposal in the Bill comes into force.
- 3.1.3 The first applications for personal licences were received and processed by BHCC during April and May 2005. The number of licences issued during that period is approximately 70.
- 3.1.4 The application form to renew a licence has been amended so that licence holders are required to provide only essential information to the licensing authority. The application form is available on our website.

- 3.1.5 Applicants must complete the form and submit it to their licensing authority no later than one month before their licence expires. They will also have to enclose their licence or a copy. Section 119 of the Licensing Act 2003 provides that where an application for renewal is pending and the application has not been determined before the licence expires, the licence continues to have effect. To ensure that applicants have certainty that their forms have been received, licensing authorities should acknowledge receipt of the application. This could be achieved, for example, by setting up an automated email address where applications are received by email.
- 3.1.6 Personal licence holders will each need to submit a completed form to the licensing authority which granted the licence. A copy of the renewal form will **not** have to be sent to the Police. Applicants will **not** have to enclose an application fee, photographs, a criminal convictions certificate, criminal record certificate or the results of a subject access search of the Police National Computer. Applicants **will** have to provide their licence with their application or state why it is not practicable to do so. Individual licensing authorities can decide whether applicants are required to submit the original licence or a copy (e.g. a scanned version or a photocopy). If licensing authorities permit applicants to provide a copy of the licence, it will enable applicants to apply by email. That is our intention.
- 3.1.7 If an original licence is returned with the renewal form, the licensing authority will need to return the licence to the licence holder, unless the licence holder has declared relevant convictions. Where a relevant conviction has been disclosed, the original licence should not be returned until the period allowed to the police for giving an objection notice has expired or, if an objection notice is received, the authority determines to grant the renewal.
- 3.1.8 If a licence holder discloses a relevant offence, the licensing authority should notify the police. The police may issue an objection notice to the licensing authority. If an objection notice is received the authority must then decide whether to reject or grant the application. A hearing must be held to consider the application and objection notice unless all the parties agree that a hearing is not necessary.
- 3.1.9 There will be no charge for renewal. Licensing authorities may charge a fee of £10.50 to cover administrative costs if a personal licence holder asks for a new licence to be issued as a result of a change of name, a change of address or as a result of having lost the licence.
- 3.1.10 Licences with an expiry date will remain valid provided they have submitted a completed renewal application to the relevant licensing authority for renewal not later than one month before their expiry date. The licence holder may use the acknowledgement from the licensing authority as proof that they have applied for their licence to be renewed.
- 3.1.11 Personal licences which are due to expire must be renewed. Failure to do so will mean that the licence will expire. If a personal licence does expire the holder may apply for a new licence but they will be required to pay the fee, provide a criminal conviction certificate, criminal record certificate or the results of a subject access

search of the Police National Computer and also provide a declaration form and two photographs. They may also be required to obtain a relevant licensing qualification if one is not already held as this must also be submitted with the application for a new licence.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

None – this is a statutory duty.

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 Licensing Strategy Group, finance and legal services.

6. CONCLUSION

6.1 The council has a duty to process personal licence renewal applications until Government removes that requirement as part of Deregulation.

7. FINANCIAL & OTHER IMPLICATIONS:

7.1 Financial Implications:

There are no direct financial implications from the recommendations in this report.

The costs associated to renewal of personal licences are allowable under the Licensing Act 2003 and therefore funded by licence fee income; any variation between expenditure and income generated from licence fees is funded from existing revenue budgets. Licence fees are set by central government. The implications of removing the requirement for personal holders to renew their licence is not expected to impact on current budgeted levels of income.

Finance Officer Consulted: Steve Bedford

Date: 21/01/15

7.2 Legal Implications:

Legal implications are contained within the body of this report.

Lawyer Consulted: Rebecca Sidell

Date: 23/01/15

7.3 Equalities Implications:

There are no direct equalities implications.

7.4 Sustainability Implications:

There are no direct sustainability implications.

7.5 Any Other Significant Implications:

None.

SUPPORTING DOCUMENTATION

Appendices:

None..

Documents in Members' Rooms

None.

Background Documents

None.

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

Agenda Item 30

Brighton & Hove City Council

Reviews table June 2014 – February 2015

<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>
Local Star 105 Edward Street BN2 0BB	N/A	09.07.14	Licence suspended
Molly Malone 57 West St Brighton BN1 2RA	N/A	12.11.14	Agreement reached
West Beach Hotel 135 Kings Road Brighton BN1 2HX	N/A	02.09.14	Licence revoked
Harbour View 35 Wellington Road Portslade BN41 1UR	N/A	06.09.14	Licence revoked
Metrobet 56 Boundary Road, Hove	N/A	19.12.14	Conditions added
Regency Arcade Units 1-4 West Street	N/A	19.12.14	Conditions added
Regency Arcade Unit 2 West Street	N/A	19.12.14	Conditions added
Regency Arcade Unit 3 West Street	N/A	19.12.14	Conditions added
Regency Arcade Unit 4 West Street	N/A	19.12.14	Conditions added
Lewes Road Post Office 6 Lewes Road	N/A	13.02.15	To be heard
Northern Lights 6 Little East Street Brighton BN1 1HT	N/A	27.01.15	To be heard

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

Agenda Item 31

Brighton & Hove City Council

**Schedule of Licensing Appeals: Date of Meeting: 5th March
2014**

Premises	Appellant	PTR	Hearing	Outcome
West Beach Hotel	Premises Licence Holder		13 th April 2015	

