

Licensing Committee (Licensing Act 2003 Functions)

Date: **29 June 2023**

Time: **3.00pm**

Venue **Council Chamber, Hove Town Hall, Norton Road, Hove, BN3
3BQ - HTH/CC**

Members: Daniel (Chair), Sheard (Deputy Chair), Pickett (Opposition
Spokesperson), Baghoth, Cattell, Czolak, Davis, Fowler, Hewitt,
Lyons, McGregor, Nann, Robinson, Theobald and Thomson

Contact: **Thomas Bald**
Democratic Services Officer
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AGENDA

PART ONE

Page

1 PROCEDURAL BUSINESS

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

(b) Declarations of Interest:

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

In each case, you need to declare

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

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

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

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

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

2 MINUTES OF THE PREVIOUS MEETING

7 - 10

To agree the Minutes of the previous meeting held on the 3 March 2023.

3 CHAIR'S COMMUNICATIONS

4 CALLOVER

- (a) Items (7 – 10) will be read out at the meeting and Members invited to reserve the items for consideration.

- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

5 PUBLIC INVOLVEMENT

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

- (a) **Petitions:** to receive any petitions presented to the full council or at the meeting itself;
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on the 23 June 2023;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 23 June 2023.

6 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.

7 CONSTITUTIONAL MATTERS – LICENSING COMMITTEES 11 - 18

Contact Officer: Thomas Bald *Tel:* 01273 295709
Ward Affected: All Wards

8 ANNUAL REPORT OF THE LICENSING AUTHORITY 2022/23 19 - 40

Contact Officer: Sarah Cornell *Tel:* 01273 295801
Ward Affected: All Wards

9 REVIEW OF CUMULATIVE IMPACT POLICY - CUMULATIVE IMPACT ASSESSMENT (PRE-CONSULTATION) 41 - 82

Contact Officer: Jim Whitelegg *Tel:* 01273 292438
Ward Affected: All Wards

10 FUTURE LICENSING PANEL HEARING ARRANGEMENTS 83 - 86

11 ITEMS REFERRED FOR COUNCIL

To consider items to be submitted to the 21 July 2023 Council meeting for information.

In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition,

any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting

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

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact , (01273 291354, email Thomas.Bald@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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- Do not re-enter the building until told that it is safe to do so.

BRIGHTON & HOVE CITY COUNCIL
LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

1.00PM 3 MARCH 2023

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors John (Chair), Davis (Deputy Chair), Henry (Opposition Spokesperson), Simson (Group Spokesperson), Ebel, Fowler, Heley, Knight, Moonan, Pissaridou, Rainey and Theobald.

Apologies: Councillors Lewry, O'Quinn and Phillips.

PART ONE

19 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

1.1 There were none.

(b) Declarations of Interest

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

(c) Exclusion of Press and Public

1.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.

1.4 **RESOLVED:** That the press and public not be excluded.

20 MINUTES OF THE PREVIOUS MEETING

RESOLVED – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 13 October 2022 be agreed and signed as a correct record.

21 CHAIR'S COMMUNICATIONS

The Chair gave the following communications:

It's been a very busy period for Licensing Reviews as well as some very significant applications as well – the Licensing Team and our Panel members have dealt with a number of standard Licensing reviews brought by the Police and by Immigration, and in January we

received 2 expedited reviews. These applications are normally rare, as they are urgent reviews where the Police are concerned that the premises are associated with some serious crime or disorder. Obviously we hope that we don't have too many more of these but it shows how seriously we take everything, that they were brought so quickly and efficiently dealt with, so I send my thanks and appreciation to everyone involved with those.

The House of Lords select committee gave recommendations back in April 2017, and the select Committee has now given a follow up report that focuses on the coordination of Licensing and Planning, the Agent of Trade Principal and the importance of member training, some of which has been adopted in the recently revised version of the S182 Licensing guidance which was issued by the Home Office and is important as it states that the Licensing Authority must have read the guidance, and there's also an intention to make specific references to spiking in the guidance, with the intention of raising awareness and encouraging those with Licenses or applying for Licenses to thoroughly consider what, if any, measures need to be put in place to deter spiking happening, and to ensure that Licensing Authorities are giving due regard to issues around spiking. Going forward we can look at this an other aspects as well to see how that would shift as we review.

In response to the Manchester Arena bombing, the Government has introduced plans to introduce a new bill to implement Martin's Law. The New duty will require venues to take steps to improve public safety with measures dependent on the size of the venue and what activities are taking place within it. A fuller annual report of the Licensing Authority will come to the next Committee in June.

On that note, this could be the last Licensing Committee for all members – so if I'm not fortunate to return in this chair or on the other side of the table, I just want to say a massive thank you to officers across Licensing who do an outstanding job and to Tom, our Democratic Services Officer who's one of the best, as well as to all members who I've really enjoyed working with – thank you for being so generous with your knowledge and experience, its been a real privilege to serve as a Councillor and your Licensing Chair.

22 CALLOVER

Item 26 (Review of Licensing Panel Hearings Arrangements) was reserved for discussion.

Item 25 (Schedule of Reviews and Appeals) was therefore agreed.

23 PUBLIC INVOLVEMENT

There were none.

24 MEMBER INVOLVEMENT

There were none.

25 SCHEDULE OF REVIEWS AND APPEALS

RESOLVED:

That the Committee noted the report.

26 REVIEW OF LICENSING PANEL HEARINGS ARRANGEMENTS

26.1 The Legal Advisor (Rebecca Sidell) introduced the report.

26.2 Councillor Pissaridou was informed that members of the public hadn't been consulted on the recommendations as it was the decision of the Licensing Authority, however anyone that has requested an in person hearing so far has received one.

26.3 Councillor Simson raised that it would be helpful to confirm whether in-person Panels were webcast, and asked if there was any data that could be obtained to see how many people were watching the webcasts.

26.4 Councillor Moonan raised that if in-person Panels are happening, a room should be reserved for Democratic Services that is an adequate size. Thomas Bald raised that there could be potential for Democratic Services to take precedence on booking rooms where none are available.

26.5 Councillor Theobald raised that virtual panels are helpful and more accessible, and was concerned that having in-person Panels would prove more difficult to include people who are used to attending online.

RESOLVED:

1. That Committee notes the ongoing risk of fluctuation in relation to Covid infection rates as well as the additional benefits of holding virtual meetings in terms of enabling participation in the Licensing process and recommends that Licensing Panels continue to meet virtually until June 2023. This does not preclude holding a panel hearing in person where the individual circumstances of an application may warrant it.
2. That Committee delegates authority to the Executive Director - Governance, People & Resources after consultation with the Chair and group spokespersons to determine arrangements for Licensing Panel hearings until the next Licensing Committee in June 2023.
3. That the Committee recommends that in exercising this authority the above officer takes into account all relevant factors including latest public health and government guidance, the situation with other council meetings and the need to ensure fair and transparent procedures in accordance with the Hearings Regulations 2005

27 ITEMS REFERRED FOR COUNCIL

There were none.

The meeting concluded at 13:35pm

Signed

Chair

Dated this

day of

Brighton & Hove City Council

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

Agenda Item 7

Subject: Constitutional Matters –Licensing Committees

Date of meeting: 29 June 2023

Report of: Executive Director Governance, People & Resources

Contact Officer: Name: Anthony Soyinka
Tel: 01273 29 1006
Email: Anthony.soyinka@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 To provide information on the committee's terms of reference and related matters including the appointment of its Urgency Sub-Committee.

2. Recommendations

- 2.1 That the committee's terms of reference, as set out in Appendix A to this report, be noted;
- 2.2 That the Committee establish the Licensing Panel as a sub-committee (the membership of such Licensing Panel shall consist of three Members from the trained Members on the Licensing Committee, who will be able to sit on a panel and substitute for any designated Member of the Panel) to deal with licensing applications in accordance with the Terms of Reference are set out at Appendix A to this report.
- 2.3 That the Committee agree to disapply the proportionality rules so far as a Licensing Panel is concerned in accordance with the Local Government (Committees and Political Groups) Regulations 1990;
- 2.4 That the establishment of an Urgency Sub-Committee consisting of the Chair of the Committee and two other Members (nominated in accordance with the scheme for the allocation of seats for committees), to exercise its powers in relation to matters of urgency, on which it is necessary to make a decision before the next ordinary meeting of the Committee be approved.

3. Context and background information

- 3.1 Article 6 of the constitution, incorporates a schedule of all the Committees/Sub-committees established in the new constitution together with a summary of their respective functions.

Licensing Committee – Terms of Reference

- 3.2 A copy of the terms of reference for the committee is attached in Appendix A. These should be read in the context of the 'Introduction and General Delegations' included in the Scheme of Delegations to Committees and Sub-Committees at part 4 of the constitution.

Membership

- 3.3 The membership of the committee is set at 15 Members of the Council.
- 3.4 The arrangements for substitute Members to attend meetings of Committees/Sub-Committees, as set out in the Council Procedure Rules 18.14 to 18.24, apply to meetings of the Licensing Committee.

Programme Meetings

- 3.5 Ordinary meetings of the Licensing Committee are scheduled to take place on the following dates during 2023/24:

Thursday 29 June 2023
Thursday 12 October 2023
Thursday 15 February 2024

- 3.6 Meetings of the Committee will normally be held at Hove Town Hall and will start at 3.00 p.m.

Licensing Panel

- 3.7 All Members of the Licensing Committee will be trained and form a pool of councillors for the sub-committee and will be called on to form a licensing panel. However, any trained Member of the Licensing Committee will be able to sit on a panel and substitute for any designated Member of the Sub-Committee.

Urgency Sub-Committee

- 3.8 The Constitution states that 'each Committee of the Council except the Audit & Standards Committee may appoint an Urgency Sub-Committee to exercise its powers. The Membership of such Urgency Sub-Committee shall consist of the Chair of the Committee, and two other Members nominated by the Group Leader or Leaders as appropriate to meet the requirements for the allocation of seats between political groups. Under current allocations this would mean an urgency sub-committee will consist of two Members from the Administration and one Member from the Official Opposition on the Council.
- 3.9 Such Urgency Sub-Committees may exercise their powers in relation to matters of urgency on which it is necessary to make a decision before the

next ordinary meeting of the Committee. Every decision of each Urgency Sub-Committee shall be reported for information to the next ordinary meeting of the Committee as appropriate.'

4. Analysis and consideration of alternative options

- 4.1 The council's constitution provides for the appointment of the sub-committees and urgency sub-committees and it is for the Committee to determine this action and it could decide not to make such appointments. However, this would be contrary to the wishes of the council and is not therefore regarded as a viable alternative option.

5. Community engagement and consultation

- 5.1 All Members considered and approved the allocation of seats to Committees and Sub Committees and the Terms of Reference of new Committees on 25th May 2023.

6. Conclusion

- 6.1 The recommendations are being put forward in line with the requirements of the constitution.

7. Financial implications

- 7.1 There are no direct financial implications arising from the recommendations of this report.

Name of finance officer consulted: Ishemupenyu Chagonda Date consulted (20/06/23):

8. Legal implications

- 8.1 The establishment of the Licensing Panel as a sub-committee of the main committee is in line with S9 of the Licensing Act 2003 and the Council's constitution

Name of lawyer consulted: Rebecca Sidell Date consulted (19/06/23):

9. Equalities implications

- 9.1 There are no equalities implications arising from the report.

10. Sustainability implications

- 10.1 There are no sustainability implications arising from the report.

Supporting Documentation

1. Appendices

1. Licensing Committee Terms of Reference

LICENSING COMMITTEE

Explanatory Note

The Licensing Committee is responsible for discharging the Council's functions under the Licensing Act 2003. It also has responsibility for all licensing and registration functions not covered by the Licensing Act 2003. The day to day decisions on individual applications are dealt with by the Licensing Panel.

Delegated Functions

1. Licensing Act 2003

- (a) To discharge all functions which, under the Act, stand referred to a Licensing Committee, including, but not limited to the following:
 - (i) Applications for a personal licences;
 - (ii) Applications for premises licence/club premises certificate;
 - (iii) Applications for provisional statement;
 - (iv) Applications for Interim Authorities.
- (b) The powers of the Committee under 1(a) shall include the power to deal with all applicants for the grant, renewal, variation or revocation of any licence or consent or any actions which a Licensing Committee is required or authorised to take under the Act.
- (c) The delegated powers of the Committee shall not include the adoption or review of the Statement of Licensing Policy (which are functions of Full Council).

2. Gambling Act 2005

- (a) To discharge all functions which, under the Gambling Act 2005 ('the Act'), stand referred to the Licensing Committee, including but not limited to the following:
 - (i) applications for premises licences;
 - (ii) applications for provisional statements;
 - (iii) applications for club gaming / club machine permits.
- (b) The powers of the Committee under 2(a) shall include the power to deal with all applications for the grant, renewal, variation, cancellation or revocation of any licence or consent or any actions which a Licensing Committee is required or authorised to take under the Act.
- (c) The powers of the Committee shall also include the power to set fees pursuant to section 212 of the Act, but shall not include the power to adopt or review the Licensing Policy, which is a function of Full Council.

3. Other Licensing and Registration Functions

- (a) To discharge all the Council's functions regarding licensing and registration and any associated or connected functions.

Referred Functions

1. To advise Full Council regarding the Statement of Licensing Policy under the Gambling Act 2005.
2. To advise Full Council regarding the Statement of Licensing Policy under the Licensing Act 2003.
3. To advise the Council and other Committees on matters related to functions under the Licensing Act 2003 and the Gambling Act 2005, but are not themselves Licensing Act or Gambling Act functions.

NOTE: The Licensing Committee and the Licensing Panel may operate as two separate committees and sub-committees respectively with identical membership. The functions of the two separate committees/sub-committees shall relate to Licensing Act and Gambling Act functions and non-Licensing Act functions respectively.

LICENSING PANEL

Explanatory Note

The Licensing Panel is a Sub-Committee of the Licensing Committee. Its functions are to:-

- Hear applications under the Licensing Act 2003 and the Gambling Act 2005 where the matter is authorised or required to be dealt with by a Committee. These are usually, but not necessarily, cases where officers do not have delegated powers or a hearing is required;
- Deal with appeals against licensing and registration decisions and cases where officers do not have the power to make determinations;
- Serve as the appellate Committee where there is a right of appeal from a decision of an officer and no other arrangements have been made under the constitution; and
- Determine any other matter of a quasi-judicial nature which may be referred to it.

Delegated functions

1. Licensing Act Functions

- (a) To deal with applications under the Licensing Act 2003 and make determinations on all matters required or authorised by the Act to be dealt with by a Committee.
- (b) The powers under (a) above shall not include the adoption of the Statement of Licensing Policy.
- (c) Where, in the opinion of the Strategic Director of Place or Head of Planning & Public Protection, after consultation with the Chair of the Licensing Committee, an application is a major application having regard to the licensing objectives, the Strategic Director or Service Head may refer the matter to the Licensing Committee.

2. Gambling Act 2005 Functions

- (a) To deal with applications under the Gambling Act 2005 and make determinations on all matters required or authorised by the Act to be dealt with by a Committee.
- (b) The powers under (a) above shall not include the adoption of the Statement of Licensing Policy.
- (c) Where, in the opinion of the Strategic Director of Place or Head of Planning & Public Protection, after consultation with the Chair of the Licensing Committee, an application is a major application having regard

to the licensing objectives, the Strategic Director or Service Head may refer the matter to the Licensing Committee.

3. Other Licensing and Registration Functions

Within the policy framework set by the Council or the Licensing Committee, to exercise the Council's functions in relation to licensing and registration providing that the power shall not include the adoption, revocation or amendments of policies.

4. Determinations and Appeals

To hear and determine cases:

- (a) where there is a right (under the Human Rights Act 1998 or otherwise) to be given the opportunity to appear before and be heard by a Committee or Sub-Committee of the Council and no other arrangements have been made under the Council's constitution, or
- (b) where the case is referred to the Panel as it is considered to be a suitable forum for the determination of matters of fact and/or law, for example determinations relating to rights of way or the Council's definitive map of rights of way.

5. General

For the avoidance of doubt and without prejudice to the generality of 1 to 3 above, the powers of the Panel under those provisions shall include the power to deal with all applications for the grant, renewal, variation or revocation of any licence or consent or any actions (other than the adoption or review of a Licensing Policy) which a Licensing Committee is required or authorised to take under the Licensing Act 2003 or the Gambling Act 2005.

- NOTE:
- (1) Only Councillors who are members of the Licensing Committee may serve as members or substitute members of the Licensing Panel.
 - (2) The Licensing Committee and the Licensing Panel may operate as two separate committees and sub-committees respectively with identical membership. The functions of the two separate committees/sub-committees shall relate to Licensing Act and Gambling Act functions and non-Licensing Act functions respectively.

Subject:	Annual Report of the Licensing Authority 2022/23		
Date of Meeting:	29 June 2023		
Report of:	Executive Director of Housing, Neighbourhoods, Communities		
Contact Officer:	Name:	Jim Whitelegg/Sarah Cornell	Tel: 01273 292438/295801
	Email:	Jim.whitelegg@brighton-hove.gov.uk Sarah.cornell@brighton-hove.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 City Council carried out during 2022/23 (1st April 2022 – 31st March 2023).

1.2. National matters: legislative changes and consultation

- Updating s182 Govt Licensing Guidance – including right to work, TENs, relevant offences, “agent of change” principle”
- Gambling White Paper – online protections, advertising, powers, dispute resolution& customer redress, children & adults, and land-based gambling
- Martyn’s Law (Terrorism (Protection of Premises) Draft Bill)) May 2023. New scrutiny requirements for public venues in the UK requiring venues to consider the threat of terrorism and take steps to improve safety
- Regulatory Easements – consultation on extension of off sales easements and additional TENs limits

1.3. Local licensing matters

- Applications and Reviews/Expedited Reviews)
- Spiking
- Street drinking/Sensible on Strength
- Test Purchase operations
- Events?

1.4. 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. At the time of writing this report the total number of licensed premises and club premises in Brighton & Hove is 1446 and 28 respectively.
- 3.1.2. Table 1 below shows the numbers of applications and hearings for the last three years, including those granted, refused and withdrawn.
- 3.1.3. The Licensing Authority dealt with 7 Reviews (2 of which were expedited) from 1st April 22 to 31st March 23.
- 3.1.4. In Appendix 1 and 2 you will find more detailed tables showing “Total Premises Licences by venue type and ward” in Appendix 1 and “Licence Applications received between 1st April 22 to 31st March 23 – venue type and area” in Appendix 2.

Table 1: Licensing Act 2003 figures

1st April 2022 – 31st March 2023		1st April 2021 – 31st March 2022		1st Jan - 31st December 2020	
New apps 01.04.22-31.03.23	69	New apps 01.04.21-31.03.22	89	New apps 01.01.20-31.12.20	74
TOTAL fully	64	TOTAL fully	88	TOTAL fully	71
(granted)	59	(granted)	83	(granted)	65
(refused)	2	(refused)	3	(refused)	3
(withdrawn)	3	(withdrawn)	2	(withdrawn)	3
(pending)	5	(pending)	1	(pending)	3
Variations	25	Variations	20	Variations	37
TOTAL	24	TOTAL	19	TOTAL	36
(granted)	21	(granted)	16	(granted)	31
(refused)	2	(refused)	1	(refused)	0
(withdrawn)	1	(withdrawn)	2	(withdrawn)	5
(pending)	1	(pending)	1	(pending)	1
Minor Variations	54	Minor Variations	48	Minor Variations	75
TOTAL	52	TOTAL	48	TOTAL	75
(granted)	51	(granted)	47	(granted)	70
(refused)	1	(refused)	0	(refused)	4
(withdrawn)	0	(withdrawn)	1	(withdrawn)	1
(pending)	2	(pending)	0	(pending)	0
Panel hearings (apps)	22	Panel hearings (apps)	29	Panel hearings (apps)	13
Reviews	7	Reviews	5	Reviews	8
Appeals	1	Appeals	2	Appeals	3
Surrendered	16	Surrendered	19	Surrendered	13
Lapsed	6	Lapsed	8	Lapsed	3
TENS hearings	0	TENS hearings		TENS hearings	
TOTAL TENS	761	TOTAL TENS	663	TOTAL TENS	327
TENS (granted)	720	TENS (granted)	647	TENS (granted)	300
TENS (refused)	0	TENS (refused)	12	TENS (refused)	1
TENS (withdrawn)	41	TENS (withdrawn)	4	TENS (withdrawn)	26

3.1.4 From 01.04.22 to 31.03.23 a total of 69 new premises applications were received, 64 of which were fully processed. Processing means receiving the application, entering it onto the database, receiving representations and proceeding to a panel hearing, sending out the panel decision letters, writing up the licences, sending out the licence and entering the decision onto the database.

3.1.5 Headline trends

There was a decrease of new applications for 2022-2023 but an increase in Variations, Minor Variations and Reviews (two of which were expedited Reviews). We also had a big increase in TENs. The table below details New applications received by premises type:-

<u>1st April 2022- 31st March 2023</u>		<u>1st April 2021- 31st March 2022</u>		<u>1st Jan - 31st December 2020</u>	
New apps 01.04.22-31.03.23	69	New apps 01.04.21-31.03.22	88	New apps 01.01.20-31.12.20	74
Pub/bar/nightclub	2	Pub/bar/nightclub	7	Pub/bar/nightclub	3
Convenience Store (off)	5	Convenience Store (off)	10	Convenience Store (off)	7
Restaurant	18	Restaurant	24	Restaurant	12
Café	14	Café	18	Café	14
Late Night Refreshment	6	Late Night Refreshment	2	Late Night Refreshment	3
Large supermarket	0	Large supermarket	0	Large supermarket	1
Petrol station	1	Petrol station	0	Petrol station	0
Church, Village hall etc	1	Church, Village hall etc	0	Church, Village hall etc	0
Cinema	1	Cinema	0	Cinema	0
Hotel/guest house	2	Hotel/guest house	0	Hotel/guest house	1
Alcohol Off sales via delivery/online (new category)	3	Alcohol Off sales via delivery/online (new category)	3		
Other (inc. Members Clubs)	16	Other (inc. Members Clubs)	24	Other (inc. Members Clubs)	33

3.1.6 Of the 69 new applications received 30 were for premises within the CIZ. Looking at the 30 premises within the CIZ, 22 were granted after no representations were received (inc. pre-consulted applications, modified applications after agreements reached, applications within policy, 2 time limited licences (e.g. Ice Rink & Spiegletent), 2 re-granted lapsed licences). 5 went to a panel hearing (4 of which were granted (one of which was time limited) and one refused). 2 applications were withdrawn by the applicant and one is pending awaiting hearing.

This is a breakdown of the 16 'Other' applications:- 9 x time limited licences for events, the Hippodrome, indoor axe throwing venue, tobacconist, virtual gaming premises, art gallery, University Summer ball & festival, and venue within the open market that sells specialist brewed alcoholic products on & off the premises.

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 shows types and numbers of gambling licences issued by Licensing Authority.

Number of Gambling Authorisations			
	May 2021	May 2022	May 2023
Betting Premises Licences	25	25	24
Bingo Premises Licences	2	2	2
Adult Gaming Centre Premises Licences	6	6	6
Family Entertainment Centre Premises Licences	2	2	2
Family Entertainment Centre Permits	5	5	5
Alcohol licensed premises providing two or less gaming machines	185	184	185
Alcohol licences premises providing three or more gaming machines	22	23	22
Club Gaming Permits	3	3	3
Club Machine Permits	8	8	8
Casinos	4	4	4
Betting Track	2	2	2

3.3 Local Licensing Issues

3.3.1 Licensing Reviews and Applications

It has been a busy year for licensing reviews as well as significant licensing applications within the city centre. The licensing team and panel members have dealt with a number of standard licensing reviews brought by the police and immigration. In addition, we January received two expedited or summary reviews. These are urgent reviews where the police are concerned the premises are associated with serious crime or disorder.

3.3.2 Brighton & Hove response to spiking incidents

3.3.2.1 Following the increase in reported spiking incidents in October and November 2021, the police, licensing and safe space saw a significant decrease in reported incidents. The council and the police are very conscious that spiking by alcohol or drugs is an on-going issue and despite a drop in reported incidents, we are committed to addressing the problem through raising awareness and giving advice and support, as well as taking enforcement action.

3.3.2.2 Guidance was put together by police in Oct 2021 and sent out to as many licensed premises as possible within the city as soon as it was recognised there was an increase in reports being made. This guidance was disseminated via

numerous methods but the main routes were through the partnership working with Business Crime Reduction Partnership (BCRP) and colleagues in the Brighton and Hove Council Licensing Team. In addition, roundtable meetings were held with venues and security companies to share best practice. Council public health and licensing colleagues linked up to provide leaflets and drink stoppers, sharing information via newsletters and social media. The majority of spiking incidents relate to alcohol and BHCC is looking to fund training to raise venue staff awareness.

3.3.2.3 Many venues have purchased products to cover drinks, increased searches on entry, increased door staff/bar staff and brought in medics to try and make their venues as safe as possible, in a bid to install confidence that they are doing as much as they can to keep people safe. Many venues and some mobile support units have also purchased drink-spiking test kits.

3.3.2.4 Public Health and Licensing are working with key partners (e.g. universities and colleges) to raise awareness and provide advice and links on promoting safety as well as reporting incidents to the police. Training of venue staff is also being provided by accredited trainers and the council are providing funding to facilitate the training.

3.4 VAWG/safeguarding initiatives

3.4.1 The Council have used Home Office safer streets funding to set up and support a series of initiatives to promote safety on our streets and, in particular, to tackle violence against women and girls (VAWG). The key initiatives relevant to licensing include extra VAWG police patrols, taxi marshals, additional quad bike for Beach Patrol, launch of a Safe Space app, training for venues and the public, bystander training, promoting “Healthy Relationships” in schools, media campaign and drink spiking awareness and prevention.

3.4.2 In addition, there is the on-going work of street pastors and safe space in within the city centre, the Beach Patrol service and the work done in partnership with organisations such as universities, as well as licensed premises, to promote safeguarding schemes such as the “Good Night Owl” scheme and the “Ask 4 Angela” initiative.

3.4.3 The Council’s licensing team works closely with Brighton Police Licensing carrying out joint enforcement work of licensed premises and joint age-restricted test purchase exercises including the sale of alcohol and knives. Safeguarding and child sexual exploitation training is provided to the hotel and hospitality sector and has been made mandatory for all of our licensed taxi drivers.

3.4.4 The BHCC licensing authority continue to engage with key stakeholders, including responsible authorities, venues and resident associations via the Licensing Strategy Group which meet every 3 months and work closely with the BCRP as a link with the city’s venues.

3.5 Modern Slavery

3.5.1 On behalf of the licensing authority, an officer attended a national roundtable meeting in February 2022 on licensing and modern slavery. The purpose of

which was to understand how local licensing frameworks could be used to increase modern slavery prevention within business, and to identify best practice currently underway and opportunities that exist to embed new ideas.

3.5.2 The licensing team were able to share the work we are already doing with regards to enforcement (there's been a number of licensing reviews in the last 2 years, as well as trading standards investigations into illicit tobacco,(possibly linked to modern slavery), multi-agency operations targeting licensed premises (takeaways, restaurants and hotels),visiting licensing premises to raise awareness, and mandatory training for taxi drivers.

3.5.3 As a result of the roundtable and follow up interviews/questionnaires a report was submitted to the Home Office, including the following suggested actions:

- Policy level changes
 - National – modern slavery is listed as one of the serious crimes within para11.27 of s182 Guidance
 - Local – add modern slavery section to Statement of Licensing Policy (SoLP)
- Training for licensed premises and taxi drivers
- Posters/documentation issued to licensed premises
- Training for LA staff/inspectors
- Information sharing
- Joint visits

3.6 Sensible on Strength (SoS) and Under-Age sales training

- Total number of off licences 338 in the city
- BHCC SoS launched in 2013 to reduce availability of cheap super strength beers and ciders
- SoS Membership = 267 - SOS website plus further 51 stopped selling but not joined scheme
- Dr Worthley, Lead GP at Brighton Homeless Healthcare, “continues to be one of the most significant public health measures in Brighton & Hove”
- SoS scheme continues to generate a lot of interest from other authorities who have visited B&H to find out how we run the scheme. In addition, Varndean 6th Form College are using the Sensible on Strength (SoS) as a study about a local health campaign and the SoS initiative has been included in a module for Promoting Public Health to second year students.
 - Age restricted sales training and test purchasing restarted in 2022 following Covid. This has resulted in a high demand from premises requesting training.
 - As part of the County Lines Intensification work, Sussex Police and Council's Licensing Officers conducted visits at local hotels to ensure the staff receive relevant training on Child Sexual Exploitation and vulnerability. As part of this exercise follow up requests were made for underage sales training to be provided to hotels.

3.7 Test Purchasing of - Alcohol - Underage

Procedure

- 3.7.1 If a premises fails a test purchase, the individual is given a Community Resolutions (CR) order. Staff must complete training and take an assessment. However, if a sale is made by the Designated Premises Supervisor (DPS) they will be summoned to court.

There has been a request for the CR training to be shared across Sussex. Council Trading Standards and Licensing jointly with Sussex Police to lead in setting up a subgroup to the licensing forum to get it developed and rolled out force wide, and also to other Local Authorities and Trading Standards Departments.

- 3.7.2 The Premises Licence Holder (PLH) and Designated Premises Supervisor is summoned to meeting with police licensing following the failure. Signed official warning letter is issued and advised that they will be tested a second time, and if fails an immediate review application and matter will be put in front of a council licensing committee in accordance with Home Office S.182 Guidance.
- 3.7.3 The PLH may also be presented with minor variation to update their existing licence conditions to current modern standard. If the PLH accepts this must be applied and paid for to the council without delay.

Results

Date	TP Op	Premises Tested	Failed	Premises Type
23.03.2022	Alcohol	8 Premises	0 Failed	Off-Licence
14.07.2022	Alcohol	9 Premises	2 Failed	Off-Licence
09.11.2022	Alcohol	6 Premises	3 Failed	Off-Licence
30.01.2023	Alcohol	5 Premises	3 Failed	Off-Licence

- 3.7.4 As a result of the test purchasing operations, 2 licensing reviews pending. 1 requesting removal of DPS, additional conditions and a yellow card to be issued. 1 requesting revocation. Others resulted in 6 CR's issued. 6 premises voluntarily applied for minor variations to update existing premises licence conditions.

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 activities 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: Michael Bentley Date: 07/06/23

Legal Implications:

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

Lawyer Consulted: Rebecca Sidell Date: 13/06/23

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 – “Total premises Licences by venue type and ward”
2. Appendix 2 - “Licence applications received 2021/22 – venue type and area”

Documents in Members’ Rooms

1. None.

Background Documents

1. None.



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Premises - new

CIZ	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other (inc. time limited)	Sum:
Grant with Conditions	1	5	12						1	1	6	26
Refuse Licence							1					1
Withdrawn		1	1									2
Pending		1										1
Sum:	1	7	13				1		1	1	6	30

OUTSIDE	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other (inc. time limited)	Sum:
Grant with Conditions	1	5	1		2	1					9	19
Refuse Licence												
Withdrawn												
Pending							1				1	2
Sum:	1	5	1		2	1	1				10	21

SSA	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other (inc. time limited)	Sum:
Grant with Conditions		2	2		2		3	1		1	3	14
Refuse Licence							1					1
Withdrawn			1									1
Pending			1		1							2
Sum:		2	4		3		4	1		1	3	18

	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other	Sum:
Grand Total for Premises - new	2	14	18	0	5	1	6	1	1	2	19	69

Premises - variation

	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other	Sum:
CIZ												
Grant with Conditions	1	4	5								5	15
Refuse Licence												
Withdrawn												
Pending												
Sum:	1	4	5								5	15
OUTSIDE												
Grant with Conditions	1		1			1					1	4
Refuse Licence												
Withdrawn												
Pending						1						1
Sum:	1		1			2					1	5
SSA												
Grant with Conditions			2									2
Refuse Licence			1			1						2
Withdrawn		1										1
Pending												
Sum:		1	3			1						5
Grand Total for Premises - variation	2	5	9	0	1	2	0	0	0	0	6	25

Premises - Minor variation

CIZ	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other	Sum:
Grant with Conditions	7	2	6		1		1			1	4	22
Refuse Licence												
Withdrawn												
Pending	2											2
Sum:	9	2	6		1		1			1	4	24

OUTSIDE	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other	Sum:
Grant with Conditions	3	1	1	1	7	2					3	18
Refuse Licence												
Withdrawn												
Pending												
Sum:	3	1	1	1	7	2					3	18

SSA	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other	Sum:
Grant with Conditions	4	2	2		3							11
Refuse Licence			1									1
Withdrawn												
Pending												
Sum:	4	2	3		3							12

Grand Total for Premises - Minor variation	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other	Sum:
	16	5	10	1	11	2	1	0	0	1	7	54

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	01B	01BA	01C	01D	01DA	01DD	01DDA	01G	01L	01M	01N	01O	01P	01PA	01S	01SA	01SS	01SSA	01T	01TA	01V	01VA	
	Pubs, Bars and Nightclubs	Pubs, Bars and Nightclubs, 24hr	Cafe Bar	Hotels, Guest Houses, B&Bs	Hotels, Guest Houses, B&Bs, 24hr	Hotel Bar - Guests and Public	Hotel Bar - Guests and Public, 24hr	Restaurants	Members Clubs inc Sports clubs	Village Halls and Community Premises	Cinemas and Theatres	Alcohol off sales via delivery/online	Petrol Stations that sell alcohol	Petrol Stations that sell alcohol, 24hr	Large Supermarkets	Large Supermarkets, 24hr	Other Convenience Stores	Other Convenience Stores, 24hr	Late Night Refreshment only	Late Night Refreshment only, 24hr	Others	Others, 24hr	Sum:
Brunswick And Adelaide	17		11	1	1			21	1								9	1	3		4		69
Central Hove	17		16	1				25	3						1		21	2	5	2	5		98
East Brighton	6		3					6	2	1			1				12				10		41
Goldsmid	6		3					3	2	2	1		1				10		1		7		36
Hangleton And Knoll	2								3	1		1		1		1	12		1		3		25
Hanover And Elm Grove	18		1							2							12	1	2		2		38
Hollingdean And Stanmer	7		3					1	2						1		12				11		37
Hove Park	2		3					2	3	1	1	2	1		2		4		1		4		26
Moulsecoomb And Bevendean	3		1						1						1		9		4	1	9		29
North Portslade	1								1	1							5				1		9
Patcham	4		1					2	1				1			1	12				2		24
Preston Park	10		1	1			1	7	3	2		1					15	1	4		5		51
Queen's Park	37	5	20	6	2	1	4	24	2	1	2						18	1	7		11		141
Regency	73	8	30	7	6	7	7	128	3		6						19	6	11	8	20	3	342
Rottingdean Coastal	13		6					20	7	5	1		1			1	9		1	1	17		82
South Portslade	7		1					3	1	1	1		1				9	2	2		7		35
St. Peter's And North Laine	64	1	34	2	1	2	2	62	1	5	3		1		1	1	44	10	19		19		272
Westbourne	5		3	1				3		1							6		3		2		24
Wish	5		1					6	3					1			13		1		4		34
Withdean	5		1					2	3					1			7				3		22
Woodingdean	1		1						1						1		6				1		11
Sum:	303	14	140	19	10	10	14	315	43	23	15	4	7	4	6	4	264	24	65	12	147	3	1446

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	01B	01BA	01C	01D	01DA	01DD	01DDA	01G	01L	01M	01N	01O	01P	01PA	01S	01SA	01SS	01SSA	01T	01TA	01V	01VA	
	Pubs, Bars and Nightclubs	Pubs, Bars and Nightclubs, 24hr	Cafe Bar	Hotels, Guest Houses, B&Bs	Hotels, Guest Houses, B&Bs, 24hr	Hotel Bar - Guests and Public	Hotel Bar - Guests and Public, 24hr	Restaurants	Members Clubs inc Sports clubs	Village Halls and Community Premises	Cinemas and Theatres	Alcohol off sales via delivery/online	Petrol Stations that sell alcohol	Petrol Stations that sell alcohol, 24hr	Large Supermarkets	Large Supermarkets, 24hr	Other Convenience Stores	Other Convenience Stores, 24hr	Late Night Refreshment only	Late Night Refreshment only, 24hr	Others	Others, 24hr	Sum:
Brunswick And Adelaide	17		11	1	1			21	1								9	1	3		4		69
Central Hove	17		16	1				25	3						1		21	2	5	2	5		98
East Brighton	6		3					6	2	1			1				12				10		41
Goldsmid	6		3					3	2	2	1		1				10		1		7		36
Hangleton And Knoll	2								3	1		1		1		1	12		1		3		25
Hanover And Elm Grove	18		1							2							12	1	2		2		38
Hollingdean And Stanmer	7		3					1	2						1		12				11		37
Hove Park	2		3					2	3	1	1	2	1		2		4		1		4		26
Moulsecoomb And Bevendean	3		1						1						1		9		4	1	9		29
North Portslade	1								1	1							5				1		9
Patcham	4		1					2	1				1			1	12				2		24
Preston Park	10		1	1			1	7	3	2		1					15	1	4		5		51
Queen's Park	37	5	20	6	2	1	4	24	2	1	2						18	1	7		11		141
Regency	73	8	30	7	6	7	7	128	3		6						19	6	11	8	20	3	342
Rottingdean Coastal	13		6					20	7	5	1		1			1	9		1	1	17		82
South Portslade	7		1					3	1	1	1		1				9	2	2		7		35
St. Peter's And North Laine	64	1	34	2	1	2	2	62	1	5	3		1		1	1	44	10	19		19		272
Westbourne	5		3	1				3		1							6		3		2		24
Wish	5		1					6	3					1			13		1		4		34
Withdean	5		1					2	3					1			7				3		22
Woodingdean	1		1						1						1		6				1		11
Sum:	303	14	140	19	10	10	14	315	43	23	15	4	7	4	6	4	264	24	65	12	147	3	1446

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Premises - new

CIZ	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other (inc. time limited)	Sum:
Grant with Conditions	1	5	12						1	1	6	26
Refuse Licence							1					1
Withdrawn		1	1									2
Pending		1										1
Sum:	1	7	13				1		1	1	6	30

OUTSIDE	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other (inc. time limited)	Sum:
Grant with Conditions	1	5	1		2	1					9	19
Refuse Licence												
Withdrawn												
Pending							1				1	2
Sum:	1	5	1		2	1	1				10	21

SSA	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other (inc. time limited)	Sum:
Grant with Conditions		2	2		2		3	1		1	3	14
Refuse Licence							1					1
Withdrawn			1									1
Pending			1		1							2
Sum:		2	4		3		4	1		1	3	18

	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other	Sum:
Grand Total for Premises - new	2	14	18	0	5	1	6	1	1	2	19	69

Premises - variation

	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other	Sum:
CIZ												
Grant with Conditions	1	4	5								5	15
Refuse Licence												
Withdrawn												
Pending												
Sum:	1	4	5								5	15
OUTSIDE												
Grant with Conditions	1		1			1					1	4
Refuse Licence												
Withdrawn												
Pending						1						1
Sum:	1		1			2					1	5
SSA												
Grant with Conditions			2									2
Refuse Licence			1			1						2
Withdrawn		1										1
Pending												
Sum:		1	3			1						5
Grand Total for Premises - variation	2	5	9	0	1	2	0	0	0	0	6	25

Premises - Minor variation

CIZ	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other	Sum:
Grant with Conditions	7	2	6		1		1			1	4	22
Refuse Licence												
Withdrawn												
Pending	2											2
Sum:	9	2	6		1		1			1	4	24

OUTSIDE	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other	Sum:
Grant with Conditions	3	1	1	1	7	2					3	18
Refuse Licence												
Withdrawn												
Pending												
Sum:	3	1	1	1	7	2					3	18

SSA	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other	Sum:
Grant with Conditions	4	2	2		3							11
Refuse Licence			1									1
Withdrawn												
Pending												
Sum:	4	2	3		3							12

Grand Total for Premises - Minor variation	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other	Sum:
	16	5	10	1	11	2	1	0	0	1	7	54

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

Agenda Item 9 Brighton & Hove City Council

Subject:	Cumulative Impact Assessment – review of cumulative impact policy (pre-consultation)		
Date of Meeting:	29 June 2023		
Report of:	Executive Director of Housing, Neighbourhoods & Communities		
Contact Officer:	Name:	Jim Whitelegg	Tel: 01273 292438
	E-mail:	Jim.whitelegg@brighton-hove.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 publish its cumulative impact assessment (CIA) every 3 years in order to review its special policy on cumulative impact. The current CIA was published on 4th February 2021. The policy should be kept under review.
- 1.2 The Special Policy on Cumulative Impact and Cumulative Impact Zone (CIZ) and special stress area (SSA) were introduced in 2008 and expanded in 2011. The SSA was further expanded into central Hove in 2019. The previous Cumulative Impact Assessment (CIA) was carried out and consulted on in 2020 and the Licensing Committee (Oct 2020) recommended to Full Council that the CIA be maintained, whilst expanding the SSA to cover the shopping parades north of Preston Circus.
- 1.3 S141 of the Policing and Criminal Act 2017 came into force on 6 April 2018 and gave cumulative impact assessments (CIAs) a statutory basis in the Licensing Act 2003. A policy must take into account any CIAs that an authority has published under 5A of the Act.
- 1.4 The Council, as a licensing authority must carry out a consultation exercise prior to any review of its Cumulative Impact Assessment (Section 5A(8) of the 2003 Act) in order to decide if it remains of the view that the CIA is necessary

2. RECOMMENDATIONS:

To authorise officers to initiate consultation regarding a review of the cumulative impact policy, including the following proposals to consult on (please note, more detail and

background on these proposals is contained in section 3 and the appendices of this report):

- 2.1 To authorise officers to initiate a consultation exercise to include the draft CIA and evidence in support of maintaining it.
- 2.2 Officers to report back to October 2023 committee with the final version of the CIA, following consultation.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Licensing Authority's Cumulative Impact Policy was set up because the Licensing Authority determined that the concentration of licensed premises and the subsequent numbers of people drawn into the city centre is causing exceptional problems of crime and disorder and public nuisance. The effect of this special policy is that applications for new premises licences or club premises certificates within the area, or variations which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. The special policy is not absolute, and this presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact and that there are exception circumstances to depart from the special policy.

With the introduction of Cumulative Impact Assessments the licensing authority must review the existing special policy and Cumulative Impact Zone as set out in the cumulative impact assessment (CIA) along with the evidence underpinning it and consult those bodies set out in the Act (Section 5(3)). A copy of the draft CIA is contained in **Appendix A**.

- 3.2 The Police and the Council's Public Health Intelligence Analyst have provided extensive evidence of alcohol related crime and noise data relating to the special policy areas and citywide. Both sets of evidence show clear city centre hot spots all sitting within the current cumulative impact zone and supports maintaining these boundaries. The Police submission with data analysis and maps can be found in Appendix B. And further licensing and noise complaint maps can be found in Appendix C.

- 3.5 **Consultation** - National Guidance states at 13.4 that before determining its policy, the licensing authority must consult the persons listed in section 5(3) of the 2003 Act. These are:

- The chief officer of police for the area
- The fire and rescue authority for the area
- The local authority's Director of Public Health in England
- Persons/bodies representative of local premises licence holders
- Persons/bodies representative of local club premises certificate holders
- Persons/bodies representative of local personal licence holders; and
- Persons/bodies representative of businesses and residents in its area.

Consultation will be undertaken with these statutory consultees and more generally via the council's on-line consultation portal, Licensing website, Licensing Strategy Group, the city LATs (Local Action Teams), residents associations and community associations, Business Improvement District (BID), Brighton & Hove Economic Partnership, Brilliant Brighton, other Council services including Tourism, Events Office, Seafront Office (including Seafront Trader Association), Trading Standards, Legal and Finance.

4. FINANCIAL & OTHER IMPLICATIONS:

4.1 Financial Implications:

There are no financial implications arising from the recommendations made in this report. The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally by government.

Finance Officer Consulted: Michael Bentley

Date: 07/06/23

4.2 Legal Implications:

These are set out in the report. The SoLP should follow the fundamental principles set out in the Licensing Act 2003 and statutory guidance. Following the consultation exercise, the views of all those persons or bodies should be given appropriate weight when determining the policy. The new requirement to publish a Cumulative Impact Assessment and the evidence underpinning it is significant. Revisions made to the policy without evidential basis are likely to be vulnerable to challenge.

Lawyer Consulted: Rebecca Sidell

Date: 13/06/23

4.3 Equalities Implications:

An Equality Impact Assessment will be completed as part of the policy review process to assess if there is any adverse impact on a particular group.

4.4 Sustainability Implications:

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.

4.5 Crime & Disorder Implications:

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

4.6 Risk and Opportunity Management Implications:

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.

4.7 Corporate / Citywide Implications:

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

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

SUPPORTING DOCUMENTATION

Appendices:

Appendix A – Draft Cumulative Impact Assessment

Appendix B - Sussex police data Summary for Cumulative Impact Assessment 2023

Appendix C - Maps

Licensed premises maps

- CIZ, SSA and all alcohol licences
 - CIZ, SSA and both on and off licences
 - CIZ, SSA and off-licences
 - CIZ, SSA and on-licences
-
- Noise complaints against licensed premises April 2021— March 2023
 - Noise complaints against licensed premises April 2021 – March 2023 with CIZ and SSA boundary

Documents in Members' Rooms

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021 as amended Feb 2021.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, Dec 2022.

Appendix A

Draft Cumulative Impact Assessment (CIA) for Consultation.

Background.

The concept of Cumulative Impact has been described in the Home Office Guidance to the Licensing Act 2003 since the commencement of that Act. Cumulative Impact is defined as the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

In some areas where the number, type or density of licensed premises such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance, crime and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport. These conditions are more likely to arise in city centres.

This should not, however, be confused with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is therefore a matter for the market to decide and can, in some circumstances, be a matter for planning consideration; need therefore does not form part of this CIA.

CIA's were introduced into the Licensing Act 2003, and thus given a statutory footing, by the Policing and Crime Act 2017 with effect from 6 April 2018. A CIA may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.

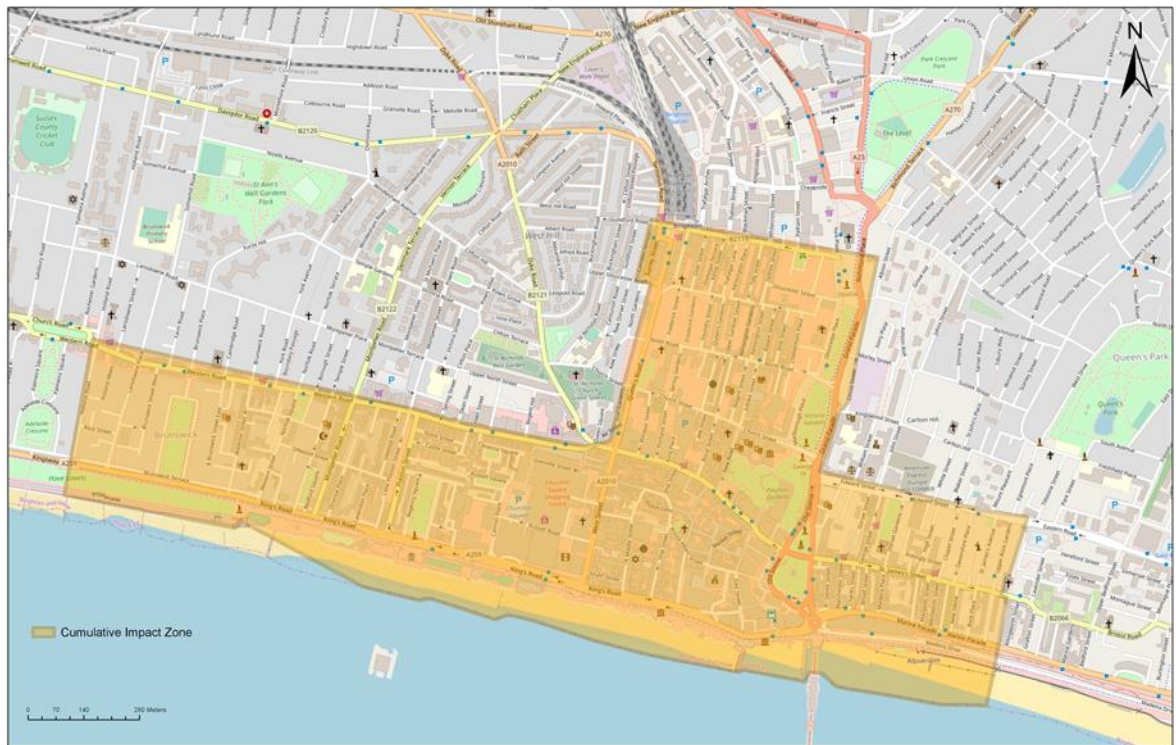
Cumulative impact in Brighton & Hove – Special Policy.

The licensing authority, after careful consideration, determined that the concentration of licensed premises in an area of the city centre was causing problems of crime and disorder and public nuisance, and that therefore an approach to 'Cumulative Impact' was necessary as part of its statement of licensing policy. The first Special Policy incorporating a Cumulative Impact Zone (CIZ) and Special Stress Areas (SSA's) was adopted in March 2008. Since that date, the licensing authority has kept the CIZ and SSA's under review. On 15 December 2011 Full Council resolved to expand the CIZ and the special stress area, covering 1.5% of the administrative area of Brighton & Hove City Council. On 20th November 2014 Licensing Committee resolved to confirm the current CIZ and SSA as defined in the current Statement of Licensing Policy. On the 29th November 2018 Licensing Committee resolved to expand the SSA into Central Hove.

Appendix A

This CIA incorporating the special policy will refer to a Cumulative Impact Zone (“the CIZ”) in the Brighton city centre, a detailed plan of which is shown below:

Cumulative Impact Zone, January 2020



Brighton & Hove Public Health Intelligence, 2020
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The Cumulative Impact Zone comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Holland Road to the junction with the west side of Dyke Road at its eastern end; from there, north-east to the junction of the north side of Air Street with the west side of Queens Road and then northward to the north-west corner of Surrey Street junction with Queens Road; thence along the north side of Trafalgar Street eastwards to its junction with York Place and continuing south-east across to Grand Parade, then south to the junction of Edward Street; along the north side of Edward Street to the east side of its junction with Egremont Place and southward along the eastern sides of Upper Rock Gardens and Lower Rock Gardens; southward to the mean water mark and following the mean water line westward to a point due south of the west boundary of Holland Road; northward to that point and along the west side of Holland Road to its northwest boundary and then diagonally across Western Road to its intersection with the west side of Holland Road.

Appendix A

The CIA and special policy.

The Licensing Authority continues to consider that the number of licensed premises in the CIZ is such that it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives.

This CIA and special policy is thus setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises licences or club premises certificates in the CIZ.

The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licences or club premises certificates within the area, or variations which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact/ will not add to cumulative impact.

This special policy also applies to all new premises licences and club premises certificates, for example pubs, restaurants and take-away establishments. Off licences also come within this policy as they can contribute to problems of street drinking, proxy purchasing, dispersal issues, preloading and excessive drinking and related disorder.

The presumption of refusal does not relieve responsible authorities or other persons of the need to make a relevant representation. If there are no representations, the licensing authority must grant the application in terms consistent with the operating schedule submitted.

Furthermore, this special policy is not absolute. Upon receipt of a relevant representation, the licensing authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case. If an application is unlikely to add to the cumulative impact of the area, it may be granted. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant, theatre or live music venue (where alcohol is not the primary activity) may be considered exceptional circumstances. The fact that a premises will be/is exceptionally well managed with a well-qualified applicant, or that there are no residential premises nearby, will not be considered exceptional. Applications for premises within the CIZ should give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives.

The Matrix approach: The licensing authority has published within its statement of licensing policy a framework of what types of premises it would like to see in the CIZ and which it believes are less likely to add to problems of cumulative impact in the

Appendix A

area. Such premises include a restaurant until midnight, a café to 10 pm and favourable consideration to non-alcohol led premises such as theatres.

If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that conditions would be ineffective in preventing the problems involved.

Evidence and support for the CIA, special policy and CIZ

Since it was first introduced in 2008 the Special policy has had widespread support from the responsible authorities – police and licensing authority, from residents and residents associations and from local councillors. Successive reviews of the policy have shown that it remains relevant and necessary. For residents the areas within the CIZ of most concern are the North Laine, St James's Street and the Norfolk Square and Brunswick areas. The North Laine Community Association (NLCA) has consistently put forward evidence at Licensing Panels about the impact that the increase in licensed premises in this area has had on the licensing objectives notably that of prevention of public nuisance and Crime and Disorder. Likewise Kingscliffe Society representing St James' Street residents has consistently made representations as have residents in the Norfolk Square and Brunswick area.

For the purposes of this CIA the police have compiled a report to support the continuation of the current special policy. The report highlights the policing challenges of the night time economy and the work of the special task force 'Operation Marble'. This is attached as **appendix B.**

There are also a series of maps that show the numbers of licensed premises within the city and noise complaints against licensed premises. This is attached at **appendix C.**

Sussex Police Data Summary for Cumulative Impact Assessment 2023

Operation Marble

Due to the large concentration of licensed premises and night clubs in the centre of Brighton, a high proportion of the Division's violent crime and serious sexual offences are committed within a relatively small area. The Division receives a large influx of visitors to the city centre at weekends. Many of these people attend the pubs and night-clubs during night time hours and as a result an enhanced policing operation is provided, called Op Marble.

Op Marble covers an area between Preston Street to the West – The Level to the North – Kemptown to the East and the seafront between West Pier and Concorde 2 to the South. This covers the majority of the Cumulative Impact Zone and is regularly under review to ensure that limited Police resources are being used to their optimum.

The emphasis of Op Marble is a highly visible presence of officers deployed on foot as well as focus on regularly updated hot spots to help reduce the risk of violent crimes. It runs on a Friday and Saturday night in response to pressures from the Night Time Economy as with later opening pubs, bars and clubs, an increase in crime is seen in the earlier hours of the morning.

Several supporting initiatives run alongside the Police during the Op Marble time frame including:

- Safe Space
- Taxi Marshalls
- Night Safety Marshalls
- Beach Patrol

Post Covid-19 has seen some shifts in how people go out and enjoy themselves in the Night Time Economy. Standalone operations still exist to cover significant events in the calendar such as the Halloween weekend, Bank Holidays, Christmas, New Year's Eve and Pride in order to reduce risk with an adjusted Police presence/response.

The data analysis (as shown below) has confirmed that the Police recorded public place crime hot spots fall within the CIZ and extend out into the SSA. The data also shows that the peak crime times continue to fall within the Op Marble timing parameters. The scope of data considered for this CIA does not cover any periods of Covid-19 lockdown and begins from 1st April 2021. Incidents are all 'public place violent crime' (PPVC) e.g. not within a dwelling or residential premises. As Brighton & Hove does have seasonal variations, the data sets have been grouped into 'Summer' and 'Winter' for ease of comparison. The caveats for the data used are provided at the end of this document (Appendix A).

Hotspot Maps and Police analysis to support continuation of the current footprint of CIZ and SSA within the revised Cumulative Impact Assessment.

The Op Marble times considered for the data and the maps reflect the Op Marble DPA (Directed Patrol Activity) and are as follows:

Friday: 19:00 – 00:00

Saturday: 00:01 – 07:00 and 19:00 – 00:00

Sunday: 00:01 – 07:00

The scope for 'serious violent crimes' includes all crimes within the Home Office Crime Group 'Violent Crime', inclusive of domestic abuse offences. The crimes considered in the data all took place in a public place (caveats can be viewed at Appendix A) For this report it is also of note that incidents of domestic assault and domestic violence have been excluded from the Marble time data but included within the non Marble time data.

A number of maps are included below to demonstrate crime hot spots within the city centre and how the CIZ and SSA relate to these.

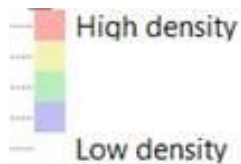
These hotspot maps support the current location and boundaries of the CIZ and SSA as they can be seen to encompass the violent crime hotspots both within the night time economy timings (Op Marble) and outside of them e.g. day time during the week.

Key to Maps

The squares represent an individual event of crime during the time period mentioned. Each square = one public place crime.

Red squares indicate crimes during the Op Marble timings and blue squares indicate crimes outside the Op Marble timings.

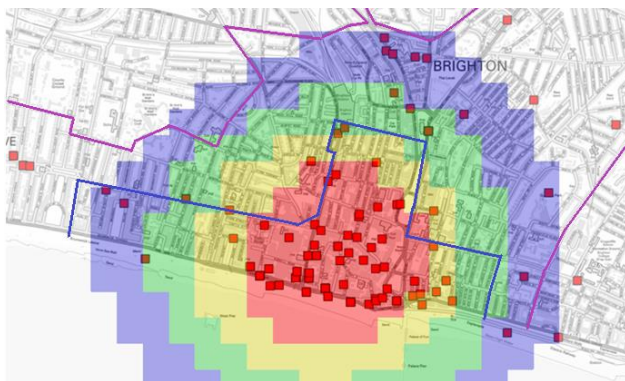
The colours overlaid on the maps represent crime number density as follows:



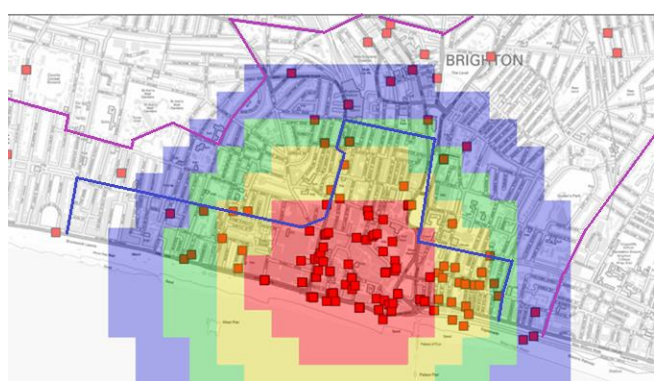
The current footprint of the CIZ is shown on the close-up maps with a blue line (Marble times) or a red line (Non Marble times) and the SSA with a thick purple line. Please note these maps are not to an exact scale and are used for illustrative purposes only.

All Public Place Crimes - Op Marble Timings

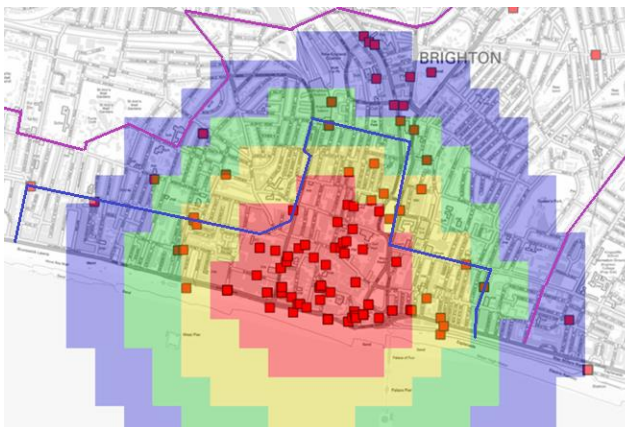
Summer 2021



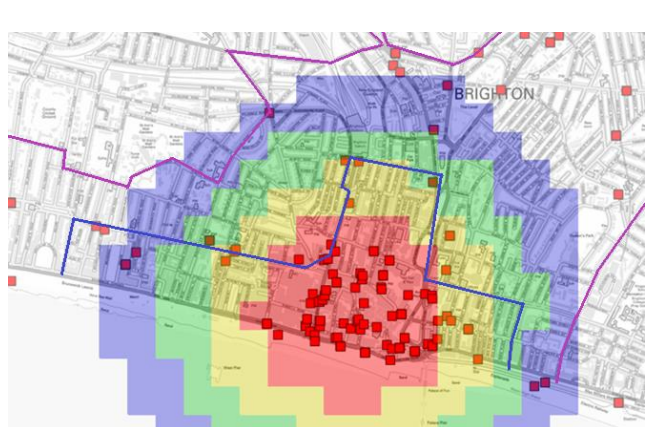
Summer 2022



Winter 2021



Winter 2022



Summer (01/04/2021 – 30/09/2021)

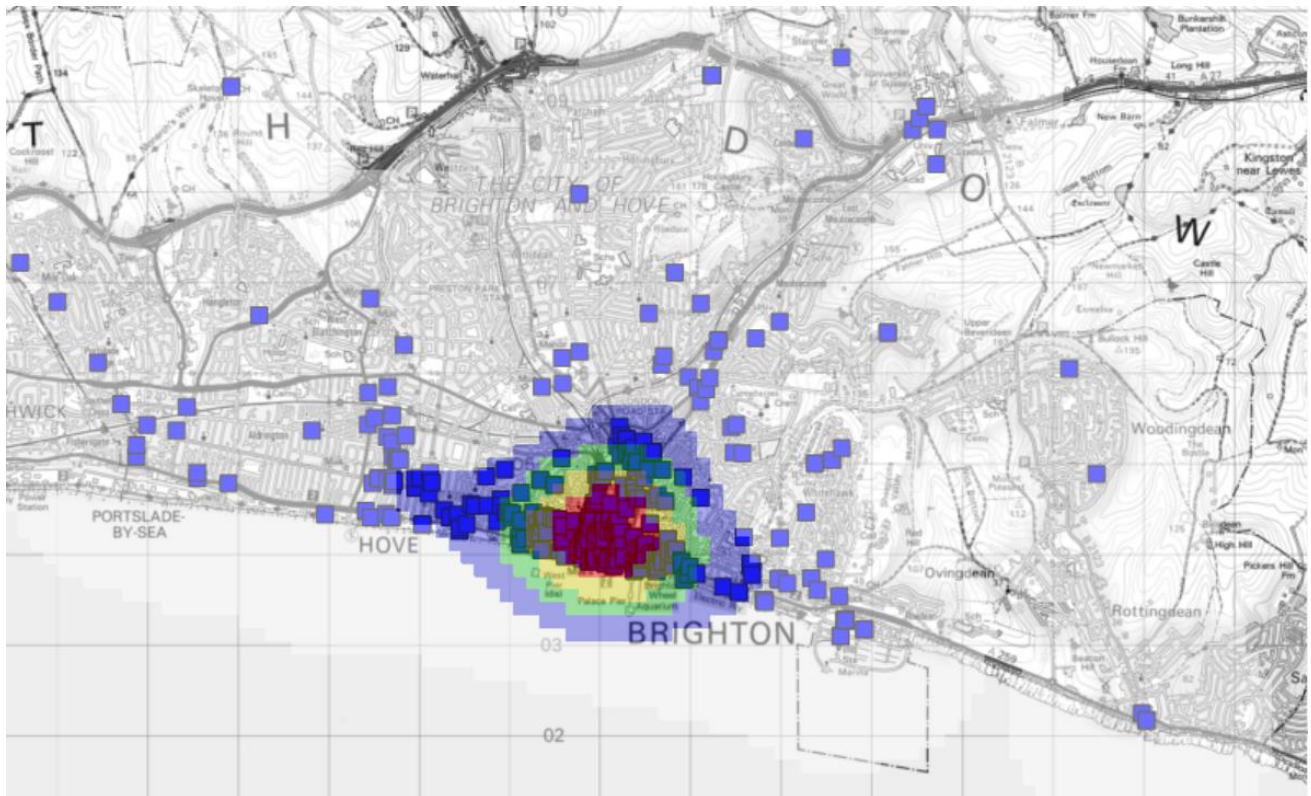
Map 1a: Whole City Crime - Marble times:



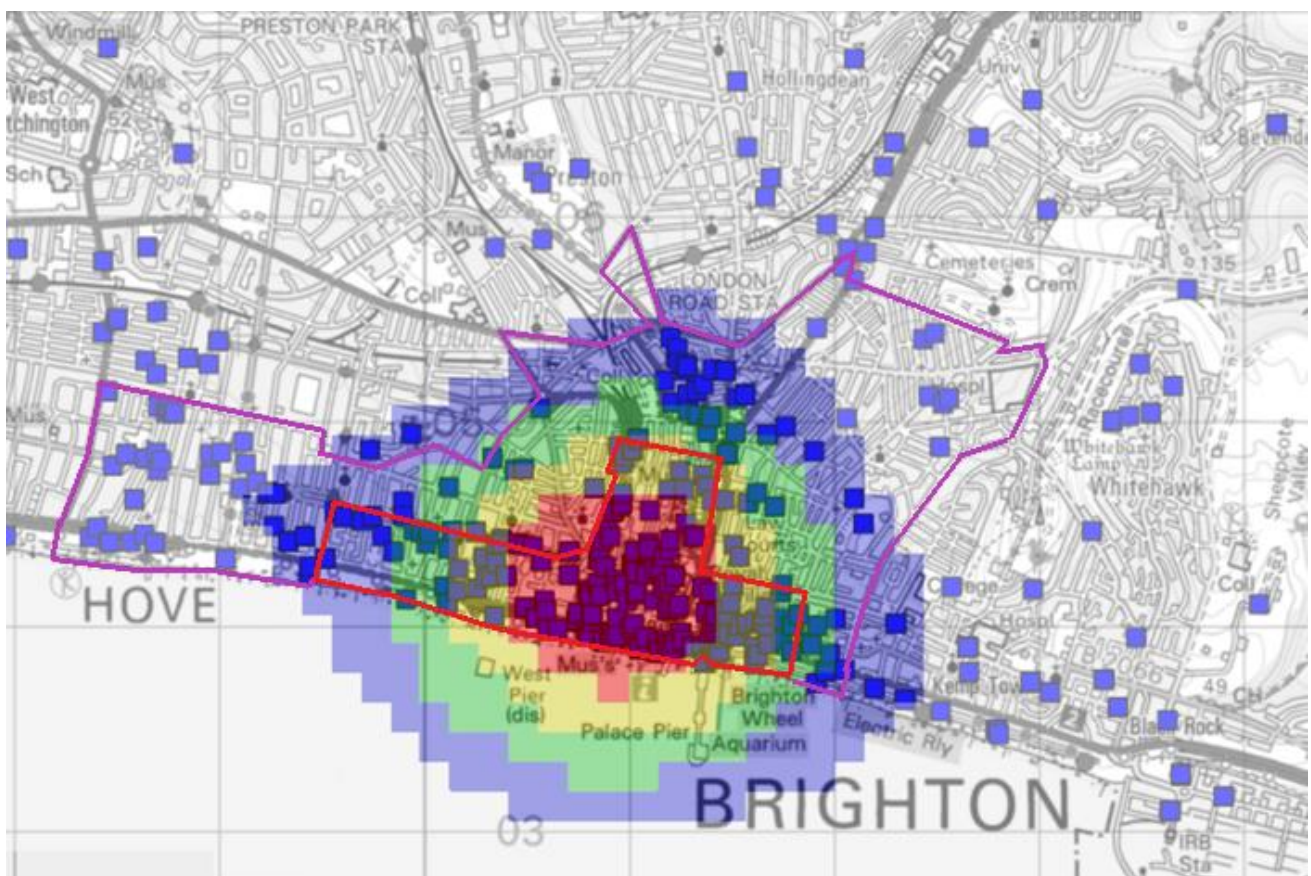
Map 1b: Whole City Crime (with current CIZ and SSA overlaid) - Marble times:



Map 1c: Whole City Crime – Non Marble times:

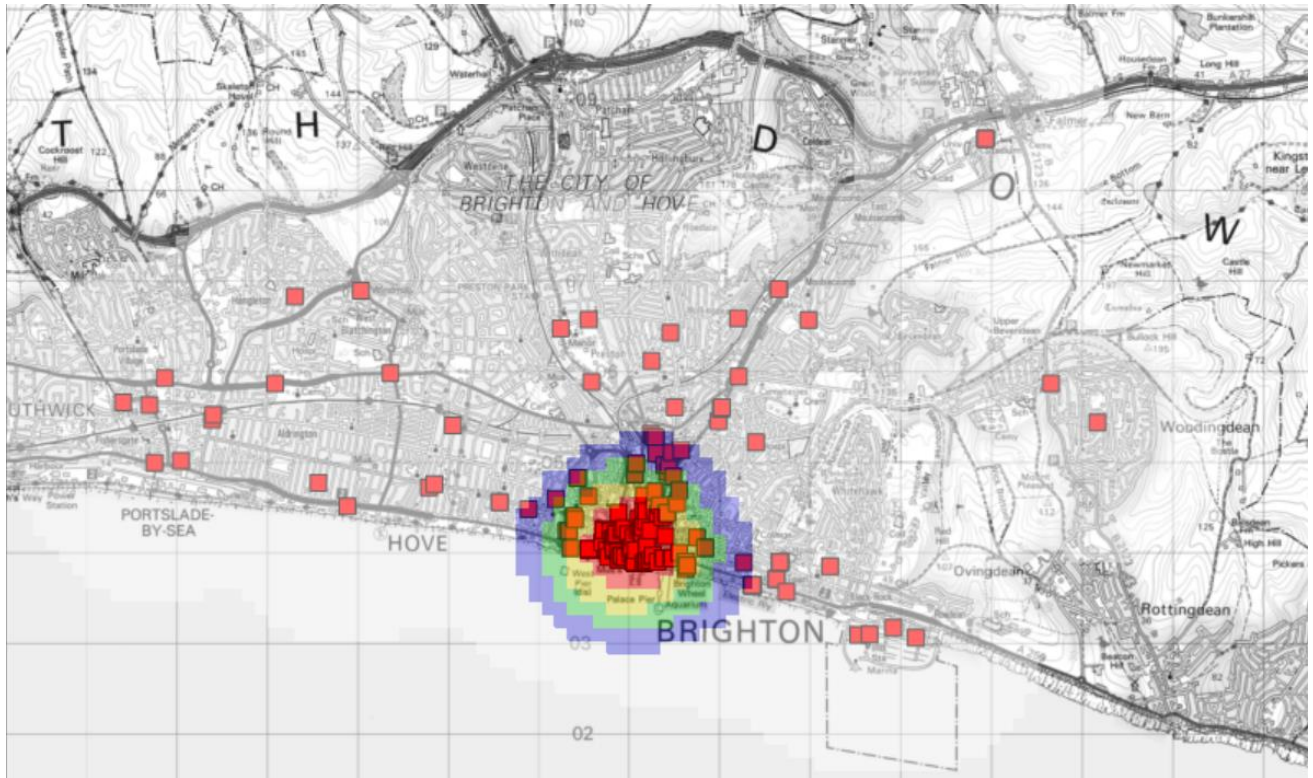


Map 1d: Whole City Crime (with current CIZ and SSA overlaid) – Non Marble times:

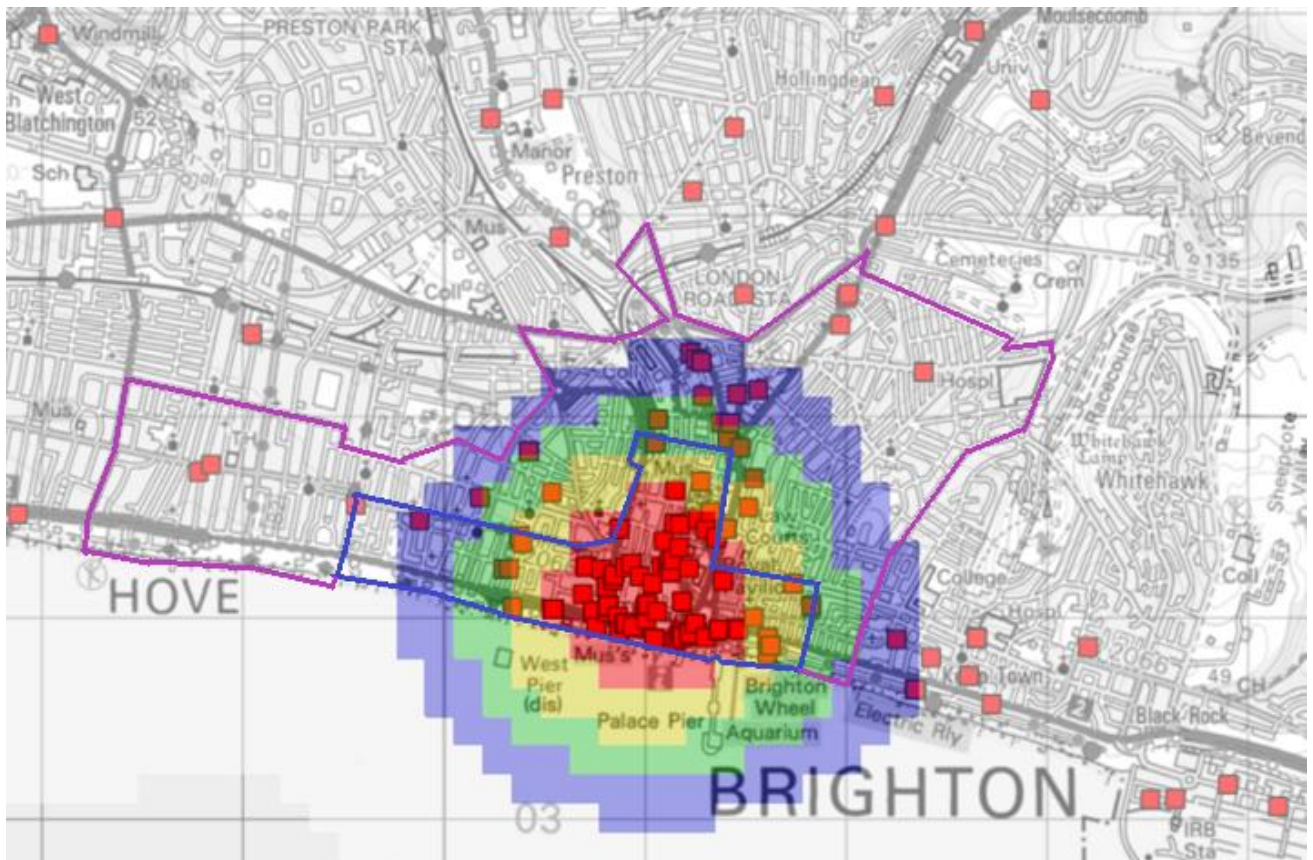


Winter (01/10/2021 – 31/03/2022)

Map 2a: Whole City Crime - Marble times:



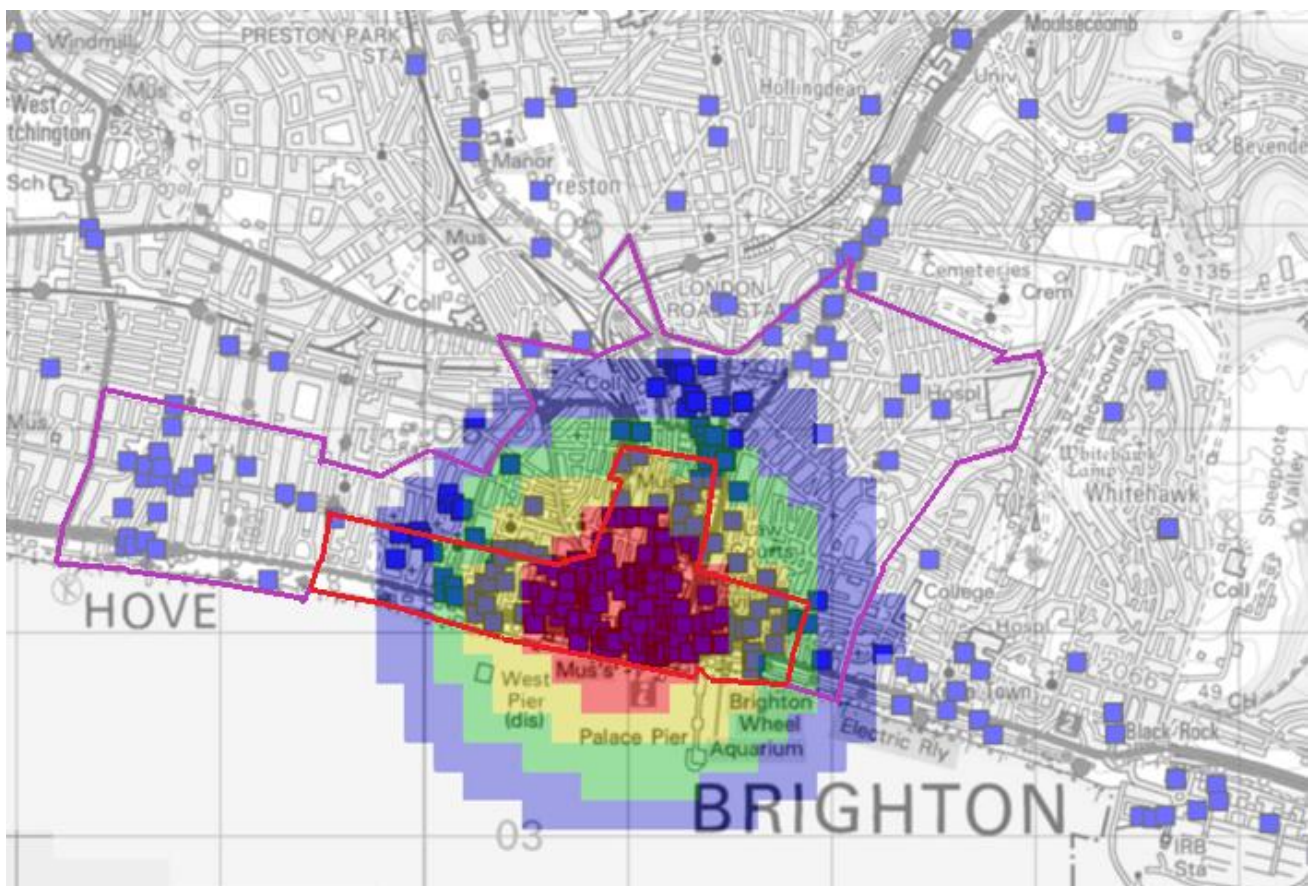
Map 2b: Whole City Crime (with current CIZ and SSA overlaid) - Marble times:



Map 2c: Whole City Crime – Non Marble times:

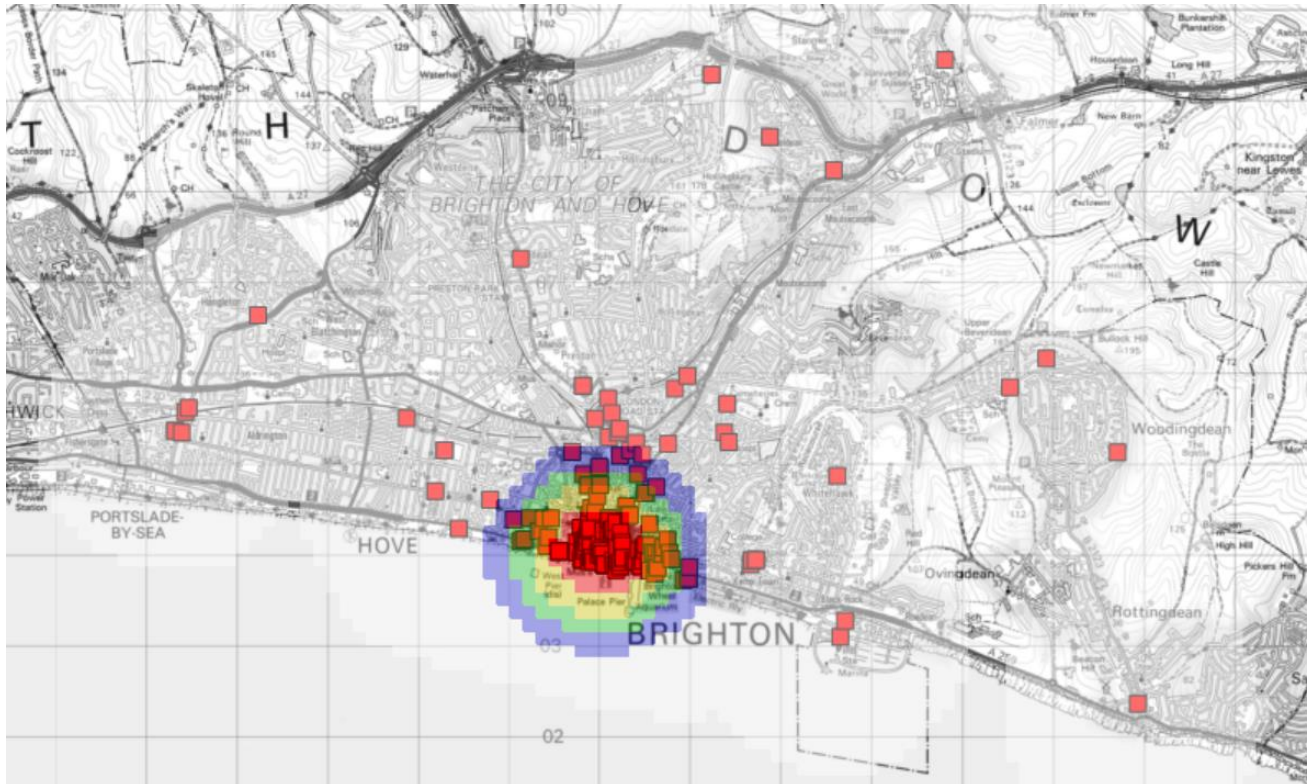


Map 2d: Whole City Crime (with current CIZ and SSA overlaid) – Non Marble times:

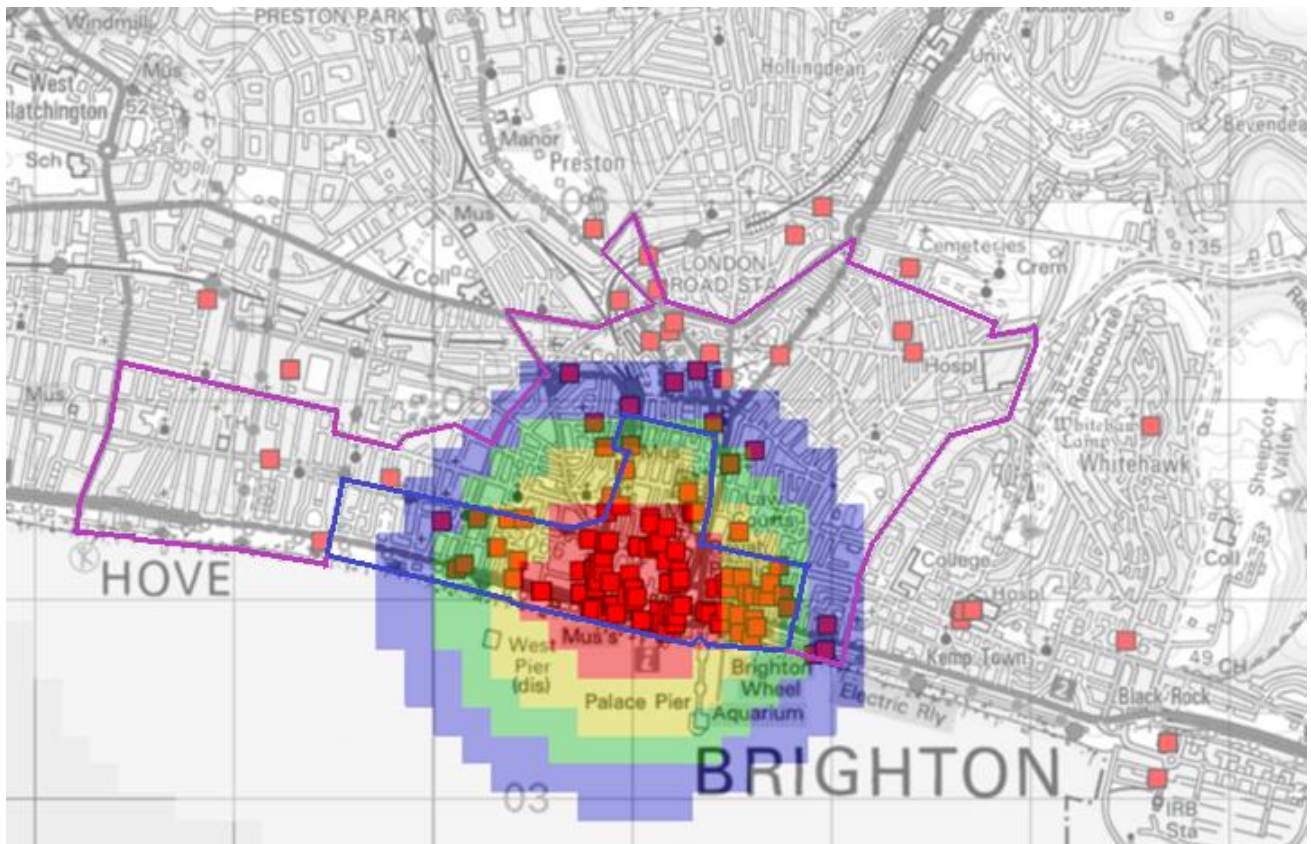


Summer (01/04/2022 – 30/09/2022)

Map 3a: Whole City Crime - Marble times:

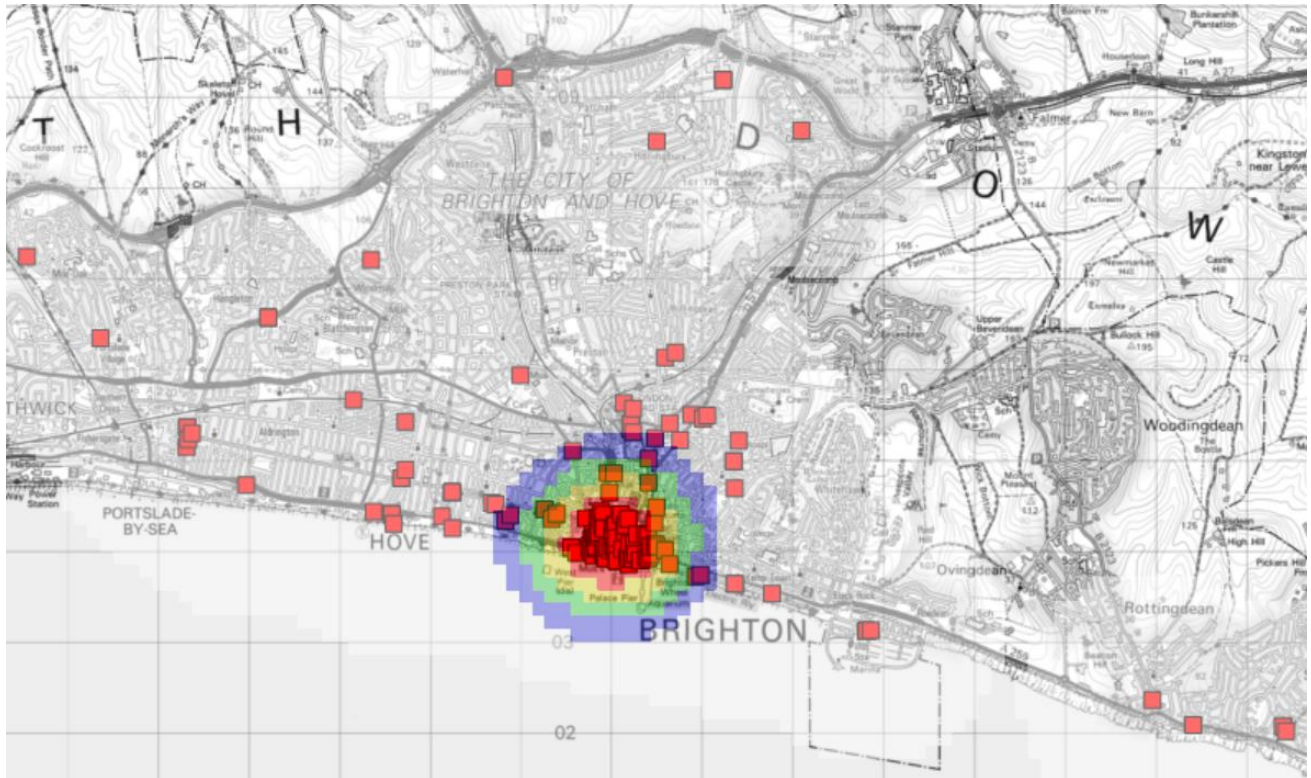


Map 3b: Whole City Crime (with current CIZ and SSA overlaid) - Marble times:



Winter (01/10/2022 – 31/03/2023)

Map 4a: Whole City Crime - Marble times:



Map 4b: Whole City Crime (with current CIZ and SSA overlaid) - Marble times:



Timings and the Matrix Approach

There continues to be an increasing demand for Police resources further into the early hours of the morning at the weekends, with the highest risk remaining consistent across both the Summer and Winter data. Brighton & Hove is also a University town and the student population will have an impact on the midweek figures due to student nights and other student focused events.

Summary of Temporal Analysis (Tables shown below)

Summer 2021

Moderate to high risk from 20:00 – 05:00 on a Friday into a Saturday and between 19:00 – 04:00 on a Saturday into Sunday.

Winter 2021

Moderate to high risk from 19:00 – 04:00 on a Friday into a Saturday and between 19:00 – 06:00 on a Saturday into Sunday.

Summer 2022

Moderate to high risk from 21:00 – 05:00 on a Friday into a Saturday and between 19:00 – 05:00 on a Saturday into Sunday.

Winter 2022

Moderate to high risk from 20:00 – 04:00 on a Friday into a Saturday and between 19:00 – 05:00 on a Saturday into Sunday.

The core hours of 23:00 on a Friday until 04:00 on a Saturday and 21:00 on a Saturday until 04:00 on a Sunday show the highest risk (marked red) across both the Summer and Winter data. There is little seasonal variation showing that the demands to Policing remain year round at these key times.

Key to Tables

Highest risk	
Moderately high risk	
Moderate risk	
Moderately low risk	
Lowest risk	

The numbers in the tables show the total numbers of individual incidents of crime during the stated date period.

Table 1a - Summer 2021 Data Set: All Crimes 01/04/2021 – 30/09/2021

	MON	TUE	WED	THU	FRI	SAT	SUN	Total
0000-0100	5.11	6.01	2.81	7.00	8.02	9.19	13.10	51.25
0100-0200	2.11	0.51	6.14	8.50	3.52	15.69	15.66	52.14
0200-0300	4.11	7.01	3.14	2.00	3.02	13.19	13.87	46.35
0300-0400	6.11	12.01	4.53	5.00	3.02	10.19	10.37	51.24
0400-0500	3.44	2.51	0.00	3.50	4.02	7.69	4.53	25.70
0500-0600	1.43	0.01	2.00	1.50	2.02	4.71	0.20	11.87
0600-0700	1.43	1.00	1.00	0.00	1.02	2.09	1.06	7.60
0700-0800	0.09	0.00	0.00	0.00	0.02	1.09	2.06	3.27
0800-0900	5.09	4.00	0.00	0.00	1.02	3.09	4.56	17.77
0900-1000	2.09	1.50	2.00	1.00	0.02	4.09	2.56	13.27
1000-1100	1.09	1.50	0.00	0.21	1.02	1.09	4.06	8.98
1100-1200	1.59	2.00	3.33	1.21	0.02	1.17	2.06	11.38
1200-1300	2.59	1.00	1.33	3.41	5.02	2.17	2.06	17.58
1300-1400	0.09	1.00	1.53	1.66	0.02	1.17	1.06	6.53
1400-1500	2.09	0.00	0.20	5.66	2.02	6.17	6.56	22.70
1500-1600	6.07	2.00	2.20	5.66	2.02	4.17	2.56	24.68
1600-1700	2.07	5.00	1.20	0.66	0.02	6.17	4.39	19.51
1700-1800	6.01	4.00	4.20	2.07	4.02	4.17	7.72	32.20
1800-1900	2.26	8.11	2.00	3.07	4.02	2.29	6.22	27.98
1900-2000	3.51	3.44	6.00	2.07	1.02	12.29	6.89	35.23
2000-2100	2.01	8.44	2.00	5.07	6.02	12.66	7.06	43.27
2100-2200	4.01	8.44	3.00	0.07	3.47	17.49	3.06	39.54
2200-2300	7.26	1.11	1.00	6.57	7.47	10.49	4.11	38.01
2300-0000	8.01	7.81	1.50	4.09	14.98	12.45	12.11	60.96
Total	79.70	88.45	51.13	70.02	76.85	164.97	137.87	669.00

Table 1b - Summer 2021 Data Set: Op Marble 01/04/2021 – 30/09/2021

	FRI	SAT	SUN	Total
0000-0100	0.00	7.11	11.64	18.75
0100-0200	0.00	13.61	14.48	28.09
0200-0300	0.00	12.11	10.81	22.92
0300-0400	0.00	8.11	10.31	18.42
0400-0500	0.00	6.11	3.48	9.59
0500-0600	0.00	4.11	0.14	4.25
0600-0700	0.00	2.00	1.00	3.00
0700-0800	0.00	0.00	0.00	0.00
0800-0900	0.00	0.00	0.00	0.00
0900-1000	0.00	0.00	0.00	0.00
1000-1100	0.00	0.00	0.00	0.00
1100-1200	0.00	0.00	0.00	0.00
1200-1300	0.00	0.00	0.00	0.00
1300-1400	0.00	0.00	0.00	0.00
1400-1500	0.00	0.00	0.00	0.00
1500-1600	0.00	0.00	0.00	0.00
1600-1700	0.00	0.00	0.00	0.00
1700-1800	0.00	0.00	0.00	0.00
1800-1900	0.00	0.00	0.00	0.00
1900-2000	0.00	11.00	0.00	11.00
2000-2100	6.00	10.17	0.00	16.17
2100-2200	3.44	14.00	0.00	17.44
2200-2300	6.44	8.00	0.00	14.44
2300-0000	13.94	11.98	0.00	25.92
Total	29.83	108.31	51.86	190.00

Table 2a - Winter 2021 Data Set: All Crimes 01/10/2021 – 31/03/2022

	MON	TUE	WED	THU	FRI	SAT	SUN	Total
0000-0100	9.09	5.58	3.35	7.03	4.30	12.99	16.42	58.75
0100-0200	3.59	3.58	4.35	4.03	13.30	18.32	22.11	69.28
0200-0300	1.79	3.01	3.85	4.03	8.15	17.66	16.07	54.56
0300-0400	8.29	1.51	3.15	6.03	6.15	19.82	18.84	63.80
0400-0500	3.29	3.01	8.03	3.03	1.03	4.77	7.81	30.95
0500-0600	0.29	2.51	0.03	0.03	1.03	4.43	5.64	13.95
0600-0700	0.29	0.51	0.03	1.03	0.03	2.10	5.14	9.12
0700-0800	0.09	0.51	0.03	0.03	1.03	3.10	1.14	5.92
0800-0900	0.42	2.01	0.03	1.03	3.05	1.10	1.11	8.74
0900-1000	0.38	0.01	2.03	2.03	0.05	0.10	1.15	5.75
1000-1100	2.38	1.01	0.03	0.53	1.05	3.10	2.15	10.25
1100-1200	0.05	0.01	2.53	0.53	3.10	0.43	1.23	7.89
1200-1300	2.12	1.01	2.53	1.03	0.10	6.43	6.23	19.46
1300-1400	0.12	1.01	2.03	2.03	0.10	2.93	3.23	11.45
1400-1500	1.12	0.01	2.03	1.03	2.10	1.60	1.23	9.12
1500-1600	1.12	2.02	4.36	1.67	2.09	1.60	3.23	16.10
1600-1700	0.12	3.02	3.36	2.67	3.09	2.60	0.23	15.10
1700-1800	1.12	3.19	7.36	0.17	6.09	3.43	3.23	24.60
1800-1900	0.12	3.19	1.03	6.17	7.45	5.91	3.21	27.07
1900-2000	4.12	2.19	6.03	6.31	5.78	6.91	0.21	31.55
2000-2100	2.12	2.31	5.03	8.44	4.78	3.58	4.21	30.47
2100-2200	3.45	1.31	2.03	2.44	4.45	14.44	2.21	30.33
2200-2300	2.95	1.51	7.03	4.80	9.28	8.34	8.21	42.12
2300-0000	4.91	5.85	4.03	9.80	11.78	17.08	2.21	55.65
Total	53.39	49.87	74.27	75.89	99.36	162.78	136.44	652.00

Table 2b - Winter 2021 Data Set: Op Marble 01/10/2021 – 31/03/2022

	FRI	SAT	SUN	Total
0000-0100	0.00	12.83	11.13	23.97
0100-0200	0.00	16.17	14.47	30.63
0200-0300	0.00	14.50	15.43	29.93
0300-0400	0.00	19.67	16.70	36.37
0400-0500	0.00	4.67	6.67	11.33
0500-0600	0.00	4.33	5.50	9.83
0600-0700	0.00	1.00	5.00	6.00
0700-0800	0.00	0.00	0.00	0.00
0800-0900	0.00	0.00	0.00	0.00
0900-1000	0.00	0.00	0.00	0.00
1000-1100	0.00	0.00	0.00	0.00
1100-1200	0.00	0.00	0.00	0.00
1200-1300	0.00	0.00	0.00	0.00
1300-1400	0.00	0.00	0.00	0.00
1400-1500	0.00	0.00	0.00	0.00
1500-1600	0.00	0.00	0.00	0.00
1600-1700	0.00	0.00	0.00	0.00
1700-1800	0.00	0.00	0.00	0.00
1800-1900	0.00	0.00	0.00	0.00
1900-2000	5.33	6.00	0.00	11.33
2000-2100	4.33	3.00	0.00	7.33
2100-2200	4.33	14.20	0.00	18.53
2200-2300	9.17	8.10	0.00	17.27
2300-0000	11.67	15.80	0.00	27.47
Total	34.83	120.27	74.90	230.00

Table 3a - Summer 2022 Data Set: All Crimes 01/04/2022 – 30/09/2022

	MON	TUE	WED	THU	FRI	SAT	SUN	Total
0000-0100	4.06	6.50	2.15	5.71	5.43	21.36	23.92	69.13
0100-0200	2.06	2.00	4.15	3.79	6.44	11.32	25.42	55.18
0200-0300	4.06	8.00	1.15	4.79	10.59	20.15	20.92	69.66
0300-0400	5.06	1.00	6.15	5.54	1.59	15.95	11.09	46.37
0400-0500	0.06	3.50	2.15	0.21	3.09	9.45	7.59	26.04
0500-0600	0.06	1.50	7.15	0.21	0.09	5.12	4.09	18.20
0600-0700	0.06	2.00	0.15	0.21	0.09	2.12	1.09	5.70
0700-0800	0.06	0.00	2.15	0.21	2.09	4.04	5.09	13.63
0800-0900	1.06	1.00	1.15	2.21	0.09	1.04	2.09	8.63
0900-1000	0.06	1.00	1.11	0.21	0.09	1.04	1.05	4.56
1000-1100	1.56	0.00	2.11	2.12	2.09	3.04	1.05	11.97
1100-1200	1.89	1.00	1.11	0.20	0.09	2.04	3.30	9.63
1200-1300	3.89	1.00	1.11	1.20	1.09	0.09	1.26	9.63
1300-1400	0.89	0.04	2.06	0.20	2.09	2.09	2.26	9.63
1400-1500	0.56	2.54	1.06	2.20	4.09	1.09	1.51	13.04
1500-1600	1.56	1.54	0.56	2.20	5.09	0.54	3.26	14.75
1600-1700	3.06	3.04	6.56	1.14	3.09	5.54	6.93	29.37
1700-1800	1.06	6.04	4.06	1.14	3.16	5.54	4.43	25.44
1800-1900	2.39	4.11	3.23	2.14	3.32	11.21	6.34	32.75
1900-2000	5.39	5.11	3.73	6.14	3.32	7.21	5.18	36.09
2000-2100	1.39	0.15	3.73	6.14	4.32	5.46	2.18	23.38
2100-2200	3.00	2.15	6.99	5.14	8.82	18.46	7.18	51.75
2200-2300	2.00	1.15	4.99	7.14	13.02	8.46	11.18	47.95
2300-0000	0.50	2.15	2.83	7.51	15.52	12.84	3.18	44.53
Total	45.73	56.52	71.60	67.71	98.68	175.21	161.56	677.00

Table 3b - Summer 2022 Data Set: Op Marble 01/04/2022 – 30/09/2022

	FRI	SAT	SUN	Total
0000-0100	0.00	18.20	23.83	42.03
0100-0200	0.00	10.20	24.33	34.53
0200-0300	0.00	20.03	18.83	38.87
0300-0400	0.00	15.83	10.00	25.83
0400-0500	0.00	9.33	6.50	15.83
0500-0600	0.00	5.00	4.00	9.00
0600-0700	0.00	2.00	1.00	3.00
0700-0800	0.00	0.00	0.00	0.00
0800-0900	0.00	0.00	0.00	0.00
0900-1000	0.00	0.00	0.00	0.00
1000-1100	0.00	0.00	0.00	0.00
1100-1200	0.00	0.00	0.00	0.00
1200-1300	0.00	0.00	0.00	0.00
1300-1400	0.00	0.00	0.00	0.00
1400-1500	0.00	0.00	0.00	0.00
1500-1600	0.00	0.00	0.00	0.00
1600-1700	0.00	0.00	0.00	0.00
1700-1800	0.00	0.00	0.00	0.00
1800-1900	0.00	0.00	0.00	0.00
1900-2000	1.00	7.00	0.00	8.00
2000-2100	4.00	5.25	0.00	9.25
2100-2200	6.50	18.25	0.00	24.75
2200-2300	12.70	6.25	0.00	18.95
2300-0000	13.20	11.75	0.00	24.95
Total	37.40	129.10	88.50	255.00

Table 4a - Winter 2022 Data Set: All Crimes 01/10/2022 – 31/03/2023

	MON	TUE	WED	THU	FRI	SAT	SUN	Total
0000-0100	3.54	2.29	3.53	4.38	5.00	12.04	20.50	51.28
0100-0200	4.04	5.29	2.53	2.38	4.50	22.37	12.50	53.61
0200-0300	0.04	4.25	1.20	5.04	3.50	10.37	13.00	37.40
0300-0400	2.04	1.25	2.00	3.04	2.00	9.37	15.50	35.20
0400-0500	1.04	0.00	2.00	6.54	3.00	4.54	5.50	22.62
0500-0600	0.04	0.00	0.00	2.04	0.00	2.04	3.33	7.45
0600-0700	2.04	0.00	0.00	1.54	0.00	0.54	4.33	8.45
0700-0800	0.04	1.00	2.00	1.04	0.00	1.04	2.33	7.45
0800-0900	1.04	1.00	1.00	4.04	0.00	0.04	0.00	7.12
0900-1000	2.04	1.00	5.00	0.04	1.00	0.04	0.00	9.12
1000-1100	2.04	2.00	3.00	1.04	1.00	1.04	0.00	10.12
1100-1200	6.04	2.00	1.00	3.04	0.00	1.04	0.00	13.12
1200-1300	0.04	2.00	3.00	0.04	1.00	1.04	1.00	8.12
1300-1400	3.04	5.00	1.00	1.04	2.00	2.04	1.00	15.12
1400-1500	1.54	3.00	2.00	3.04	1.00	4.04	2.00	16.62
1500-1600	3.54	1.00	4.00	2.04	4.00	1.04	6.00	21.62
1600-1700	6.54	2.00	1.00	5.54	3.00	4.04	3.00	25.12
1700-1800	3.54	4.50	4.00	2.54	2.00	2.04	1.00	19.62
1800-1900	6.04	2.50	1.17	3.04	4.00	3.04	4.00	23.79
1900-2000	7.04	4.00	3.17	1.04	6.00	8.04	6.00	35.29
2000-2100	3.04	3.00	1.17	3.04	10.25	10.04	0.00	30.54
2100-2200	5.04	1.00	7.17	2.04	12.12	10.04	1.00	38.41
2200-2300	2.04	2.70	4.17	6.04	8.12	9.00	4.00	36.07
2300-0000	0.04	5.03	0.50	10.04	14.62	15.00	1.50	46.74
Total	65.42	55.81	55.60	73.67	88.12	133.88	107.50	580.00

Table 4b - Winter 2022 Data Set: Op Marble 01/10/2022 – 31/03/2023

	FRI	SAT	SUN	Total
0000-0100	0.00	12.00	17.50	29.50
0100-0200	0.00	19.33	12.50	31.83
0200-0300	0.00	10.33	13.00	23.33
0300-0400	0.00	9.33	15.50	24.83
0400-0500	0.00	4.50	5.50	10.00
0500-0600	0.00	2.00	3.00	5.00
0600-0700	0.00	0.50	2.00	2.50
0700-0800	0.00	0.00	0.00	0.00
0800-0900	0.00	0.00	0.00	0.00
0900-1000	0.00	0.00	0.00	0.00
1000-1100	0.00	0.00	0.00	0.00
1100-1200	0.00	0.00	0.00	0.00
1200-1300	0.00	0.00	0.00	0.00
1300-1400	0.00	0.00	0.00	0.00
1400-1500	0.00	0.00	0.00	0.00
1500-1600	0.00	0.00	0.00	0.00
1600-1700	0.00	0.00	0.00	0.00
1700-1800	0.00	0.00	0.00	0.00
1800-1900	0.00	0.00	0.00	0.00
1900-2000	4.00	8.00	0.00	12.00
2000-2100	10.25	10.00	0.00	20.25
2100-2200	11.08	10.00	0.00	21.08
2200-2300	8.08	9.00	0.00	17.08
2300-0000	13.58	14.00	0.00	27.58
Total	47.00	109.00	69.00	225.00

Analysis was also made of the link between crimes and alcohol/drug use and showed that up to 65% of the recorded Serious Violent Crimes across the city were affected by alcohol and/or drugs. It is important to note however that the data drawn from Police systems relies on the Officer inputting it to flag it as 'alcohol/drug' related so the true number in incidents involving alcohol and/or drugs may be much higher.

When the Serious Violent Crime data is broken down by the wards it shows the 5 wards mostly covered by the CIZ and SSA (Regency, St Peter's & North Laine, Hanover & Elm Grove, Queen's Park and Central Hove) suffered from 75% of the total city wide serious violent crime over the 2 year period considered.

SERIOUS VIOLENT CRIME (SVC) (ALL WEEK)	TOTAL NUMBER OF SVC	REGENCY (CIZ)	ST PETER'S & NORTH LAINE (CIZ & SSA)	QUEEN'S PARK (CIZ & SSA)	HANOVER & ELM GROVE (SSA)	CENTRAL HOVE (SSA)	TOTAL FOR THE 5 WARDS
01/04/2021 – 30/09/2021 (Summer)	510	178 (35%)	93 (18%)	69 (14%)	10 (2%)	28 (5%)	378 (74%)
01/10/2021 – 31/03/2022 (Winter)	514	248 (48%)	96 (19%)	37 (7%)	5 (1%)	18 (4%)	404 (79%)
01/04/2022 – 30/09/2022 (Summer)	482	205 (43%)	84 (17%)	63 (13%)	7 (1%)	12 (2%)	371 (77%)
01/10/2022 – 31/03/2023 (Winter)	381	131 (34%)	75 (20%)	43 (11%)	8 (2%)	14 (4%)	271 (71%)
TWO YEAR PERIOD	1887	762 (40%)	348 (18%)	212 (11%)	30 (2%)	72 (4%)	1424 (75%)

This rises to a 77% average when looking at the Serious Violent Crimes city wide on a Friday, Saturday and Sunday.

SERIOUS VIOLENT CRIME (SVC) (FRIDAY, SATURDAY , SUNDAY)	TOTAL NUMBER OF SVC	REGENCY (CIZ)	ST PETER'S & NORTH LAINE (CIZ & SSA)	QUEEN'S PARK (CIZ & SSA)	HANOVER & ELM GROVE (SSA)	CENTRAL HOVE (SSA)	TOTAL OF THESE 5 WARDS
01/04/2021 –	288	112	54	33	8	13	220 (76%)

30/09/2021 (Summer)							
01/10/2021 – 31/03/2022 (Winter)	315	141	56	29	4	10	240 (76%)
01/04/2022 – 30/09/2022 (Summer)	327	147	61	42	5	7	262 (80%)
01/10/2022 – 31/03/2023 (Winter)	239	99	38	22	7	8	174 (73%)
TWO YEAR PERIOD	1169						896 (77%)

Anti-social behaviour with an 'Alcohol' qualifier reflects a similar picture with an average of 74% of these incidents taking place in the 5 wards that the CIZ and SSA mostly covers.

Anti Social Behaviour (ASB) with an Alcohol Qualifier (ALL WEEK)	Total Number of reports	Total reports for the 5 WARDS (Regency, St Peter's & North Laine, Queen's Park, Hanover & Elm Grove and Central Hove)
01/04/2021 – 30/09/2021 (Summer)	212	159 (75%)
01/10/2021 – 31/03/2022 (Winter)	123	89 (72%)
01/04/2022 – 30/09/2022 (Summer)	113	82 (73%)
01/10/2022 – 31/03/2023 (Winter)	69	52 (75%)
TWO YEAR PERIOD	517	382 (74%)

This highlights the need for a continuation of the Cumulative Impact Area and Special Stress Area as well as the matrix and timings approach within it. By limiting the type of new premises as well as their terminal hour for licensable activity, there is a chance to reduce some of the cumulative risk

posed by having a larger and larger number of licensed premises all closing at similar times in the same area.

APPENDIX A: Caveats to this Data

Date periods:

- 01/04/2021 – 30/09/2021
- 01/10/2021 – 31/03/2022
- 01/04/2022 – 30/09/2022
- 01/10/2022 – 31/03/2023

Two i-Base searches were completed to retrieve the data: an incidents search of Smart STORM data for alcohol qualifiers 'ALCOHOL' (date created) and a crime search of Niche data for the field Class NICL 'ALC' (date actual from).

- Data included is only in relation to public places or licensed premises.
- Data was removed if the public place field was recorded as 'NO' or was blank/incomplete. Only those completed as Public Place – 'YES' were included in the data.
- Non-Crime Incidents remain within the crime data and occurrences with a stats classification 'Not Grouped'.
- Data was removed if the Stats Classification stated the occurrence was recorded as 'No Crime' or 'No Incident'
- Data was removed if the location type field was recorded as 'Dwelling'.

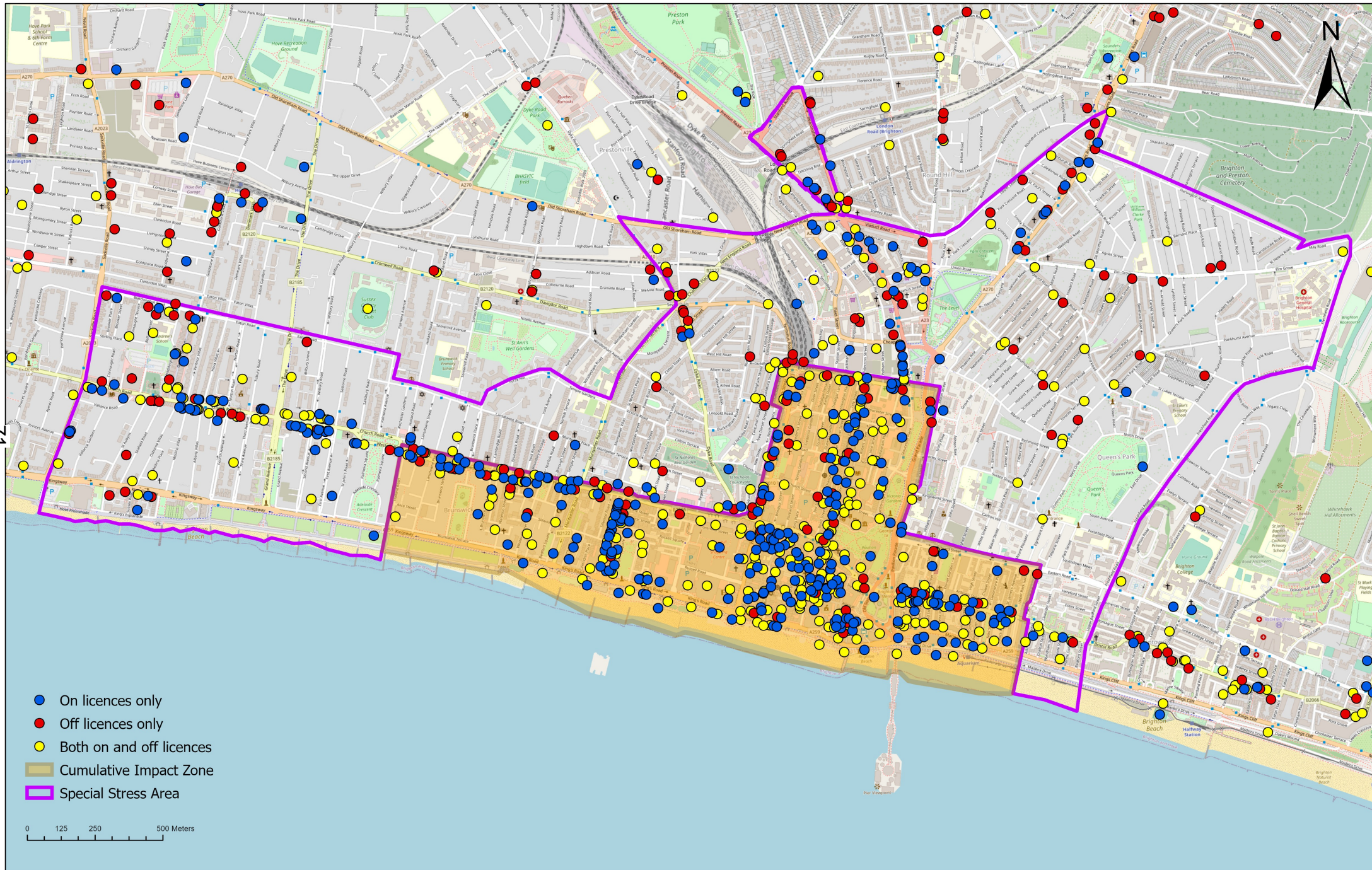
Caveats to be mentioned:

- Occurrences with an Alcohol Class NICL may also have other qualifiers in addition to alcohol.
- Op Marble DPA hours are currently 19:00hrs Fri – 07:00hrs Saturday and 19:00hrs Saturday – 07:00hrs Sunday. A caveat to mention is that DPA hours are now different to those completed in the previous report.
- Crimes and incidents were only searched on the qualifiers and class NICL fields only.
- Crime and Incident data is either reliant on alcohol tags and qualifiers, which comes with a caveat of relying on this field to be completed and completed accurately. Any crimes or incidents where alcohol was impactful on the occurrence or incident but was not recorded in the relevant field, will not be included within the data.
- Refinement of the data was subject to the analyst and researchers' discretion.
- Due to a large amount of data included within the data set, crimes where the public place field was incomplete (blank) or stated 'no', indicating the crime did not occur in a public place were removed from the data.
- There is a highly likely probability that there were crimes within the data that occurred in public places but the field was incomplete, therefore, were removed from the data. Also, there may be crimes within the data that did not occur within a public place, but this field was completed to suggest the occurrence was in a public place.
- Due to a large data set, each individual occurrence could not be checked to see if it occurred in a public place, therefore the data relies heavily on the public place field.
- Incidents that occurred within a dwelling or residential premises were removed from the data. However, incidents just outside of a persons address were included.
- Incidents included within the data were those that occurred in a public places/space or at a licensed premises/hospitality venues, including but not limited to: bars/pubs, clubs, restaurants, fast food restaurants, shops, parks, medical premises, streets/roads, outside places of residence.
- Op Marble data is only inclusive of offences where the date from and date to was within DPA hours, any offences with slight difference in the time were placed under the Non-Marble. For example; Friday 23:00hrs – 08:30hrs Saturday – whilst it is highly likely that offence occurred within the Op Marble DPA, there is a possibility the offence occurred outside of the DPA hours.

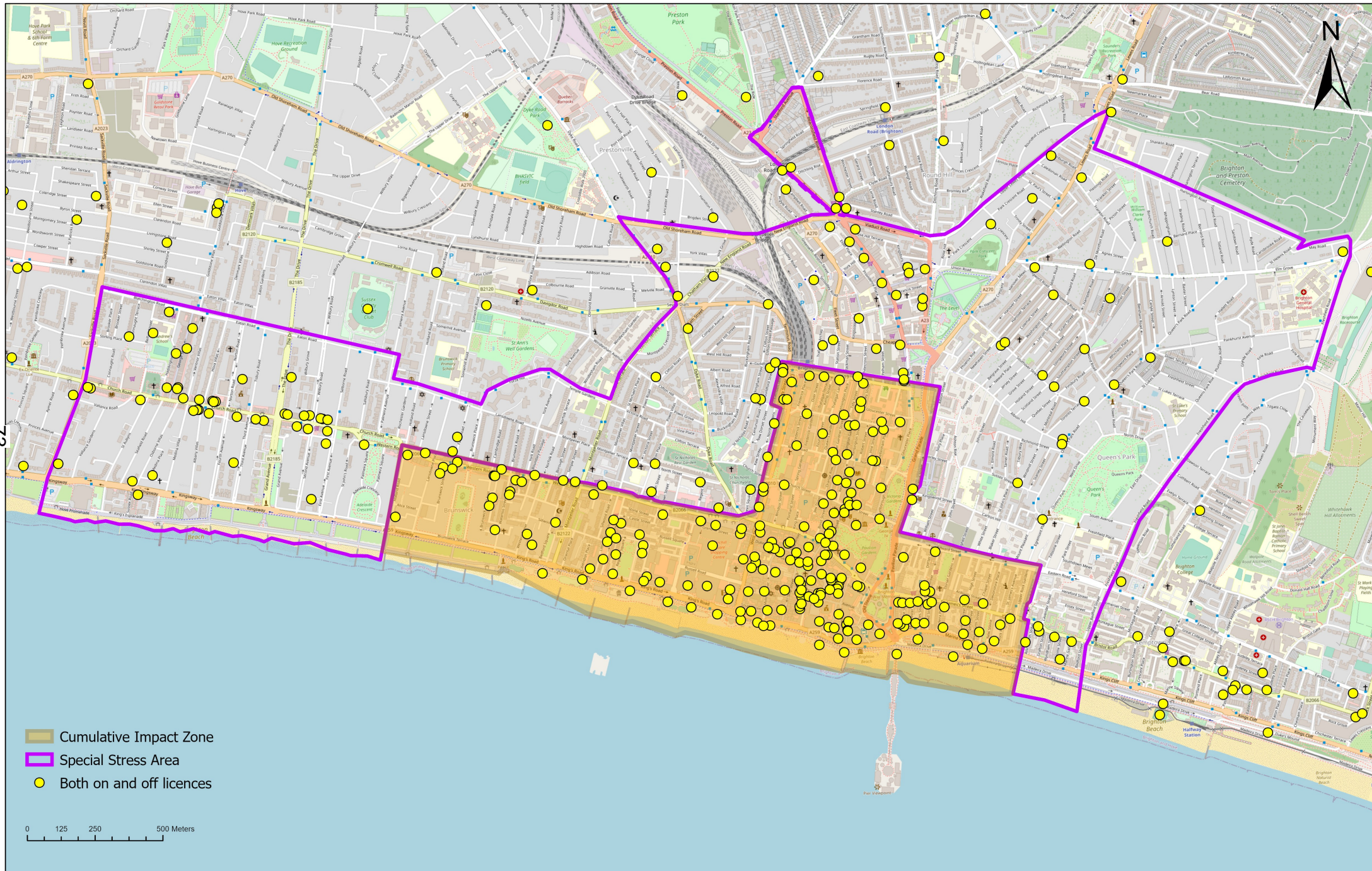
Crime Data:

- Serious Violence Crime – all crimes within the HO Crime Group ‘Violent Crime’, this is inclusive of domestic abuse offences.
- Op Marble – all offences during the night time economy hours reflective of the Op Marble DPA (19:00hrs Fri – 07:00hrs Saturday and 19:00hrs Saturday – 07:00hrs Sunday) – not including domestic abuse offences.
- Non-Marble – all offences that occurred outside of the Op Marble DPA hours, including domestic abuse offences.
- ASB incidents – all incidents with the NSIR subgroup ‘Anti-Social Behaviour’.

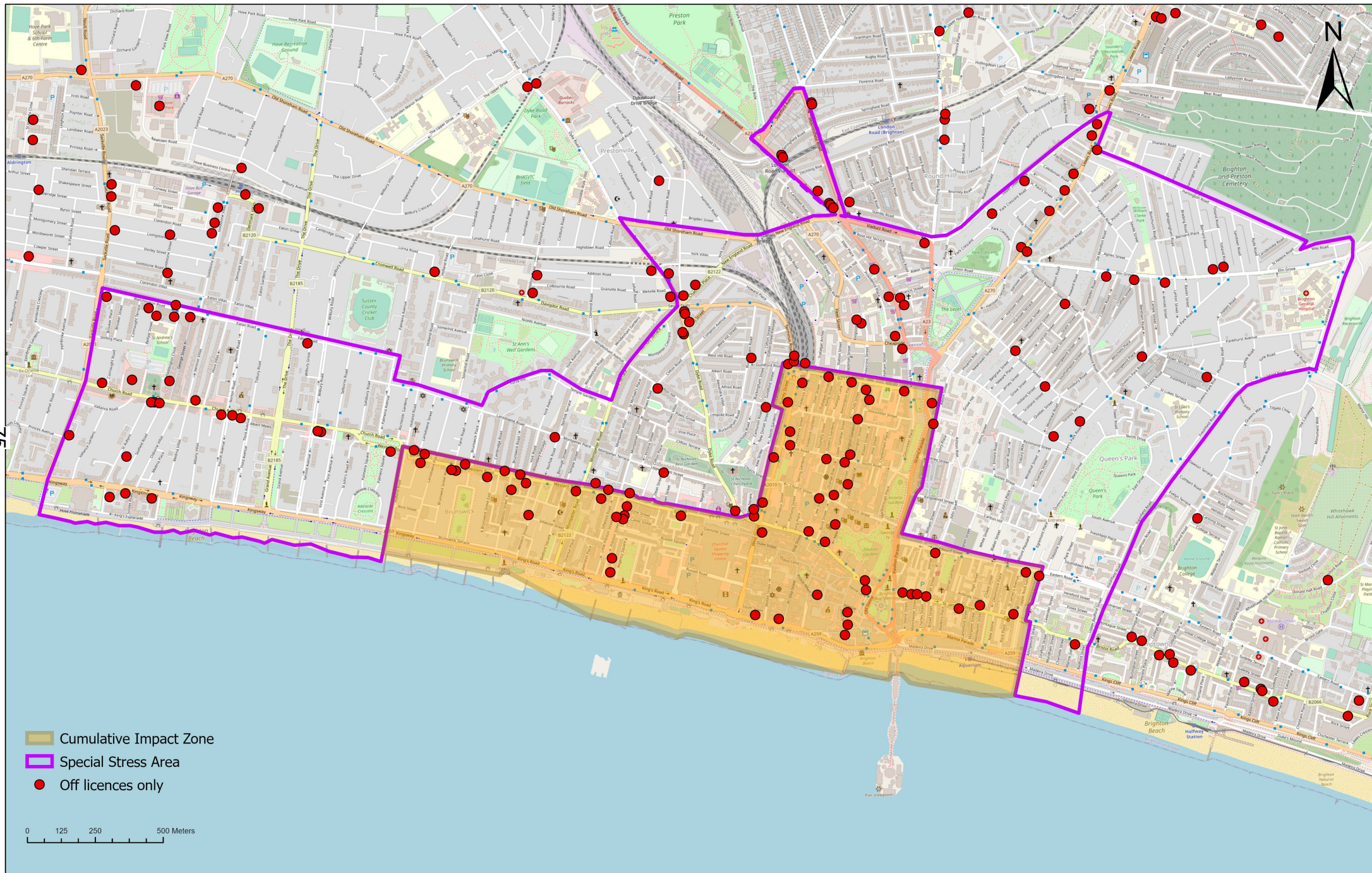
Cumulative Impact Zone, Special Stress Area and alcohol licensed premises, April 2023



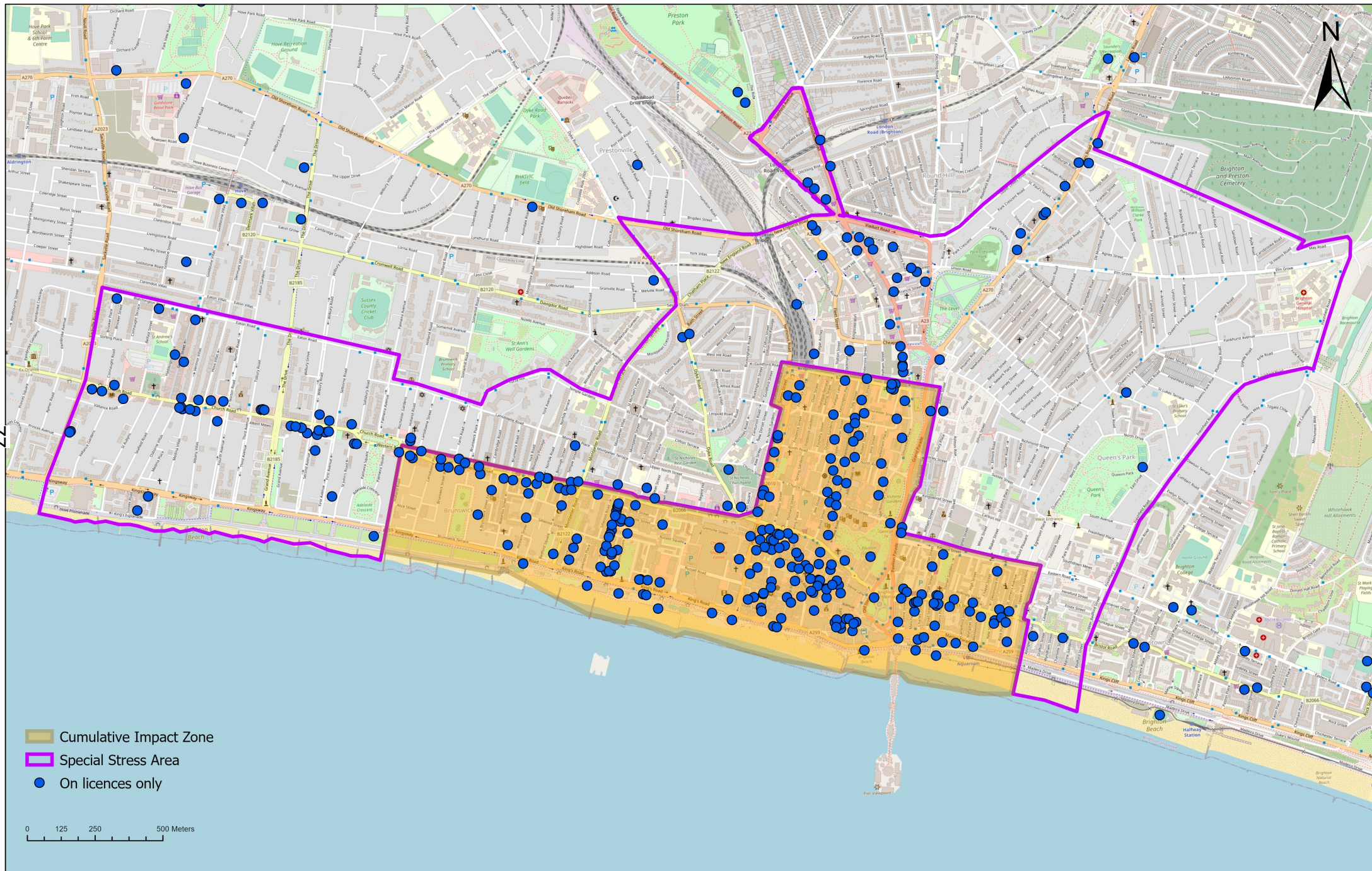
Cumulative Impact Zone, Special Stress Area and both on and off-licences, April 2023



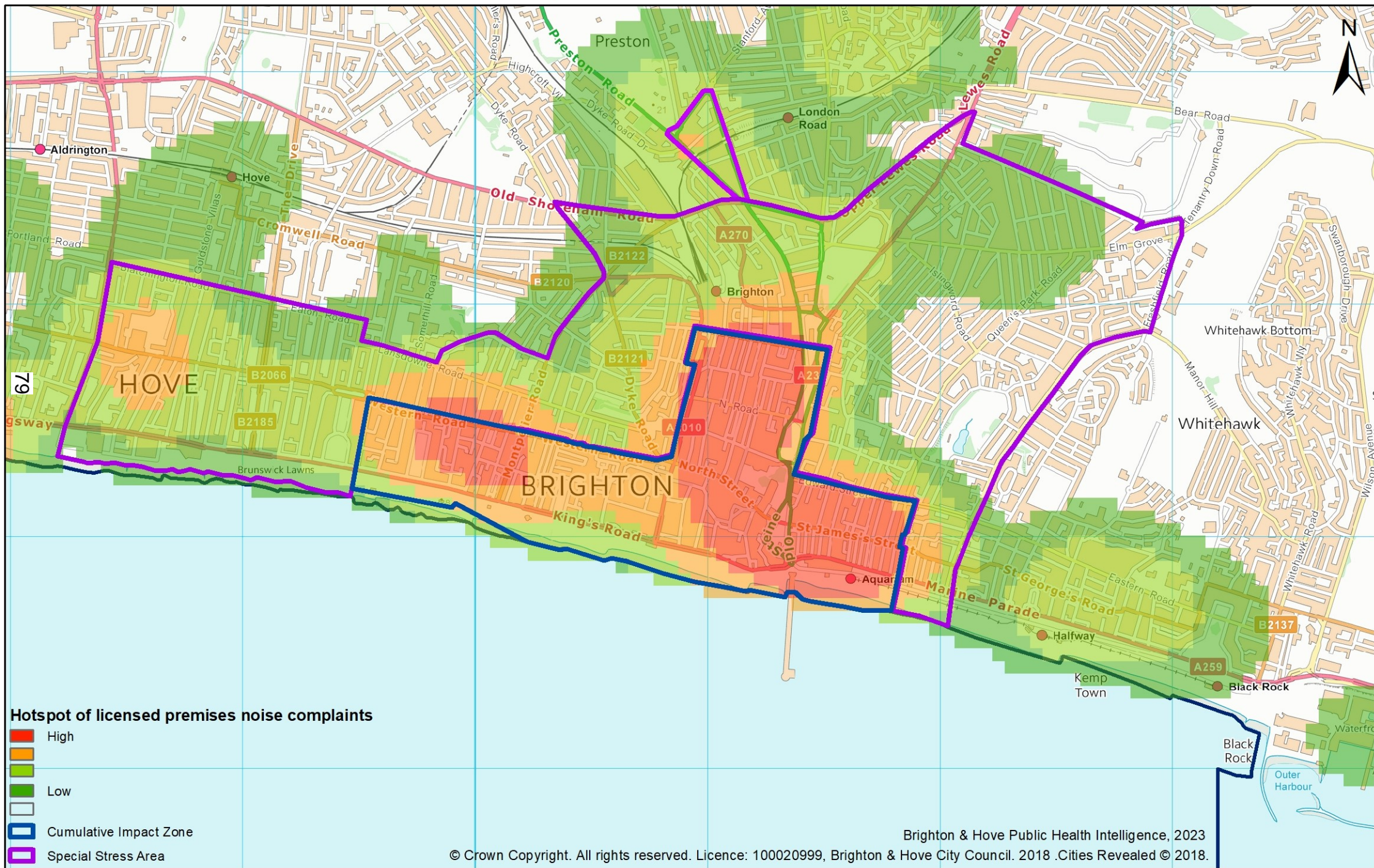
Cumulative Impact Zone, Special Stress Area and off-licences only, April 2023



Cumulative Impact Zone, Special Stress Area and on-licences only, April 2023

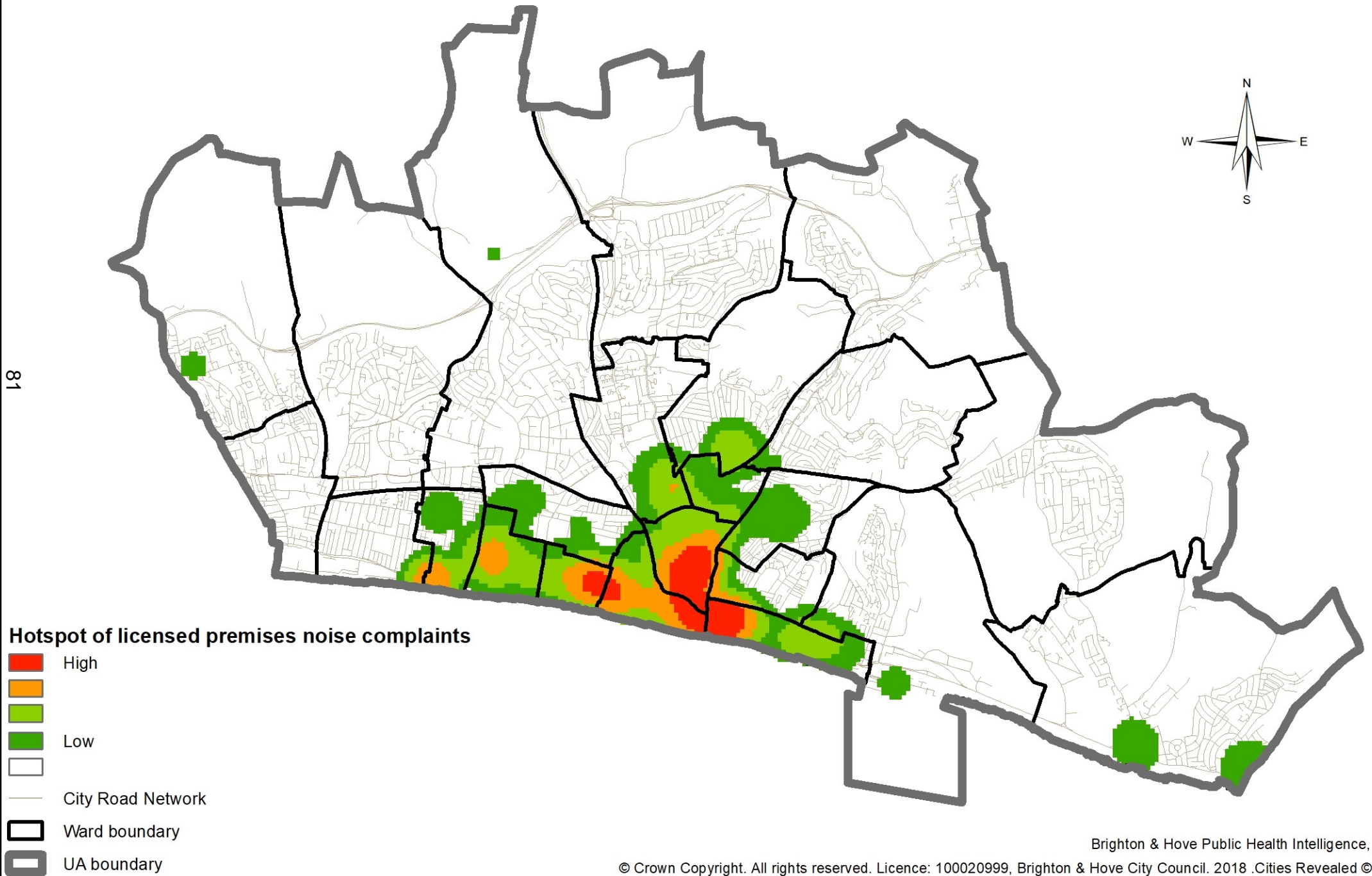


April 2021 - March 2023



Hotspot of noise complaints regarding licensed premises (n=509)

April 2021 - March 2023



Subject:		Future Arrangements for Licensing Panel Hearings	
Date of Meeting:		Licensing Committee (Licensing Act 2003 Functions)	
Report of:		Executive Director Governance, People and Resources	
Contact Officer:	Name:	Rebecca Sidell	Tel: 01273 291511
	Email:	Rebecca.sidell@brighton-hove.gov.uk	
Ward(s) affected:		All	

For general release**1. Purpose of the report and policy context**

- 1.1 The report sets out the position in relation to the powers of the Licensing Committee to make its own arrangements in relation to the conduct of Licensing Panels convened under the Licensing Act 2003 (Licensing Panels).
- 1.2 The report proposes that members review the current arrangements and delegate authority to the Director of Governance, People & Resources after consultation with lead members to determine the future conduct of Licensing Panels until further review at the next committee in June 2023. The intention is to retain flexibility in the arrangements and to be able to respond to the latest public health and government advice.

2. Recommendations

- 2.1 That Committee notes the ongoing risk of fluctuation in relation to Covid infection rates as well as the additional benefits of holding virtual meetings in terms of enabling participation in the Licensing process and recommends that Licensing Panels continue to meet virtually until October 2023. This does not preclude holding a panel hearing in person where the individual circumstances of an application may warrant it.
- 2.2 That Committee delegates authority to the Executive Director - Governance, People & Resources after consultation with the Chair and group spokespersons to determine arrangements for Licensing Panel hearings until the next Licensing Committee in October 2023.
- 2.3 That the Committee recommends that in exercising this authority the above officer takes into account all relevant factors including latest public health and government guidance, the situation with other council meetings and the need to ensure fair and transparent procedures in accordance with the Hearings Regulations 2005

3. Context and background information

3.1 Following the outbreak of the Covid-19 pandemic the Government enabled local authorities to hold 'virtual' meetings under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) (Amendment) Regulations 2020 ('the Regulations'). These Regulations expired on the 7th May 2021 and a recent Court decision confirmed that the Council must run those of its meetings which are governed by the Local Government Act 1972 with members and the public in attendance at a physical meeting.

3.2 However, Licensing Panels are established under different legislation (the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005.) This means that Licensing Committees are empowered to regulate their own procedures and those of its sub-committees (the Licensing Panels).

3.3 At the full Licensing Committees (Licensing Act 2003 Functions) on 24th June 2021, 14th October 2021, 17 February 2022 and 13 October 2022 members delegated authority to the Executive lead for Strategy Governance and Law after consultation with the Chair and group spokespersons to determine arrangements for Licensing Panels until further review by this committee. The decision was taken to continue to hold the panel hearings virtually via Teams pending review by this committee.

3.4

The minutes of this Committee held in February 2022 and since illustrate that many members remain supportive of virtual meetings as it was felt that there were also other advantages of remote attendance for both members and the wider public. It was considered that it encouraged wider participation in the licensing process generally, being less formal than an in-person meeting, more accessible and more convenient saving time on travel. The remote panels will continue to be webcast. Therefore, where the legal flexibility exists, as in this case, it seems sensible to continue with the virtual meetings.

3.5 The committee is thus invited to review the arrangements and indicate if virtual meetings should continue or if attendance of members at Hove Town Hall is preferred with remote attendance still an option for other parties. The situation can be kept under review as appropriate in light of the latest public health advice, the conduct of other Council meetings, and the national picture. A decision to continue with virtual meetings does not preclude holding a hearing in person where the individual circumstances of an application warrant it.

4. Analysis and consideration of alternative options

4.1 Delegation to officers avoids the need to convene further urgent committee meetings and enables a flexible response to changing national or local conditions.

- 4.2 The delegation is only temporary and will be reviewed at the next full licensing committee in October 2023. The alternative option would be to revert to all in person meetings for these meetings. This is not recommended for the reasons set out in the report.

5. Community engagement and consultation

- 5.1 These are regulatory hearings and the proceedings must give all parties the ability to participate as appropriate and enable the press and public to see and hear them

6. Conclusion

- 6.1 The Licensing Committee is empowered to determine procedures for its subcommittees (licensing panels) and is able to delegate this function, after appropriate consultation, to senior officers for a temporary period in the interests of effective and flexible decision making

7. Financial implications

- 7.1 There are no additional financial implications arising from this report.
Name of finance officer consulted: Date consulted (dd/mm/yy):

8. Legal implications

- 8.1 The Licensing Committee can determine its own procedures for its subcommittees (hearing panels) pursuant to s 9 Licensing Act 2003. There is no reason under the Licensing Act (see Section 10) why such determination cannot be delegated to officers in an appropriate manner as outlined in the report. Arguably each licensing panel could determine its own procedure at the outset but this is not practical given the need for advance notifications under the Hearings Regulations.

Name of lawyer consulted: Elizabeth Culbert Date consulted

9. Equalities implications

- 9.1 The Council has a public sector equality duty under s149 of the Equality Act 2010. In the exercise of its functions the Council must have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and those that do not. Decisions as to procedures will always take this into account.

10. Sustainability implications

- 10.1 No direct sustainability implications

11. Other Implications

Public health implications:

- 11.1 Any decision to move to more face to face meetings will be informed by the latest public health guidance. Good practice would indicate that Members should not attend meetings where they have respiratory infections and that good ventilation continues to be advised.