

Licensing Committee (Licensing Act 2003 Functions)

Date: **20 June 2024**

Time: **3.00pm**

Venue **Council Chamber - BTH**

Members: McGregor (Chair), Cattell (Deputy Chair), Davis, Fowler, Helliwell, Hewitt, Lyons, Gauge, Mackey, Nann, O'Quinn, Pickett, Sheard and Thomson

Contact: **Thomas Bald**
Democratic Services Officer
01273 291354
Thomas.Bald@brighton-hove.gov.uk

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk.
Agendas are available to view five working days prior to the meeting date.

Electronic agendas can also be accessed through our meetings app available through ModernGov: [iOS/Windows/Android](#)

This agenda and all accompanying reports are printed on recycled paper

AGENDA

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 - 8

3 CHAIR'S COMMUNICATIONS

4 CALLOVER

- (a) Items 7-8 will be read out at the meeting and Members invited to reserve these 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 14 June;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 14 June.

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 **ANNUAL REPORT OF THE LICENSING AUTHORITY 2023-2024** 9 - 32
- 8 **LICENSING COMMITTEE AND FUTURE LICENSING PANEL HEARING ARRANGEMENTS** 33 - 40
- 9 **ITEMS REFERRED FOR COUNCIL**

To consider items to be submitted to the next 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

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

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

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested. Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

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

WEBCASTING NOTICE

This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Chair will confirm if all or part of the meeting is being filmed. You should be aware that the Council is a Data Controller under the Data Protection Act 1998. Data collected during this web cast will be retained in accordance with the Council's published policy.

Therefore, by entering the meeting room and using the seats in the chamber you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured, they should sit in the public gallery area.

ACCESS NOTICE

The Public Gallery is situated on the first floor of the Town Hall and is limited in size but does have 2 spaces designated for wheelchair users. The lift cannot be used in an emergency. Evac Chairs are available for self-transfer and you are requested to inform Reception prior to going up to the Public Gallery. **For your own safety please do not go beyond the Ground Floor if you are unable to use the stairs.**

Please inform staff on Reception of this affects you so that you can be directed to the Council Chamber where you can watch the meeting or if you need to take part in the proceedings e.g. because you have submitted a public question.

FIRE / EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- 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)

3.00PM 13 FEBRUARY 2024

COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 3BQ - HTH/CC

MINUTES

Present: Councillors Daniel (Chair), Sheard (Deputy Chair), Pickett (Opposition Spokesperson), Baghoth, Davis, Fowler, Hewitt, Nann, Robinson, Thomson and Grimshaw

Apologies: Councillors Czolak, Cattell, Lyons, McGregor and Theobald

20 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

1.1 Councillor Grimshaw was present in substitution for Councillor Cattell.

(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.

21 MINUTES OF THE PREVIOUS MEETING

RESOLVED – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 12 October 2023 be agreed and signed as a correct record.

22 CHAIR'S COMMUNICATIONS

There were none.

23 PUBLIC INVOLVEMENT

There were none.

24 MEMBER INVOLVEMENT

There were none.

The meeting concluded at 16:32.

Signed

Chair

Dated this

day of

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

Agenda Item 7

Brighton & Hove City Council

Subject: Annual Report of the Licensing Authority 2023/24
Date of Meeting: 20 June 2024
Report of: Executive Director of City Services
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 2023/24 (1st April 2023 – 31st March 2024).
- 1.2. National matters: legislative changes and consultation
 - There were two updates in the Section 182 Local Authority Home Office Guidance:
 - i) July 2023 - Following on from the recommendations made in relation to the Manchester Arena Inquiry, the Home Office have made amendments to the s182 Guidance which accompanies the Licensing Act 2003 under 2.11 – 2.15 Counter terrorism and public safety.
 - ii) Dec 2023 to include a reference to Spiking (2.7) under the Prevention of Crime and Disorder licensing objective.
 - 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. There is no law or pending law yet, a Government consultation ended on 18 March 2024 relating to the Standard Tier proposal but nothing has happened since then.
 - Regulatory Easements –Off sales easements extended to 31st March 2025 but additional TENs limits have been reduced back to what they were pre Covid.
 - In light of the current off licence easements coming to an end in March 2025, the Government has recently launched a consultation with three possible options to choose from. The consultation seeks views on whether changes should be made to the Licensing Act 2003 in order to make it easier for businesses with a premises licence to sell alcohol for consumption in an adjacent licensed pavement area.
- 1.3. Local licensing matters
 - Alcohol delivery
 - Applications and Reviews/Expedited Reviews
 - Spiking
 - Street drinking/Sensible on Strength

- Test Purchase operations
- Events
- Forthcoming Statement of Licensing Policy Review

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 in Brighton & Hove is 1430.

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 3 Reviews (1 of which was expedited) from 1st April 23 to 31st March 24.

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 23 to 31st March 24 – venue type and area” in Appendix 2.

Table 1: Licensing Act 2003 figures

1st April 2023 – 31st March 2024		1st April 2022 – 31st March 2023		1st April 2021 – 31st March 2022	
New apps 01.04.23-31.03.24	68	New apps 01.04.22-31.03.23	69	New apps 01.04.21-31.03.22	89
TOTAL fully processed*	67	TOTAL fully processed*	64	TOTAL fully processed*	88
New (inc. time limited)					
(granted)	63	(granted)	59	(granted)	83
(refused)	2	(refused)	2	(refused)	3
(withdrawn)	2	(withdrawn)	3	(withdrawn)	2
(pending)	1	(pending)	5	(pending)	1
Variations	29	Variations	25	Variations	20
TOTAL	28	TOTAL	24	TOTAL	19
(granted)	24	(granted)	21	(granted)	16
(refused)	2	(refused)	2	(refused)	1
(withdrawn)	2	(withdrawn)	1	(withdrawn)	2
(pending)	1	(pending)	1	(pending)	1
Minor Variations	59	Minor Variations	54	Minor Variations	48

TOTAL	59	TOTAL	52	TOTAL	48
(granted)	58	(granted)	51	(granted)	47
(refused)	0	(refused)	1	(refused)	0
(withdrawn)	1	(withdrawn)	0	(withdrawn)	1
(pending)	0	(pending)	2	(pending)	0
Panel hearings (apps excluding reviews)	23	Panel hearings (apps)	22	Panel hearings (apps)	29
Reviews	3	Reviews	7	Reviews	5
Appeals	3	Appeals	1	Appeals	2
Surrendered	34	Surrendered	16	Surrendered	19
Lapsed	15	Lapsed	6	Lapsed	8
TENS hearings	0	TENS hearings	0	TENS hearings	
TOTAL TENS	1124	TOTAL TENS	761	TOTAL TENS	663
TENS (granted)	1050	TENS (granted)	720	TENS (granted)	647
TENS (refused/invalid)	29	TENS (refused)	0	TENS (refused)	12
TENS (withdrawn)	45	TENS (withdrawn)	41	TENS (withdrawn)	4

3.1.5 From 01.04.23 to 31.03.24 a total of 68 new premises applications were received, 67 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.

3.1.6 Headline trends

There was a slight increase in Variations and Minor Variations. There was also an increase in surrendered and lapsed licences. We also had a significant increase in TENSs. The table below details New applications received by premises type:-

1st April 2023- 31st March 2024		1st April 2022- 31st March 2023		1st April 2021- 31st March 2022	
New apps 01.04.23- 31.03.24	68	New apps 01.04.22- 31.03.23	69	New apps 01.04.21- 31.03.22	88
Pub/bar/nightclub	2	Pub/bar/nightclub	2	Pub/bar/nightclub	7
Convenience Store (off)	5	Convenience Store (off)	5	Convenience Store (off)	10
Restaurant	17	Restaurant	18	Restaurant	24
Café	11	Café	14	Café	18
Late Night Refreshment	4	Late Night Refreshment	6	Late Night Refreshment	2
Large supermarket	0	Large supermarket	0	Large supermarket	0
Petrol station	0	Petrol station	1	Petrol station	0
Church, Village hall etc	0	Church, Village hall etc	1	Church, Village hall etc	0
Cinema	0	Cinema	1	Cinema	0
Hotel/guest house	2	Hotel/guest house	2	Hotel/guest house	0
Alcohol Off sales via delivery/online (new category)	1	Alcohol Off sales via delivery/online (new category)	3	Alcohol Off sales via delivery/online (new category)	3

Other (inc. Members Clubs)	19	Other (inc. Members Clubs)	16	Other (inc. Members Clubs)	24
Time limited licences	7	N/A		N/A	

3.1.7 Of the 68 new applications received 29 were for premises within the CIZ. Looking at the 29 premises within the CIZ, 17 were granted after no representations were received (inc. pre-consulted applications, modified applications after agreements reached, applications within policy), 2 were for new Hotels, 1 time limited licence, 1 re-granted lapsed licence 1 members club. 5 went to a panel hearing (4 of which were granted and one refused). 2 applications were withdrawn by the applicant.

This is a breakdown of the 8 'Other' applications within CIZ:-

1 x time limited (Royal Pavilion ice rink), Royal Pavilion Buildings, independent record store, indoor golf centre, members only workspace, retail shop selling specialist truffle deli products, venue for art classes and a street food market.

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 2024	May 2023	May 2022
Betting Premises Licences	24	24	25
Bingo Premises Licences	2	2	2
Adult Gaming Centre Premises Licences	5	6	6
Family Entertainment Centre Premises Licences	2	2	2
Family Entertainment Centre Permits	4	5	5
Alcohol licensed premises providing two or less gaming machines	183	185	184
Alcohol licences premises providing three or more gaming machines	25	22	23
Club Gaming Permits	3	3	3
Club Machine Permits	5	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 with some notable licensing reviews as well as significant licensing applications within the city centre. The licensing team and panel members have dealt with two standard licensing reviews bought by the police and residents and one expedited/summary review. This is an urgent review where the police are concerned the premises are associated with serious crime or disorder.

3.3.2 Brighton & Hove response to spiking incidents

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 provided funding to facilitate the training.

3.3.21 In November 2023, the Police and Licensing attended a training course delivered by Stamp Out Spiking, an anti-spiking charity based in the UK. The charity has professional experience in alcohol and drug awareness workshops, concentrating on the welfare of young people. This course explored the incident rate and consequences of spiking. Provided a full overview of the substances used to spike drinks and other methods of spiking. How the crime impacts on the victim/ public and businesses. Work with experienced trainers to review how businesses can safeguard employees and customers, developing a policy, risk assessment and incident flow chart and incident log.

3.3.22 Revised Guidance issued under section 182 of the Licensing Act 2003 has recognised that Spiking is a national issue and was updated in December 2023 to include a paragraph about spiking:

(2.7) The objective to crime under the Licensing Act 2003 would include taking measures to prevent incidents of spiking which would usually be prosecuted under section 23 and 24 of the Offences Against the Person Act 1861, and section 61 of the Sexual Offences Act 2003. The following examples are within the range of behaviours that would be considered spiking. This list is not exhaustive:

- Putting alcohol into someone's drink without their knowledge or permission
- Putting prescription or illegal drugs into an alcoholic or non-alcoholic drink without their knowledge or permission
- Injecting another person with prescription or illegal drugs without their knowledge or permission
- Putting prescription or illegal drugs into another person's food without their knowledge or permission
- Putting prescription or illegal drugs into another person's cigarette or vape without their knowledge or permission

3.4 VAWG/safeguarding initiatives

3.4.1 The Council have used Home Office 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,

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 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 = 274 - 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 is provided to licensed venue staff.
- 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.

3.6 Test Purchasing of - Alcohol - Underage

Procedure

3.6.1 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.

3.6.2 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.

3.6.3 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
26.04.2023	Alcohol	11 Premises	0 Failed	Off-Licence
07.07.2023	Alcohol	4 Premises	1 Failed	On-sales
10.11.2023	Alcohol	11 Premises	1 Failed	Off-Licence

3.6.4 As a result of the test purchasing operations, 1 premises licence was revoked following a licensing panel hearing. The premises has appealed and waiting court hearing. 1 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: 07/06/24

Legal Implications:

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

Lawyer Consulted: Rebecca Sidell Date: 13/06/24

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 2023/24 – venue type and area”

Documents in Members’ Rooms

1. None.

Background Documents

1. None.



Annual Report 2023/2024

	01B	01BA	01C	01D	01DA	01DD	01DDA	01G	01L	01M	01N	01O	01P	01PA	01S	01SA	01SS	01SSA	01T	01TA	01V	01VA	CSSA	
	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	Special Stress Area	Sum:
Brunswick & Adelaide	3			3	1			3											1			1		12
Brunswick And Adelaide	14			8		1		16	1								8		1	2		3		54
Central Hove	17			15				27	2						1		17		2	5	2	5		93
Coldean & Stanmer	1			1													1					3		6
East Brighton	6			2				5	3	1			1					12				7		37
Goldsmid	6			3				3	2	2	1	1		1				10		1		6		36
Hangleton And Knoll	1								3	1					1		1		9		1		2	19
Hangleton & Knoll	1																	1						2
Hanover And Elm Grove	13									2								11	1	2		2		31
Hanover & Elm Grove	3			1				1										1						6
Hollingdean And Stanmer	5			3				1	1		1							10				7		28
Hollingdean & Fiveways				1																		1		2
Hove Park	2			2				2	3	1	1	1	1		2		4		1			4		24
Kemptown	4	2		3		1		3											2		3			18
Moulsecoomb And Bevendean	2								1				1		1		9		4	1	5			24
Moulsecoomb & Bevendean															1									1
North Portslade	1								1	1							5					1		9
Patcham	4			1				1	1				1					11						19
Patcham & Hollingbury								1						1		1	1							4
Preston Park	11			2	1		1	6	3	2		1		1			15	1	4		5			53
Queen's Park	32	3		17	5	2	1	3	22	2	1	2					16	1	4		9			120
Regency	70	7		29	5	7	7	6	131	3		5					18	6	10	7	22	3		336
Rottingdean Coastal	10			5				13	7	4	1		1			1	9		1	1	14			67
Rottingdean & West Saltdean	2			1				3		1											2			9
Round Hill	1			2								1					1	1						6
South Portslade	7			1				3	2	1	1		1				9	2	1		5			33
St. Peter's And North Laine	51	1		26	2	1	2	2	50	1	4	2	1				38	9	11		16			217
Westbourne	5			2	1			3		1							4		2		1			19
Westbourne & Poets' Corner								1									2		1					4
Westdene & Hove Park				1																	4			5
West Hill & North Laine	9			8				9	1		1				1		2		4		7		1	43
Whitehawk & Marina	1							1									1				3			6
Wish	5			1				5	3					1			13				3	1		32
Withdean	4			1				1	1								7				2			16
Woodingdean	1			1					1					1			5				1			10
Sum:	292	13	140	15	11	11	12	311	42	22	16	3	7	6	6	4	250	23	57	11	144	4	1	1401

Annual Report 2023/2024

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	Hotels, Guest Houses, B&Bs, 24hr
Grant with Conditions	1	3	10				1			1	1
Refuse Licence							1				
Withdrawn							1				
Not Assigned											
Sum:	1	2	10		2		1			1	1

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	Hotels, Guest Houses, B&Bs, 24hr
Grant with Conditions			4	3			2	1			
Refuse Licence											
Withdrawn											
Not Assigned											
Sum:			4	3			2	1			

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	Hotels, Guest Houses, B&Bs, 24hr
Grant with Conditions	1		4	4				2			
Refuse Licence							1				
Withdrawn											
Not Assigned											
Sum:	1		5	4				2			

	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	Hotels, Guest Houses, B&Bs, 24hr
Grant with Conditions											
Refuse Licence											

Withdrawn											
Not Assigned											
Sum:											

	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	Hotels, Guest Houses, B&Bs, 24hr
Grand Total for Premises - new	2	11	17	0	5	0	4	0	0	1	1

Premises - 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	Hotels, Guest Houses, B&Bs, 24hr
Grant with Conditions	3	3	5							1	
Refuse Licence							1				
Withdrawn			1	1							
Not Assigned					1						
Sum:	3	4	6		1		1			1	

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	Hotels, Guest Houses, B&Bs, 24hr
Grant with Conditions	2		1		2			1			
Refuse Licence											
Withdrawn											
Not Assigned											
Sum:	2		1		2			1			

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	Hotels, Guest Houses, B&Bs, 24hr
Grant with Conditions	1		1								
Refuse Licence			1								
Withdrawn											
Not Assigned											

Sum:	1	2										
-------------	---	---	--	--	--	--	--	--	--	--	--	--

	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	Hotels, Guest Houses, B&Bs, 24hr
Grant with Conditions											
Refuse Licence											
Withdrawn											
Not Assigned											
Sum:											

	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	Hotels, Guest Houses, B&Bs, 24hr
Grand Total for Premises - variation	6	6	7	0	3	0	1	1	1	0	0

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	Hotels, Guest Houses, B&Bs, 24hr
Grant with Conditions	14	1	4	1					1	2	
Refuse Licence											
Withdrawn			1								
Not Assigned											
Sum:	14	1	5	1					1	2	

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	Hotels, Guest Houses, B&Bs, 24hr
Grant with Conditions	4	1	2	2	6	1					
Refuse Licence											
Withdrawn											
Not Assigned											
Sum:	4	1	2	2	6	1					



Alcohol Off Sales via Delivery/Online	Members Clubs inc Sports Clubs	Other	Sum:
	1	7	25
			1
		1	2
		8	28

Alcohol Off Sales via Delivery/Online	Members Clubs inc Sports Clubs	Other	Sum:
1		8	19
1		8	19

Alcohol Off Sales via Delivery/Online	Members Clubs inc Sports Clubs	Other	Sum:
		2	13
			1
		2	14

Alcohol Off Sales via Delivery/Online	Members Clubs inc Sports Clubs	Other	Sum:

Alcohol Off Sales via Delivery/Online	Members Clubs inc Sports Clubs	Other	Sum:
1	1	18	61



Alcohol Off Sales via Delivery/Online	Members Clubs inc Sports Clubs	Other	Sum:
			12
			1
			2
			1
			16

Alcohol Off Sales via Delivery/Online	Members Clubs inc Sports Clubs	Other	Sum:
		2	8
		2	8

Alcohol Off Sales via Delivery/Online	Members Clubs inc Sports Clubs	Other	Sum:
		2	4
			1

		2	5
--	--	---	---

Alcohol Off Sales via Delivery/Online	Members Clubs inc Sports Clubs	Other	Sum:

Alcohol Off Sales via Delivery/Online	Members Clubs inc Sports Clubs	Other	Sum:
0	0	4	29



Alcohol Off Sales via Delivery/Online	Members Clubs inc Sports Clubs	Other	Sum:
		6	29
			1
		6	30

Alcohol Off Sales via Delivery/Online	Members Clubs inc Sports Clubs	Other	Sum:
		4	20
		4	20

Alcohol Off Sales via Delivery/Online	Members Clubs inc Sports Clubs	Other	Sum:
			9
			9

Alcohol Off Sales via Delivery/Online	Members Clubs inc Sports Clubs	Other	Sum:

Alcohol Off Sales via Delivery/Online	Members Clubs inc Sports Clubs	Other	Sum:
0	0	10	59



Alcohol Off Sales via Delivery/Online	Members Clubs inc Sports Clubs	Other	Sum:
		1	1
		1	1

Alcohol Off Sales via Delivery/Online	Members Clubs inc Sports Clubs	Other	Sum:
		4	4
		1	1
		5	5

Alcohol Off Sales via Delivery/Online	Members Clubs inc Sports Clubs	Other	Sum:
		1	1
		1	1

Alcohol Off Sales via Delivery/Online	Members Clubs inc Sports Clubs	Other	Sum:

Alcohol Off Sales via Delivery/Online	Members Clubs inc Sports Clubs	Other	Sum:
0	0	7	7

Subject: Constitutional matters re Licensing Committee and future arrangements for Licensing Panel Hearings

Date of Meeting: Licensing Committee

Report of: Executive Director, Corporate Services

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 licensing Committee, its terms of reference and related matters including the appointment of the licensing panels and urgency sub-committee.
- 1.2. The report also notes 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). The report proposes that members review the current arrangements, make a resolution and also delegate authority to the Director of Corporate Services after consultation with lead members to determine the future conduct of Licensing Panels until further review at the next committee in June 2025. 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 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.
- 2.5. 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 **resolves** that Licensing Panels continue to meet virtually until June 2025. This does not preclude holding a panel hearing in person where the individual circumstances of an application may warrant it.
- 2.6. That Committee delegates authority to the Corporate Director – Corporate Services, after consultation with the Chair and deputy to determine arrangements for Licensing Panel hearings if any changes are required before the next available Licensing Committee.
- 2.7. 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 Licensing Committee**

- 3.1. **Terms of Reference:** A copy of the terms of reference for the committee is attached in Appendix A.
- 3.2. **Membership:** The membership of the committee is set at 15 Members of the Council.
- 3.3. **Licensing Panel:** 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.

- 3.4. **Urgency Sub-Committee:** 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.
- 3.5. 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.'
- 3.6. 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.
- 3.7. 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). There is a high Court case pending at which it is hoped to be confirmed that remote licensing panels are lawful as was decided by the magistrate's Court below.
- 3.8. At previous Licensing Committees members delegated authority to the Corporate 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.
- 3.9. 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.

- 3.10. The committee is thus invited to review the arrangements and decide 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. Under the Licensing Act 2003, section 9, the committee must appoint its sub-committee.
- 4.2. Delegation to officers avoids the need to convene further urgent committee meetings should circumstances change and enables a flexible response to changing national or local conditions.
- 4.3. The delegation is only temporary and will be reviewed in a year at the committee in June 2025. 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 appoint and 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: Officer - Date consulted:

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 also 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/ Liz Woodley- 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

- 11.1. **Public health implications:** 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.

LICENSING COMMITTEE

Explanatory Note

The Licensing Committee is responsible for discharging the Council's functions under the Licensing Act 2003 and Gambling Act 2005. 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 Licensing Act 2003.
- (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, 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 Gambling Act 2005.
- (c) The powers of the Committee shall also include the power to set fees pursuant to section 212 of the Gambling Act 2005, but shall not include the power to adopt or review the Statement of Licensing Policy, which is a function of Full Council.

3. Other Licensing and Registration Functions

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, Cabinet 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.