

# Licensing Committee (Licensing Act 2003 Functions)

Date: **24 July 2025**

Time: **3.00pm**

Venue: **Council Chamber, Hove Town Hall**

Members: **Councillors:** McGregor (Chair), Cattell (Deputy Chair), Bagaeen, Czolak, Davis, Helliwell, Hewitt, Galvin, Lyons, Nann, Parrott, Pickett, Sheard, Sykes and Thomson

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# AGENDA

Part One

Page No.

## 25 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.*

## 26 MINUTES OF THE PREVIOUS MEETING

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Minutes of the previous meeting held on 6 February 2025.

## 27 CHAIR'S COMMUNICATIONS

## 28 CALLOVER

- (a) All agenda items 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.

## 29 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 18 July 2025;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 18 July 2025.

## 30 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.

## 31 STATEMENT OF LICENSING POLICY

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Contact Officer: Sarah Cornell  
Ward Affected: All Wards

Tel: 01273 295801

## 32 FUTURE LICENSING PANEL HEARING ARRANGEMENTS - JUNE 25

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## 33 ITEMS REFERRED FOR COUNCIL

To consider items to be submitted to the next full 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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### **Further information**

For further details and general enquiries about this meeting contact Shaun Hughes (email [shaun.hughes@brighton-hove.gov.uk](mailto:shaun.hughes@brighton-hove.gov.uk) ) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

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Date of Publication - Wednesday, 16 July 2025





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

**3.00PM 6 FEBRUARY 2025**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors McGregor (Chair), Bagaeen, Davis, Hewitt, Gauge, Pickett, Sheard, Sykes, Thomson and Alexander

**Apologies:** Councillors Cattell and Lyons

**PART ONE**

**18 PROCEDURAL BUSINESS**

**(a) Declarations of Substitutes**

18.1 Councillor Alexander was present in substitution for Councillor O'Quinn.

**(b) Declarations of Interest**

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

**(c) Exclusion of Press and Public**

18.3 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.

18.4 **RESOLVED:** That the press and public not be excluded from the meeting during consideration of the items on the agenda.

**19 MINUTES OF THE PREVIOUS MEETING**

19.1 **RESOLVED:** The minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 10 October 2024 were agreed.

**20 CHAIR'S COMMUNICATIONS**

20.1 There were none for this meeting.

**21 CALLOVER**

21.1 There were no reports attached to the agenda.



# Brighton & Hove City Council

## Licensing Committee Licensing Act 2003 Functions

## Agenda Item 31

**Subject:** Review of Statement of Licensing Policy 2026 – Pre consultation of revised policy

**Date of meeting:** 24 July 2025

**Report of:** Interim Director City Operations

**Contact Officer:** Name: Alex Evans  
Tel: 07795 801982  
Email: Alex.evans@brighton-hove.gov.uk

**Ward(s) affected:** All

### For general release

#### 1. Purpose of the report and policy context

- 1.1 The Council, as Licensing Authority, has a statutory duty to review and publish its Statement of Licensing Policy (SoLP) every five years. The current policy was adopted on 17<sup>th</sup> December 2021 by Full Council. The policy should be kept under review.
- 1.2 The Council, as a licensing authority, must carry out a consultation exercise prior to any review of its Licensing Policy (Section 5(3) of the 2003 Act).
- 1.3 A Licensing Summit was held on 10<sup>th</sup> January 2025 attended by various stakeholders including venue representatives, residents, business owners and Sussex Police licensing. Attendees were asked for their views on the night-time economy in Brighton & Hove. These responses were collated and can be seen in Appendix 1.
- 1.4 A further informal public consultation was available on Your Voice for four weeks between January and February 2025 these responses were collated and can also be seen in Appendix 2.
- 1.5 Members asked officers to submit a report to the Licensing Committee in July 2025 on reviewing the Council's Statement of Licensing Policy looking at a number of areas detailed in section 3.

#### 2. Recommendations

To authorise officers to initiate consultation regarding a review of the Statement of Licensing 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 Replace the current Cumulative Impact Zone (CIZ) with a City Safety Area (CSA).
- 2.2 Retain the current Special Stress Area (SSA) and other areas. (detailed at 3.3 of the draft SoLP)
- 2.3 A focus on safety as the central priority and introduction of new set of best practice measures for the CSA and SSA.
- 2.3 Update the current Matrix approach and table to include new categories of premises including Grassroots Music Venues and changes to the hours for some types of premises.
- 2.4 Introduce a 'Good Operator Policy'.
- 2.5 Update out of date/irrelevant data, legislation and text, update nighttime economy safeguarding initiatives. Add in sections on LGBTQ+ venues and inclusivity, Violence Against Women and Girls (VAWG), Modern Slavery and Martyn's Law

### **3. Context and background information**

- 3.1 The CSA will remain the same 'area' as the current CIZ, it will be a proposed change to the decision-making criteria that removes the presumption of refusal and replaces with a special policy which includes crime statistics in the location, policies relating to safety within venues and cumulative impact. More details in relation to the CSA and CSA policy can be found from section 3 of the draft SoLP.
- 3.2 The focus on safety as the central priority is detailed at 3.2 of the draft SoLP. The new set of best practice measures for the CSA and SSA including safe door policy and spiking policies can be viewed in Appendix A of the draft SoLP.
- 3.2 The draft Matrix and accompanying notes have been revised and now includes new categories of premises including Grassroots Music Venues and changes to the hours for some types of premises in particular food and dining venues. This can be viewed from 3.4 of the draft SoLP.
- 3.3 The Good Operator Policy – to reward and incentivise the responsible management of licensed premises. Under the Good Operator Policy, there will be a presumption in favour of granting applications to vary premises licences which are submitted by good operators as defined by this policy at 3.5 of the draft SoLP.

- 3.4 Police Crime statistics that underpin the need for a CSA. Can be found in Appendix E of the draft SoLP.
- 3.5 Public Health Submission is to be added to Appendix F of the draft SoLP. when received from PH.

Any changes to policy should be evidenced based and for good reasons grounded in the licensing objectives.

#### **4. Analysis and consideration of alternative options**

- 4.1 The Licensing Committee rejects some or all of these proposals and either ask for alternatives or propose the existing special policies remain in force.

#### **5. Community engagement and consultation**

- 5.1 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 platform Your Voice, Licensing website, the city LATs (Local Action Teams), residents associations and community associations, Business Improvement District (BID), Business Crime Reduction Partnership (BCRP), Brighton & Hove Growth Board, other Council services including Tourism, Events Office, Seafront Office (including Seafront Trader Association), Trading Standards, Legal and Finance.

- 5.2 A Licensing Summit was held on 10 January 2025 attended by various stakeholders including venue representatives, residents, business owners and Sussex Police licensing. Attendees were asked for their views on the night-time economy in Brighton & Hove. These responses were collated and can be seen in Appendix 1.
- 5.3 A further informal public consultation was available on Your Voice for 4 weeks between January and February 2025 these responses were collated and can be seen in Appendix 2.

## **6. Conclusion**

- 6.1 That the Committee approves the proposed changes to the SoLP so a revised draft policy can go out for public consultation prior to the final Policy being presented to the Committee in November 2025 for approval.

## **7. Financial implications**

- 7.1 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: Chris Wright      Date consulted:(15/07/2025)

## **8. Legal implications**

- 8.1 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.

Name of lawyer consulted: Rebecca Siddell Date consulted: (15/07/2025)

## **9. Equalities implications**

- 9.1 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.

## **10.1 Sustainability implications**

- 10.1 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.

## **11. Crime & disorder implications:**

- 11.1 Special policies including CSA and SSA proposals are geographically based around evidence of crime and disorder, etc. and should assist in the council's overall aim in reducing current levels. Special Policies promote the four licensing objectives: public safety, the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

## **12. Public health implications:**

- 12.1 Public Health have been consulted as a part of this review and at the time of writing this report, they are compiling a submission of Health Data in relation to alcohol. This submission will be circulated to the Committee and added to the Public Consultation when ready.

## **Supporting Documentation**

### **Appendices**

#### **Appendix 1 - Summit survey responses**

#### **Appendix 2 - Night-time economy in Brighton & Hove survey - AI analysis full report**

#### **Appendix 3 - Draft Statement of Licensing Policy 2026.**

#### **Appendix A – Licensing Best Practice Measures**

##### **Appendix A1- Alcohol Delivery Service**

##### **Appendix B – Licensing Enforcement Policy**

##### **Appendix C – Film Classification**

##### **Appendix D – Lead Agency Status**

##### **Appendix E – Police Data for City Safety Area**

##### **Appendix F – Public Health Submission (to be added)**



## Appendix 1



### Summit survey responses

- **Project:** Night-time economy in Brighton & Hove
- **Period:** Summit 10.1.25

### Report summary

A Licensing Summit was held on 10 January attended by 44 various stakeholders including venue representatives, residents, business owners and Sussex Police licensing. - A1 Summary - Of the feedback from this event is below:

### Project results

#### **1. What do you like about the Nighttime economy and what don't you like about it?**

Respondents appreciate the diversity and vibrancy of Brighton & Hove's night-time economy, highlighting the range of premises, entertainment options, and independent operators that contribute to the city's unique character. Live music venues and cultural events like Pride and the Brighton Festival are particularly valued.

However, there is significant criticism of the current regulatory framework, especially the matrix and Cumulative Impact Zone (CIZ), which are seen as too rigid and restrictive. Respondents feel these policies do not reflect the cultural shift towards less alcohol consumption, particularly among younger people, and hinder new operators from entering the market. The matrix is criticised for not accommodating the variety of premises, including live music and experience-led venues.

Safety concerns are also mentioned, with inconsistent safety policies and a perceived lack of security in public spaces. The availability of cheap alcohol from off-licences and its contribution to street drinking is a concern, as well as the impact on safety and the local economy when businesses close.

Transportation issues are noted, with a lack of nighttime buses and trains potentially deterring visitors. Respondents suggest that better infrastructure and police resources are needed to support a thriving night-time economy.

Overall, there is a call for more nuanced and flexible licensing policies that promote good practice, support existing venues, and adapt to current trends. Respondents also suggest better promotion of initiatives like safespace and Ask for Angela to improve safety awareness.

## **2. What would you like to see more of and what would you like to see less of in the Nighttime economy?**

Respondents to the 'Night-time economy in Brighton & Hove' project expressed a desire for a more diverse and vibrant night-time offering, with an emphasis on unique, non-alcohol led venues such as live music spots, cultural venues, and entertainment options that cater to a variety of age groups and communities. There is a call for more support and recognition for well-run premises, including the implementation of rating schemes like a 5\* system for licensed venues and incentives for responsible retailers.

Many respondents highlighted the need for more flexibility in licensing policies, suggesting that the current matrix is too restrictive and does not adequately support small, independent businesses. They advocate for a shift towards risk assessment-based licensing and more relaxed regulations for venues wanting to expand or diversify their offerings, such as allowing food-led venues to stay open later.

There is also a consensus on the need for improved transport links to reduce disorder and encourage people to leave the beach area at night. Respondents suggest that better transport could lead to a safer environment and help revitalise the night-time economy.

Concerns were raised about the impact of off-licence premises, with some respondents feeling they do not support the night-time economy and should be less prevalent. Additionally, there is a call for less discounted alcohol offers to discourage excessive drinking on the streets and beach.

Overall, there is a strong desire for a more inclusive and varied night-time economy that supports small businesses, promotes cultural and entertainment venues, and provides a safer, more enjoyable experience for all visitors and residents of Brighton & Hove.

## **3. How do you ensure the Nighttime economy is thriving, caters for everyone, and makes people feel safe?**

Respondents emphasise the importance of safety and inclusivity in the night-time economy of Brighton & Hove. Visible policing, such as night safety marshals and street patrols, is frequently mentioned as a key factor in making people feel secure. Training for venue staff on handling complex customer issues and welfare, including spiking prevention, is highlighted, along with the need for better support for venues.

Improving transport links and reducing parking costs are suggested to alleviate problems caused by limited travel options. Encouraging a variety of venues and promoting safety initiatives, particularly around violence against women and LGBTQ+ issues, are also seen as crucial. The use of mobile safety apps like BOBU is recommended, alongside schemes like 'Ask For Angela'.

Respondents call for better communication between premises and recognition of well-run establishments. There is a desire for more flexible licensing policies that reflect current trends and cultures, as well as the protection of the vibrancy of existing nightlife areas against new residents' complaints.

Concerns about the wider community's impact on the night-time economy are raised, including issues with street drinkers, homelessness, and anti-social behaviour. The need for better infrastructure, such as adequate lighting and safe spaces, is also mentioned.

Finally, there is a call for stronger penalties for premises that breach licensing conditions and a suggestion to make membership in the Brighton Crime Reduction Partnership mandatory for all licensed venues.



## Appendix 2



### Night-time economy in Brighton & Hove survey - AI analysis full report

**Project:** Night-time economy in Brighton & Hove

**Period:** 10<sup>th</sup> January 2025 – 23<sup>rd</sup> February 2025

#### Report summary

As the licensing authority, we regularly review our [statement of licensing policy](#). This policy plays an important role in making sure the licensing system is fair and effective.

We asked for people's views on the night-time economy in Brighton & Hove. We collected feedback on the three questions below via two methods.

1. A Licensing Summit was held on 10<sup>th</sup> January attended by 44 various stakeholders including venue representatives, residents, business owners and Sussex Police licensing. Their feedback was recorded in the survey before it went live on Your Voice.
2. A further 113 completed the survey when it went live on Your Voice and it was available from 20<sup>th</sup> January until 23<sup>rd</sup> February.

The feedback will be used to help us shape the updated statement of licensing policy for 2026.

#### Survey Results

### **Question 1: What do you like about the night-time economy in Brighton & Hove? What don't you like about it?**

Respondents appreciate the variety and vibrancy of the night-time economy in Brighton & Hove, highlighting its diverse range of venues, including clubs, bars, restaurants, and cultural events. The LGBTQ+ scene is particularly valued for its inclusivity and uniqueness. However, safety concerns are prevalent, with many feeling unsafe due to drunkenness, drug use, and antisocial behaviour. There is a call for more visible policing and safety measures, such as street marshals and better lighting.

Noise pollution and antisocial behaviour are significant issues for residents, especially in residential areas. The Cumulative Impact Zone (CIZ) policy is criticised for being too restrictive and stifling business innovation. Respondents also express dissatisfaction with the decline of live music venues and the lack of late-night transport options.

There is a desire for more late-night cafes and non-alcoholic venues to provide alternative social spaces. Additionally, respondents note the economic impact of rising costs and the need for more affordable options for students and young people.

Respondents appreciate the diversity and vibrancy of Brighton & Hove's night-time economy, highlighting the wide range of premises, entertainment options, and independent operators that contribute to the city's unique character. Live music venues and cultural events like Pride and the Brighton Festival are particularly valued. There is recognition of the positive changes in student culture towards healthier living and the serious approach to issues like spiking.

However, there are significant concerns about the current regulatory framework, with many respondents describing the matrix used for categorising venues as too rigid and restrictive. The Cumulative Impact Zone (CIZ) is seen as a deterrent for new operators and is thought to be outdated, not reflecting the cultural shift towards less alcohol consumption among younger people. Respondents suggest that a more nuanced, incident data-led approach, possibly using a traffic light system, would be more appropriate.

Safety in the city is a recurring issue, with inconsistent safety policies and a perceived lack of funding for initiatives like taxi marshalls and street angels. The availability of cheap alcohol from off-licences and the impact of street drinking are also mentioned as problems.

The licensing policy is seen as a barrier to business adaptation and growth, with calls for it to be updated to support existing venues and allow for more flexibility. There's a desire for extended hours for food-led venues and concerns about the negative impact of large outdoor events on fixed premises.

Transport is another key issue, with inadequate night-time services deterring visitors and affecting the overall experience. Respondents also note that police resources are too concentrated on small areas, potentially neglecting broader safety concerns.

Overall, while there is much to celebrate about Brighton & Hove's night-time economy, respondents are calling for modernised regulations, improved safety measures, better transport infrastructure, and more support for businesses to ensure the city retains its vibrancy and unique appeal.

**Question 2: What would you like to see more of in Brighton & Hove at night? Or less of? For example would you like to see more or less of certain types of venue such as non-alcohol led theatres.**

Respondents frequently expressed a desire for more diverse and non-alcohol-led venues, such as theatres, live music venues, and late-night cafes, to provide alternatives to the prevalent drinking culture. Many highlighted the need for improved safety measures, including increased police presence and better street lighting, to address concerns about safety and antisocial behaviour.

Overall, respondents appreciated the variety and vibrancy of Brighton & Hove's night-time economy but expressed concerns about safety, the dominance of alcohol-led venues, and the need for more inclusive and diverse options. Respondents frequently expressed a desire for more non-alcohol-led venues, such as theatres, live music venues, and late-night cafes, to provide diverse entertainment options beyond pubs and clubs. There is a notable concern about the decline of LGBTQ+ venues and the need for more spaces that cater to this community.

Safety is a major issue, with calls for increased police presence and better street lighting to make people feel secure. Many respondents highlighted the negative impact of excessive alcohol consumption and associated antisocial behaviour, suggesting stricter enforcement of licensing laws and reduced availability of alcohol in certain areas. There is also a call for better public transport options, such as more frequent night buses, to improve accessibility and safety.

Additionally, respondents want to see more support for small and independent businesses to maintain the city's unique character. Concerns were raised about the impact of stag and hen parties on the city's atmosphere, with suggestions to limit their influence.

Overall, there is a strong desire for a more balanced and inclusive night-time economy that caters to a wider range of interests and demographics.

Respondents frequently expressed a desire for more diverse and non-alcohol-led venues, such as theatres, live music venues, and late-night cafes, to provide alternatives to the prevalent drinking culture. Many highlighted the need for improved safety measures, including increased police presence and better street lighting, to address concerns about safety and antisocial behaviour.

There was significant concern about the impact of excessive alcohol consumption and the associated antisocial behaviour, with calls for stricter enforcement of licensing laws and a reduction in street drinking. Respondents also noted the

decline in LGBTQ+ venues and expressed a desire for more spaces that cater to diverse communities.

Transport was another common theme, with many advocating for better late-night transport options to ensure safe travel home. Additionally, there were calls for more support for small and independent businesses to maintain the city's unique character and vibrancy.

Overall, respondents acknowledged the vibrancy and variety of Brighton & Hove's night-time economy, while also raising concerns regarding safety, the predominance of alcohol-led venues, and the need for more inclusive and diverse offerings.

### **Question 3: How do you ensure the night-time economy is thriving, caters for everyone and makes people feel safe?**

Respondents frequently emphasised the need for increased police presence and security to enhance safety in Brighton & Hove's night-time economy. Many suggested more visible policing and security patrols, particularly in areas known for antisocial behaviour, such as St James's Street.

Improved late-night transport options, including more buses and better taxi services, were also commonly mentioned to ensure safe travel home. Respondents highlighted the importance of a diverse range of venues and entertainment options to cater to different audiences and reduce the focus on alcohol consumption.

Licensing regulations were another key concern, with calls for stricter enforcement and more strategic zoning to balance nightlife vibrancy with residential peace. Additionally, respondents suggested better lighting and infrastructure improvements to enhance the overall safety and appeal of the night-time environment.

### **What do people like? (using data from all three questions)**

Based on the responses, people like the following aspects of the night-time economy in Brighton & Hove:

1. **\*\*Variety and Diversity\*\***: Many respondents appreciate the variety of venues and activities available, including clubs, bars, live music venues, theatres, and restaurants.
2. **\*\*LGBTQ+ Scene\*\***: The LGBTQ+ venues and the inclusive atmosphere they provide are highlighted as a positive aspect of Brighton's night-time economy.
3. **\*\*Vibrancy and Atmosphere\*\***: The vibrant and lively atmosphere of the city at night is appreciated by many respondents.
4. **\*\*Cultural Events and Live Music\*\***: There is a strong appreciation for cultural events, live music, and grassroots music venues, which are seen as integral to the city's nightlife.

5. **\*\*Safety Measures\*\***: Some respondents appreciate the presence of safety measures such as street marshals and door staff, which contribute to a sense of security.
6. **\*\*Community and Inclusivity\*\***: The sense of community and inclusivity in the night-time economy is valued, with some respondents noting that it caters to a wide range of demographics and interests.

These aspects highlight the multifaceted appeal of Brighton & Hove's night-time economy, with a focus on diversity, cultural richness, and community spirit.

### **What don't people like? (using data from all three question responses)**

Based on the responses, several key issues emerge that people don't like about the night-time economy in Brighton & Hove:

1. **\*\*Safety Concerns\*\***: Many respondents express feeling unsafe due to a lack of police presence and security. There are also mentions of antisocial behaviour, violence, and drug-related issues.
2. **\*\*Excessive Alcohol Consumption\*\***: The prevalence of binge drinking and its associated problems, such as noise and antisocial behaviour, are significant concerns
3. **\*\*Noise and Disturbance\*\***: Residents are disturbed by noise from venues and patrons, particularly in residential areas
4. **\*\*Lack of Venue Variety\*\***: There is a call for more non-alcohol-led venues and a greater variety of entertainment options.
5. **\*\*Transport Issues\*\***: Poor late-night transport options are a common complaint, making it difficult for people to get home safely.
6. **\*\*Impact on Residents\*\***: The negative impact on residents' quality of life due to noise, litter, and antisocial behaviour is frequently mentioned.
7. **\*\*Licensing and Regulation\*\***: Some respondents feel that the current licensing policies are too restrictive or not effectively enforced, impacting the variety and vibrancy of the night-time economy.

These concerns highlight a need for better safety measures, more diverse venue offerings, improved transport, and a balance between supporting nightlife and respecting residents' needs.

### **What would you like to see more of in Brighton and Hove at night? (Based on data from all three question responses)**

Based on the responses provided, the following are the key themes and specific suggestions for what people would like to see more of in Brighton & Hove at night:

1. **\*\*Non-Alcohol Led Venues\*\***: There is a strong desire for more non-alcohol led venues such as late-night cafes, coffee shops, and theatres. Respondents expressed interest in venues that offer live music, theatre performances, and other cultural activities without the focus on alcohol.
2. **\*\*Live Music and Performance Venues\*\***: Many respondents want more live music venues and performance spaces, including smaller venues that can host grassroots music and cultural events.
3. **\*\*LGBTQ+ Venues\*\***: There is a call for more LGBTQ+ venues to support the community and provide safe spaces.
4. **\*\*Late-Night Food Options\*\***: Respondents expressed a need for more late-night food options beyond fast food, such as cafes and restaurants open until late.
5. **\*\*Cultural and Arts Spaces\*\***: More art spaces for theatre, comedy, and exhibitions are desired to enhance the cultural offerings of the city at night.
6. **\*\*Safety and Security\*\***: Increased police presence and better security measures are frequently mentioned as necessary to make people feel safer at night.
7. **\*\*Public Transport\*\***: Improved late-night transport options, such as more frequent night buses, are suggested to help people get home safely after a night out.

Overall, respondents are looking for a more diverse and inclusive night-time economy that offers cultural experiences, supports local communities, and ensures safety for all.

### **What would you like to see less of in Brighton and Hove at night? (based on data in all 3 question responses)**

Based on the responses provided, the following are the key aspects that respondents would like to see less of in Brighton and Hove at night:

1. **\*\*Excessive Alcohol Consumption\*\***: Many respondents expressed a desire to see less focus on alcohol-led venues and events. They highlighted issues such as public drunkenness, binge drinking, and the negative impact of alcohol on safety and behaviour.
2. **\*\*Street Drinking and Anti-Social Behaviour\*\***: There is a call for reducing street drinking and the associated anti-social behaviour, such as noise, littering, and vandalism.

3. **\*\*Late-Night Licenses in Residential Areas\*\***: Respondents are concerned about late-night licenses being granted in residential areas, leading to noise and disturbances.
4. **\*\*Hen and Stag Parties\*\***: There is a sentiment against venues that attract hen and stag parties, which are perceived to contribute to rowdy behaviour and a negative atmosphere.
5. **\*\*Drug Use and Related Issues\*\***: Some respondents mentioned the prevalence of drug use and its impact on safety and the night-time environment.

Overall, there is a clear desire for a reduction in alcohol-related activities and venues, better management of anti-social behaviour, and a more balanced night-time economy that considers the needs of residents and promotes safety.

### **How do you ensure the night-time economy makes people feel safe? (Based on data in all 3 question responses)**

To ensure the night-time economy in Brighton & Hove makes people feel safe, several strategies have been suggested by respondents:

1. **\*\*Increased Police and Security Presence\*\***: Many respondents emphasised the need for a visible police presence and more security personnel to deter crime and antisocial behaviour.
2. **\*\*Improved Lighting and Infrastructure\*\***: Better street lighting and infrastructure improvements were suggested to enhance safety, particularly in less populated areas.
3. **\*\*Responsible Alcohol Management\*\***: Enforcing responsible alcohol service and reducing the availability of alcohol in certain areas were highlighted as ways to mitigate drunkenness and related issues.
4. **\*\*Diverse Venue Offerings\*\***: Encouraging a variety of venues, including non-alcohol-led options, can cater to different demographics and reduce reliance on alcohol-driven activities.
5. **\*\*Community Engagement and Training\*\***: Initiatives such as diversity training for door staff and partnerships with local charities can foster a safer environment.
6. **\*\*Public Transport Improvements\*\***: Enhancing late-night transport options, such as buses and taxis, can help people get home safely.
7. **\*\*Data-Informed Approaches\*\***: Using data to identify crime hotspots and inform safety strategies was suggested as a way to address specific safety concerns.

These measures collectively aim to create a safer night-time environment that caters to a diverse range of people while addressing specific safety concerns.



## **Appendix 3**

**Brighton & Hove City Council**

# **Statement of Licensing Policy 2026**

**Licensing Act 2003**

## **Executive Summary**

This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the Act. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received.

The Policy recognises the public health role in local authorities and the legal framework for local government after the introduction of The Health and Social Care Act 2012. Local authorities are responsible amongst other things for alcohol and drug treatment and recovery services.

The city receives 10.2 million tourism day trips and 1.6 million staying visitors per year. The cultural and tourism offer in Brighton & Hove is crucial to the ongoing economic success of the city; it brings both money and jobs.

The city has high levels of cultural participation with the proportion of people that engaged with the arts from May 2023 to March 2024 was 93.80%. This is higher than the South East (92.71%) and England (90.42%). Brighton & Hove is known for its vibrant and interesting arts and creative industries which attract tourism and new businesses. The sale and consumption of alcohol contributes greatly to the city's economy and tourism.

Alcohol-related death rates in Brighton & Hove are not significantly different to the national average.

In 2023, Brighton & Hove recorded 112 alcohol- related deaths, giving an age-standardised rate of 47.3 per 100,000 population which is similar to the England average of 40.7 per 100,000

However, Brighton & Hove has higher than national average levels of adults binge drinking on their heaviest drinking day, adults drinking over 14 units per week, and dependent drinkers, according to latest available data. And the city experiences local problems such as pre- and post- loading, binge drinking, and street drinking created by cheap alcohol and fierce, localised price competition, particularly between off-licence stores and supermarkets.

The Alcohol Programme Board (APB), recently combined with the Drugs Programme Board to form the Drug and Alcohol Programme Board (DAPB), is a

partnership of licensee representatives and colleagues from public health, other council teams, providers, licensing, the police, universities and voluntary sector and provides oversight to the city's public health approach to minimising the harms from alcohol.

Brighton & Hove has replaced the Cumulative Impact Zone (CIZ) with a City Safety Area (CSA) and adjacent Special Stress Area (SSA), designed to support the consideration of licensable premises in the city centre and promote good practices to minimise the adverse impact from alcohol-use. The Council have also adopted a matrix approach to decision making to encourage the right type of alcohol establishment across the city. Enforcement policies focus on reducing irresponsible promotions and underage sales.

The DAPB also supports various initiatives such as the council-led "Sensible on Strength" scheme to reduce the availability of cheap super strength beers and ciders; working with student organisations to raise the awareness of alcohol harm; and night-time economy safeguarding initiatives that protect the vulnerable and raise awareness of sexual exploitation.

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**Appendix F – Public Health Submission**

## **Brighton & Hove City Council: Statement of Licensing Policy**

### **1. Introduction**

- 1.1** This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the Act. This policy takes effect from the Date Jan 2026. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions. The discretion of the licensing authority in relation to applications under the act is only engaged if 'relevant representations' are made by other persons or responsible authorities. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no

representations are received, the application must be granted. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

- Retail sales of alcohol;
- The supply of alcohol by or on behalf of a club, or to the order of, a member of the club;
- The provision of regulated entertainment;
- The provision of late night refreshment.

## **1.2 The licensing objectives are:**

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

## **1.3 Scope**

Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations; i.e. the premises and its vicinity. Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the act.

## **1.4 Consultation**

Before revising or determining policy for any five-year period, the licensing authority must consult:

- (a) the chief officer of police for the licensing authority's area;
- (b) the fire and rescue authority for that area;
- (c) the Director of Public Health
- (d) such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority;
- (e) such persons as the licensing authority considers to be representative of holders of club premises certificates issued by the authority;

- (f) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority; and
- (g) such other persons as the licensing authority considers to be representative of businesses and residents in its area.

1.4.1 In relation to this, its sixth statement of licensing policy, the licensing authority has also chosen to consult the following persons or bodies:

- South East Coast Ambulance Service
- Accident & Emergency Services
- Brighton & Hove Bus and Coach Company
- Taxi Forum
- The council's Transport Planning, Planning Policy, Community Safety, Tourism, Drug & Alcohol Awareness and Economic Development departments
- Ward Councillors
- Individual premises and personal licence holders and club premises certificate holders
- Residents' Associations
- Generally via the licensing pages of the council's website and also via the council's Your Voice Consultation Portal.
- Brighton & Hove Economic Partnership, Business Improvement District (BID).
- Business Crime Reduction Partnership (BCRP)
- The City's Universities
- Drug and Alcohol Programme Board.

Appropriate weight was given to the views of all of those who responded. This policy is subject to Guidance and Regulations issued by the government including any issued after the date of publication of this statement.

## **1.5 Partnership**

- 1.5.1 The Policy recognises the public health role in local authorities and the legal framework for local government after the introduction of The Health and Social Care Act 2012. Local authorities are responsible amongst other things for commissioning drug and alcohol treatment and recovery services.
- 1.5.2 Local leadership for public health is at the heart of the 2012 Health and Social Care Act. Unitary authorities have responsibilities to reduce inequalities and improve the health of their populations, backed by a ring-fenced grant and a specialist public health team, led by the Director of Public Health. Unitary authorities are supported in this by the expertise within Environmental Health, Trading Standards and Licensing.
- 1.5.3 Local authorities should embed public health functions into all their activities including its duty as licensing authority, tailoring local solutions to local

problems, and using all the levers at their disposal to improve health and reduce inequalities. They will create a 21st century local public health system, based on localism, democratic accountability and evidence.

- 1.5.4 Supporting local political leadership in improving health is the duty of the director of public health and their team. The Director of Public Health is the lead officer in the local authority for health, and a statutory chief officer. The Licensing Manager will act as principal licensing officer.
- 1.5.5 Public Health champion health across the whole of the authority's business, promoting healthier lifestyles to promote better health and ensure threats to health are addressed.
- 1.5.6 The policy recognises the need to balance economic prosperity with community protection. Good regulation at a local level provides fair trading conditions. This creates a fair trading environment, discourages irresponsible practices and promotes community well-being. Local regulation is attuned to supporting the local economy and local businesses. Partnership between responsible authorities reduces conflict between agencies and targets resources.
- 1.5.7 The licensing authority encourages partnership working with other authorities and agencies. The Business Crime Reduction Partnership (BCRP), Security Industry Authority (SIA) briefing and similar schemes, will be encouraged for instance with Home Office approval to share information and facilitate exclusion of troublemakers.

## **1.6 Local features**

- 1.6.1 We recognise that two of Brighton & Hove's biggest economic contributors are the creative and visitor economies. The city's credentials as a leading creative destination is one that supports, celebrates and promotes the city's unrivalled history, heritage and world-class arts and culture, its booming creative industries, its position as a leading centre for conferencing and major events, and its outstanding restaurants, cafes, hotels, pubs, and bars to UK and global visitors.
- 1.6.2 The local visitor economy is characterised by three sectors: conferences, leisure, and English language education. In 2023, Brighton & Hove welcomed 11.8 million visitors, of which 1.6 million stayed overnight. The visitor economy was worth £902m in economic benefit and supported more than 23,742 jobs in the city, which equates to 16% of all employee jobs in Brighton & Hove. With induced and indirect spend the total value of tourism was worth £1.28bn in 2023 (Economic Impact Assessment of Tourism, 2023). The economic impact estimates demonstrate that Brighton & Hove is getting close to a return to pre-pandemic levels of visitor volume and value.

## **1.7 Culture and Tourism**

- 1.7.1 Licensing policy supports entrepreneurial activity, promoting the city's businesses, supporting growth in the creative industries sector, extending the business improvement district and enabling a vibrant nighttime economy. The cultural and tourism offer in Brighton & Hove is crucial to the ongoing economic success of the city, bringing both money and jobs. This range of work also provides solutions to some of the problems of inequality in the city.

## **1.8 Culture and Creative Industries**

- 1.8.1 The Culture and Creative Industries sector encompasses 10% of jobs and 21% of business in Brighton & Hove. This represented 642m in gross value added (GVA) for the city in 2021. A 2019 study from the University of Sussex highlighted that the sector generated more than £1.5 billion in annual turnover in the city.
- 1.8.2 A vibrant and inclusive cultural and creative scene supports our nighttime economy, which licensing policy is central to. The live music scene is one of the city's great success stories, with around 80 different live music events happening each week and generating an estimated £112m for the local economy. We support the Music Venues Alliance Brighton to represent grassroots music venues, recognising that they are particularly vulnerable to increasing commercial and regulatory pressures.
- 1.8.3 The city currently hosts around 60 festivals each year, including the Brighton Festival (the largest curated arts festival in England), Brighton Fringe, On the Beach and The Great Escape. Festivals contribute over £20 million annually to the city's economy.

## **1.9 Enhanced LGBTQ+ and Inclusion Standards for Licensed Venues**

- 1.9.1 **Policy Commitment** - Brighton and Hove City Council is unequivocally committed to fostering Inclusive Communities through our council plan. This commitment necessitates comprehensive equality and inclusion frameworks across all council functions, with attention to our licensing responsibilities. Our objective is to measurably enhance quality of life and accessible opportunities for all residents, workers, and visitors, with specific recognition of the historical and ongoing challenges faced by our LGBTQ+ and TNBI (Trans, Non-Binary, and Intersex) communities.

As licensing authority for one of the South East's highest concentrations of licensed venues, we recognise our responsibility to protect vulnerable communities from discrimination while fostering economic vitality and cultural vibrancy.

1.9.2 **Operational Standards for Licensed Venues** - All licensed venues should meet the following minimum standards:

- **Policy Transparency:** Admission and service policies should be documented, publicly accessible, and demonstrably non-discriminatory. While reasonable conditions may apply (dress codes, intoxication restrictions), policies should explicitly prohibit exclusion based on gender expression, gender identity, sexual orientation, perceived sexuality, or other protected characteristics.
- **Staff Training:** All customer-facing personnel should complete training on equality obligations and inclusive service delivery, including LGBTQ+ terminology, pronoun usage, and incident response protocols. Training records should be maintained for inspection.
- **Complaints procedures:** Venues should implement accessible reporting mechanisms for discrimination experiences, with staff trained to address incidents of transphobia, homophobia, and biphobia.
- **Physical Accessibility:** Where structurally feasible, venues should provide gender-neutral facilities and conduct access audits addressing barriers faced by disabled LGBTQ+ individuals.

This framework serves as both a commitment to our diverse communities and an accountability mechanism for measuring progress toward genuine inclusion within Brighton and Hove's licensed venues.

## 1.10 Environmental Considerations

Encourage and promote the reduction of street litter and other forms of waste from licensed premises in line with our goal to deliver an accessible, clean, and sustainable environment that we can all be proud of.

## 1.11 The Planning Context

1.11.1 Planning, building control and licensing will be properly separated to avoid duplication and inefficiency. Granting of licences will not relieve applicants of the need to apply for planning permission or building control consent and there is an expectation that these issues will have been explored before licensing applications are submitted. Applicants are recommended to obtain correct planning consents prior to applying for a licence to avoid potentially inoperative licences.

1.11.2 Where appropriate, matters for consideration in licensing applications will not duplicate matters considered as part of any planning application. Licensing decisions will take into account any relevant planning decisions

either by the Planning Committee, planning officers or following appeals against decisions taken by that committee and will not normally cut across such decisions.

- 1.11.3 Where appropriate, when considering planning applications within the above policy framework, planning conditions can be attached to permissions to safeguard amenity and mitigate against cumulative impact.

## **1.12 Modern Slavery**

- 1.12.1 The Modern Slavery Act 2015 covers offences where a person

- (a) holds someone in slavery, servitude or compulsory labour
- (b) arranges or facilitates the travel of another for the purposes of exploitation (human trafficking).

Section 52 of the 2015 Act imposes a statutory duty on Brighton & Hove City Council as a “first responder” agency - to notify the Home Office if we believe someone has been a victim of slavery, servitude, compulsory labour or human trafficking. The Council has an internal pathway so that potential victims who are identified can be engaged with by trained officers from the most appropriate service, depending on the age and needs.

- 1.12.2 Business owners of a licensed premises can be perpetrators of exploitation, by subjecting employees to conditions that amount to offences under the Modern Slavery Act. This can occur (but not limited to) where the individuals do not have the legal right to work in the UK and are required to work outside of the employment protections of UK law and for less money than the statutory minimum wage.

- 1.12.3 Licensed premises might be unwitting hosts to modern slavery by allowing exploiters or traffickers to use the licensed establishment as a venue.

- 1.12.4 The Licensing Authority should have an understanding of the Modern Slavery Act and of the indicators of modern slavery and human trafficking, as well as an awareness of how to report concerns internally within Brighton & Hove City Council and law enforcement, where necessary.

## **1.13 Human Rights**

- 1.13.1 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention right. The licensing authority will

have particular regard to the following relevant provisions of the European Convention on Human Rights:-

- Article 6 that in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- Article 8 that everyone has the right to respect for private and family life and his home.
- Article 1 of the First Protocol that everyone is entitled to the peaceful enjoyment of his possessions (including for example possession of a licence).

#### 1.14 Delegations

For convenience, the national scheme of delegation for determinations is set out below.

<b>Matter to be dealt with</b>	<b>Full Licensing Committee</b>	<b>Sub-committee</b>	<b>Officers</b>
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		If a police objection	If no objection made
Application for premises licence/club premises certificate	If discretion engaged for major applications	If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases

Request to be removed as designated personal licence holder			All cases
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Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application			All cases
Determination of a police/EHA objection to a temporary event notice		All cases	
Policy decisions	All cases		
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor variation application			All cases

1.14.1 The professional development and competence of licensing councillors will be provided and maintained to support the need to act as a professional

licensing authority, meeting lawful standards of good administrative decision making.

## **2. Public Health and Alcohol**

### **2.1 Public Health Perspective**

- 2.1.1 Where a local authority's Director of Public Health (DPH) exercises its functions as a responsible authority, it should have sufficient knowledge of the licensing policy and health issues to ensure it is able to fulfil those functions. If the authority wishes to make representations, the DPH will decide how best to gather and coordinate evidence from other bodies which exercise health functions in the area, such as emergency departments and ambulance services. Health bodies may hold information which other responsible authorities do not, but which would assist a licensing authority in exercising its functions. This information may be used by the health body to make representations in its own right or to support representations by other responsible authorities, such as the police. Such representations can potentially be made on the grounds of all four licensing objectives.
- 2.1.2 NHS England, the Department of Health and Social Care (DHSC) <sup>1</sup> and the Local Government Association recognise that the Statement of Licensing Policy provides an important opportunity to incorporate relevant local public health concerns, within the wider policy context of the local licensing authority and that as a responsible authority, the DPH has a key role in identifying and interpreting health data and evidence. Although there have been improvements in some alcohol related health issues, alcohol still has a significant impact on the health and wellbeing of local people. The Statement of Licensing Policy operates in this context and decisions about licensing need to be taken to protect the local population, including families and children, from the many harms that alcohol can cause.
- 2.1.3 In 2023/24 there were 3,366 hospital-admission episodes for a broad definition of alcohol-related conditions in Brighton & Hove, a rate of 1,367 per 100,000 population which is below the England rate of 1,824 per 100,000 population. For alcohol-specific conditions, Brighton & Hove saw 1,518 episodes (which equates to a rate of 579 per 100,000), now lower than the national rate of 612 per 100,000 population. Both indicators are now significantly better than the England average and for the last six years, the local rate has been below the rate for England.
- 2.1.4 Central Brighton and particularly the West Street area has been identified as a violent crime hotspot. Through effective coordination of relevant

strategies and policy areas (e.g. licensing, policing and public safety), the council will seek to improve safety by encouraging a more balanced range of complementary evening and night-time economy uses which appeal to a wide range of age and social groups and managing existing late night uses within identified parts of central Brighton. Local work to reduce violent crime is coordinated through the Local Public Service Agreement / Violent Crime Action Plan. In addition, a 'City Safety Area' within central Brighton has been adopted by the Council and grants greater powers to control the number of licensed premises in the city centre.

#### 2.1.5 Brighton & Hove scores significantly worse than the England average for the following indicators that profile alcohol related harm:

- Alcohol specific hospital admissions for under 18s: Brighton and Hove is at the worst end of the local- authority range.
- Potential years of life lost due to alcohol-related conditions (Male)

Source: [Fingertips: Local Alcohol Profile](#)

Brighton & Hove also has higher than national average levels of adults binge drinking on their heaviest drinking day, adults drinking over 14 units per week, and dependent drinkers, according to latest available data.

#### 2.1.6 Alcohol consumption data:

Brighton & Hove's percentage of adult's binge- drinking on their heaviest drinking day for the 2020–22 rolling period is:

- 16.8 % (England average 14.8 %)

##### Dependent drinkers

The "Possible alcohol dependence (AUDIT)" indicator was introduced in February 2025, however, is only published at the England and regional level, not for individual local authorities.

England (2022): 0.6 % of adults are classed as having possible alcohol dependence (AUDIT) [Fingertips](#).

- Brighton & Hove: this indicator is not available at local- authority level. See Health Counts data for 2024 data below.

The Health Counts survey 2024 showed 44% of adult Brighton and Hove respondents drink at increasing risk (28%), higher risk (14%) or possible dependence levels (2%). The questions were different to those asked in 2012 so no local trend data is available. Of adult respondents to Health Counts, 16% reported binge drinking weekly and 2% daily or almost daily.

- 2.1.7 A report entitled 'Public Health Framework for Assessing Alcohol Licensing' is produced by the Public Health Intelligence team and is currently in the process of being updated with 2024/25 data. It contains ward by ward analysis of **crime and disorder data and** health data and as such is a valuable tool in assessing the potential impact of new licences within a community. The Director of Public Health may use this information to inform a representation relating to an individual application. This document is available here (link to follow)
- 2.1.8 Since 1<sup>st</sup> April 2020 the drug and alcohol treatment and recovery service for Brighton and Hove has been provided by Change, Grow, Live (CGL). CGL is a large health and social care charity successfully providing drug and alcohol services in many areas across the UK including East and West Sussex. The recovery service is delivered by an integrated team of doctors, nurses, psychiatrists, recovery coordinators, recovery champions, peer mentors, community outreach and volunteers. Some aspects of the service are subcontracted to community pharmacy and local specialist voluntary sector partners, The Oasis Project and Cascade Creative Recovery. The service works collaboratively with a range of NHS and voluntary sector partners across the City to improve outcomes for those affected by drugs or alcohol.

## **2.2 The Drug and Alcohol Programme Board and Sensible on Strength Campaign**

- 2.2.1 The Alcohol Programme Board (APB), which has now merged with the Drugs Programme Board to become the Drug and Alcohol Programme Board, includes health commissioners and NHS/voluntary sector providers, the Council, University student reps, police, licensees, retailers and probation services. The Boards, current and previous, monitor and review interventions associated with the availability of alcohol, in particular, local problems such as pre-loading, binge drinking and street drinking. These are often exacerbated by the availability of cheap alcohol and fierce, localised price competition, particularly between off-licence stores and supermarkets.
- 2.2.2 Over recent years problems associated with street drinking have been experienced across the city but particularly in New Road. There are many support services in place to deal with this and the drinkers themselves, including outreach services. In addition there are multiple campaigns that support the reduction of availability of high strength alcohol and help target problem drinking.
- 2.2.3 In November 2013 the Licensing Authority launched the 'Sensible on Strength' scheme to reduce the availability of cheap super-strength beers, lagers and ciders. Off licences voluntarily sign up not to sell cheap super-strength beers, lagers and ciders over 6% ABV and operate good practice

measures (see 3.8.3), for which they receive an accreditation as a responsible retailer. This has been a considerable success and we have received positive feedback including from businesses, alcohol treatment centres and health professionals. This is an ongoing scheme that is regularly reviewed.

- 2.2.4 The ultimate aim of such campaigns is to reduce alcohol related harm and anti-social behaviour, and to encourage lower strength alcohol use. Evidence shows that in moving to lower strength alcohol, the level of deterioration in health is slowed and there is more likelihood that people using alcohol will move to less harmful drinking. Public health is not a licensing objective but reducing high alcohol by volume drinks from the off licence trade should benefit alcohol related morbidity and mortality and associated harms such as anti social behaviour ASB.

- 2.2.5 Other campaigns include:

**Local Alcohol Awareness Week Activation**

Each July, Brighton & Hove City Council and Change Grow Live, host information stalls at Hove Town Hall, libraries, surgeries and community centres to raise awareness of alcohol harm, share resources and signpost to treatment services. [Brighton & Hove City Council](#)

- 2.2.6 Additionally, at national level, **Dry January** and **Alcohol Awareness Week** is led by Alcohol Change UK and remain high-profile, with free toolkits for workplaces and communities to run their own events and challenges. [alcoholchange.org.uk](http://alcoholchange.org.uk)

### **3. Special Policies and Initiatives**

#### **3.1 City Centre Safety Policy.**

- 3.1.1 This special policy replaces the previous special policy on cumulative impact which has been a feature of the SoLP since 2008. It will refer to a City Safety Area (CSA) a detailed plan of which is shown below.

- 3.1.2 The CSA has the same borders as the previous Cumulative Impact Zone (CIZ). The CSA continues to be an area of special concern to the licensing authority because of the high levels of crime and disorder and nuisance experienced within it. This is evidenced by the police data which is attached at Appendix E of this policy.

- 3.1.3 The existing Special Stress Area (SSA) will remain the same.

#### **3.2 Focus on safety as the central priority.**

- 3.2.1 After careful consideration the Licensing Authority has decided to re-designate the area formerly covered by the CIZ as a CSA in order to make

safety the overriding focus and priority in and around licensed venues. In doing so the Licensing Authority's objective is to maximise protection for everyone participating in the night-time economy, particularly people visiting, working and living in the city centre. It is recognised that cumulative impact continues to be a feature of the CSA but by careful scrutiny of licence applications and mandating robust safety policies the Licensing Authority's aim is to improve safety by reducing levels of crime, disorder and public nuisance (and their associated harms) and so promote the licensing objectives within the CSA. Through this revised approach, the Licensing Authority will seek to promote a diverse range of venues within the city centre, recognising the importance of diversity to the safe and efficient functioning of this area and its night time economy.

3.2.2 This special policy is underpinned by two key elements.

3.2.3 Firstly, although no longer subject to a blanket presumption of refusal, all applications within the CSA will be scrutinised against the new Matrix Approach (set out at 3.4 of the policy) meaning that applications which do not comply with the Matrix are likely to be refused (and the Licensing Authority – acting as a responsible authority – will generally make relevant representations objecting to the grant of a licence in these circumstances). As explained further below, the Matrix Approach will not be applied inflexibly – but the Licensing Authority will only depart from it in exceptional circumstances.

3.2.4 Secondly, applications within the CSA will be expected to include in the proposed operating schedule robust additional measures (as appropriate to the nature and location of the venue) which are set out in appendix A. These best practice measures place a special emphasis on safety, including measures to tackle drink spiking, unwanted sexual behaviour and the use of ID scanners. Before making an application within the CSA, applicants are expected to consult with the responsible authorities and seek advice on which measures are appropriate to include in the proposed operating schedule.

Applicants should also be aware that the Licensing Authority will likely refuse applications within the CSA which do not comply with the Matrix Approach even where appropriate measures drawn from the appendix have been proposed: of itself, satisfying the requirements of the appendix will not be considered exceptional circumstances capable of justifying a departure from the Matrix.

3.2.5 The Role of Cumulative Impact

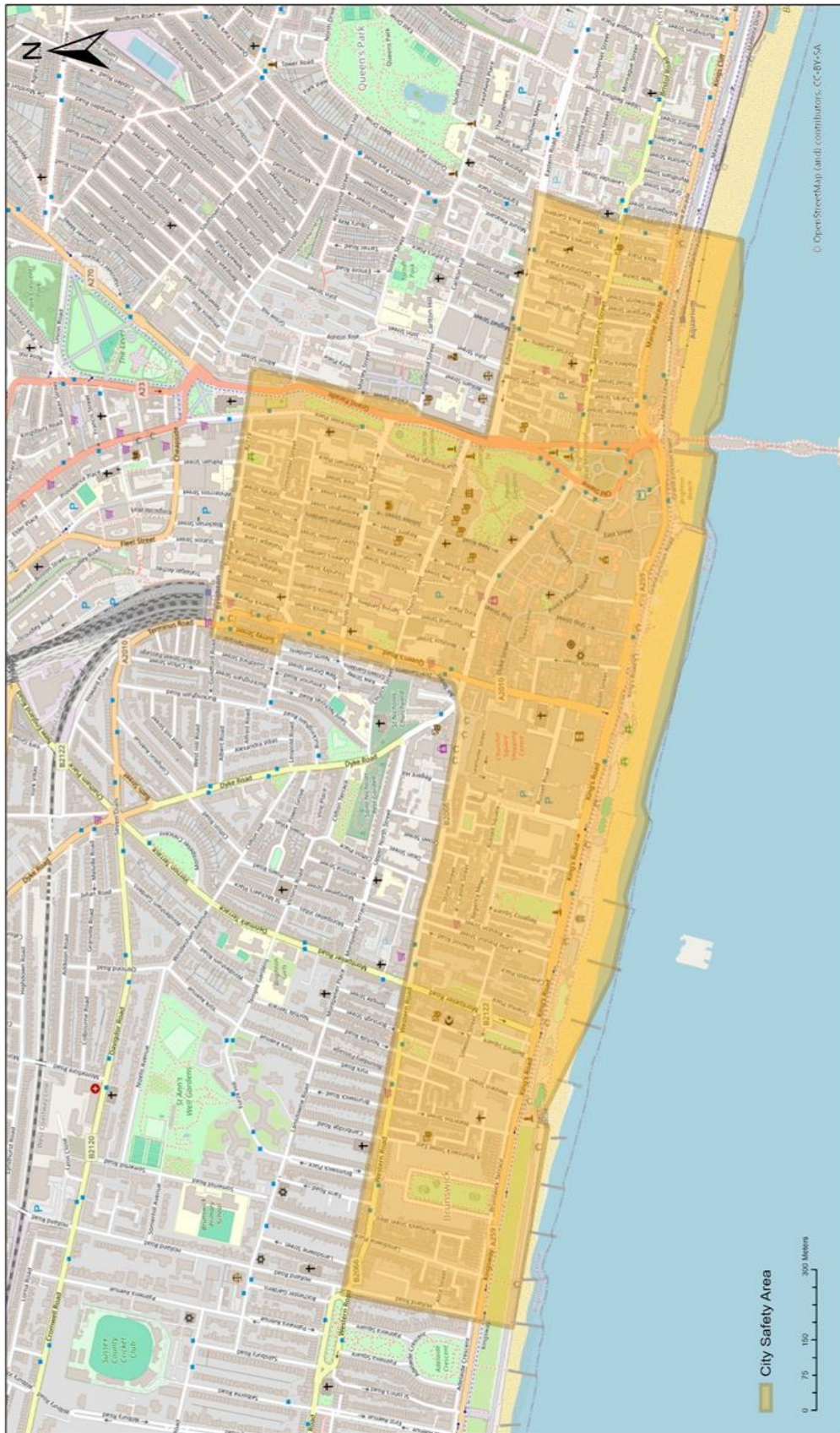
3.2.6 Cumulative impact remains a significant concern due to the high concentration of licensed premises within the CSA. This is evident from the police data at Appendix E. However, it is recognised that the degree of impact is likely to vary for different premises depending on their business model and other characteristics. For example a large nightclub or public house is likely to

add to problems of cumulative impact, but a theatre, or live music venue – where consumption of alcohol is not the primary activity – is less likely to have a similar degree of impact. This risk based approach along with the objective of encouraging a diversity of venues has formed the basis for our new Matrix Approach below.

- 3.2.7 All applications will be considered on their own merits. The Matrix Approach sets out the Licensing Authority's preferred approach, but this does not mean that applications which comply with the Matrix will always be granted. It is expected that responsible authorities or other persons will continue to make representations based on cumulative impact in appropriate cases and therefore the Licensing Authority may in its discretion refuse an application on grounds of cumulative impact notwithstanding that it otherwise complies with the Matrix Approach.

3.2.8 A detailed plan of the CSA is shown below:

City Safety Area, July 2025



Brighton and Hove City Council, Public Health Intelligence Team  
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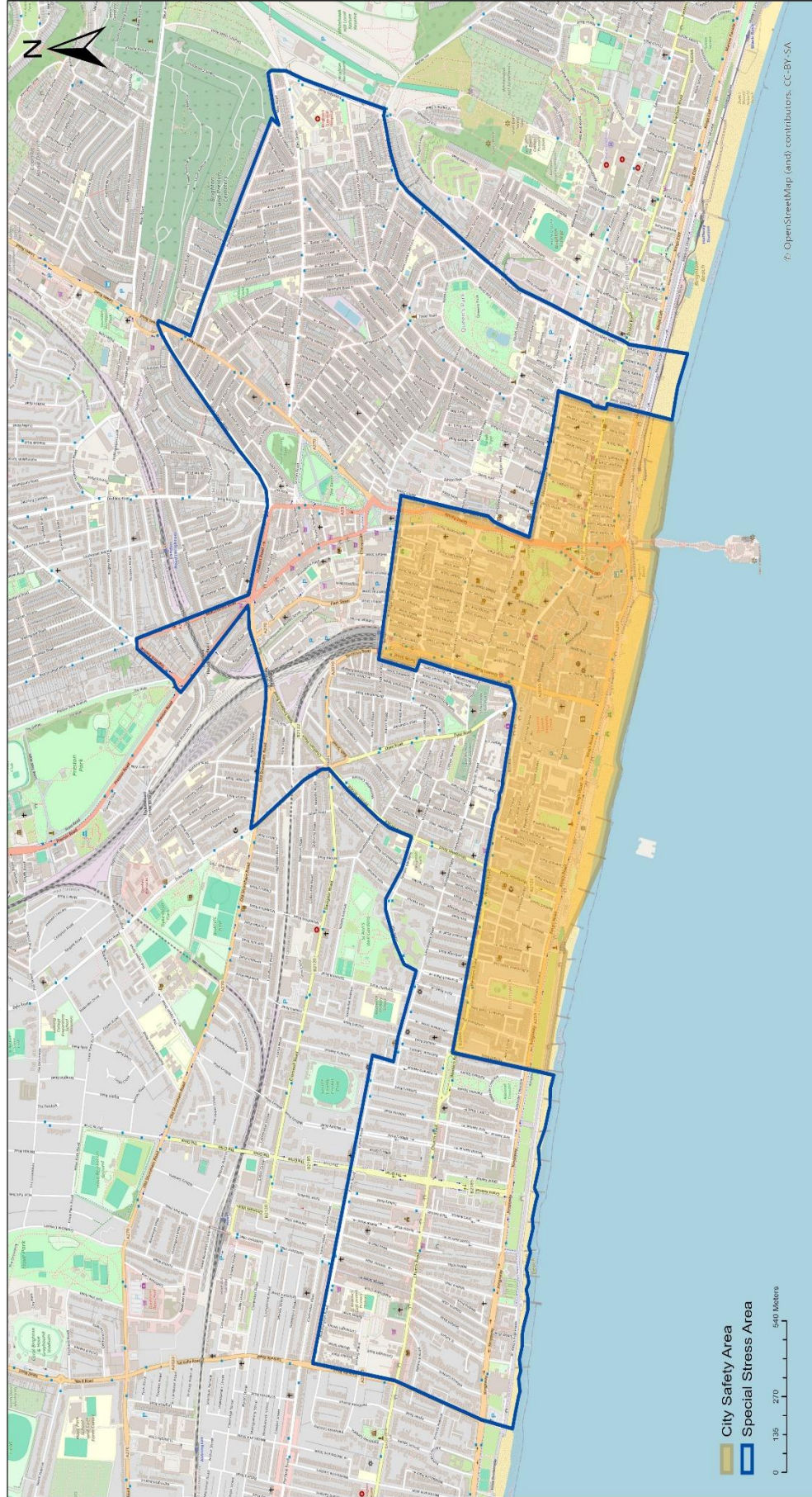
3.2.9 The City Safety Area comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Holland Road to the junction with the west side of Dyke Road at its eastern end; from there, north-east to the junction of the north side of Air Street with the westside 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.

### **3.3 Special Stress Area**

Since March 2008, the licensing authority has kept the Special Stress Area (SSA) under review which included in Nov 2018, expanding the SSA into Central Hove and in Nov 2020 it was expanded further into Preston Road and Beaconsfield Road.

3.3.1 The map below details the area of the city centre which borders the City Safety Area and which is deemed an area of special concern in terms of the levels of crime and disorder and public nuisance experienced within it. The area recommended for further monitoring and detailed guidance within the Special Policy comprise the following as pictured below delineated in blue.

# City Safety Area and Special Stress Area, July 2025



Brighton and Hove City Council, Public Health Intelligence Team  
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The Special Stress Area - an area bounded by and including: The west side of Hove Street/Sackville Road, northwards to the intersection with the north side of Blatchington Road, along north side of Blatchington Road and Eaton Road, southwards at the junction onto the east side of Palmeira Avenue and then eastwards at the junction onto the north side of Landsdowne Road; eastwards to the junction with Furze Hill, along the north side Furze Hill to its end and then due east along the north side of Victoria Road to its junction with Montpelier Road (west side), north to where Montpelier Road joins Vernon Terrace then north to Seven Dials; north west along the west side of Dyke Road until the junction with the Old Shoreham Road, then East along the north side of Old Shoreham Road, continuing on the north end of New England Road, north west at Preston Circus at the junction of New England Road and Preston Road along the west side of Preston Road until the junction with Stanford Avenue then and north east along the north side of Stanford Avenue until the junction with Beaconsfield Road, south along the east side of Beaconsfield Road until the junction at Preston Circus and Viaduct Road, eastwards along the north side of Viaduct Road, then at the junction with Ditchling Road, North East along the north side of Upper Lewes Road until the junction with Lewes Road; south along the Lewes Road to junction with Hartington Road, along the north side of Hartington Road until the junction with St. Helen's Road, south into the north side of May Road, eastwards until its junction with Freshfield Road (east side), then south into Upper Bedford Street, into Bedford Street to the mean water mark south of Bedford Street, then due west until the mean water mark south of Lower Rock Gardens; North on Upper Rock gardens, to the north side of Eastern Road, west along Eastern Road and Edward Street until Grand Parade, north along the Eastern side of Grand Parade to the junction of York Place and Trafalgar Street, West along the Northern boundary of Trafalgar Street, up to and including Surrey Street and then South along the Western boundary of Queens Road to the junction with Air Street, West along the north side of Air Street, South-west to the junction of Western Road Brighton, then West along the North side of Western Road Brighton, South along the West side of Holland Road to the mean water mark south of Kingsway and Kingsway Esplanade as far as the west side of Hove Street/ Sackville Road.

- 3.3.2 This Special Stress Area (SSA) is of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced within it. The area will be kept under review.
- 3.3.3 New and varied applications for premises and club premises certificates within the SSA will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas. Appendix A of the SoLP sets out a list of potential measures the licensing authority considers may be appropriate. These may be more or less appropriate depending upon the style of operation applied for.
- 3.3.4 On receipt of any application in the SSA, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and

will look at the measures proposed in the operating schedules and compare them to the measures set out in Appendix A, Licensing Best Practice Measures. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.

- 3.3.5 The Licensing Authority will keep the City Safety Area and Special Stress Area under review. Should the authority find that problems of crime and disorder or nuisance are not improving, or are worsening, the Special Policy will be reviewed.

### 3.4 The Matrix Approach

**The Licensing Authority will support:**

- 3.4.1 Diversity of premises: ensures that there is a mix of the different types of licensed premises and attracts a more diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This will have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time may create opportunities for violent crime and public disorder and therefore supports: mixed use venues encouraging a wider age balance.
- 3.4.2 A 'Matrix' approach to licensing decisions has been adopted and is set out below. It provides a firm framework of what the licensing authority would like to see within its area and gives an indication of the likelihood of success or otherwise to investors and businesses making applications. It underpins the City Centre Safety Policy (see above at 3.1).

Matrix approach for licensing decisions in a Statement of Licensing Policy (times relates to licensable activities)

	<b>City Safety Area</b>	<b>Special Stress Area</b>	<b>Other Areas</b>
<b>Food &amp; dining venues</b>	1 am	1 am	1 am
<b>Fast food premises</b>	No	Midnight Deliveries until 2am	Midnight Deliveries until 2am
<b>Cafe</b>	10pm	10pm	10pm
<b>Performance venues</b>	Midnight	Midnight	Midnight
<b>Grassroots Music venues</b>	Midnight	1am	1am
<b>Nightclubs</b>	No	No	No
<b>Public houses and bars</b>	No	Midnight	Midnight

<b>Non-alcohol led venues</b>	Midnight	Midnight	Midnight
<b>Off licences</b>	No	No	Yes (Up to 11pm but if in densely residential area may be earlier – see note below)
<b>Shared workplaces, co-working offices</b>	Midnight	Midnight	Midnight
<b>Members' clubs</b>	11pm	Midnight	Midnight

### **3.4.3 Explanatory notes on matrix**

Definitions: [each venue will be considered individually, and the below definitions may need to be applied flexibly depending on the business model of the specific venue]

<b>Food and dining venues</b>	<ul style="list-style-type: none"> <li>• Provide substantial table meals to customers dining at the premises</li> <li>• Food is prepared on site</li> <li>• Alcohol is sold to customers ancillary to a substantial table meal for consumption at the premises (or in an associated outdoor dining area) only</li> <li>• If takeaway service is provided, must be ancillary to provision of substantial table meals</li> </ul>
<b>Fast food premises</b>	<ul style="list-style-type: none"> <li>• Provide late night refreshment of fast food intended for immediate consumption on the premises or takeaway</li> <li>• Food is served in disposable packaging</li> </ul>
<b>Cafes</b>	<ul style="list-style-type: none"> <li>• Sell alcohol to customers for consumption on the premises in addition to other food and drink products</li> <li>• Food and drink is served to customers seated at a table including to any outdoor designated area</li> <li>• Food is prepared on site and the premises will have a fully operational kitchen</li> <li>• A full menu of the hot and cold food items available will be clearly on display within the premises.</li> <li>• Generally operate in the daytime and early evening only.</li> </ul>
<b>Performance venues</b>	<ul style="list-style-type: none"> <li>• Provide performances of live music, theatre, dance and other creative arts to entertain an audience</li> <li>• Includes live music venues, concert venues, cabarets and theatres</li> <li>• Does not include karaoke or Grassroots Music Venues</li> </ul>

<b>Grassroots Music Venues</b>	<ul style="list-style-type: none"> <li>Grassroots Music Venues are small, typically local venues that provide a platform for emerging and independent musicians to perform. They are often pubs, clubs, or other small spaces where artists can hone their craft, gain experience, and connect with a local audience. These venues play a crucial role in nurturing talent and supporting the development of the music scene.</li> <li>A member of Music Venues Alliance Brighton or Music Venues Trust or similar</li> </ul>
<b>Nightclubs</b>	<ul style="list-style-type: none"> <li>Provide regulated entertainment and the sale of alcohol</li> <li>Main licensable activity is recorded and live music with provision of dance floors, sound systems and light displays</li> <li>Generally, operate at night and into early hours of the morning</li> </ul>
<b>Public houses and bars</b>	<ul style="list-style-type: none"> <li>Sell alcohol to customers for consumption on the premises</li> <li>Sale of alcohol takes place at the bar</li> <li>Includes tap rooms and craft beer pubs</li> <li>May also carry out other licensable activities</li> <li>Does not include cafes</li> </ul>
<b>Non-alcohol led venues</b>	<ul style="list-style-type: none"> <li>Cultural venues such as art galleries, museums, theatres</li> <li>Experiential entertainment venues such as escape rooms and social gaming venues</li> <li>Alcohol is sold to customers for consumption on the premises</li> <li>Supply of alcohol is ancillary to entertainment offering</li> <li>Does not include shared workplaces and co-working offices</li> </ul>
<b>Off licences</b>	<ul style="list-style-type: none"> <li>Supermarkets and convenience stores which supply alcohol for consumption off the premises in addition to other retail products</li> <li>Includes alcohol delivery services fulfilling remote orders for sale of alcohol</li> <li>Restrictions on ABV% e.g. the Sensible on Strength 6% condition?</li> </ul>
<b>Shared workplaces, co-working offices</b>	<ul style="list-style-type: none"> <li>Office premises in which individual workstations and meeting rooms are rented to solo workers and small businesses</li> </ul>
<b>Members' clubs</b>	<ul style="list-style-type: none"> <li>Premises authorised to carry out licensable activities under a club premises certificate</li> </ul>

**3.4.4 Each application will be considered on its own merits.** However, the Licensing Authority will apply the Matrix Approach in all cases unless there are exceptional circumstances which justify a different approach.

- a). **Applications within the CSA** will be subject to a special policy requiring robust measures to be included in the operating schedule to promote safety. Applications within the SSA will be subject to the special stress policy set out in 3.3.
  - b). **Exceptional circumstances.** The Licensing Authority will determine exceptional circumstances on a case-by-case basis. An example of exceptional circumstances could be where the applicant has provided sufficient assurances to the responsible authorities that they do not make relevant representations against the application. Another example is where the application is for a variation to an existing premises licence and the applicant satisfies the criteria for a “good operator”.
  - c). **Activities which the Licensing Authority values and wishes to encourage:** LGBTQ+ and TNBI venues; outdoor regulated entertainment; cafes; members’ clubs; traditional pubs (outside the CSA); non-alcohol led licensable activities, especially within the city centre. The Licensing Authority will aim to permit these types of venues in appropriate locations, but will consider each case – including any relevant representations – on its own merits.
  - d). **Location.** Consideration will be given to the character of the area of the venue in every case. In residential areas, the Licensing Authority will pay particular attention to the potential of a venue to cause public nuisance, especially noise disturbance, littering and anti-social behaviour. In these areas, an early closing time may be appropriate.
  - e). **Food and dining venues.** The Licensing Authority will require conditions to ensure that these venues are food-led, such as: alcohol to be sold only to customers taking a substantial table meal; no takeaway service of food for immediate consumption (an ancillary meal delivery service is acceptable). Where the venue has an agreement to use an adjacent outdoor area, the Licensing Authority will require evidence that a pavement licence has been granted for use of the highway (for highway land) or landowner’s consent (for land other than a highway).
  - f). **Off licences.** Particular consideration will be given to applications for off-licences in areas which already have one or more off-licences in close proximity, due to concerns about street drinking, underage sales and anti-social behaviour. Where relevant representations are made raising these issues, the application is likely to be refused or – if it is appropriate to grant the application – granted subject to a terminal hour in line with neighbouring off licences.
  - g). **Outdoor events.** Outdoor events will generally be supported where they have been arranged through the Council’s event planning process.
- 3.4.5 **Cafes** - The Licensing Authority will require conditions to ensure that cafes operate as genuine cafes and not as public houses. The licensing authority

may be prepared to look favourably upon an application for the grant of a licence, subject to the following conditions that will prevent the premises becoming a public house.

- The sale of intoxicating liquor and other beverages shall be waiter/waitress service for consumption by persons seated at tables.
- Substantial food shall be available at all times. The licensing authority shall judge each case on its own merits but as a general rule, a bowl of crisps, nuts, or olives does not constitute substantial food.
- Food must be prepared on site and the premises will have a fully operational kitchen.
- A full menu of the hot and cold food items available will be clearly on display within the premises.

**3.4.6 Food & Dining Venues** - the licensing authority may be prepared to look favourably upon an application for the grant of a licence, subject to the following conditions.

- Intoxicating liquor shall not be supplied or sold on the premises otherwise than to persons taking table meals there and for the consumption by such a person as an ancillary to their meal. There will be no vertical drinking.
- Food & dining venues with outside service - the licensing authority will also consider applications from these venues that request to serve alcohol to areas adjacent to or immediately outside their premises. In addition to the above conditions for cafes, the licensing authority will require evidence that the applicants have an agreement with the local authority to use the area as defined on a plan provided. The following condition may also apply:
- The sale and supply of alcohol for consumption off the premises shall be restricted to an area licensed by the Local Authority for use of the public highway as shown on the plan deposited and such area shall be defined by a physical barrier acceptable to the licensing authority.

### **3.5 Good Operator Policy**

**3.5.1** Good operators of licensed premises are valuable partners in assisting the Licensing Authority to promote the licensing objectives in Brighton and Hove and contributing to our city's unique and vibrant culture. The Licensing Authority has therefore decided to introduce a new policy measure – the Good Operator Policy – to reward and incentivise the responsible management of licensed premises. Under the Good Operator Policy, there will be a presumption in favour of granting applications to vary premises licences which are submitted by good operators as defined by this policy. This includes variations to trading hours beyond the hours indicated by the Matrix Approach. In general, the Licensing Authority will consider granting such

applications to be appropriate for promoting the licensing objectives – unless there is clear and compelling evidence they would be undermined by granting the application.

3.5.2 A "good operator" is an applicant for an application to vary a premises licence who satisfies all of the following criteria:

- at the time of making the variation application, and at the time the application is determined, they are the holder of the premises licence subject to the application
- in the 3 to 5 year period prior to submitting the application, the applicant has not been subject to any formal intervention<sup>[1]</sup> by the responsible authorities in connection with that [or any other] premises [in Brighton and Hove]
- Formal intervention includes the following; a formal written warning; an application for review or summary review; a closure notice or closure order; a prosecution for an offence under the Licensing Act 2003; a penalty for employing illegal workers; or an abatement notice

### **3.6 Live Music, Dancing and Theatre**

3.6.1 This policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues the potential for limited disturbance in neighbourhoods will always be carefully balanced with these wider benefits. The impact of licensing on regulated entertainment, particularly live music and dancing, will be monitored.

3.6.2 The Licensing Committee represents the general interests of a community in determining what conditions should be attached to licences and certificates as a matter of necessity for the promotion of the licensing objectives. All members of the Licensing Committee will be trained on Licensing Act 2003 and S182 Guidance. The Licensing authority is aware of the need to avoid measures which deter live music, dancing and theatre - such as imposing indirect costs out of proportion to the income of the licence holder and to the risks presented. Only appropriate, proportionate and reasonable licensing conditions should impose any restrictions on such events.

### **3.7. Off Licences**

In recent years there has been a noticeable shift towards more people buying alcohol from shops and drinking at home prior to going into premises such as pubs and clubs. The council is concerned that alcohol loading from off-licence sales is a significant problem in the city and adversely affects the licensing objectives as it gives rise to problems of drunkenness, disorderly behaviour and a higher risk of alcohol sales to children. Representations from the police, local residents and the director of public health at licensing panel hearings

have testified to these problems. Additionally, regular test purchasing carried out by Sussex Police in partnership with BHCC Trading Standards has identified that off licences continue to be a place where young people under the age of 18 can purchase alcohol illegally.

- 3.7.1 The city safety policy and area as well as the special stress area apply to off-licences as explained in the matrix approach at 3.5. But in general where applications are made for new premises or variations to existing licences, and where the police or others make representations against the grant of a further licence for off sales, the council will give specific consideration to restricting the number, type, and the hours of premises selling alcohol exclusively for consumption off the premises, training and levels of staffing, are appropriate to ensure that the licensing objectives are promoted in what may be challenging circumstances.
- 3.7.2 The Licensing Authority encourage off licences to join the Council led “Sensible on Strength” scheme to reduce the availability of cheap super strength beers and ciders. Off licences voluntarily sign up not to sell cheap super-strength beers, lagers and ciders over 6% ABV and operate good practice measures (see 3.7.3), for which they receive an accreditation as a responsible retailer.
- 3.7.3 Areas of best practice that may be included in an Operating Schedule include;
- the installation of a digital CCTV system by liaison with, and to a standard approved by Sussex Police
  - Challenge 25 policy
  - Refusals system
  - Documented staff training including underage sales, drunkenness and proxy sales
  - Voluntary restriction of high strength alcohol - operating schedules may be used to limit high ABV beers, lagers and ciders
  - BCRP membership (or other accredited scheme)
  - No sale of single cans
  - Displays should not be located at the entrance/exit points or near checkouts
  - Restrictions on types of alcohol e.g. specialist or geographical region only being sold

### **3.8 Alcohol Delivery Services**

The Licensing Authority and Sussex Police have specific concerns around the delivery of alcohol off the premises due to issues around the end location of delivery, age verification checks (Challenge 25), the increased possibility of the alcohol coming into the CSA and SSA from other areas, as well as the

personal safety of drivers when having to refuse a delivery at the end destination. Later hours also mean that persons can access further alcohol beyond what they may be able to access in their local area. There are concerns around persons who are already intoxicated ordering more alcohol to continue their night.

- 3.8.1 Alcohol delivery poses a unique set of challenges as it often transfers the final age verification to a person who has no responsibility in relation to the premises licence which authorised the sale of alcohol. A premises licence holder needs to be satisfied that their drivers or the delivery drivers of the third party company they chose to use, have received regular and comprehensive training in age verification and identifying persons who have consumed too much alcohol. Consideration may be given to using drivers employed directly by the premises as opposed to third party providers.
- 3.8.2 Evidence has shown that customers have previously used landmarks/businesses not related to them as addresses for delivery so that alcohol could be consumed in open spaces/parks. The risk being that this may lead to increased crime and disorder including anti-social behaviour and criminal damage, as well as the possibility that underage persons can gain access to alcohol. Concerns have also been raised about the delivery of alcohol to known street drinking hotspots. Therefore, a condition requiring all deliveries to be to a verifiable residential or business address and a face to face ID verification is vital in mitigating some of this risk.
- 3.8.3 While the Licensing Authority and Sussex Police recognise this is a growing area of business, new or variation applications to include the delivery of alcohol off the premises will be subject to increased scrutiny. Suggested conditions for the provision of an alcohol delivery service can be found at Appendix A1. These are not exhaustive and each application will be considered on its own merits.

### **3.9 Street Drinking**

The Licensing Authority will have regard to areas highlighted by Sussex Police that are at risk from alcohol related anti-social behaviour. The nature of these areas can be fluid/seasonal and so updated maps and data will be produced regularly to ensure the information is current. These hot spot areas are considered high risk for street drinkers and the Licensing Authority will have regard to prevention of crime and disorder by virtue of street drinking and anti-social behaviour when considering applications in this area.

### **3.10 Promoters and irresponsible drinks promotions**

- 3.10.1 The Licensing Act 2003 makes no mention or provision for the use of promoters within licensed premises. Many of the late night bars and clubs within the Brighton & Hove regularly hire promoters to sell nights at their venues. Issues that have been identified with the use of promoters within the night time economy, in recent years include individual promoters vouching for underage customers to get them inside licensed premises where they

can access alcohol, providing flyers to passers by who throw them on the floor and irresponsible promotions for their nights. Many premises now have an agreement with their promoter for acceptable promotions and behaviour which includes the signing of a written contract of expectations. This shows premises evidencing their due diligence and ensures that promotion companies know what is expected of them. The contract could include, obligations to pick up self generated litter, verification of ages of their customers and users of their social media, promoters being over the age of 18 and responsible advertising on social media.

3.10.2 The Licensing Authority expect licensed premises to develop staff policy and training on recognising signs of drunkenness, spiking and vulnerability, for example, offering drinking water and tips for refusing customers who appear drunk. And discourage company policies that promote bonuses and sales incentives for selling alcohol. Licensing Authority will expect necessary precautionary processes to restrict drunkenness, e.g. Licensing Guidance states happy hours should not be designed to encourage individuals to drink excessively or rapidly.

## **4. Safeguarding Initiatives**

### **4.1 Violence Against Women and Girls (VAWG)**

4.1.1 The Community Safety Partnership also oversees the Violence Against Women and Girls (VAWG) Strategy as part of their remit. They can be contacted at [VAWG.Unit@brighton-hove.gov.uk](mailto:VAWG.Unit@brighton-hove.gov.uk) For information and training on VAWG related issues.

4.1.2 Brighton and Hove supports the White Ribbon campaign and the Licensing Authority would encourage all licensed premises to promote the 'White Ribbon Promise' to never commit, excuse or remain silent about violence against women and girls. Training and support is available to support premises to take action, further information regarding training can be obtained from [VAWG.unit@brighton-hove.gov.uk](mailto:VAWG.unit@brighton-hove.gov.uk) . Accreditation is still in progress for BHCC.

### **4.2 Vulnerability Training**

#### **4.2.1 Additional training in safety measures and vulnerability for the night time economy.**

Training has previously been delivered by Sussex Police in conjunction with the Brighton Crime Reduction Partnership (BCRP) to staff working within the night-time economy to provide them with knowledge of vulnerability and ensure they understand their responsibilities and duty of care to vulnerable people including actions that must be taken to reduce identified risk.

4.2.2 Training carried out or provided to venues should include:

- **Vulnerability Identifiers and Initiatives** - These include what to look for and how to identify if a person is vulnerable or has become vulnerable throughout an evening. It may include schemes such as 'Ask for Angela' which is an initiative for persons that are feeling uneasy in a night time economy venue and need a safe way of leaving. The individual can approach a member of bar staff and ask for Angela and the staff will know this person needs some help getting out of a situation they don't feel safe or comfortable in. This could be calling them a taxi or a friend or family member to come and collect them.
- **Drink Spiking** - The BCRP have facilitated a number of training sessions for bar staff and management around how to respond to a spiking incident. This remains an ongoing concern in the night time economy and venue staff/night time economy workers should be encouraged to engage in continual learning around this.
- High risk venues will need to have a clear and actionable policy in place to prevent and respond to drink spiking. This includes staff training, procedures for reporting incidents, and support for victims.
- The Home Office Spiking Team also offer free training to people working in the nighttime economy. Further details can be found via the following link: [Spiking Awareness Training Tickets, Multiple Dates | Eventbrite](#)
- **Safety-First Door Policy:** Venues will no longer be allowed to eject vulnerable individuals, especially lone adults, without care. Whether someone is intoxicated, separated from their group, or simply in need of help, venues must act responsibly.

4.2.3 Premises should make themselves aware of the: Night Time Industry Association (NTIA) standards of good practice for dealing with spiking and having a duty of care for customers as well as integrate with other safety-related initiatives in the city. [Guidance & Best Practice - NTIA](#)

## 4.3 Partner Agency Initiatives

### 4.3.1 Safe Space

Safe Space, run by Change Grow Live (CGL), runs throughout the year on Fridays and Saturdays (23.30-04.00Hrs) from its base in St Pauls Church, West Street. The project provides a safe place for users of the night time economy who are rendered more vulnerable due to alcohol and/or drug use, or through physical injury or emotional distress. Safe Space regularly provides emotional support to distressed people, including delivering suicide prevention interventions and safety planning (through the ASIST model). First Aid is provided with emotional and practical support from the CGL team. subject to funding, CGL may also deploy a mobile outreach team along the seafront, providing an immediate response to vulnerable individuals and, where safe to

do so, transporting them to St Paul's Church. Mobile teams also operate on New Year's Eve in the Kemp Town and East Street areas. The Safe Space initiative also contributes positively to reducing the need for police and medical intervention.

#### **4.3.2 Beach Patrol**

Quad bike(s) patrol the beach between 23:00-05:00Hrs Friday and Saturday nights by SIA qualified staff. Equipped with first aid kits, thermal blankets, defibrillator, and a night-safe radio. Visual presence has reduced crime on the beach including sexual assaults. Brighton Beach Patrol (BBP) educates people of the dangers of going into the sea and has actively got people out of the sea and back on to the safety of the beach. BBP started in May 2015 and is operated by volunteers. The service has achieved charitable status. The service utilises quad bike(s) and SIA security staff to patrol the beach between the Piers protecting the vulnerable from potential drownings, assaults, intoxication, and safeguarding matters. BBP operates every weekend and operates on additional days for high-risk events and bank holidays. BBP provide weekly reports to key stakeholders, including the police and coastguard.

#### **4.3.3 Street Pastors**

Operate every Friday night from around 22:00-02:30Hrs. Patrol West Street, North Street, East Street, Queens Road, Churchill Sq., The Lanes and Seafront.

#### **4.3.4 Nightlife Safety Advocates (NSA) scheme**

The University of Sussex Students' Union operates a student-led Nightlife Safety Advocates (NSA) scheme, established in November 2021 in response to national concerns about spiking and sexual harassment in nightclubs. Trained student (NSAs), provide peer-to-peer welfare support at nightclub events, operating from equipped stalls within venues. They offer non-judgmental support, distribute safety resources (including leaflets, condoms, period products), and provide follow-up signposting to support services.

#### **Key Objectives**

- Provide accessible peer-to-peer support from students that attendees can relate to.
- Increase awareness of reporting tools for sexual assault, harassment, and spiking.
- Improve education around spiking prevention and consequences.
- To improve access to support for students who have experienced harm/have become victims or require safeguarding support.
- Promote sexual consent awareness and sexual health provisions.

The aim is to have a multilayered approach through education, signposting and peer to peer support. By having student staff as NSA team, it will better connect students who are in need of existing support structures. Through supporting students via signposting emails, it raises awareness of support services and empowering students to report or seek help particularly if they are victims of sexual offences, harassment or domestic abuse.

By being a presence at events it is hoped to deter those who may see student events where they can seek out vulnerable people.

There is a key educational aspect of the programme via the stalls set up within key premises and every event attended, plus in busy spaces such as Freshers' and Refreshers' Fairs for new students. Each stall is equipped with leaflets and resources covering a variety of topics ranging from domestic abuse support, spiking, sexual health and managing stress and anxiety.

#### **4.3.5 Student and Organised Pub Crawls**

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

#### **4.3.6 Back Off Back Up (Bobu)**

Bobu is a Brighton-born and based initiative supporting licensed venues to create spaces where people feel safe, included and able to ask for help. Venues complete an online practical training course that teaches staff how to spot and respond to harassment, discomfort or conflict.

Once training is complete, venues are listed on the 'bobu app', a free tool customers use to find and choose venues known for care, respect and support.

Displaying the bobu sticker shows customers your venue is part of the bobu safety network and that help is available inside. Being on the bobu app and network helps venues stand out as safe, inclusive, welcoming spaces.

#### **4.3.7 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. This has remained consistent in the data sitting behind this policy covering the years 2022, 2023 and 2024. 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 is kept under regular review by the Operations Inspector and since 2017 has run from 20:00 to 06:00 between 1st May and 30th September. This was in response to pressures from the Night Time Economy as pubs and clubs remained open later and increases in crimes in the earlier hours of the morning. The emphasis of Op Marble remains being 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. As the technology around hotspot policing develops, officers can be deployed in an increasingly dynamic way to ensure they are patrolling high harm areas within the centre of the City as identified by the latest data analysis.

In addition to the standard Friday and Saturday night, there are a number of standalone operations such as Bank Holidays, New Year's Eve, Halloween and Pride. In the run up to Christmas, additional resources are at times deployed during the end of week to monitor Christmas parties.

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 CSA defined in this policy at 3.1 and is regularly under review to ensure that limited Police resources are being used to their optimum.

#### **4.3.8 Doorstaff Briefing**

In association with the Business Crime Reduction Partnership (BCRP) – Police lead a weekly Friday night doorstaff briefing at a central night time economy venue. Covered are persons of interest and information is shared on any events that might impact the city during that weekend – music events, football etc. Additionally there is a weekly meeting held between Police, BCRP and the Night Safety Marshalls to review the previous weekend, any upcoming events and discuss any premises or geographical areas of concern. This feeds into the plan for the weekend ahead and forms part of the Friday night doorstaff briefing.

#### **4.3.9 Night Safety Marshalls**

The Night Safety Marshall scheme is funded by Sussex Police and operates to assist vulnerable persons on Friday and Saturday night between 20:00-04:00 hrs.

#### **4.3.10 Brighton Crime Reduction Partnership (BCRP)**

The Brighton Crime Reduction Partnership offer vulnerability training initiatives to our members, including regular updates on what is happening in the night time economy (NTE) and strategies for how venues can look out for and assist venues. We also complete referrals to partner agencies where needed utilising our DISC intelligence report system. Some further information can be found here, <https://www.bcrpbrighton.com/initiatives>. We also have our

city-wide radio network which connects businesses to each other, security, police, coastguard, Night Safety Marshals, Safe Space etc and this is routinely used to put messages to assist vulnerable persons from calling for help spotting predatory behaviour. For more information on our initiatives, please visit BCRP Brighton Initiatives.

## **5. Licensing Act 2003 provisions**

### **5.1 Temporary Event Notices (TENs)**

The Licensing Authority will encourage bona fide community events. Applications for TENs at existing licensed premises will not be encouraged where the proposal is simply to extend the existing hours of operation and applications made in cumulative impact areas will be subject to increased scrutiny by Police and Environmental Health. Licensing Guidance recognises that TENs are a light touch process, not requiring specific authorisation. If the police or Environmental Protection believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must issue an objection notice.

### **5.2 Shadow Licences**

- 5.2.1 A “shadow licence” is a simple way of describing a licence which has been obtained by one party in respect of premises to which another licence has already been granted to someone else. The usual reason for this would be to protect the landlord in case the tenant surrenders the licence without giving the landlord any notice or if review proceedings are brought against the licence and the licence is revoked and the landlord has no knowledge of this. In such a scenario there is a primary or live licence operated usually by a tenant and the ‘shadow licence’ is an additional licence often by the Landlord which sits behind the primary licence.
- 5.2.2 The word Shadow Licence is used in practice, but has no legal definition. It is simply another licence on exactly the same terms as the first licence, normally granted to a landlord, whose sole purpose is to provide the landlord with the comfort and protection of having a licence in its own name. If the original operating licence then lapses or is surrendered, the landlord is able to use the Shadow Licence to replace it and market the premises as having the benefit of a licence of the same quality.
- 5.2.3 The Authority recognises that there is no restriction in the Licensing Act 2003 for there to be more than one licence to be in effect at any one time at the same premises. The Licensing Authority has concerns however that the holding of additional licences has the potential to undermine the decisions made as a result of determining applications to review a premises licence whereby if one licence was modified, suspended or revoked the premises could effectively continue to operate under the second licence.

## **6. Prevention of Crime and Disorder**

The following details and measures are intended to address the need for the prevention of crime and disorder which may be associated with licensed premises and certificated club premises. Conditions attached to licences and certificates will, as far as possible, reflect local crime reduction strategies.

- 6.1.1 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to spiking, drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door supervisors so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection and vulnerable individuals. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence and their responsibility to uphold all four licensing objectives.
- 6.1.2 It is expected that the DPS will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.
- 6.1.3 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
- 6.1.4 Measures put in place should support the intentions of Operation Marble (police operational order), which aims to prevent incidents of crime and disorder within the night time economy, at weekends. Operation Marble operates with a view to minimising the risk to the public of being a victim of public place violent crime; to reduce incidents of violent crime and public disorder within the city centre; to deal positively with offences and offenders; to secure and preserve evidence which will assist in the prosecution of offenders and to support the night time economy and the responsibly run businesses within it.

## **6.2 Sussex Police**

- 6.2.1 Sussex Police have a specific Operation relating to the night-time economy called Operation Marble (detailed in 3.4.1) and work closely with partners to ensure a safe and vibrant city centre. Police data shows the correlation between intoxication and violent crime is highest in the city centre. There continues to be an increasing demand for resources further into the early hours of the morning with the highest sustained risk during the week occurring on a Friday into Saturday between 22:00 – 04:00 (with moderately high risk until 05:00) and a Saturday into Sunday between 21:00 – 04:00 (again with a

moderately high risk until 05:00). For full details of these statistics see the Police Data set at Appendix E.

- 6.2.2 The dealing and use of drugs remains an issue across the city and Sussex Police welcome proactive policies from licensed premises. A drug safe and seizure recording initiative is in place of which further details can be obtained by contacting Brighton & Hove Police Licensing ([brighton.licensing@sussex.police.uk](mailto:brighton.licensing@sussex.police.uk)). This initiative encourages licensed premises with Door Supervisors to search and seize drugs from persons attempting to enter their premises and ensures that once drugs are removed from persons, they can be safely collected and destroyed by Sussex Police. We ask that licensed premises make regular contact with Police Licensing to get seized items collected.
- 6.2.3 Dispersal from the city centre during the late evening and early morning remains a policing challenge. Over recent years, there has been a proliferation of off-licences and late night refreshment venues offering walk in/take away services along the city's arterial routes. This has led to incident 'hot spots' where patrons from the night time economy continue to interact, albeit away from any safety measures afforded by on-licences. As such, Sussex Police support the Council's Special Policy in offering guidance to both applicants and the Licensing Committee in relation to off-licences and late night refreshment licences.
- 6.2.4 Sussex Police have continuing concerns that, despite staff training in age-restricted sales, under age individuals are still being served alcohol both on and off the premises in some of the city's licensed premises. As such, regular intelligence-led 'test-purchase' operations are conducted to highlight premises where sales are taking place and ensure appropriate enforcement action is taken to prevent further sales. The introduction of identification scanning machines at premises throughout the city has proved successful in mitigating some risk, but operators must maintain vigilance regarding the fraudulent use of genuine IDs. Sussex Police continue to work alongside the Business Crime Reduction Partnership (BCRP) to tackle the problem of those who use false or another's identification to enter licensed premises and purchase alcohol. The advent of digital identification means that the ID process is continually evolving. There is an expectation by Sussex Police and the Local Authority that licensed premises are proactive around staying informed and abreast of any changes and providing training / support to their staff as required.
- 6.2.5 Sussex Police work closely with venues and other organisations within the city to protect vulnerable people from becoming victims of crime. As well as work to prevent under age sales, vulnerability training is offered to identify persons who may have been made vulnerable through alcohol or drugs. Additionally, spiking awareness training has regularly been organised by the BCRP, the PCC and other external providers. Sussex Police also support initiatives such as (but not limited to) safe spaces, night safety marshalls, mobile teams of volunteers actively checking people's well-being and the Beach Patrol.

- 6.2.6 Public Space Protection Orders have proved an effective tool for Sussex Police in targeting enforcement action in problem areas of the city. It *‘allows Police Officers and Police Community Support Officers to remove alcohol from any person in a public place if that person is involved in anti-social behaviour (ASB) or the officer believes that by having alcohol in their possession there is an increased risk of ASB. It is an offence to refuse to hand over alcohol when required to do so.’* They have been particularly effective in the day time economy where members of the street community are causing ASB issues for members of the public and local businesses, especially during the summer months where there is a large influx of visitors to Brighton & Hove.
- 6.2.7 Policing the night time economy continues to provide a challenge and in the climate of limited resources and newly emerging problems, Sussex Police support maintaining a Special Policy in the city centre which defines areas of high crime and risk and offers restrictions around types of premises that will be granted to ensure that existing issues are not extended. Police will continue to take enforcement action where appropriate if the actions of a Premises Licence Holder, Designated Premises Supervisor, Door Supervisors or Staff have fallen below the high standard expected across the city. Sussex Police also recognise and support businesses which are aware of their social responsibilities and as such, actively contribute towards keeping Brighton & Hove a safe and enjoyable city.

### **6.3 Care, control and supervision of premises**

- 6.3.1 The Licensing authority supports the Business Crime Reduction Partnership and other approved schemes. Where appropriate, premises licence holders should be members of the BCRP for the deterrence to violent crime that such membership provides. The BCRP NightSafe radio scheme is normally expected as an operational requirement for city centre bars, clubs and pubs and is an example of best practice in achieving the aim of reducing crime and disorder and improving public safety. Well managed pub-watch schemes provide information exchange between the premises licence holders and responsible authorities that reduce and deter violent crime and disorder. The council will support a responsible licensing scheme.
- 6.3.2 The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The police will consider the applicants, objecting to the application where appropriate. The police may suggest crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The police may ask for conditions which support such measures to be imposed when licensing applications are granted, eg type of licence, capacity, operating hours restrictions.
- 6.3.3 Following the grant of a licence, the management and supervision of the premises, in so far as it might impact on crime and disorder, will continue to be monitored. Particular attention will be paid to any licensed premises where there is evidence of criminal activity or any association with racist

or homophobic crime. The licensing authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence and disorder are occurring so it can take full account of the facts and avoid exacerbating problems as required by the Community Safety Strategy. Where licensed premises are found to cause nuisance or be associated with disorder or unreasonable disturbance, the review process may be invoked, and powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier closing times. Such action to restrict the operation may be taken for trial periods to allow businesses an opportunity to remedy existing disorder, nuisance or disturbance.

- 6.3.4 This policy recognises the use of registered Door Supervisors. All Door Supervisors will be licensed by the Security Industry Authority. Mobile security units and similar systems are in use by some premises operators as a means of providing security cover at very short notice at premises which may not normally require a permanent security presence. This policy endorses the use of units following such guidance and standards in appropriate circumstances.
- 6.3.5 The development of codes of practice and general operating standards for security companies is encouraged for local businesses; premises operators are urged to ensure that security services, when engaged, are provided by suitably qualified businesses operating to recognised standards and who should be working towards SIA accreditation.
- 6.3.6 Enforcement will be achieved by the enforcement policy appended (Appendix B).

## **7. Public Safety**

The following details and measures are intended to address the need for the protection of public safety which may be associated with licensed premises and certificated club premises.

- 7.1.1 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation

to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

7.1.2 Normally in the city centre, pubs and clubs will be expected to operate using polycarbonate or toughened/shatterproof glass.

7.1.3 Conditions may be imposed in accordance with operating schedules to protect public safety including where justified:

- a). provision of closed-circuit television and panic buttons.
- b). use of shatterproof drinking vessels; bottles requiring use of toughened glass or reusable plastic should normally be required unless applicants can show exceptional reasons.
- c). use of door supervisors, licensed by the Security Industry Authority.
- d). requirement of a minimum of a licensed door supervisor for every 100 customers in nightclubs and large city centre pubs or as indicated by risk assessment.
- e). occupant capacity conditions will be applied where appropriate.
- f). the provision of designated and suitably trained first aiders.

7.1.4 Where appropriate, licence holders or their authorised representatives will submit event safety plans and operating manuals, attend Event Planning Teams or Safety Advisory Groups and similar meetings prior to large events and shall be part of Event Liaison Teams during such events. Due regard shall be had to relevant guidance and publications including, for example: HSE approved code of practice for events.

#### 7.1.5 **Preparing for Martyn's Law Requirements**

Licence holders should familiarise themselves with the requirements of Martyn's Law (the Terrorism (Protection of Premises) Act 2025), which will require certain premises and events to consider how they would respond to a terrorist attack. While the Act will not come into force for at least 24 months (from April 2025), early preparation will help ensure compliance and enhance the safety and security of staff and visitors. The Government will publish guidance during the implementation period to assist in understanding the specific requirements. For further information please go to: [Martyn's Law Factsheet – Home Office in the media](#)

## 8. **Prevention of Public Nuisance**

The following details and measures are intended to address the need for the prevention of public nuisance which may be associated with licensed premises and certificated club premises:

8.1.1 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by

reason of noise from within the premises, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (eg in order to smoke).

- 8.1.2 Applications for new licences or for the extension in size of licensed premises should not normally be granted if the premises will use amplified or live music and operate within or abutting premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be inaudible in any residence. Noise emanating from within licensed premises should not normally be audible outside.
- 8.1.3 Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.
- 8.1.4 Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The Licensing Authority will have regard to Noise Council guidance.
- 8.1.5 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.
- 8.1.6 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy (see 8.2 below).

## **8.2 Smoking Advice**

8.2.1 Premises licence holders will be expected to:

- Develop a management plan on how to manage smoking on their premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented. Noise from people smoking and talking can be intermittent, vary in character and volume and be intrusive. An effective smoking management plan will help prevent neighbours being disturbed.
- Comply with any planning conditions restricting the use of outdoor areas.
- Ensure that any structures used by smokers comply with the design criteria detailed in the Heath Act 2006 and that any structures, awnings, retractable canopies, etc have the relevant planning permission.
- Ensure any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.

- Ensure that the conditions on the premises licence are complied with. There may be conditions restricting the hours of use of gardens and outdoor areas. Having reviewed the contents of the premises licence it may be necessary to request a variation of your licence.
- Licence tables and chairs on the Public Highway under the provisions of the Highways Act 1980. These licences may have conditions restricting the times that the area can be used.
- Ensure drinks, glasses and bottles are not taken onto the highway unless there is a tables and chairs licence permitting use. A system should be adopted to prevent theft and 'spiking' of drinks, and reminding customers not to leave unattended items.
- Discourage smokers remaining in gardens and outdoor areas and determine terminal hours.
- Discourage smokers remaining outside by removing/disabling tables and chairs or prohibiting their use after a certain time. Lights and heaters will also be turned off.
- Introduce a system that after a certain time the number of smokers outside are restricted to a maximum number. Staff will be needed to manage this restriction.
- Employ staff and/or SIA registered door supervisors to manage doors and control customers and smokers entering and leaving the premises. Staff positioned on the doors can help to encourage customers not to cause a noise problem. It may be that staff are required to manage doors after a certain time, particularly during the hours when neighbouring residents are trying to sleep.
- Ensure door supervisors maintain order outside venues and protect customer safety. BCRP supports the use of Night Safe. Radio net and other pager systems and pub watch schemes can be used to provide for rapid police response and alert other venues where customers and staff are endangered.
- Position signs to remind customers that the premises is in an area where people live. It is not always obvious in busy commercial streets with flats above. By changing the design and wording of signs customers do not forget. Signs can be located in and outside the premises and on tables.
- Use CCTV to manage outside areas.

8.2.2 Licensed premises should normally display prominent, legible signs at exits reminding customers to leave in a quiet, peaceful, orderly manner.

## **9. Protection of Children from Harm**

The following details and measures are intended to address the need for the protection of children from harm; this includes emotional and physical harm which may be associated with licensed premises and certificated club premises (for example the exposure too early to strong language and sexual expletives, eg in the context of film exhibitions or where adult entertainment is provided). It is intended that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting conditions (unless the 2003 Act itself imposes such conditions or there are good reasons to restrict entry or to exclude children completely).

- 9.1.1 Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be those recommended by the Home Office, police, trading standards officers and their partners (eg passport, photo driving licence or pass card). The advent of digital identification will bring new technologies and challenges which responsible authorities and licensees will need to be mindful of and have a personal responsibility to remain informed and trained on.
- 9.1.2 It is the licensing authority's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of emotional or psychological harm to them. Each application will be considered on its own merit but particular areas that will give rise to concern in respect of children are to be found in section 7.1.4 below.
- 9.1.3 To reduce alcohol-induced problematic behaviour by under 18 year olds, to enforce underage purchase and drinking laws and to assist in the protection of children from harm, the licensing authority supports the following measures:-
- a). Police should exercise powers (Confiscation of Alcohol (Young Persons) Act 1997) to remove alcohol from young people on the street
  - b). Police and trading standards should implement test purchasing to reduce sales to under 18s in on and off sales licensed premises
  - c). Further take-up of proof of age schemes will be promoted
  - d). In-house, mystery shopper type schemes operated by local businesses will be supported
  - e). Providers of events specifically catering for unaccompanied children should consider whether all staff at such events need to be DBS checked

f). Use of a PSPO in the City Centre

9.1.4 The licensing authority will not seek to require that access to any premises is given to children at all times – under normal circumstances this will be left to the discretion of the licensee. The following areas give rise to concern in respect of children, who will normally be excluded from premises:

- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises;
- where entertainment of an adult or sexual nature is commonly provided;
- where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons.

Options may include:

- limitations on the hours when children may be present;
- age limitations (below 18);
- limitations or exclusions when certain activities are taking place;
- requirements for an accompanying adult;
- full exclusion of people under 18.

9.1.5 Licensees of premises giving film exhibitions will be expected to include in their operating schedules arrangements for restricting children from viewing age restricted films. Such premises will be subject to a mandatory condition requiring that access will be restricted to only those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification,

9.1.6 Where children are expected to attend a public entertainment, appropriate adult supervision will be required to control the access and egress of children and to protect them from harm. This will normally be an adult member of staff for every 100 children. Where the entertainment is music and dancing, 2 persons, licensed by the Security Industry Authority (door supervisors) should be employed for every 100 children but will be subject to advice within the Event Safety Guide. Nothing in this policy shall seek to override child supervision requirements contained in other legislation or regulations. For exclusively under 18 events reference should be made to police guidelines (available from the Police Licensing Unit, Brighton tel. 101). The licensing authority recognises the Director of Children's Services as being competent to advise on matters relating to the protection of children from harm. Applicants shall copy their applications to the Director of Children's Services in its capacity as the responsible authority. Copies should be sent care of the Police. The "What to do" booklet is a national one and can be accessed at: [www.brightonandhove.scb.org.uk/wp-content/uploads/What-to-do-if-a-child-is-being-abused.pdf](http://www.brightonandhove.scb.org.uk/wp-content/uploads/What-to-do-if-a-child-is-being-abused.pdf) If you are concerned about a child locally to contact the Multi-Agency Safeguarding Hub (MASH) on 01273 290400, or you can

contact Sussex Police on 101. If they think a child is in immediate danger to dial 999.

- 9.1.7 Trading standards and the police undertake ongoing enforcement operations around under-age sales and test purchasing. Sussex Police and BCRP undertake work concerning proxy purchases and counterfeit ID as part of the partnership support work with Community Safety and Trading Standards.
- 9.1.8 Trading standards have a programme of business support including training for local businesses to avoid underage sales. Trading standards offer business support including for local businesses to avoid underage sales. The training also covers identifying fake ID's, Challenge 25, intoxication, proxy purchasing and implementing due diligence measures.
- 9.1.9 Trading Standards also supplies business support materials guidance and advising on the enforcement penalties on all age restricted products for example vapes, tobacco, fireworks etc.

## **10. Integration of Strategies**

- 10.1 The licensing authority shall secure the proper integration of this policy with local crime prevention, planning policy, transport, tourism and cultural strategies by:-
  - Liaising and consulting with Sussex Police, Community Safety Partnership Board, **Sustainability Commission** representatives and following the guidance in community safety and crime and disorder strategy
  - Liaising and consulting with Public and Drug and Alcohol Programme Board
  - Liaising and consulting with the East Sussex Fire & Rescue Service
  - Liaising and consulting with the Safety Advisory Group (Emergency Planning)
  - Liaising and consulting with the Planning authority
  - Liaising and consulting with the Highways authority
  - Liaising and consulting with local business and business associations. Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
  - Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice
- 10.1.1 In line with statutory requirements and the council's Inclusion Policy, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and positive relations between persons of diverse backgrounds, for example communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.
- 10.1.2 This policy supports the aims of the tourism strategy, recognising the benefits for the tourism economy of creating a safer and more attractive city centre and improving competitiveness with other European cities. The Licensing

Committee should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that it considers these matters.

10.1.3 The Licensing Committee should receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.

10.1.4 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, use of the NightSafe radio system or accredited scheme, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.

10.1.5 The licensing authority will have regard to the need to disperse people quickly and safely from the city centre to avoid concentrations which may produce disorder and disturbance.

## 10.2 Other regulatory regimes

10.2.1 This policy avoids duplication with other regulatory regimes wherever possible. The following notes are made with regard to specific regimes:

**Health and Safety:** Certain premises will be the subject of health and safety enforcement by the local authority or the Health and Safety Executive (HSE). If other existing law already places certain statutory responsibilities on an employer or operator of premises, for example the Management of Health and Safety at Work Regulations 1999, it will not be necessary to impose the same or similar duties on the premises licence holder or club. However, existing duties will not always adequately cover specific issues that arise on the premises in connection with, for example, certain types of entertainment, and where additional and supplementary measures are necessary to promote the licensing objectives, necessary, proportionate conditions will need to be attached to a licence.

**Fire Safety:** Premises and their operators will be regulated by general duties under current fire safety regimes and the Regulatory Reform (Fire Safety) Order 2005 rather than licensing provisions.

**Noise:** Statutory and public nuisances are dealt with by the local authority's Environmental Health department under the Environmental Protection Act 1990, Noise Act 1996 and associated legislation. Noise from commercial premises may often fall under review powers set out in licensing provisions and closure powers in anti-social behaviour provisions.

**Equality Act 2010:** The Public Sector Equality Duty obliges public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between persons who share protected characteristics and persons who do not share it. The local authority's equality and inclusion policy produced under these obligations shall include reference to this statement of licensing policy.

**Community relations:** Integration of corporate strategies with licensing policy will include the Inclusive Council Policy which recognises the council's role, as a community leader, to promote community cohesion and good relations between diverse communities. Measures to address prevention of crime and disorder recognise the need to improve well being and safety of all the communities in the city. Licensing policy supports the Crime and Disorder Reduction Partnership's crime reduction strategy. In particular it seeks to confront and reduce racist, homophobic, transphobic and religiously motivated crimes, incidents and anti-social behaviour.

**Anti-Social Behaviour, Crime and Policing Act 2014:** Contains powers to close premises that are causing nuisance or disorder. These powers can be exercised by the council or Police and they replace the closure powers in the Licensing Act 2003. The Act also contains powers to issue Community Protection Notices in respect of persons or businesses committing anti-social behaviour which is spoiling a community's quality of life.

**Litter and Smoking:** Environmental Services contractors have Clean Neighbourhoods powers to enforce premises operators' responsibilities to keep frontages clear of litter.

**Gambling Act 2005:** In relation to casinos and bingo clubs, the principal purpose is gaming. The sale of alcohol and the provision of entertainment in such premises is incidental to gaming and in determining whether to permit entertainment that constitutes regulated entertainment under the act, gaming license committees and / or the Gambling Commission will have taken into account relevant government guidance. Accordingly it is felt that the licensing objectives will have been, or will be in the main, adequately considered by such committees and duplication of conditions should be avoided when considering applications under the 2003 Act where relevant representations have been made.

### 10.3 Enforcement

- 10.3.1 The Enforcement of licensing law and inspection of licensed premises is detailed in the Protocol between Sussex Police, the East Sussex Fire & Rescue Service and Brighton & Hove City Council. This protocol reflects the need for more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement and can be found at Appendix D (Lead Agency Status) of the Statement of Licensing Policy. In addition the Licensing Authority will have regard to its published Licensing Enforcement

Policy in making enforcement decisions in accordance with Brighton & Hove City Council's Statement of Licensing Policy (Appendix B). In order to better target enforcement resources, inspections will be undertaken outside of normal office hours and the sharing of information between all enforcement agencies will be encouraged through joint meetings or similar arrangements.

10.3.2 Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in the protocol. A number of other council and government policies, strategies and guidance documents must be taken into account to complement the policy, including:

- Community Safety & Crime Reduction Strategy
- Drugs and alcohol strategies – local alcohol harm reduction strategy
- Objectives of the Security Industry Authority
- The Anti Social Behaviour Act 2003/ASBPC Act 2014
- The Health Act 2006
- The Violent Crime Reduction Act 2006
- Policing and Crime Act 2009

## **11. Reviews**

- 11.1. Reviews represent a key protection for the community. Where the licensing authority considers action necessary under its statutory powers it will take necessary steps to support the licensing objectives. Action following review will be informed by licensing enforcement policy – Appendix B.
- 11.2. Where style of operation of a premises leads to applications concerning likelihood of racist, religiously motivated, homophobic or transphobic crimes or incidents, the review process should also support the community safety policy. Action should be proportionate and licences would normally be suspended or revoked in these circumstances to deter further incidents.

## **12. Contact Details, Advice and Guidance**

- 12.1. Guidance notes to accompany this policy and details about the licensing application process, including application forms, can be found:
- E-mail: [ehl.licensing@brighton-hove.gov.uk](mailto:ehl.licensing@brighton-hove.gov.uk)
  - Via [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk) (search under Licensing Act 2003 and follow the relevant links, for example to the Licensing Applications page for a weekly update of applications received)
  - By contacting the Licensing Team at:  
Bartholomew House Bartholomew  
Square, Brighton BN1 1JP

- By telephoning them on 01273 294429

12.2 Advice and guidance to applicants may also be sought from other agencies and departments by contacting them at:

- **Director of Public Health** Hove Town Hall Norton Road Hove BN3 1PT  
Tel: 01273 296555
- **Police Licensing Unit**, Police Station, John Street, Brighton, BN2 0LA.  
Tel: 101 [brighton.licensing@sussex.police.uk](mailto:brighton.licensing@sussex.police.uk)
- **Fire Authority, East Sussex Fire and Rescue Service**, Whitley Road, Eastbourne, East Sussex, BN22 8LA Tel: 01323 462409  
[firesafety.consultations@esfrs.org](mailto:firesafety.consultations@esfrs.org)
- **Planning, Development Control**, Hove Town Hall, Norton Road, Hove, BN3 1PT. Tel: 01273 290000 [www.brightonhove.gov.uk/planning](http://www.brightonhove.gov.uk/planning)  
[Planning.Applications@brighton-hove.gov.uk](mailto:Planning.Applications@brighton-hove.gov.uk).
- **Environmental Health, Environmental Protection Team**, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP. Tel: 01273 294266  
[ehl.environmentalprotection@brighton-hove.gov.uk](mailto:ehl.environmentalprotection@brighton-hove.gov.uk)
- **Child protection** – Head of Safeguarding, Families, Children & Learning Services, Hove Town Hall, Norton Road, Hove, BN3 3BQ  
[www.brightonhove.gov.uk/families-children-and-learning/refer-child-or-family-front-doorfamilies](http://www.brightonhove.gov.uk/families-children-and-learning/refer-child-or-family-front-doorfamilies)
- **Trading Standards** – Bartholomew House, Bartholomew Square, Brighton, BN1 1JP [Trading.Standards@brighton-hove.gov.uk](mailto:Trading.Standards@brighton-hove.gov.uk)
- **Health and Safety Executive HSE** - [informationrequest@hse.gov.uk](mailto:informationrequest@hse.gov.uk)

Please note the above were correct at time of publication but may be subject to change; please contact the Licensing Authority if you have queries regarding the above contact-points.





## **APPENDIX A – Licensing Best Practice Measures**

### **Best Practice Measures to be included for consideration, in the SSA**

Matters that would normally be expected in operating schedules:

- A general knowledge and understanding of the Licensing Act 2003 (The Act).
- The adoption of a policy (e.g. Challenge 25) with acceptable proof of ID.
- A smoking policy which includes an assessment of noise and litter created by premises users
- The use of reusable plastic and polycarbonate drinking vessels and containers, especially in outside areas or after specified hours
- A policy in relation to searching customers and for drugs, weapons, seized or lost and found property
- Keep and maintain refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated
- The installation of a digital CCTV system by liaison with, and to a standard approved by, Sussex Police. With access available to individuals working on the premises.
- A documented equalities and inclusion policy framework that demonstrates a commitment to creating a fair, diverse, and inclusive environment.
- Policies for dispersal of customers which may include signage regarding taxi services', telephone numbers and advice to respect neighbours and minimise noise, this also includes for customers using external areas.
- Licence holders should have clear documented policies and procedures in place which identify all public safety risks associated with their premises for both customers and staff and measures implemented to prevent, manage and respond to those risks.

Items to which positive consideration would be given:

- membership of Business Crime Reduction Partnership
- use of 'NightSafe' radio system or similar accredited scheme
- regular training and reminders for staff in respect of licensing legislation, policies and procedures; records of which should be properly recorded and available for inspection
- records of regular checks of all parts of the premises in relation to drug use
- systems in place to ensure details of barred clients are exchanged with other operators

- giving an agreed minimum notice of special events (screening of major sports events, birthday parties, adult entertainment, etc.) to relevant authorities and use of appropriate additional measures at such events
- Staff should be aware of their responsibilities regarding smoke-free legislation and for monitoring compliance

Recommend best practice for both on and off premises

- Staff must be aware of the risk of the problem of proxy sales and offer assistance to responsible authorities to deter offences
- Signage on premises should set out legal duties
- Voluntary restriction of high strength alcohol – operating schedules may be used to limit high ABV beers, lagers and ciders
- Staff training – in addition to personal licence holders training, staff must be adequately trained for duties
- Challenge 25 would be the norm, particularly in the off licence trade
- Appropriate signage and training for the deterrence of proxy sales

### **Additional Best Practice Measures to be included for consideration, in the CSA**

Applications within the CSA will be expected to include in the proposed operating schedule robust additional measures (as appropriate to the nature and location of the venue) which are set out below. These best practice measures place a special emphasis on safety, including measures to tackle drink spiking, preventing intoxication, unwanted sexual behaviour and the use of ID scanners.

<b>Objective</b>	<b>Best Practice Measure/suggested conditions</b>
<b>An understanding of the Licensing Act 2003 (The Act)</b>	Well trained staff will contribute to well run premises and a responsible approach to the sale of alcohol, provision of entertainment and late-night refreshment. Formal qualifications for your staff, either to Personal Licence level or to another appropriate standard recognised by bodies such as the British Institute of Innkeepers (BII) would be preferential
<b>Preventing Intoxication on Licensed Premises</b>	Licence holders must ensure all staff understand their legal responsibilities under the Licensing Act 2003, particularly that serving alcohol to intoxicated persons is an offence. To prevent intoxication occurring on premises, operators should: * Avoid promotional activities that encourage customers to drink more than intended or consume alcohol rapidly

	<ul style="list-style-type: none"> <li>* Refuse admission to individuals who are already intoxicated upon arrival</li> <li>* Train staff to recognise early warning signs of intoxication, utilising all team members including glass collectors as additional observers, and consider installing mirrors to improve visibility across the premises</li> <li>* Provide staff training covering alcohol's effects and techniques for managing difficult situations, giving them the knowledge and confidence needed to refuse service to intoxicated customers.</li> </ul>
<b>A comprehensive Duty of Care Policy to be established in relation to preventing intoxication</b>	<p>Setting out the steps staff should take to prevent intoxication, and the actions required when customers become intoxicated on the premises. This policy should recognise that intoxicated individuals may become separated from friends who would otherwise care for them, making them vulnerable to harm or exploitation.</p> <p>Given Brighton and Hove's diverse community, the policy should specifically address:</p> <ul style="list-style-type: none"> <li>* <b>LGBTQ+ customer safety:</b> Staff should be aware that intoxicated LGBTQ+ individuals may face additional risks including targeted harassment, discrimination, or hate crime</li> <li>* <b>Violence Against Women and Girls prevention:</b> Recognition that intoxicated women and girls are particularly vulnerable to predatory behaviour, with clear procedures for identifying and responding to concerning situations</li> </ul> <p>The policy must ensure that no intoxicated person is left unaccompanied or placed in a taxi without appropriate supervision. All premises staff must be familiar with and trained in implementing this policy.</p>
<b>The installation of a digital CCTV system by liaison with, and to a standard approved by, Sussex Police. With access available to individuals working on the premises.</b>	<p>Subject to GDPR guidance and legislation:</p> <ul style="list-style-type: none"> <li>* Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.</li> <li>* The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.</li> </ul>

	<ul style="list-style-type: none"> <li>* CCTV footage will be stored for a minimum of 31 days.</li> <li>* The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.</li> <li>* The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.</li> <li>* Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police e.g. USB) for the police without difficulty or delay and without charge to Sussex Police.</li> <li>* Any breakdown or system failure will be notified to the police immediately &amp; remedied as soon as practicable. This can be via email - <a href="mailto:brighton.licensing@sussex.police.uk">brighton.licensing@sussex.police.uk</a>. Repair records /invoices shall be kept on site for at least 12 months and be readily available to be viewed by all authorised person upon request.</li> <li>* In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.</li> </ul>
<b>Incident reporting</b>	<p>An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week.</p> <ul style="list-style-type: none"> <li>* The logbook should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.</li> </ul>
<b>Security in and around the premises</b>	<p>The employment of SIA registered door supervisors in line with Police recommendations and/or a written risk assessment to supervise admissions and customers inside and outside the premises.</p> <ul style="list-style-type: none"> <li>* SIA badges must be clearly displayed whilst working.</li> <li>* Door staff should sign into a register detailing their full SIA licence number, their name, contact details and the time and date their duty commenced and</li> </ul> <p>Concluded</p>

	<p>* The premises should implement effective security policies to protect staff and customers from conflict, violence and threats in consultation with Sussex Police and ensure staff are adequately trained on these policies. Training records must be accessible for review by police or the Licensing Authority.</p> <p>At all times the premises is open to the public, the management will contract the back up services of an approved mobile support unit (MSU) that operates at all times the premises is open to the public, with a minimum of 2 SIA registered Door Supervisors operating from it. A copy of the MSU contract will be retained at the premises and made available for immediate inspection upon request by Sussex Police or Council Officials. The MSU will be accredited by the Brighton Business Crime Reduction Partnership (BCRP) or other similar organisation approved by Sussex Police should the BCRP not be in existence.</p>
<b>Business Crime Reduction Partnership (BCRP) membership</b>	Premises will become a member of the BCRP or similar scheme approved by the Licensing Authority that operates with radios and uses the Nightsafe & Yellow Card Scheme or similar reporting scheme.
<b>ID scanners</b>	<p><b>The use of ID scanners where appropriate.</b></p> <p>The premises shall install a recognised electronic identification scanning system for customers entering the premises. The system shall be operated at all times door staff are on duty and all persons entering the premises will be scanned. The system should have the ability to identify the hologram of an ID and read both Passports and ID cards, including PASS cards. The system should be able to conduct tests to determine if a document is genuine or counterfeit. The system must be compliant with the Information Commissioners good practice guidance for ID scanning in clubs and bars.</p>
<b>Equalities and inclusion policy</b>	A comprehensive, documented equalities and inclusion policy framework that demonstrates the organisation's commitment to creating and maintaining a fair, diverse, and inclusive environment. This framework should encompass clear policies, procedures, and measurable objectives that actively promote equality of opportunity, prevent discrimination and harassment, and foster an inclusive culture where individuals from all backgrounds can feel safe. The policy must be regularly reviewed, updated to reflect best practice and legal requirements, and supported by appropriate training and monitoring mechanisms.
<b>Safety of staff and customers</b>	Licence holders should have comprehensive, clearly documented policies and procedures in place which systematically identify all public safety risks

	<p>associated with their premises for both customers and staff, and detail the robust measures implemented to prevent, manage, and respond effectively to those risks. These policies should encompass risk assessment methodologies, hazard identification protocols, emergency response procedures, staff training requirements, and regular review mechanisms to ensure ongoing compliance with health and safety legislation. The documentation must demonstrate a proactive approach to risk management, including contingency planning for various scenarios, clear allocation of responsibilities amongst staff members, and established communication channels for reporting and addressing safety concerns promptly and effectively.</p> <p>Licence holders should prepare themselves for the implementation of Martyn's Law.</p>
<b>Safety of staff and customers</b>	<p><b>Preparing for Martyn's Law Requirements</b></p> <p>Licence holders should familiarise themselves with the requirements of Martyn's Law (the Terrorism (Protection of Premises) Act 2025), which will require certain premises and events to consider how they would respond to a terrorist attack. While the Act will not come into force for at least 24 months, early preparation will help ensure compliance and enhance the safety and security of staff and visitors. The Government will publish guidance during the implementation period to assist in understanding the specific requirements.</p>
<b>Safety for staff</b>	<p>Licensed venues are encouraged to take all reasonable steps to support the safe travel of staff following late-night shifts, including the provision of free or subsidised transport home where appropriate, as part of their duty of care.</p>
<b>Drinking receptacles</b>	<p>The use of reusable plastic and polycarbonate drinking vessels and containers, especially outside areas or after specified hours.</p>
<b>Vulnerability policies and training</b>	<p>All persons working/trading in the night time economy will be aware of the vulnerability of patrons. Patrons are particularly vulnerable when intoxicated through alcohol and/or drugs, this includes when they are refused entry or ejected from the premises.</p> <p>There will be a special emphasis on safety, including measures to tackle drink spiking and unwanted sexual behaviour.</p>

	<p><b>Every venue will now need to have a clear and actionable policy in place to prevent and respond to drink spiking. This includes staff training, procedures for reporting incidents, and support for victims.</b></p> <p>Training and initiatives should include;</p> <ul style="list-style-type: none"> <li>• Safety-First Door Policy: Venues will no longer be allowed to eject vulnerable individuals, especially lone adults, without care. Whether someone is intoxicated, separated from their group, or simply in need of help, venues must act responsibly.</li> <li>• Premises to contact the Night Safety Marshalls (NSMs) to assist vulnerable persons to get home safely and get the help they need during the NSM operating hours.</li> <li>• BCRP spiking and vulnerability training</li> <li>• Home Office Spiking training</li> <li>• Implementation of the 'Ask for Angela' scheme or similar initiatives</li> <li>• Training in the use of the Back Off Back Up (Bobu) app and displaying the sticker to show venues are part of the safety network – or similar schemes</li> </ul>
<b>Vulnerability policies and training</b>	Awareness of child sexual exploitation, modern slavery and human trafficking indicators.
<b>Drug Use</b>	<p>* A zero tolerance policy to the use of drugs in the premises should be adopted.</p> <p>* Posters can be displayed throughout the premises to remind customers of the zero-tolerance policy.</p> <p>* Refusing entry to anyone who appears to be showing signs of drug use and contacting the emergency services in appropriate circumstances. In such cases, an entry should be made in an incident logbook.</p> <p>* A duty of care policy regarding persons suffering adversely from the effects of drugs should be in place at the premises and staff should be trained on the policy.</p>
<b>Smoking on the premises</b>	Staff should be aware of their responsibilities regarding smoke-free legislation and for monitoring compliance, including in relation to enclosed (or substantially enclosed) smoking shelters.
<b>Music, singing and speech noise breakout from the</b>	A noise management policy should be in place that

<b>premise</b>	sets out sound attenuation measures to prevent or control music, singing and speech noise breakout from the premises.
<b>Noise and nuisance from customers arriving and leaving the premises</b>	<ul style="list-style-type: none"> <li>* Reduce the potential for excessive queue lines with a well-managed and efficient door policy.</li> <li>* A customer dispersal policy can minimise noise disturbance to local residents from customers leaving the premises. A policy should clearly set out measures to avoid a mass exit at the end of the evening</li> <li>* Display prominent notices close to the exit doors, requesting patrons to leave the premises and quickly and quietly.</li> <li>* Display prominent signs in external areas such as beer gardens and forecourts asking customers to keep noise to a minimum.</li> <li>* Restrict the use of external areas after a certain time (e.g.10pm) if premises are in a residential area</li> </ul>
<b>Smokers outside the premises</b>	<ul style="list-style-type: none"> <li>* Limit the number of smokers permitted outside at any one time after a certain time.</li> <li>* Discourage smokers from loitering outside by not permitting them to take their drinks with them and removing external furniture after a certain time.</li> <li>* Locate smoking areas away from residential premises.</li> <li>* Do not permit customers to congregate on and block the public highway to passers-by</li> </ul>
<b>Noise and disturbance caused by deliveries, collections and waste disposal</b>	Commercial deliveries, collections and storage/ disposal of waste (especially glass), including beer deliveries, refuse collections and storage / disposal of waste and recyclables in external areas should be restricted between certain times

<b>Children accessing licensed premises</b>	<p>A documented Safeguarding policy setting out measures to protect children from harm should be in place at the premises. The policy should consider all activities associated with the premises including the sale of alcohol and the provision of regulated entertainment and when children should be allowed on or restricted from the premises.</p> <p>* All staff including door staff and bar staff should be trained on the policy.</p>
<b>Underage sales of alcohol</b>	<p>The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of recommended forms of ID may be amended or revised with the prior written agreement of Sussex Police, the Licensing Authority and Trading Standards without the need to amend the licence or conditions attaching to it.</p> <p>* Signage advertising the 'Challenge 25' policy will be displayed in prominent locations in the premises.</p> <p>*The Premises Licence Holder / Management shall ensure that all staff members engaged or to be engaged in selling, serving or delivering alcohol shall receive induction training. If this training is to be conducted in electronic form, it will at a minimum also include a face-to-face discussion session. This training will take place prior to the selling, serving or delivering of such products and will include:</p> <p>a) The lawful selling of age restricted products – including but not limited to, the requirement of the staff member conducting the transaction to ensure they carry out Challenge 25 checks regardless of any other staff member checks that may already have taken place</p> <p>b) Identifying if a person may be intoxicated and refusal of sale</p>

	<p>c) Vulnerability initiatives and how to respond to potential drink spiking</p> <p>* Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.</p> <p>* All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.</p>
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*Note: The above best practice measures are not exhaustive and changes with wording, training providers and organisations may occur over time.*

## **APPENDIX A1 – Alcohol Delivery Service**

Conditions for consideration by any potential applicant may include (but are not exhaustive):

- Alcohol will only be delivered to residential and business addresses. The recipient will be required to show the requisite ID to ensure that they are clearly a resident or employed at the named delivery address. Alcohol will not be delivered to customers at a park, in an open space, the beach, a bus stop etc.
- Delivery riders must be instructed to abort delivery where that sale is believed to be a “street sale” or to an open space. All such instances will be recorded in the refusals/incidents log.
- The alcohol delivery service will be ancillary to the provision of takeaway food. All alcohol deliveries must be accompanied by an order for food, the food contingent of the delivery being a minimum of [£X].
- All orders received with an alcohol element will be for delivery only, there will be no collection facilities available from the premises.
- The company website through which alcohol is sold will have measures in place to prevent underage sales. This includes customers having to select/fill out a declaration that they are over 18 before purchasing online.
- All forms of advertising and promotional literature dealing with the delivery service (including internet sites and flyers/leaflets) will clearly and prominently state that alcohol will only be delivered together with an order for food, the food contingent of the total delivery being a minimum of [£X]. It will also advise of the premises ‘Challenge 25’ policy, which forms of approved ID will be accepted and that failure to show the required form of ID will result in non-delivery of the alcohol. This will be reiterated at the point of sale e.g. through an online ordering website/platform.
- All employees and agents of the premises or agents delivering orders will receive full advance training in selling alcohol, approved forms of ID and Challenge 25 policy as per condition [x] on the premises licence. All staff and agents will be fully trained and understand the company’s policy of non-delivery where approved ID is not available during final interaction with the customer.
- All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.
- A record of sales and deliveries will be kept and made available for inspection by the Police, Licensing Authority or officers from the Trading Standards team for 6 months from the date of delivery or refusal of alcohol.
- Where an order is taken for delivery by an employee of the premises to a customer,

all customers will sign a delivery note which will contain:

- a) A list of individual items delivered;
- b) The delivery address;
- c) The method of payment;
- d) The name of the person ordering and receiving alcohol;
- e) The date and time of delivery;
- f) If proof of age was asked for, confirmation of the type of proof of age document presented and accepted;
- g) The name of the employee or representative of the premises who made the delivery.

- For deliveries where the alcohol is delivered personally by the Designated Premises Supervisor, or their employees or agents (including Deliveroo couriers) where the DPS has direct supervision over them and in the event that the person ordering and paying for the alcohol nominates another person (the third party) as the recipient of the alcohol (as a gift etc) and the alcohol is to be delivered directly to the third party and not the person ordering and paying for the alcohol, then the person ordering and paying for the alcohol will be required to state as part of their order that the third party/recipient is aged over 18.

## APPENDIX B - Licensing Enforcement Policy

### 1.0 STATEMENT OF OBJECTIVES

The council as licensing authority and responsible authority is committed to the council's priorities and will inform the enforcement actions taken. Amendments to priorities will be embedded automatically.

- 1.1 This service policy promotes efficient and effective approaches to regulatory inspection and enforcement that improve regulatory outcomes without imposing unnecessary burdens. This is in accordance with the Regulator's Compliance Code.
- 1.2 In certain instances the service may conclude that a provision in the code is either not relevant or is outweighed by another provision. It will ensure that any decision to depart from the code will be properly reasoned, based on material evidence and documented.
- 1.3 The service pursues a positive and proactive approach towards ensuring compliance by:
  - Supporting the better regulation agenda;
  - Helping make prosperity and protection a reality for the city's community;
  - Helping and encouraging regulated entities to understand and meet regulatory requirements more easily;
  - Responding proportionately to regulatory breaches; and
  - Protecting and improving public health and the environment.
- 1.4 This policy is based on the seven 'Hampton Principles' of:

**Economic Progress:** Regulators should recognise that a key element of their activity will be to allow, or even encourage, economic progress and only to intervene when there is a clear case for protection;

**Risk Assessment:** Regulators, and the regulatory system as a whole, should use comprehensive risk assessment to concentrate resources in the areas that need them most;

**Advice and Guidance:** Regulators should provide authoritative, accessible advice easily and cheaply;

**Inspections and other visits:** No inspection should take place without a reason;

**Information requirements:** Businesses should not have to give unnecessary information or give the same information twice;

**Compliance and enforcement actions:** The few businesses that persistently break regulations should be identified quickly and face proportionate and meaningful sanctions; and

**Accountability:** Regulators should be accountable for the efficiency and effectiveness of their activities, while remaining independent in the decisions they take.

- 1.5 The rights and freedoms given under the Human Rights Act, particularly Article 6 and 8, will be observed, as will the provisions of the Regulation of Investigatory Powers Act.

## **2.0 SCOPE OF THE POLICY**

- 2.1 This policy supports and supplements specific guidance on enforcement action contained in the Statutory Code of Practice for Regulators, Brighton & Hove City Council's Corporate Enforcement Policy, Statutory Codes of Practice and relevant guidance documents and guidelines issued by government departments and coordinating bodies.
- 2.2 This policy relates to actions taken to educate and enforce legislation where noncompliances have been identified or have a realistic potential to occur.
- 2.3 The policy is limited to those enforcement activities led by the Head of Regulatory Services.

## **3.0 TRAINING**

- 3.1 Officers undertaking enforcement duties will be suitably trained and qualified so as to ensure they are fully competent to undertake their enforcement activities.

## **4.0 MANAGEMENT SYSTEMS**

- 4.1 The service will maintain management systems to monitor the quality and nature of enforcement activities undertaken, so as to ensure, so far as is reasonably practicable, uniformity and consistency.

## **5.0 ENFORCEMENT OPTIONS**

- 5.1 The service recognises the importance of achieving and maintaining consistency in its approach to enforcement. Statutory Codes of Practice and guidance issued by government departments, other relevant enforcement

agencies or professional bodies will therefore be considered and followed where appropriate.

5.2 Sanctions and penalties will be consistent, balanced, fairly implemented and relate to common standards that ensure individual's, public safety or the environment is adequately protected. The aim of sanctions and penalties are to:

- Change the behaviour of the offender;
- Eliminate any financial gain or benefit from non-compliance;
- Be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction;
- Proportionate to the nature of the offence and the harm caused; and
- Aim to deter future non-compliance.

5.3 Criteria to be taken into account when considering the most appropriate enforcement option include:

- the potential of the offence to cause harm;
- confidence in the offender; 45
- consequences of non compliance;
- likely effectiveness of the various enforcement options.

5.4 Having considered all the relevant options the choices for action are:

- **Informal Warning:** All advice issued will be given in writing and specify the nature of the breach or offence, and the actions required to remedy the issue. An informal warning may be included with the advice, and may accompany higher-level actions, such as Enforcement Notices or Voluntary Surrender:
- **Licence review:** Licence review power will be used where an application for review relates to one or more of the licensing objectives.
- **Taxi licence:** Taxi licence suspension or revocation will be used to protect public safety. Other sanctions such as DSA testing will be used to protect public safety and in accordance with the taxi licensing policy (Blue book).
- **Simple Caution:** The issue of a Simple Caution by an authorised officer may be undertaken as an alternative to prosecution where it is considered unnecessary to involve the courts, and the offender's response to the problem makes repeat offending unlikely, or the offender's age or health make it appropriate. Cautions may only be issued where the offender

makes a clear and reliable admission of guilt and understands the significance of acceptance.

- **Prosecution:** A prosecution is appropriate where there is a breach of a legal requirement, such that public safety, health, economic or physical well-being or the environment or environmental amenity is adversely affected.

The Crown Prosecutor's Code of Evidential and Public Interests tests must be met in all cases. However, certain circumstances will normally justify prosecution to prevent the undermining of the service's enforcement responsibilities.

- Failure to comply with an Enforcement Notice
- Declining a Simple Caution
- Continued, reckless, negligent or pre-meditated non-compliance.
- Failure to pay a fixed penalty.
- Non-cooperation, acts of obstruction or threats of physical harm or abuse.
- **Injunctions:** Injunctive action as a means of preventing an activity or course of action likely to result in significant risk to public or community safety or economic wellbeing of consumers and businesses.

- 5.5 If the department is considering taking enforcement action which it believes may be inconsistent with that adopted by other authorities, the matter will be referred to the appropriate local co-ordinating body.

## **6.0 INFORMAL WARNING**

- 6.1 Informal action may be taken when:

- the act or omission is not serious enough to warrant formal action, or
- from the individual's/enterprise's past history it can be reasonably expected that informal action will achieve compliance, or
- confidence in the individual/enterprise's management or ability to resolve the matter is high, or
- the consequences of non-compliance will not pose a significant risk to public health, public safety, animal welfare or the environment.

- 6.2 When an informal approach is used to secure compliance with regulations, written documentation issued will:

- contain all the information necessary to understand what is required and why;
- indicate the regulations contravened, measures which will enable compliance with legal requirements and that other means of achieving the same effect may be chosen;

- clearly differentiate between legal requirements and recommendations of good practice. Such a differentiation will also be made when verbal advice is given.

## **7.0 SIMPLE CAUTIONS**

- 7.1 A Simple Caution may be issued as an alternative to a prosecution. Cautions may be issued to:
- deal quickly and simply with less serious offences;
  - divert less serious offences away from the courts;
  - reduce the chances of repeat offences.
- 7.2 The following factors will be considered when deciding whether a caution is appropriate:-
- evidence of the suspect's guilt
  - has a clear and reliable admission of the offence been made either verbally or in writing
  - is it in the public interest to use a caution as the appropriate means of disposal when taking into account the public interest principles set out in the Code for Crown Prosecutors.
  - the suspected offender must understand the significance of a simple caution and give an informed consent to being cautioned.
- 7.3 No pressure will be applied to a person to accept a Simple Caution.
- 7.4 The 'cautioning officer' will be the most appropriate officer from Service Director, Service Assistant Director, Head of Service, Environmental Health Manager or Licensing Manager. The Cautioning Officer must not have taken an active part in investigating the case.
- 7.5 Should a person decline the offer of a simple caution a prosecution will be recommended.

## **8.0 PROSECUTION**

- 8.1 The department recognises that the decision to prosecute is significant and could have far reaching consequences on the offender.
- 8.2 The decision to undertake a prosecution will be taken after proper consultation in accordance with the Scheme of Delegation for the council's functions. The decision to proceed with a prosecution will normally be taken following legal advice. The matters to be taken into account when deciding if the issue of proceedings is proportionate include:
- the seriousness and nature of the alleged offence;
  - the role of the suspect in the commission of the offence;
  - any explanation by the suspect or any agent or third party acting on their behalf;

- was the suspect in a position of trust, responsibility or authority in relation to the commission of the offence;
- is there evidence of premeditation or disregard of a legal requirement for financial reward;
- risk of harm to the public, an individual or the environment;
- relevant previous history of compliance;
- reliability of evidence and witnesses
- any mitigating or aggravating circumstances or the likelihood that the suspect will be able to establish a defence;
- suspect's willingness to prevent a recurrence of the offence;
- the need to influence future behaviour of the suspect;
- the likely penalty to be imposed; and
- prosecution is in the public interest, there is realistic prospect of conviction and sufficient evidence to support proceedings.

8.3 All relevant evidence and information will be considered before deciding whether to instigate proceedings in order to enable a consistent, fair and objective decision to be made.

8.4 Where an act or omission is capable of constituting both a summary and either way offence, when deciding which offence to charge the following will be considered:

- the gravity of the offence;
- the adequacy or otherwise of the powers of the summary court to punish the offence;
- the record of the suspect;
- the suspect's previous response to advice or other enforcement action;
- the magnitude of the hazard; • any circumstances causing particularly great public alarm;
- comments from the council's Solicitor's Office.

8.5 As a general rule an individual or business will be given a reasonable opportunity to comply with the law although in some circumstances prosecution may be undertaken without giving prior warning, e.g.

- the contravention is a particularly serious one;
- the integrity of the licensing framework is threatened.

## **9.0 Home Office and Government Advice: Problem premises on probation**

- 9.1 The licensing authority supports the strategies of interventions and tough conditions to be assembled into packages released in 2008. The current version is appended (Annex B).

## **10. APPEALS**

If any person is unhappy with the action taken, or information or advice given they will be given the opportunity of discussing the matter with the relevant team manager, Head of Service or Assistant Director. Any such appeal does not preclude any aggrieved person from making a formal complaint about the service or any officers. Any such complaint will be dealt with in accordance with corporate procedures and guidance.

Complaints that are not dealt with by the council's complaints procedure are listed in corporate policy and include:

- Complaints where the complainant or another person has commenced or intends to commence legal proceedings against the council.
- Complaints where the council has commenced or intends to commence legal proceedings against the complainant or another person relating to the matter of complaint.

## **11. SHARED ENFORCEMENT ROLES**

Lead agency status between Sussex Police, East Sussex Fire and Rescue Service and the council's trading standards, environmental health and licensing officers are determined between the agencies at county level. The current position is appended (appendix D).

## **ANNEX A**

### **“PROBLEM PREMISES ON PROBATION” – RED AND YELLOW CARDS: HOW IT WOULD WORK**

#### The problem

1. In many cases, revocation of a premises licence effectively kills any business which is focussed on retailing alcohol. This means that not only the business owner suffers, but most people working there will lose their livelihoods. Many of these workers will be entirely innocent of any wrong-doing. There is also an impact on those who rely indirectly on income from the premises – such as local food suppliers or cleaning contractors, and the closure of a premises can deprive some communities of their local shop or restrict local consumer choice. Enforcement agencies that apply for reviews and local councillors sitting on licensing committees are well aware of this potential impact and it can lead to a reluctance to use the powers in the act to revoke the licence instantly for any failure to promote the licensing objectives. This risks patchy enforcement and uneven solutions to alcohol related problems around the country.
2. In addition, in many cases, enforcement agencies will prefer to negotiate additional voluntary conditions with problem premises against the threat of review as an immediate, pragmatic and less bureaucratic solution. While this may be a reasonable approach in many cases, there is a risk that some premises are not being dealt with as firmly as necessary, particularly given the level of test purchase failures. Nor are voluntary agreements particularly visible, lessening the deterrent effect on other premises.
3. Government wishes to support the enforcement agencies and licensing authorities by providing clear guidance on a “yellow card / red card” system, which would ensure a firm response to problems, but which give premises an opportunity to reform. The intention is that such a system would be highly visible and send a clear message to alcohol retailers, and the public, that action will be taken against those who act contrary to the licensing objectives and the law.
4. The proposed interventions below would not prevent the giving of an instant red card in an appropriately serious case. It should be realised that a “test purchase” failure often masks multiple offences that have gone undetected.

## **Supporting enforcement agencies**

5. The government will encourage enforcement agencies – mainly the police, trading standards officers and environmental health officers – to seek more reviews in the knowledge of the yellow card/red card system described below. This will mean not giving formal warnings. It will mean that on identifying problem premises, the licensing authority will be engaged faster than it might have been in the past.
6. Enforcement agencies would be encouraged to seek reviews when local intelligence suggests that individual premises are selling to children or causing other crime problems or causing noise nuisance.
7. Under the law, the licensing authority must then hold a hearing so long as the application relates to one of the four licensing objectives and is made by a responsible authority or by other persons like a local resident or another local business.

## **First intervention**

8. Responsible authorities will be encouraged to propose a package of touch new conditions to be added to the existing conditions which are designed to combat the identified problem. The kinds of conditions that we have in mind are set out in Annex A. These would not be appropriate for every premises and need to be tailored to the nature of the problem and the type of premises. Such action should be supplemented where appropriate by:
  - Removal of the designated premises supervisor and his/her replacement (the manager is removed);
  - Suspension of the licence for between one day and three months according to the circumstances.
  - Restriction on trading hours – cutting hours of trading in alcohol.
  - Clear warning that a further appearance will give rise to a presumption of revocation.
9. If appropriate following review, the licensing authority should consider these packages of conditions and actions to challenge problem premises more aggressively.
10. For example, requiring a major supermarket to make all alcohol sales through a single till manned by a person aged 25 years or older in order to tackle sales to underage. Over a year, this would potentially cost such a supermarket £millions. It would also make them reflect on their levels of supervision at other stores.

11. In addition, enforcement agencies should make the premises in question a priority for test purchases and more regular inspections.
12. The aim would be to put the premises on probation. Effectively, they are given a yellow card. They are put on notice that the next offence or breach would mean an automatic second intervention – a red card.

### **Second intervention**

13. In the absence of improvement, enforcement agencies should seek another review. The licensing authority again must grant a hearing.
14. If satisfied on the issue of the lack of improvement, the licensing authority should look to revoke the licence. The action should be publicised in the area as an example to other retailers.

### **Implementation**

15. Requires:
  - Development with the Home Office of a toolkit and guidance for police, trading standards and ethos;
  - Initial letters to Leaders of local authorities and Chief Executives;
  - Ultimately, stronger statutory Guidance to be laid in Parliament for licensing authorities themselves.
16. Central Government cannot tell licensing authorities what to do. The review powers are devolved to them. Similarly, central government cannot direct enforcement agencies how to enforce the law. It would remain their judgement when and how to act.

## **ANNEX B**

### **POSSIBLE TOUGH CONDITIONS TO BE ASSEMBLED INTO PACKAGES**

n.b. These would not be appropriate for every premises and need to be tailored to the nature of the problem and the type of premises.

#### **GREATER CONTROL OVER SALE**

1. Designated checkout(s) for alcohol sales (supermarket). Impact on protection of children from harm, but also impact on sales and goodwill (probable loss of trade to competitors).

2. Personal licence holder/DPS to be on site at all times during sales of alcohol. Impact on protection of children from harm and new costs if additional staff have to qualify as personal licence holder.
3. Personal licence holder/DPS to supervise and authorise every individual sale of alcohol. Impact on protection of children from harm and new costs if additional staff have to qualify as personal licence holder.
4. SIA registered security staff to be present at points of sales to support staff refusing sales to u-18s and drunks.
5. Alcohol sales only to be made only by person aged not less than 25 years. Impact on protection of children from harm, but also impact on sales and goodwill (probable loss of trade to competitors).
6. CCTV installed at all points of sale and recorded. Recordings can be examined by a constable or trading standards officer to determine sales to minors or intoxicated persons.
7. The licensed premises shall join the Business Crime Reduction Partnership scheme.

## **TRAINING**

8. All staff to read and sign a declaration that they understand the law every time they start a shift.
9. Train all staff engaged in selling alcohol in alcohol awareness (not just personal licence holders). All new staff to be trained within two weeks of commencing employment. Evidence of training to be retained in writing and to be available for inspection by any authorised person and training standards officers. Impact on all licensing objectives.

## **ALCOHOL SALE BANNED AT CERTAIN HOURS**

10. No alcohol sales Mon – Fri between 4pm and 8.30pm. Impact on protection of children from harm or targeted hours reflecting times when local intelligence indicates under 18s may be purchasing alcohol.
11. No alcohol sales – Friday to Sunday. Impact on all four licensing objectives.

## **ALCOHOL DISPLAYS**

12. No displays of alcohol or advertising of alcohol promotions that can be seen from outside the premises.

13. No alcohol stocks promoted alongside goods likely to appeal to children (eg confectionary, toys).

### **CUTTING DOWN ON SHOPLIFTING**

14. SIA registered security staff to be present at alcohol aisles during opening times to prevent attempted under age sales or theft.
15. Location of alcohol stocks/displays not to be sited near the entrance/exit to deter shoplifting.
16. No direct public access to alcohol products – like tobacco, alcohol to be kept behind a dedicated kiosk.

### **NAMING AND SHAMING**

17. Display an external sign/yellow card to state which of the licensing act objectives they have breached and what action has been taken against them.

### **OTHERS**

18. Maintain a log of all under age attempted purchases from those who appear to be under 18 or drunk.
19. Children aged under [18 years] not to be present or (not more than one child at any one time) on premises (other than children living on the premises or of the people working on the premises); or only children under 18 accompanied by an adult to be permitted on the premises during retailing hours. Impact on protection of children from harm.
20. Products to be labelled (a label stuck to the bottle or can) to show the details of the shop from which it was bought. Purpose would be to provide evidence of unlawful sales if product found commonly in possession of persons under
21. Designated single items – beer, alcopops and cider – not to be sold to any person. Impact on protection of children from harm. Purpose would be to reduce sales to children and drunks. Alternative would be to prescribe sales of beer, alcopops and cider in quantities of less than four.
22. CCTV installed, monitored and 24 hour recordings kept for a week and made available to constables and persons authorised under the 2003 Act to help identify attempted proxy purchasing.
23. Where there is no designated smoking area, readmission after midnight should normally be prohibited.





## **APPENDIX C – Film Classification Policy**

- 1.1 The British Board of Film Classification (BBFC) and the Licensing Authority are the classification bodies for films shown in the city, and as such has the right to issue film classifications to films that are shown in premises such as cinemas and film festivals. The Licensing Authority can be requested to classify a film that has not yet been classified by the BBFC. A typical example of this would be a locally made film, such as a student production, to be shown at a film festival in the borough.
- 1.2 Under the Licensing Act 2003 any premises that has permission to show films as part of their permitted licensable activity, such as a cinema, has mandatory conditions attached to the licence regarding the exhibition of films.
- 1.3 Any classification issued by the Licensing Authority only applies when the film is exhibited within the city, and does not effect the classification in other areas.
- 1.4 A decision will be made at an officer level regarding the classification to be issued. This decision will be based on the BBFC guidelines. In sensitive cases, officers would consult with the Chair or Deputy.
- 1.5 Classification Requirements when films are not viewed in advance  
  
Requests for an 18 certificate classification requirements be determined on an officer basis subject to the conditions shown below. An 18 certificate would be issued based only on the synopsis of the film and would be appropriate in the following cases:
  - (a) A film festival
  - (b) A one off screening of a film
  - (c) A trailer for a film
- 1.6 Any request to classify a film will be considered by the licensing authority and must be accompanied by both the synopsis of the film and a full copy of the film in DVD or video format.
- 1.7 All requests must be made with a minimum of 7 days notice of the proposed screening or 28 days for multiple requests.

### **Mandatory Conditions - Licensing Act 2003**

The conditions detailed below are mandatory conditions required to be placed on all Premises Licenses where the showing of films is authorised under the Licensing Act 2003

## **Exhibition of films**

S 20; mandatory condition: exhibition of films

- the admission of children is to be restricted in accordance with the following
  - (a) where the film classification body is specified in the licence, unless subsection (3) (b) of S 20 applies, admission of children must be restricted in accordance with any recommendation made by that body
  - (b) where the film classification body is not specified, or [(S20 (3)(b))] the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

## **Additional Conditions Attached to Cinema Licences**

### **Conditions Attached to an 18 Certificate Film Classification. Requirements where films have not been viewed in advance.**

The conditions listed below are attached by BHCC on all waivers to the film classification requirements:

1. The films must not encourage or incite crime; or lead to disorder; or stir up hatred against any section of the public in Great Britain on grounds of colour, race or ethnic or national origins, sexual orientation or sex; or promote sexual humiliation or degradation of or violence towards women.
2. The films must not have the effect such as to tend to deprave and corrupt persons who see them.
3. The films must not contain a grossly indecent performance thereby outraging the standards of public decency.
4. Persons under the age of 18 must not be admitted to any such film exhibitions

## APPENDIX D - Lead Agency Status

Offence / Issue	Police	Local / Licensing Auth	Fire & Rescue	Trading Standards
<b><u>Licensing Objective 1:</u></b> <b>Crime and Disorder</b>				
Offences of failing to notify changes in details  <i>Section 33(6) Licensing Act 2003</i>		Lead		
Offences of failing to display licences or certificates  <i>Section 57(4) Licensing Act 2003</i>		Lead		
Unauthorised use of premises for licensable activities  <i>Section 136 Licensing Act 2003</i>	Shared Lead	Shared Lead		
Exposing alcohol for unauthorised sale  <i>Section 137 Licensing Act 2003</i>	Shared Lead	Shared Lead		
Keeping alcohol on premises for unauthorised sale <i>Section 138 Licensing Act 2003</i>	Shared Lead	Shared Lead		
Allowing Disorderly Conduct on Licensed Premises  <i>Section 140 Licensing Act 2003</i>	Lead			
Obtaining/supplying alcohol to drunk  <i>Sections 141 / 142 Licensing Act 2003</i>	Lead			
Failure to leave licensed premises <i>Section 143 Licensing Act 2003</i>	Lead			
Keeping of smuggled goods  <i>Section 144 Licensing Act 2003</i>	HMRC&E	HMRC&E		
False statements made for purposes of the Act  <i>Section 158 Licensing Act 2003</i>	Shared Lead	Shared Lead		
Enforcement of closure order  <i>Section 169 Licensing Act 2003 (reappealed by the Anti-Social Behaviour Crime and policing Act 2014)</i>	Lead			

<b>Offence / Issue</b>	<b>Police</b>	<b>Local / Licensing Auth</b>	<b>Fire &amp; Rescue</b>	<b>Trading Standards</b>
Prohibition of alcohol sales at service / garage areas <i>Section 176 Licensing Act 2003</i>	Shared Lead	Shared Lead		
Public Drunkenness <i>Section 12 Licensing Act 1872</i>	Lead			
Underage drinking <i>Section 169 Licensing Act 1964</i>	Shared Lead			Shared Lead
Misuse of Drugs <i>Section 4 Misuse of Drugs Act 1971</i>	Lead			
Anti Social Behaviour <i>Section 1 Crime &amp; Disorder Act 1998</i> <i>(reappealed by the Anti-Social Behaviour Crime and policing Act 2014</i> <i>(ASBO)</i>	Shared Lead	Shared Lead		
Acceptance of accredited proof of age cards				Lead
Provision of effective CCTV in and around premises	Lead			
Employment of SIA licensed door staff	Shared Lead	Shared Lead		
Failure to comply with CCTV conditions	Shared Lead	Shared Lead		
Employment of SIA licensed door staff	Shared Lead	Shared Lead		
Requirements to provide toughened or plastic glasses	Shared Lead	Shared Lead		
Provision of secure deposit boxes for confiscated items (sin bins)	Shared Lead	Shared Lead		
Provision of litterbins, other security measures such as lighting	Shared Lead	Shared Lead		

<b><u>Licensing Objective 2:</u></b> <b>Public Safety:</b>	<b>Police</b>	<b>Local / Licensing Auth</b>	<b>Fire &amp; Rescue</b>	<b>Trading Standards</b>
Sales of alcohol on vehicles <i>Section 156 Licensing Act 2003</i>	Lead			
Overcrowding of premises	Shared Lead	Shared Lead	Primary Lead	
Use of special effects such as lasers, pyrotechnics, smoke machines and foam		Shared Lead	Shared Lead	
Blocked or locked means of escape		Shared Lead	Primary Lead	
Provision of sufficient number of people employed to secure safety of patrons	Shared Lead	Shared Lead		
Regular testing and certification of systems and appliances		Shared Lead	Shared Lead	

<b><u>Licensing Objective 3: Public Nuisance:</u></b>				
Public nuisance from noise		Lead		
Public nuisance from litter		Lead		
Public nuisance from persons leaving the premises	Shared Lead	Shared Lead		
Public nuisance from odour		Lead		
Effective public transport		Lead		
Adequate public lighting/security lighting		Lead		

<b><u>Licensing Objective 4:</u></b> <b>Protection of Children from harm:</b>	<b>Police</b>	<b>Local / Licensing Auth</b>	<b>Fire &amp; Rescue</b>	<b>Trading Standards</b>
Exposure to explicit films/plays <i>Sections 74 &amp; 76 Licensing Act 2003</i>		Lead		
Requirements for children to be accompanied by an adult <i>Section 145 Licensing Act 2003</i>	Shared Lead	Shared Lead		
Sale of Alcohol to Children <i>Section 146 Licensing Act 2003</i>	Lead On licence			Lead Off licence
Sale of liqueur confectionery to children under 16 years <i>Section 148 Licensing Act 2003</i>	Lead			
Purchase, acquisition or consumption of alcohol by or for children <i>Sections 149 &amp; 150 Licensing Act 2003</i>	Lead			
Delivering to or sending a child to obtain alcohol <i>Sections 151 &amp; 152 Licensing Act 2003</i>	Lead			
Unsupervised sales by children <i>Section 153 Licensing Act 2003</i>	Lead			
Confiscation of sealed containers of alcohol and unsealed <i>Confiscation of Alcohol (Young Persons) Act 1997)</i>	Lead			
Provision of sufficient number of staff to secure protection of children from harm <i>Section 12(1) Children and Young Persons Act 1933</i>	Shared Lead	Shared Lead	Shared Lead	
Concerns of moral/psychological harm	Shared Lead	Shared Lead		
Concerns over physical harm	Shared Lead	Shared Lead	Shared Lead	
Exposure to drugs, dealing or taking	Lead			
Exposure to gambling	Shared Lead	Shared Lead		
Exposure to activities of adult/sexual nature	Shared Lead	Shared Lead		
Exposure to incidents of violence/disorder	Lead			

Exposure to environmental pollution such as noise or smoke		Lead (with HSE)		
Exposure to special hazards i.e. suitability of the premises		Shared Lead	Shared Lead	
Limitation on hours when children may be present on all or parts of premises	Shared Lead	Shared Lead		
Exclusions by age when certain activities are taking place		Lead		



## Appendix E

### **Sussex Police Crime Data Set for BHCC Statement of Licensing Policy 2025 Review**

#### **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 nighttime hours and as a result an enhanced policing operation (with Directed Patrol Activity – DPA) is provided, called Operation 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 area previously designated as the Cumulative Impact Zone (now referred to as the City Safety Area) 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 (produced using live crime and incident data) to help reduce the risk of violent crimes. It runs on a Friday and Saturday night in response to pressures from the Nighttime Economy as with later opening pubs, bars, clubs and late-night refreshment premises, an increase in crime (particularly violent crime associated with alcohol) is seen in the earlier hours of the morning.

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

- BCRP NTE briefing (Friday nights)
- Safe Space
- Night Safety Marshalls
- Beach Patrol
- Taxi Marshalls

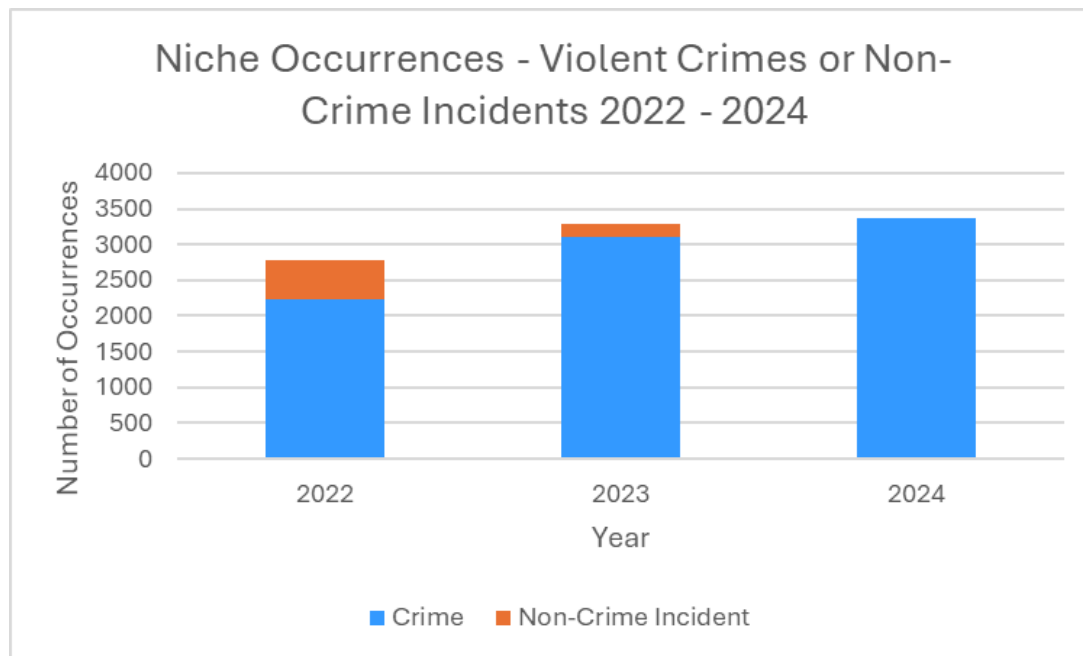
Standalone operations still exist to cover significant events in the calendar such as the Halloween weekend, Bank Holidays, Christmas, New Year's Eve and Pride in order to reduce risk with an adjusted Police presence/response. Post Covid-19 has seen some shifts in how people go out and enjoy themselves in the Night Time Economy and the scope of data considered for the police analysis does not cover any periods of lockdown; beginning from 1<sup>st</sup> January 2022.

The data analysis (as included below – Graph 1) has shown that between 2022 – 2024 there has been a year-on-year increase in violent occurrences both during the hours covered by Operation Marble and within the non-Marble hours data sets. Police data confirms that the hotspot of violent occurrences and intoxication continues to be focused within the city centre where there are high volumes of licensed premises, hospitality and nighttime economy venues.

Based on Sussex Police Beat areas the highest volumes of violent crimes and intoxication between 01/01/2022 – 31/12/2024 are shown in Map 1 below. These were in Regency (CC1003) where there were 2292 violent occurrences involving intoxication, St Peters & North Laine (CC1004) with 1609 occurrences and Queens Park (CC2005) with 1094 occurrences. This map is inclusive of all occurrences within both the Operation Marble DPA timings and the non-Marble days and hours over the 3-year period.

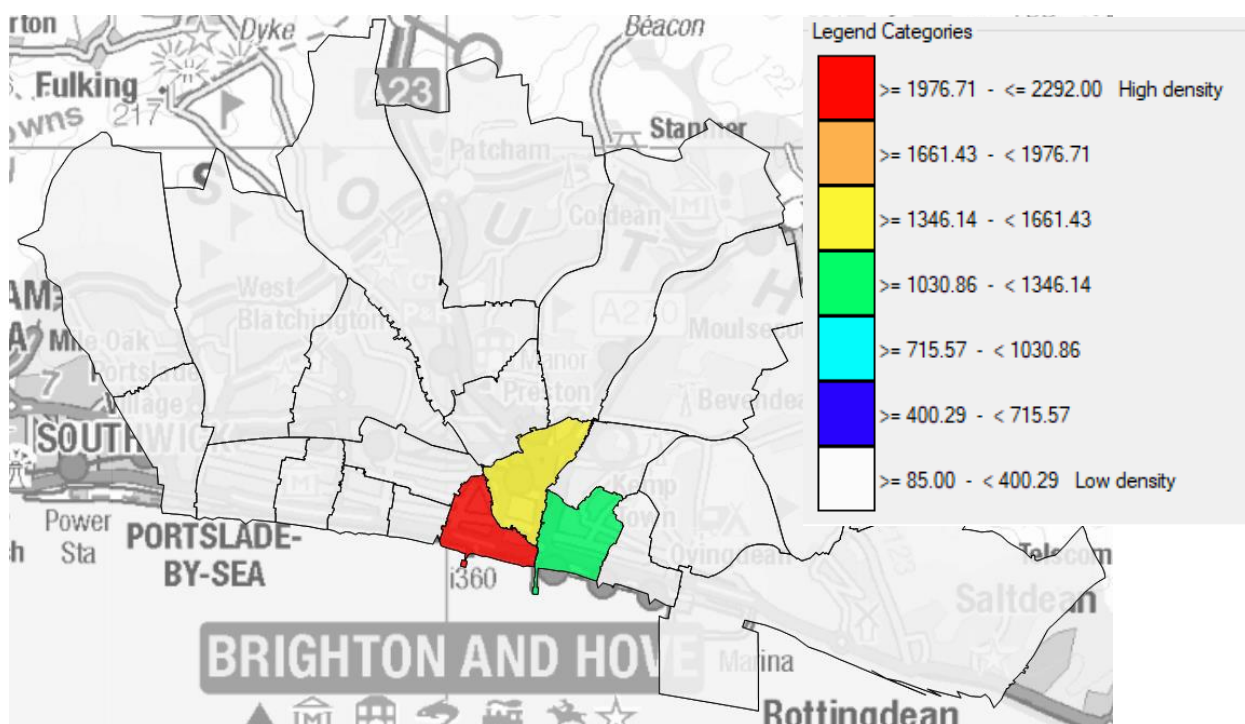
### Graph 1: Overall Violent Occurrences & Intoxication in Brighton & Hove 2022-2024

All occurrences have either 'ALC' or 'DRG' Class NIGL or the Substance Use field contains: 'affected by alcohol', or 'affected by drink and drugs', or 'affected by drink or drugs', or 'affected by drugs'. Further caveats to the data can be found at Appendix A.



### Map 1: Overall Violent Occurrences & Intoxication in Brighton & Hove 2022-2024

Caveat to be mentioned - the below map will only capture occurrences where eastings and northings of an address were completed. Therefore, there will be some occurrences missing from the map.



Further analysis shows that overall, there was an increased risk of violent occurrences and intoxication in the evening hours and the early hours of the morning both during the Marble DPA timings and outside the Marble DPA hours (as shown in Tables 1a-c and 2a-c). There is a similarity of increased risk hours and the

hotspot location for both the data set timings evidencing that there is a continual risk of violence and intoxication throughout the week. 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 focus and footprint of a Special Policy covering the city centre within the Statement of Licensing Policy**

Data was drawn from Police systems to cover two distinct time frames:

1. **Op Marble DPA (Directed Patrol Activity) Data** – any violent occurrences based on the search criteria that occurred between Friday 19:00 – 07:00hrs Saturday and Saturday 19:00hrs – 07:00hrs Sunday.
2. **Non-Marble Data** – any violent crimes based on the search criteria that occurred outside of the Op Marble timings. Crimes where the time frame was over a long period were also included, meaning there is a likely chance that the offence may have occurred during Op Marble times but is not specified e.g. Thursday 21:00hrs – Monday 08:30hrs – there is a realistic probability it could have occurred during either Marble or Non-Marble hours.

A search of police crime data recording systems was completed by an analyst searching the date actual from '01/01/2022 – 31/12/2024', the area division 'Brighton and Hove', the Home Office Crime Group 'Violent Crime', the Class NICL (National Incident Category List) 'ALC' or 'DRG', or the Substance Use field equal to 'affected by alcohol', or 'affected by drink and drugs', or 'affected by drink or drugs', or 'affected by drugs'. Domestic abuse occurrences were included in both data sets. All caveats for the data and sources can be found at Appendix A at the end of this document.

A number of maps are included below to demonstrate crime hot spots within the city centre and how the current special policy areas (Cumulative Impact Zone - CIZ and Special Stress Area – SSA) relate to these.

These hotspot maps support the continuation of the current location and boundaries of the BHCC special policy as they can be seen to encompass the violent crime hotspots both within the nighttime economy timings (Op Marble) and outside of them e.g. daytime during the week. These peaks of risk may be explained in part by student nights as well as social changes e.g. the increased popularity of going out on a Thursday evening.

#### **Key to Maps**

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



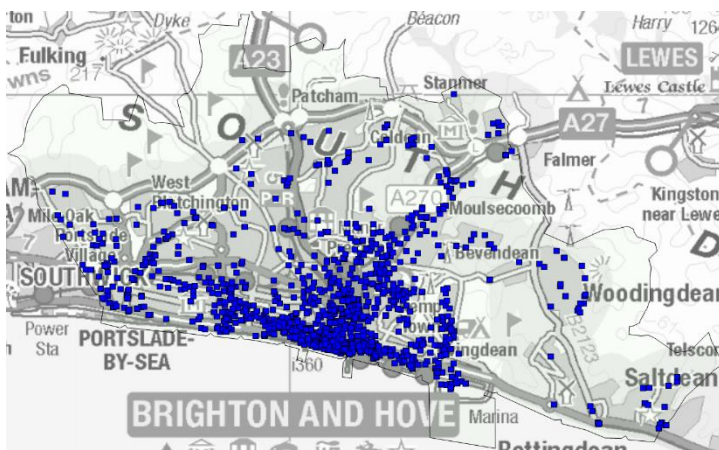
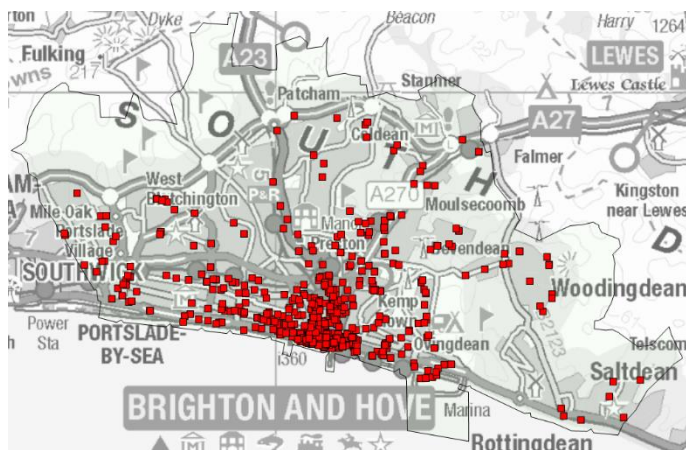
The current footprints of the existing Cumulative Impact Zone (CIZ) are shown on the close-up maps with a blue line and the Special Stress Area (SSA) with a purple line. Please note these maps are not to an exact scale and are used for illustrative purposes only.

**2022**

## **City Wide Crime**

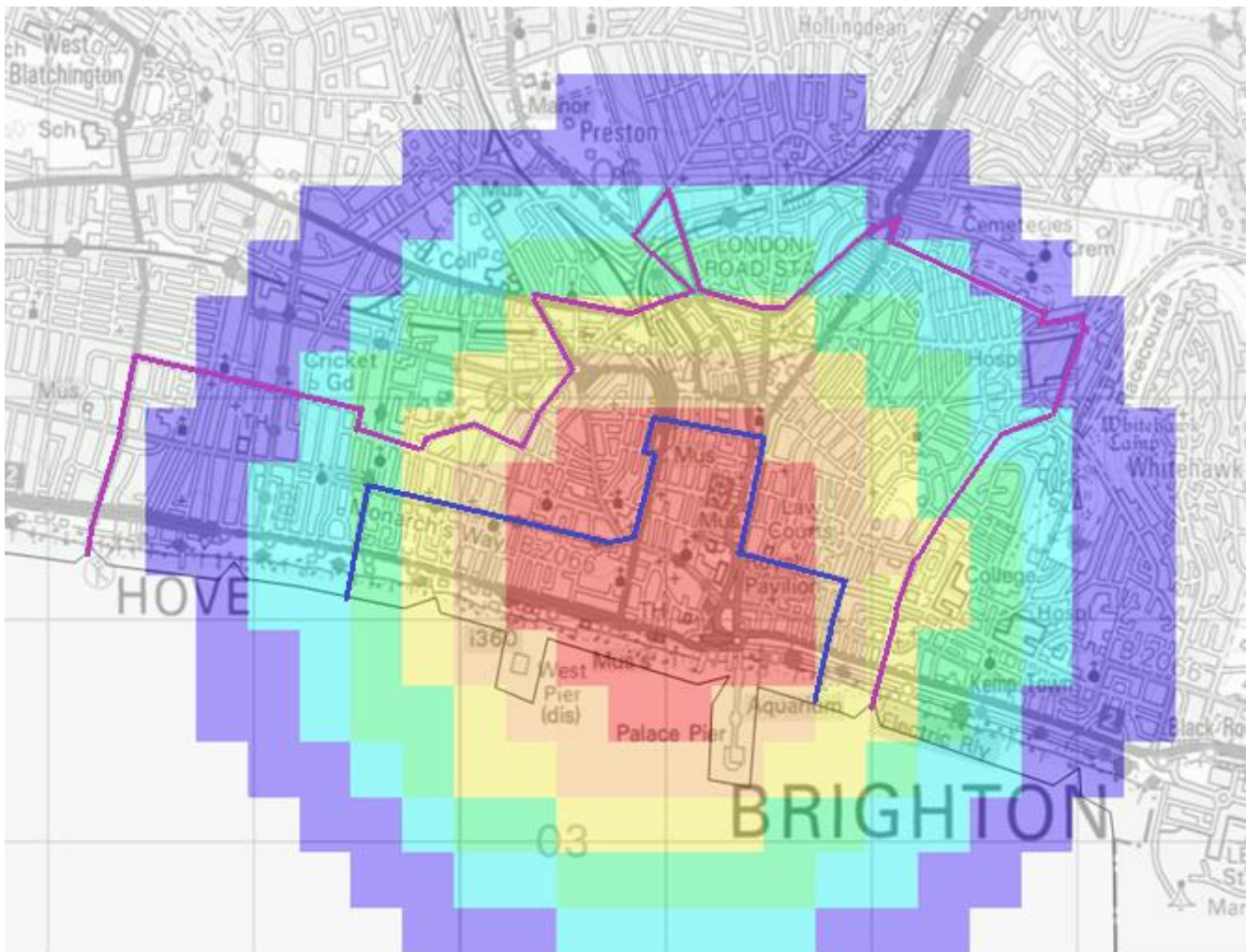
**Op Marble Timings**

**Non-Marble Timings**

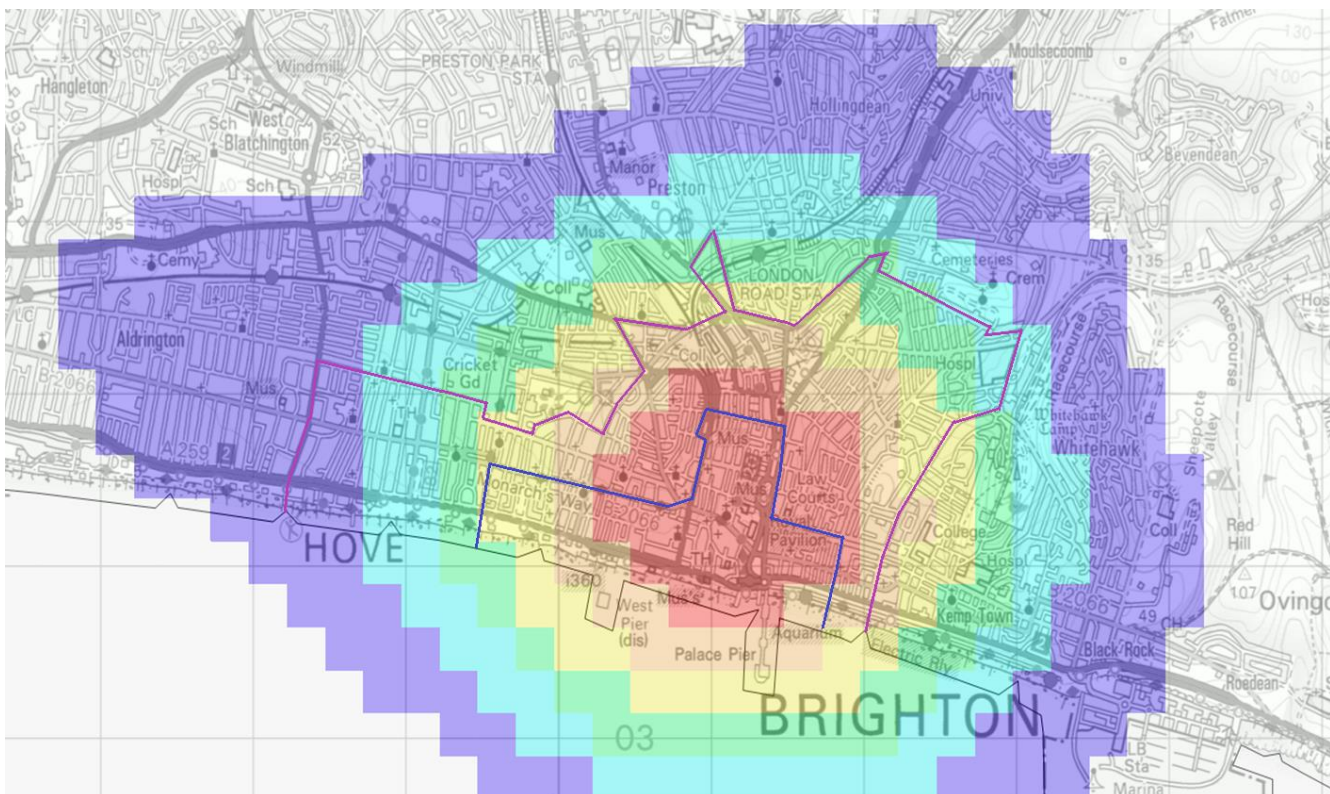


## **City Centre Crime Hotspot**

**Op Marble Timings**



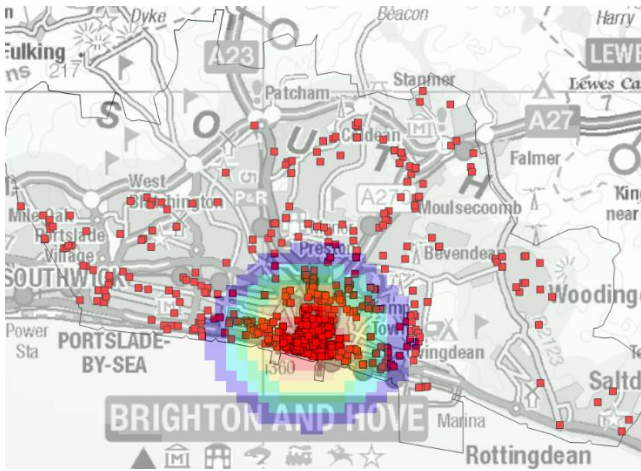
### Non-Marble Timings



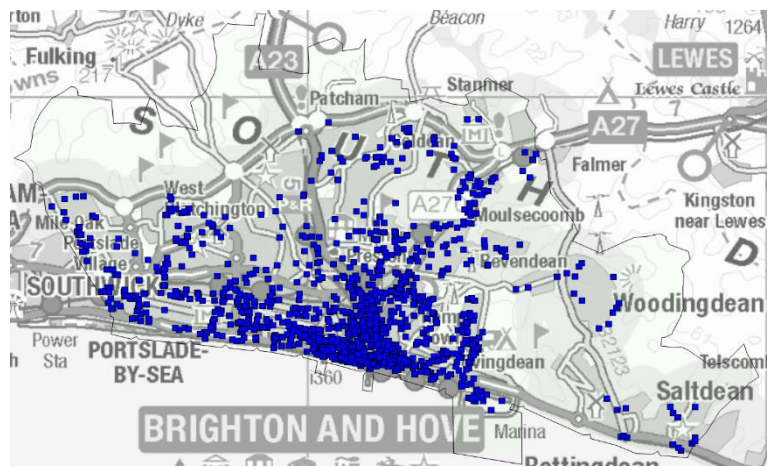
**2023**

## **City Wide Crime**

**Op Marble Timings**

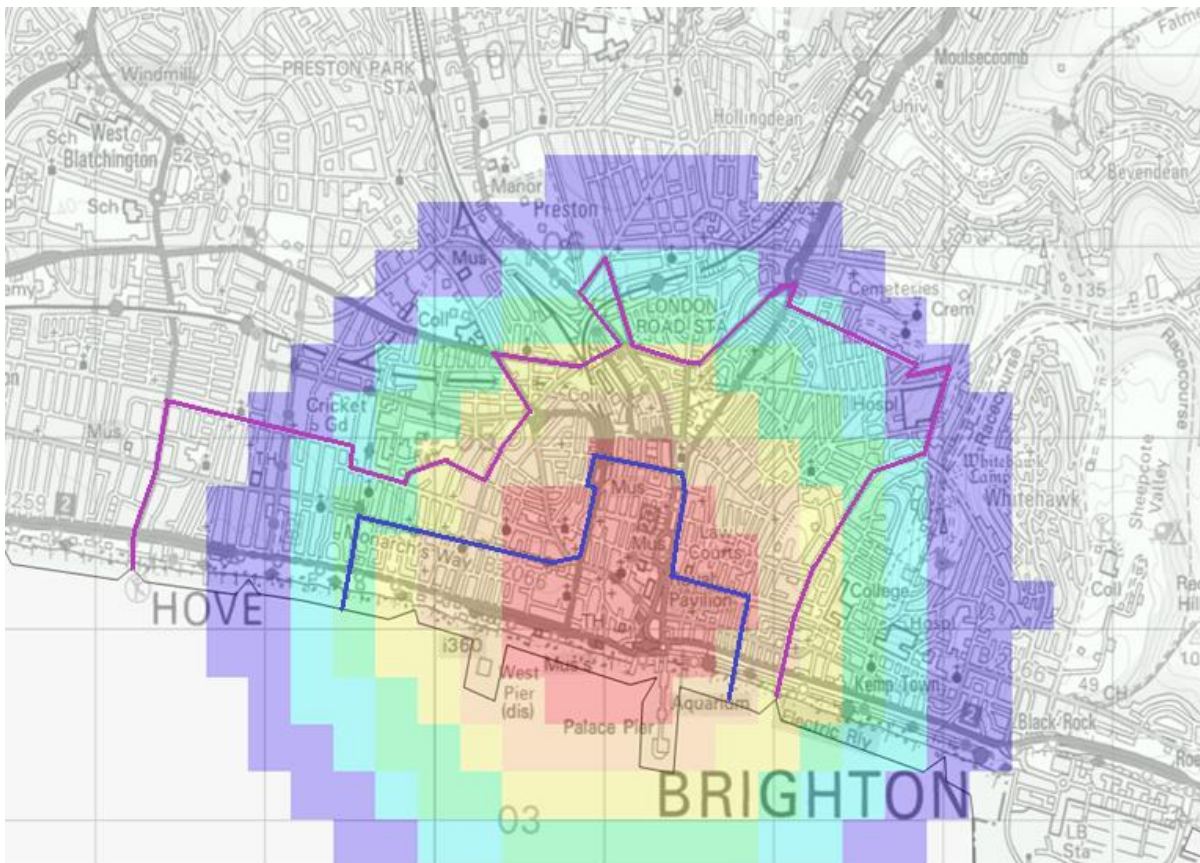


**Non-Marble Timings**

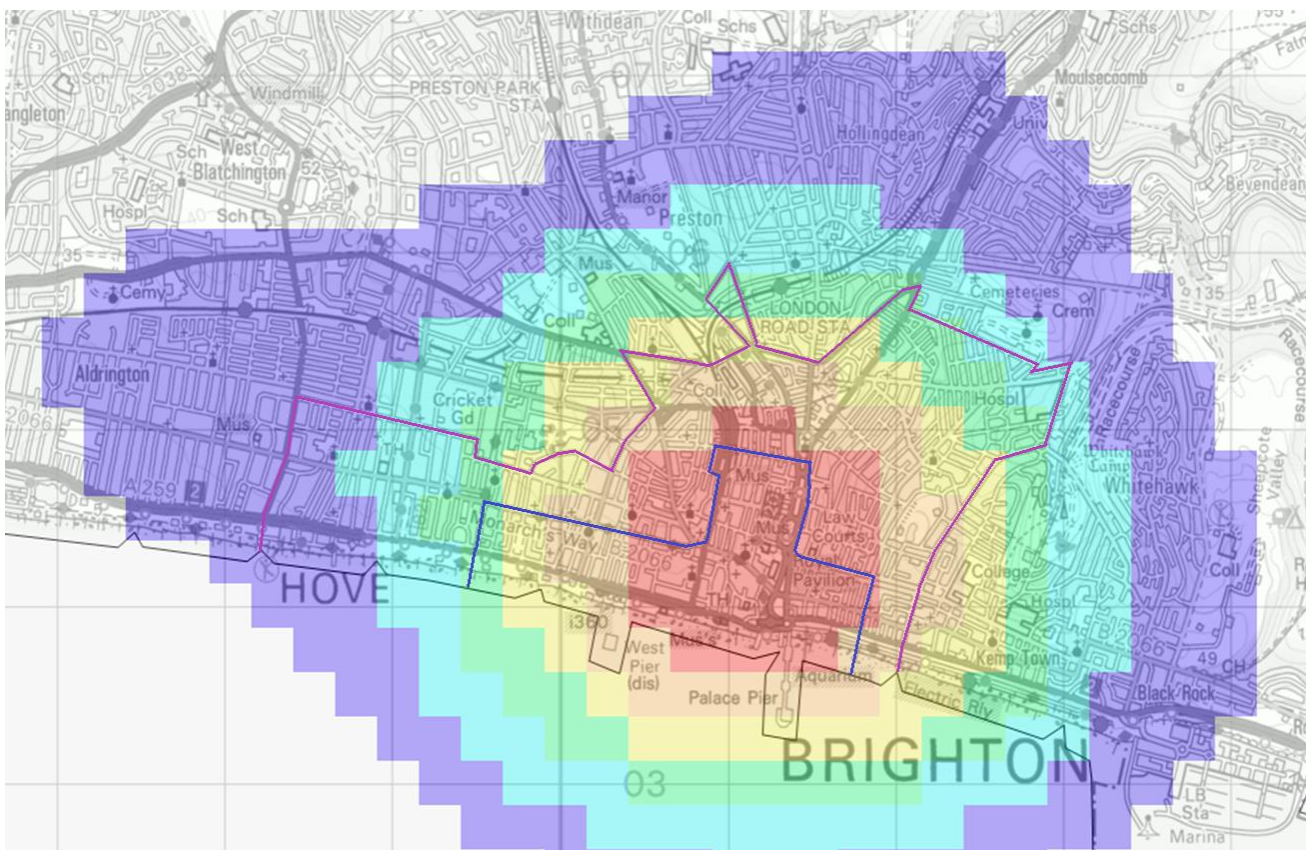


## **City Centre Crime Hotspot**

**Op Marble Timings**



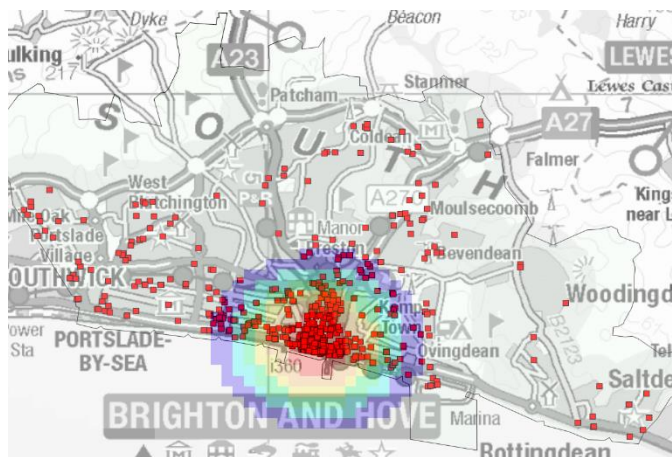
### Non-Marble Timings



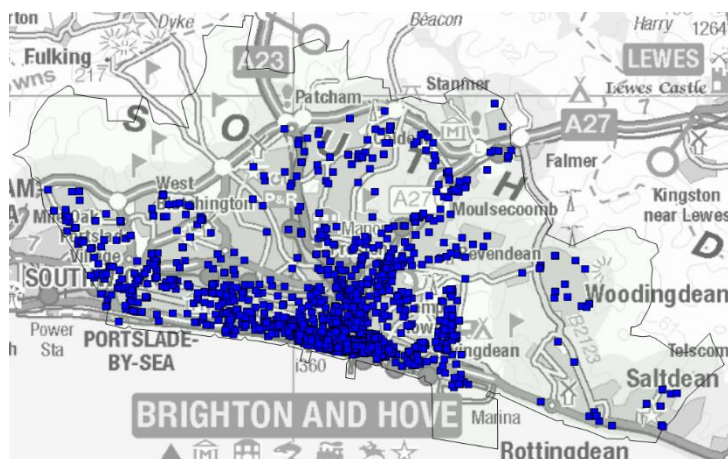
**2024**

**City Wide Crime**

### Op Marble Timings

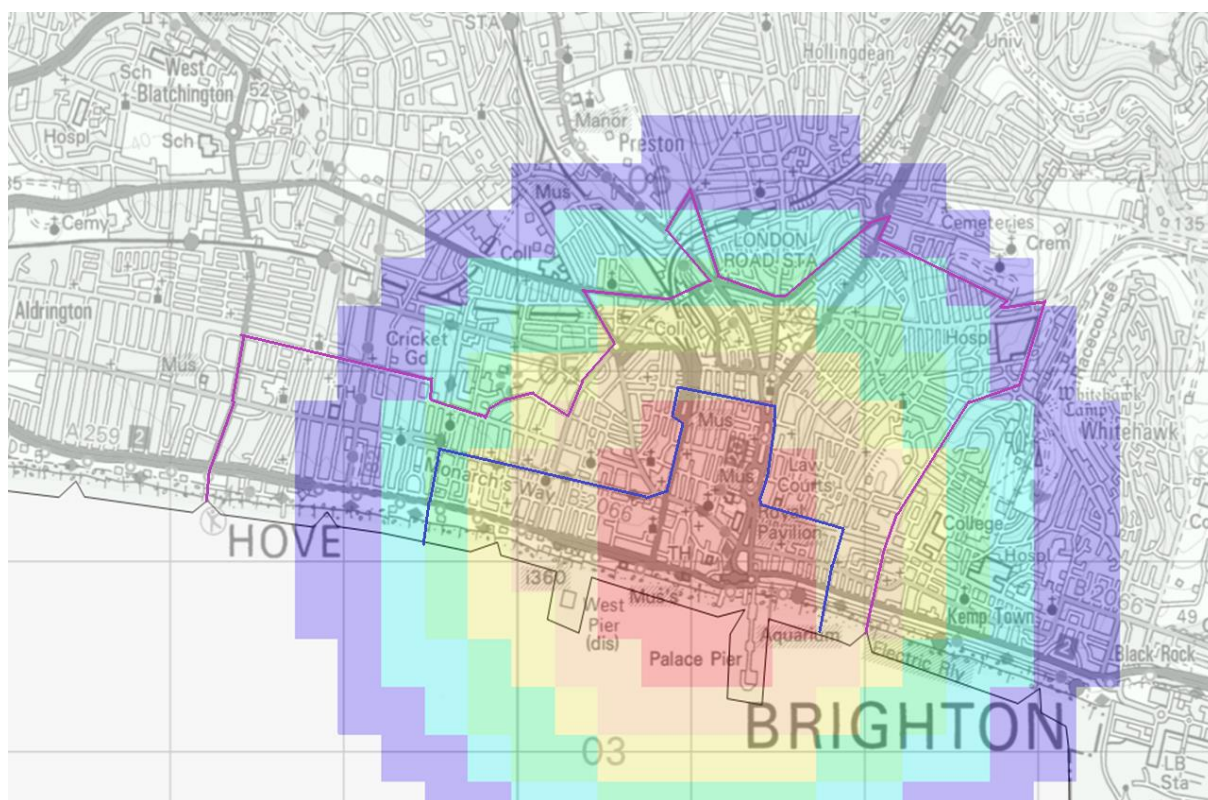


### Non-Marble Timings

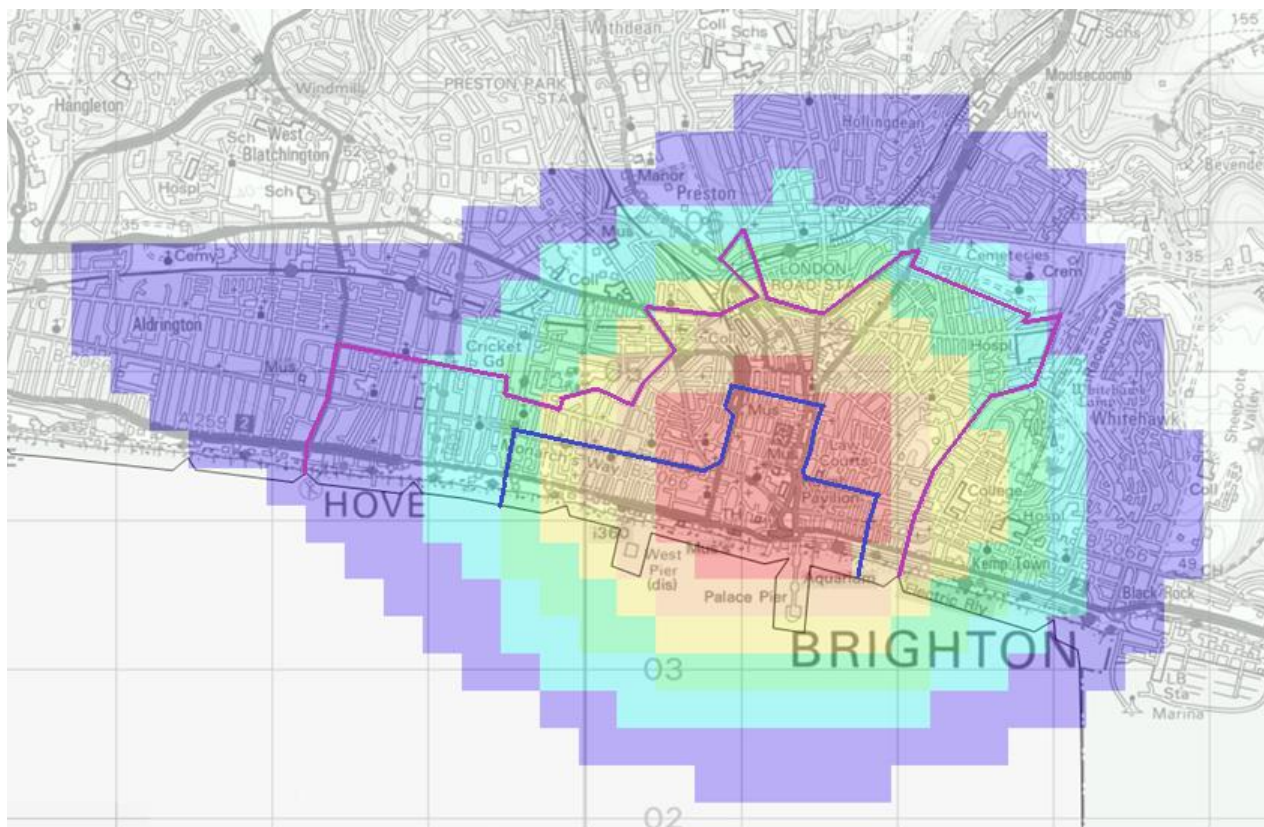


## City Centre Crime Hotspot

### Op Marble Timings



### Non-Marble Timings



## 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 year on year. 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)

**To note:** Temporal analysis is calculated based on probability. Police will not always know an exact time a crime occurred and so when it could have occurred over a few hours the whole-time frame will be used. This results in a decimal result in the data as opposed to a whole number.

The core hours of 22:00 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 all 3 years' worth of data with this extending into moderately high risk (marked orange) until 05:00 both Saturday and Sunday in 2022, 2023 and 2024. This consistent demand to Policing until the early hours across all 3 years of data provides evidence of the risk for violent crime that is affected by intoxication, particularly in the city centre. Any extension to licensable hours or additional licensed premises granted without careful consideration is highly likely to add to the existing issues that the Brighton & Hove already faces.

### Key to Tables

Highest risk	Red
Moderately high risk	Orange
Moderate risk	Yellow
Moderately low risk	Light Blue
Lowest risk	Dark Blue

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

### Op Marble

**Table 1a – Op Marble Timings 2022 (01/01/2022 – 31/12/2022)**

	MON	TUE	WED	THU	FRI	SAT	SUN	Total
0000-0100	0.00	0.00	0.00	0.00	0.00	55.29	68.09	123.38
0100-0200	0.00	0.00	0.00	0.00	0.00	52.29	70.79	123.08
0200-0300	0.00	0.00	0.00	0.00	0.00	53.96	57.54	111.49
0300-0400	0.00	0.00	0.00	0.00	0.00	50.76	48.73	99.48
0400-0500	0.00	0.00	0.00	0.00	0.00	31.87	24.03	55.89
0500-0600	0.00	0.00	0.00	0.00	0.00	19.20	18.95	38.15
0600-0700	0.00	0.00	0.00	0.00	0.00	6.27	11.25	17.52
0700-0800	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0800-0900	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0900-1000	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1000-1100	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1100-1200	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1200-1300	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1300-1400	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1400-1500	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1500-1600	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1600-1700	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1700-1800	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1800-1900	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1900-2000	0.00	0.00	0.00	0.00	16.22	26.30	0.00	42.52
2000-2100	0.00	0.00	0.00	0.00	19.57	29.69	0.00	49.27
2100-2200	0.00	0.00	0.00	0.00	33.41	41.69	0.00	75.10
2200-2300	0.00	0.00	0.00	0.00	37.77	44.09	0.00	81.86
2300-0000	0.00	0.00	0.00	0.00	49.40	51.87	0.00	101.27
Total	0.00	0.00	0.00	0.00	156.37	463.27	299.36	919.00

**Table 1b – Op Marble Timings 2023 (01/01/2023 – 31/12/2023)**

	MON	TUE	WED	THU	FRI	SAT	SUN	Total
0000-0100	0.00	0.00	0.00	0.00	0.00	63.64	70.61	134.25
0100-0200	0.00	0.00	0.00	0.00	0.00	59.14	84.44	143.58
0200-0300	0.00	0.00	0.00	0.00	0.00	62.67	67.03	129.70
0300-0400	0.00	0.00	0.00	0.00	0.00	39.17	45.49	84.67
0400-0500	0.00	0.00	0.00	0.00	0.00	26.81	36.48	63.29
0500-0600	0.00	0.00	0.00	0.00	0.00	15.04	15.34	30.38
0600-0700	0.00	0.00	0.00	0.00	0.00	15.54	9.33	24.87
0700-0800	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0800-0900	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0900-1000	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1000-1100	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1100-1200	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1200-1300	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1300-1400	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1400-1500	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1500-1600	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1600-1700	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1700-1800	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1800-1900	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1900-2000	0.00	0.00	0.00	0.00	33.10	22.09	0.00	55.19
2000-2100	0.00	0.00	0.00	0.00	29.86	26.76	0.00	56.62
2100-2200	0.00	0.00	0.00	0.00	35.02	50.40	0.00	85.42
2200-2300	0.00	0.00	0.00	0.00	42.19	30.91	0.00	73.10
2300-0000	0.00	0.00	0.00	0.00	56.81	69.11	0.00	125.92
Total	0.00	0.00	0.00	0.00	196.98	481.29	328.73	1007.00

**Table 1c – Op Marble Timings 2024 (01/01/2024 – 31/12/2024)**

	MON	TUE	WED	THU	FRI	SAT	SUN	Total
0000-0100	0.00	0.00	0.00	0.00	0.00	50.12	46.04	96.16
0100-0200	0.00	0.00	0.00	0.00	0.00	50.62	66.54	117.16
0200-0300	0.00	0.00	0.00	0.00	0.00	59.70	65.54	125.24
0300-0400	0.00	0.00	0.00	0.00	0.00	47.53	65.63	113.16
0400-0500	0.00	0.00	0.00	0.00	0.00	23.00	30.21	53.21
0500-0600	0.00	0.00	0.00	0.00	0.00	20.00	13.71	33.71
0600-0700	0.00	0.00	0.00	0.00	0.00	10.00	12.38	22.38
0700-0800	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0800-0900	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0900-1000	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1000-1100	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1100-1200	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1200-1300	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1300-1400	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1400-1500	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1500-1600	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1600-1700	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1700-1800	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1800-1900	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1900-2000	0.00	0.00	0.00	0.00	23.25	37.00	0.00	60.25
2000-2100	0.00	0.00	0.00	0.00	23.42	43.00	0.00	66.42
2100-2200	0.00	0.00	0.00	0.00	27.92	30.33	0.00	58.25
2200-2300	0.00	0.00	0.00	0.00	32.50	56.50	0.00	89.00
2300-0000	0.00	0.00	0.00	0.00	44.95	49.13	0.00	94.08
Total	0.00	0.00	0.00	0.00	152.03	476.93	300.04	929.00

**Non-Marble Timings****Table 2a – Non-Marble Timings 2022 (01/01/2022 – 31/12/2022)**

	MON	TUE	WED	THU	FRI	SAT	SUN	Total
0000-0100	20.02	22.76	18.23	30.79	18.10	0.68	0.73	111.32
0100-0200	20.16	9.95	18.03	13.79	21.77	0.68	0.80	85.18
0200-0300	16.16	17.31	9.02	19.79	26.27	0.68	1.08	90.31
0300-0400	11.83	8.81	9.63	16.21	20.77	0.68	1.08	69.00
0400-0500	0.83	9.06	13.63	7.19	6.78	0.68	1.08	39.25
0500-0600	3.63	5.56	6.55	3.85	3.65	0.68	1.25	25.16
0600-0700	3.63	6.56	0.55	2.85	2.65	1.18	1.25	18.66
0700-0800	2.63	3.56	4.55	3.69	2.65	6.19	8.22	31.49
0800-0900	7.15	7.39	5.55	3.69	8.65	3.57	6.06	42.05
0900-1000	7.11	9.39	10.50	3.69	6.65	11.57	5.29	54.21
1000-1100	5.11	5.39	12.99	3.54	6.55	7.57	4.26	45.41
1100-1200	6.78	5.81	10.74	13.52	7.55	8.48	10.24	63.11
1200-1300	8.94	7.33	9.19	5.52	8.55	9.46	9.12	58.11
1300-1400	3.94	16.83	11.32	9.52	12.44	11.46	6.16	71.67
1400-1500	5.10	8.80	10.32	12.16	13.44	11.96	15.15	76.93
1500-1600	10.07	8.45	11.17	10.80	17.47	13.25	9.80	81.02
1600-1700	11.94	13.95	9.28	10.30	15.95	14.25	14.39	90.05
1700-1800	6.94	17.03	13.74	6.88	21.14	11.75	20.84	98.31
1800-1900	12.77	14.59	15.78	9.87	16.68	27.55	14.70	111.94
1900-2000	25.19	20.95	13.78	31.01	1.68	1.46	19.85	113.93
2000-2100	10.69	15.19	14.03	20.06	1.10	1.00	18.85	80.93
2100-2200	10.09	19.19	17.96	9.06	1.10	0.76	20.81	78.98
2200-2300	23.92	18.02	27.99	22.27	0.85	0.83	27.77	121.65
2300-0000	14.48	31.03	17.67	23.97	0.91	0.70	23.57	112.35
Total	249.11	302.88	292.17	294.04	243.33	147.08	242.38	1771.00

**Table 2b – Non-Marble Timings 2023 (01/01/2023 – 31/12/2023)**

	MON	TUE	WED	THU	FRI	SAT	SUN	Total
0000-0100	34.63	25.78	23.77	19.45	25.55	0.64	1.09	130.91
0100-0200	15.88	16.51	13.60	22.29	26.80	0.64	1.10	96.83
0200-0300	19.46	15.18	10.77	15.62	24.96	0.54	0.98	87.51
0300-0400	20.46	3.85	12.27	20.54	17.38	0.68	0.87	76.04
0400-0500	7.42	9.65	4.90	11.70	19.38	0.67	0.83	54.55
0500-0600	3.67	3.40	4.40	5.17	6.88	0.71	1.16	25.39
0600-0700	10.42	4.40	3.40	3.47	3.55	0.71	1.08	27.02
0700-0800	5.55	3.30	6.57	8.47	9.50	8.75	7.08	49.21
0800-0900	9.55	2.30	12.57	11.39	6.50	7.09	13.70	63.09
0900-1000	7.47	5.30	16.83	3.43	5.50	9.95	17.20	65.69
1000-1100	7.47	10.21	10.78	5.94	4.51	12.89	9.13	60.93
1100-1200	10.46	10.21	17.41	12.95	6.85	13.50	4.63	75.99
1200-1300	11.40	8.32	8.55	7.36	19.85	13.29	9.13	77.90
1300-1400	9.40	10.32	5.63	13.28	13.35	15.79	18.63	86.40
1400-1500	13.90	6.25	18.63	9.42	13.88	12.24	8.63	82.97
1500-1600	11.78	9.81	16.63	17.03	15.38	18.62	21.26	110.52
1600-1700	18.72	20.31	19.13	16.66	15.88	19.16	16.76	126.62
1700-1800	18.47	21.79	23.13	13.66	26.71	22.65	18.81	145.23
1800-1900	12.97	10.29	18.52	17.49	18.14	25.97	17.43	120.81
1900-2000	16.72	17.79	23.76	19.66	1.14	0.97	31.39	111.43
2000-2100	16.72	23.83	24.04	23.20	1.15	1.01	24.17	114.12
2100-2200	23.57	23.71	28.67	29.05	0.82	1.17	31.17	138.15
2200-2300	23.71	36.21	28.67	28.22	0.76	1.17	30.59	149.33
2300-0000	19.53	28.57	24.84	13.66	0.76	1.00	28.00	116.35
Total	349.32	327.26	377.48	349.12	285.18	189.82	314.81	2193.00

**Table 2c – Non-Marble Timings 2024 (01/01/2024 – 31/12/2024)**

	MON	TUE	WED	THU	FRI	SAT	SUN	Total
0000-0100	27.60	35.83	20.10	20.74	29.13	0.64	0.57	134.62
0100-0200	20.10	11.67	24.46	23.24	27.68	0.57	0.57	108.29
0200-0300	18.23	16.67	13.46	29.59	11.22	0.57	0.58	90.31
0300-0400	12.73	17.01	15.96	12.96	22.72	0.57	0.58	82.53
0400-0500	12.48	8.51	7.76	14.96	14.22	0.48	0.54	58.97
0500-0600	7.38	9.51	5.76	8.83	5.47	0.78	0.54	38.28
0600-0700	14.80	3.68	12.26	10.70	5.47	0.78	0.54	48.24
0700-0800	9.80	5.68	6.20	4.70	2.97	11.78	11.91	53.05
0800-0900	2.69	10.72	8.21	15.62	2.97	8.45	6.91	55.57
0900-1000	8.71	3.81	11.51	7.62	11.45	4.62	13.91	61.63
1000-1100	4.71	10.81	12.98	13.92	14.45	6.23	11.58	74.68
1100-1200	8.32	9.15	5.77	13.42	11.52	15.23	9.58	72.98
1200-1300	15.34	16.43	16.35	14.42	17.46	16.73	7.53	104.25
1300-1400	8.38	10.84	13.84	7.92	8.47	13.73	5.94	69.11
1400-1500	11.37	21.51	9.34	16.42	23.41	18.81	15.94	116.79
1500-1600	24.24	20.17	8.34	24.42	17.40	19.64	13.94	128.14
1600-1700	17.37	15.46	10.30	17.75	30.48	18.60	20.94	130.89
1700-1800	13.88	15.46	10.30	12.75	10.81	21.32	24.88	109.40
1800-1900	20.88	30.40	17.30	17.42	21.60	30.32	21.46	159.38
1900-2000	17.13	27.09	26.62	21.09	1.59	1.17	24.06	118.75
2000-2100	24.83	19.84	20.73	19.89	1.11	0.50	23.30	110.19
2100-2200	22.24	26.76	24.56	33.89	1.11	0.54	27.75	136.85
2200-2300	19.91	29.80	16.19	32.89	0.62	0.54	42.79	142.74
2300-0000	19.70	23.83	41.65	24.32	0.62	0.59	28.63	139.34
Total	362.82	400.65	359.92	419.49	293.96	193.18	314.99	2345.00

## **Appendix A – Caveats and Explanations on the Data provided and used**

An i-base search of Niche (Police Recording System) Crime Data was completed searching the date actual from '01/01/2022 – 31/12/2024', the area division 'Brighton and Hove', the HO Crime Group 'Violent Crime', the Class NICL 'ALC' or 'DRG', or the Substance Use field equal to 'affected by alcohol', or 'affected by drink and drugs', or 'affected by drink or drugs', or 'affected by drugs'.

Domestic abuse occurrences were included in both Op Marble and Non- Marble data sets. Reference made to domestic abuse occurrences is based on the completion of the 'Hate Crime' field which contain 'DOM', however, is reliant on the completion of this field. Based on the 'Stats Status Type' field, any 'not grouped' or 'no crimes' were removed from the data. It was requested that the data was inclusive of occurrences with the stats status type as 'crime' or 'non-crime incident', as whilst crimes are the main focus of the report, non-crime incidents also capture incidents that police have attended or spent time dealing with. This therefore shows the demand during Op Marble and Non-Marble times. There are some occurrences within the overall data set which have a 'date actual from' in either 2022, 2023, or 2024, but the date actual to may end the following year. These incidents have been kept in the data to reflect the search criteria of date actual from.

*A caveat to be mentioned – the Class NICL and Substance Use field are reliant on the accuracy of this information being recorded accurately, if at all. Where this field is incomplete then the occurrence would not feature within the data set. Therefore, it is almost certain that there will be a large number of occurrences that will not be included within the data set based on the reliance on the Class NICL and Substance Use field, but those involved were intoxicated.*

### **Numerical data sitting behind Graph 1.**

	2022	2023	2024
Crime	2229	3107	3360
Non-Crime Incident	547	182	0
TOTAL	2776	3289	3360

The data shows that the overall number of occurrences of violence and intoxication increased year on year. Whilst the number of non-crime incidents have decreased from 2022 – 2024, the number of crimes increased. To note, there were a high proportion of non-crime incidents with the HO Return Code Description 'assault with injury' in 2022, however, this decreased in 2023 and there were none in 2024. If the approach to such occurrences have changed, viewing these occurrences as crimes not non-crime incidents, where there were fewer occurrences in 2023 and none 2024, then this is likely to have impacted the overall increase in crime data.

The chart shows that over the last 3 years, there were less than a quarter of occurrences during the Op Marble DPA which were domestic related. The year with the highest number of domestic occurrences was 2023 which accounted for 23.5% of all occurrences during the DPA (240 actual).

*Domestic Abuse occurrences were any occurrences which contained 'DOM' in the Hate Crime field. Also, all occurrences have either 'ALC' or 'DRG' Class NICL or the Substance Use field contains: 'affected by alcohol', or 'affected by drink and drugs', or 'affected by drink or drugs', or 'affected by drugs'.*



<b>Subject:</b>	<b>Constitutional matters re Licensing Committee and future arrangements for Licensing Panel Hearings</b>		
<b>Date of Meeting:</b>	<b>Licensing Committee</b>		
<b>Report of:</b>	<b>Director, Governance &amp; Law</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Rebecca Sidell</b>	<b>Tel:</b> <b>01273 291511</b>
	<b>Email:</b>	<a href="mailto:Rebecca.sidell@brighton-hove.gov.uk"><u>Rebecca.sidell@brighton-hove.gov.uk</u></a>	
<b>Ward(s) affected:</b>	<b>All</b>		

**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 Governance and Law after consultation with lead members to determine the future conduct of Licensing Panels until further review at the next committee in June 2026. 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 benefits of holding virtual meetings in terms of enabling greater participation in the Licensing process, and efficient use of resources, and **resolves** that Licensing Panels continue to meet virtually until June 2026. 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 Director of Law and Governance, 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). A recent high Court case has confirmed that remote licensing panels are lawful.
- 3.8. At previous Licensing Committees 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.
- 3.9. 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. 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 2026. 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.

## **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 Date consulted: 09.07.25

## **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.



## **Appendix A**

### **Brighton and Hove City Council Constitution**

#### **PART 2B – Scheme of Delegation to Committees and Sub Committees**

## **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.

## **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 Corporate Director City Services or other officer authorised by them, after consultation with the Chair of the Licensing Committee, an application is a major application having regard to the licensing objectives, the Director or other authorised officer 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) Where, in the opinion of the Corporate Director City Services or other Officer authorised by them, after consultation with the Chair of the Licensing Committee, an application is a major application having regard to the licensing objectives, the Director or authorised Officer 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 Licensing 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:** Only Members who are members of the Licensing Committee may serve as members or substitute members of the Licensing Panel.

