# BRIGHTON & HOVE CITY COUNCIL MEETING

**4.30PM 29 APRIL 2010**

**COUNCIL CHAMBER, HOVE TOWN HALL**

# AGENDA

Brighton & Hove City Council

# Council Meeting

| | |
|---|---|
| Title: | **Council** |
| Date: | **29 April 2010** |
| Time: | **4.30pm** |
| Venue | **Council Chamber, Hove Town Hall** |
| Members: | **All Councillors**<br>You are summoned to attend a meeting of the BRIGHTON & HOVE CITY COUNCIL to transact the under-mentioned business. |
| | Prayers will be conducted in the Council Chamber at 4.20pm by Reverend Andrew Bousfield |
| Contact: | **Mark Wall**<br>Head of Democratic Services<br>01273 291006<br>mark.wall@brighton-hove.gov.uk |

| | |
|---|---|
|  | **The Town Hall has facilities for wheelchair users, including lifts and toilets** |
|  | **An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter and infra red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.** |
| | |
| | **FIRE / EMERGENCY EVACUATION PROCEDURE**<br><br>**If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:**<br><br>• **You should proceed calmly; do not run and do not use the lifts;**<br>• **Do not stop to collect personal belongings;**<br>• **Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and**<br>• **Do not re-enter the building until told that it is safe to do so.** |

# AGENDA

**Part One** **Page**

**72. STATUTORY OR VOLUNTARY DISCLOSURE BY COUNCILLORS OF INTERESTS IN MATTERS APPEARING ON THE AGENDA.**

**73. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 18 MARCH 2010 (COPY ATTACHED).** **1 - 40**

**74. MAYOR'S COMMUNICATIONS.**

**75. TO RECEIVE PETITIONS AND E-PETITIONS.**

Petitions will be presented to the Mayor at the meeting

**76. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.**

A list of public questions received by the due date of the 22nd April 2010 will be circulated separately as part of an addendum at the meeting.

**77. DEPUTATIONS FROM MEMBERS OF THE PUBLIC.**

A list of deputations received by the due date of the 22nd April 2010 will be circulated separately as part of an addendum at the meeting.

**78. WRITTEN QUESTIONS FROM COUNCILLORS.**

No written questions were received for the meeting.

**79. REPORTS OF THE CABINET, CABINET MEMBER MEETINGS AND COMMITTEES.**

(a) Call over (item 80) will be read out at the meeting and Members invited to reserve the items for consideration.

(b) To receive or approve the reports and agree with their recommendations, with the exception of those which have been reserved for discussion.

(c) Oral questions from Councillors on the Cabinet, Cabinet Member and Committee reports, which have not been reserved for discussion.

## 80. REDUCING ALCOHOL RELATED HARM FOR CHILDREN & YOUNG PEOPLE - SCRUTINY REVIEW PANEL REPORT

**41 - 134**

Report of the Director of Strategy & Governance together with the report of the Children & Young People Overview & Scrutiny Committee Scrutiny Review Panel, (copies attached).

*Contact Officer:* *Tom Hook* *Tel: 29-1110*
*Ward Affected:* *All Wards;*

**COUNCIL**

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

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

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

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

WEBCASTING NOTICE
This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 1988. Data collected during this web cast will be retained in accordance with the Council's published policy (Guidance for Employees' on the BHCC website).

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

If you have any queries regarding this, please contact the Head of Democratic Services or the designated Democratic Services Officer listed on the agenda.

For further details and general enquiries about this meeting contact Mark Wall, (01273 291006, email mark.wall@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk.

Date of Publication - Wednesday, 21 April 2010



Chief Executive

King's House
Grand Avenue
Hove
BN3 2LS

**BRIGHTON & HOVE CITY COUNCIL**

**COUNCIL**

**4.30pm 18 MARCH 2010**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present**: Councillors Mrs Norman (Chairman), Peltzer Dunn (Deputy Chairman), Alford, Allen, Barnett, Bennett, Brown, Carden, Caulfield, Cobb, Davey, Davis, Drake, Duncan, Elgood, Fallon-Khan, Fryer, Hamilton, Harmer-Strange, Hawkes, Hyde, Janio, Kemble, Kennedy, Kitcat, Lepper, Marsh, McCaffery, Meadows, Mears, Mitchell, Morgan, K Norman, Older, Oxley, Phillips, Pidgeon, Randall, Rufus, Simpson, Simson, Smart, Smith, Steedman, Taylor, C Theobald, G Theobald, Turton, Wakefield-Jarrett, Watkins, Wells, West, Wrighton and Young.

## PART ONE

### 56. STATUTORY OR VOLUNTARY DISCLOSURE BY COUNCILLORS OF INTERESTS IN MATTERS APPEARING ON THE AGENDA.

56.1 The Mayor drew the Council's attention to Item No. 65(b), Review of Members Allowances, on the agenda and stated that all councillors held a personal and prejudicial interest in the item. However, it was not practical to prevent them from voting on the matter and therefore all councillors had a general dispensation, in order to be able to consider and vote on the matter. She therefore sought agreement, which was given, to take the declaration of personal interests from all councillors as having been declared.

56.2 Councillor Harmer-Strange declared a personal and prejudicial interest in Item 71(b) on the agenda as he was involved in letting properties and stated he would withdraw from the Chamber when the item was considered;

56.3 Councillors Wells, Bennett, Simson, Peltzer Dunn and Janio declared a personal but non-prejudicial interest in Item 71(b) on the agenda;

56.4 Councillors Mitchell and Turton declared a personal but non-prejudicial interest in Item 71(c) on the agenda by way of their employment connections.

## 57. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE SPECIAL COUNCIL AND ORDINARY COUNCIL MEETINGS HELD ON 28TH JANUARY AND THE BUDGET COUNCIL MEETING HELD ON THE 25TH FEBRUARY 2010 (COPIES ATTACHED).

57.1 The minutes of the Special Council meeting held on the 28th January 2010 were approved and signed by the Mayor as a correct record of the proceedings.

57.2 The minutes of the last meeting held on the 28th January 2010 were approved and signed by the Mayor as a correct record of the proceedings, subject to following amendments:

(a) The inclusion of the word 'not' in paragraph 52.22 so that it reads, "Councillor Lepper moved an amendment, seconded by Councillor Morgan, which was not accepted by Councillor Fryer."

(b) The inclusion of the word 'not' in paragraph 52.10 so that it reads, "Councillor Allen moved an amendment, seconded by Councillor Hamilton, which was not accepted by Councillor Randall.

The Mayor noted that the amendment moved by Councillor Allen had not been accepted by Councillor Randall and therefore put the proposed amendment to the vote, which was carried."

57.3 The minutes of the Budget Council meeting held on the 25th February 2010 were approved and signed by the Mayor as a correct record of the proceedings.

## 58. MAYOR'S COMMUNICATIONS.

58.1 The Mayor stated that she was delighted to have the opportunity on behalf of the Council to congratulate the City Planning Team who had been awarded the National Planning Award for Sustainable Communities. It was the top award for planning for sustainable development and was presented recently to the City Planning team and the developer BioRegional Quintain for their work on the 'One' Brighton development and the wider New England Quarter.

58.2 The mayor noted that the judges' commented in particular on the City Planning team's positive approach and their ability to work in partnership to 'really make things happen'. She then called on Councillor Geoffrey Theobald, Cabinet Member for Environment to present the award to Jeanette Walsh, Head of Development Control.

58.3 The Mayor then drew the council's attention to the Brighton & Hove Marathon which was taking place on the 18th April and reminded colleagues that they could sponsor her by clicking onto the various mayoral charity links.

58.4 The Mayor stated that she was aware the Leader of the Council wished to move a procedural motion and called on Councillor Mears.

58.5 Councillor Mears stated that in having regard to Item 65(b) on the agenda, Review of Members Allowances, and the discussion at the recent Governance Committee meeting, she wished to move that the both items 65(a) and 65(b) be deferred to allow for further discussions between the Leaders of the Groups and the Independent Remuneration Panel before final recommendations were considered by the council. She wished to place on record her appreciation of the work undertaken by the Panel, but felt that in view of the lack of consensus at the Governance Committee, it would be beneficial to ask the Panel to look further at its recommendations and to receive the views of the Leaders.

58.6 Councillor Oxley formally seconded the motion.

58.7 Councillor Randall queried whether there would be an opportunity to debate the motion and sought clarification from the Monitoring Officer.

58.8 The Monitoring Officer stated that as a procedural motion had been moved, the Mayor as the Chairman of the meeting could take the views of the Leaders or put the motion to the Council for a view.

58.9 The Mayor indicated that having had a procedural motion moved, she was inclined to put the motion straight to the vote.

58.10 Councillor Kitcat requested a recorded vote be taken, which was supported by a sufficient number of councillors.

58.11 The Mayor noted that a recorded vote had been requested and put the motion for Item No's. 65(a) and 65(b) to be deferred from consideration to the vote;

| | NAME | FOR | AGAINST | ABSTAIN |
|---|---|---|---|---|
| **Cllr** | **Alford** | x | | |
| | **Allen** | x | | |
| | **Barnett** | x | | |
| | **Bennett** | x | | |
| | **Brown** | x | | |
| | **Carden** | x | | |
| | **Caulfield** | x | | |
| | **Cobb** | x | | |
| | **Davey** | | x | |
| | **Davis** | x | | |
| | **Drake** | x | | |
| | **Duncan** | | x | |
| | **Elgood** | | x | |
| | **Fallon-Khan** | x | | |
| | **Fryer** | | x | |
| | **Hamilton** | x | | |
| | **Harmer-Strange** | x | | |
| | **Hawkes** | x | | |
| | **Hyde** | x | | |
| | **Janio** | x | | |

| | | | | |
|---|---|---|---|---|
| | **Kemble** | x | | |
| | **Kennedy** | | x | |
| | **Kitcat** | | x | |
| | **Lepper** | x | | |
| | **Marsh** | x | | |
| | **McCaffery** | x | | |
| | **Meadows** | x | | |
| | **Mears** | x | | |
| | **Mitchell** | x | | |
| | **Morgan** | x | | |
| | **Norman, Ann** | x | | |
| | **Norman, Ken** | x | | |
| | **Older** | x | | |
| | **Oxley** | x | | |
| | **Peltzer Dunn** | x | | |
| | **Phillips** | | x | |
| | **Pidgeon** | x | | |
| | **Randall** | | x | |
| | **Rufus** | | x | |
| | **Simpson** | x | | |
| | **Simson** | x | | |
| | **Smart** | x | | |
| | **Smith** | x | | |
| | **Steedman** | | x | |
| | **Taylor** | | x | |
| | **Theobald, Carol** | x | | |
| | **Theobald, Geoffrey** | x | | |
| | **Turton** | x | | |
| | **Wakefield-Jarrett** | | x | |
| | **Watkins** | | x | |
| | **Wells** | x | | |
| | **West** | | x | |
| | **Wrighton** | | x | |
| | **Young** | x | | |
| | | | | |
| | **Total** | **39** | **15** | |

58.12 **The motion was carried.**

## 59. TO RECEIVE PETITIONS AND E-PETITIONS.

59.1 The Mayor invited the submission of petitions from councillors. She reminded the Council that petitions would be referred to the appropriate decision-making body without debate and the councillor presenting the petition would be invited to attend the meeting to which the petition was referred.

59.2 Councillor Harmer-Strange presented a petition signed by 26 residents concerning parking in Hayes Close.

59.3 Councillor Barnett presented a petition signed by 134 residents concerning parking outside of Goldstone School.

59.4 Councillor Hamilton presented a petition signed by 164 residents, which complemented a previous petition concerning the planned use of Hangleton Bottom.

59.5 Councillor Bennett presented a petition signed by 110 residents concerning the 27a Bus service.

59.6 Councillor Davey presented a petition signed by 497 residents concerning a crossing for York Place.

59.7 Councillor Mitchell presented a petition signed by 29 residents concerning Parking Waivers for Traders in Camelford Street.

59.8 Councillor Morgan presented a petition signed by 350 residents concerning the closure of the Whitehawk Youth & Community Centre.

59.9 Councillor Elgood presented a petition signed by 12 residents of Waterloo Street concerning the reinstatement of a lamp post.

59.10 The Mayor noted that there were two e-petitions to be presented in addition to the paper petitions.

59.11 Councillor Elgood presented an E-petition signed by 40 residents concerning a request to bring the parking contract back in-house.

59.12 Councillor Kemble presented an E-petition signed by 37 residents of Worcester Villas requesting that consultation take place on the provision of a parking scheme.

## 60. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

60.1 The Mayor reported that two written question had been received from a members of the public and invited Ms. Hill to come forward and address the council.

60.2 Ms. Hill asked the following question;

"Why is the Council considering the inappropriate development of a Downland greenfield site on urban fringe bordering a housing development as a waste recycling facility, instead of a brownfield site, with no reference in Agenda Item 47, to the detrimental effect on the local community who are united in their opposition to this proposal, both in potential devaluation of their properties, (20% according to local agents,) and the detrimental health and polluting effect of dust, (potentially containing hazardous chemicals, even asbestos,) noise, and necessary implementation of at least another lane in the Sainsbury's link road?"

60.3 Councillor Fallon-Khan replied, Thank you very much for coming to Council this afternoon and thank you for your question.

I am very glad that you have highlighted the concerns of yourself and the community. It is important and welcome that you do so.

I am afraid that since 2005 when the previous Labour Administration signed off Hangleton Bottom - which I assume is the area that you are referring to - as a site designated for waste, we have been under an obligation to at least see what interest there is from business. At the moment we have no information at all with which to consult residents. It is also important to recognise that this Administration has placed a great emphasis on community facilities, which this area has also been designated for.

We are not considering any specific development at all – no-one has come forward with any proposal. All we are doing is trying to find out what, if any, interest there is. Once we have that we will openly share it with residents and I would urge you to keep in touch so we can discuss anything else to do with the site."

60.4 Ms. Hill asked the following supplementary question;

"Referring to my previous question, we have researched local estate agents who uniformly claim a potential loss of 20% on property values in the vicinity of Hangleton Bottom, at present an Area of Outstanding Natural Beauty, and state that as soon as it were official that a commercial waste facility had the go ahead properties could even become temporarily unsaleable until building of the facility was completed.

Bearing in mind local residents received two generous compensation payments from the Highways Agency when each of the A27 and the Sainsbury's link road were built, has the Council costed in appropriate compensation payments to all the local householders in the vicinity should this plan be implemented?"

60.5 Councillor Fallon-Khan replied "Thank you very much for your supplementary question. I think what's worth keeping in mind and in perspective is where we're at at the moment. Since 2005, when the previous Administration put it into the Local Plan, there has been nothing that has gone on at all. What you would be talking about is something years down the line and at any stage in between now and then any scheme at any point could be abandoned, so whatever may or may not result from being put on to that land is too far down the road for us to give you a real answer on how we would address residents' property prices going down by 20% because we just don't know: we have no information at all, so where we're at at the moment is the very beginning of just trying to find out after five years what interest there may be and then we can act upon that.

As far as costing for compensation is concerned, there would be nothing in the budget for it because we don't have any information at all about what the interest is, so at the moment all I can say to you is that whatever information has been given to you or whatever information you have read, we are right at the beginning of just trying to find out what interest there is. It is as harmless as that and as I have said I would urge you at any point during any conversations to do with this particular site to come and see me and we will give you as much information as we will have ourselves, so that we can share that with residents and residents can come to us and explain their concerns and we will take those on board."

60.6 The Mayor thanked Ms. Hill for her questions and invited Ms. Summers to come forward and address the council.

60.7 Ms. Summers asked the following question;

"I would like to ask about speed cameras in Brighton & Hove: According to Councillor Theobald (in response to a question last December) "Speed cameras can only be installed where specific criteria are met and are associated with casualties and excessive speed". Please could you tell me whether such criteria are enforceable by law and whether such a law is only applicable locally or has been set by Central Government? If, on the other hand, it is driven by local policy, please could you tell me what that policy is and where I might access it?"

Councillor Theobald replied, "The criteria for installing speed cameras is agreed by members of the Sussex Safer Roads Partnership and this includes the three local highways Authorities, that's West Sussex County Council, East Sussex County Council and Brighton & Hove City Council, and Sussex Police and there are other members there, The Fire Brigade and the two counties as well.

The criteria follows guidance issued by the Department for Transport and takes into consideration the length of road, the number of personal injury collisions in the previous three years, and the speeds of vehicles.

Further information about speed cameras and the criteria is available from the Sussex Safer Roads Partnership website which is www.SussexSaferRoads.gov.uk . I wouldn't expect you to write that down but officers will be delighted to give you that information, they have a website and that should give you all the information you want in that connection."

60.8 Ms. Summers asked the following supplementary question;

"Is the Administration planning to install any traffic calming measures at all in hot spots such as Preston Circus and York Place before a pedestrian or cyclist becomes a casualty or will that only happen when either becomes a statistic?"

60.9 Councillor Theobald replied, "Well, I am always very pleased to try and answer questions but actually that supplementary didn't really have very much to do with the first question which was about cameras. Well it was about cameras and now we're verging off to specific areas, so quite frankly, I think if you would like to write to me I'll respond but, quite frankly, we're talking about cameras and your supplementary which is supposed to give you further information on the question, that wasn't the case."

60.10 The Mayor thanked Ms. Summers for her questions.

## 61. DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

61.1 The Mayor noted that no Deputations had been received for the current meeting.

## 62. WRITTEN QUESTIONS FROM COUNCILLORS.

62.1 The Mayor reminded the council that councillors' questions and the replies from the appropriate councillor were now taken as read by reference to the list included in the addendum, which had been circulated as detailed below. She also noted that she had accepted a further question from Councillor Hawkes which had been inadvertently left out of the original list of questions that had been submitted.

62.2 **(a)** Councillor Carden asked:

"Can the Cabinet Member of Environment confirm that assisted collections of waste for older and disabled people are continuing to be updated and adhered to when relief crews are sent to collect refuse and recycling?"

62.3 Councillor Theobald replied,

"I can confirm that we do update our records when we receive a request for an assisted collection service from a resident."

62.4 Councillor Carden asked a supplementary question, "Firstly, Councillor Theobald, could I ask that the question that I put is properly answered.

I quite understand that crews get a list that they work to but my question appertains to relief crews. When we've got a problem in my local area it appears that every week after vehicles break down and they send just about anyone they can out with a refuse wagon to pick up the residue of the waste that's left behind and half the time they do not know where the disabled people are living that have their assisted collection. They just come on to me and want to know what the hell's going on, so that's what I ask: do the relief crews have a list of where all these are because I'm sure they don't?"

62.5 Councillor Theobald replied, "Yes, I will. My colleague, Councillor Pidgeon, actually raised virtually the same point to me and you're quite right to raise the issue that when relief crews are used our older and disabled people should receive exactly the same level of service as they would do when the normal crew are there. Officers are looking at this to ensure that there is always a consistency of service.

I do take your point, you know, very seriously and if there is anything specific then Gillian Marston, our Assistant Director, will be very pleased to come back to you but we are certainly aiming to get a consistency when there are relief crews out and you are quite right to raise the point."

62.6 Councillor Kitcat asked a further supplementary question, "I think instead of handing out awards, perhaps Councillor Theobald should be receiving one for the least informative answers to questions.

Given that foot pedal communal bins were easier to use for the elderly and less able Councillor and that they would result in a lower number of people needing assisted collections, why are the foot pedal bins being phased out? Residents are bemoaning their loss."

62.7 Councillor Theobald replied, “I don’t really think that’s got anything to do with the original question, Madam Mayor.”

62.8 **(b)** Councillor Meadows asked,

“Before 1996 when highways were under the control of East Sussex County Council, there was a by-law that allowed for police and council traffic officers to remove cars parked on grass verges. Would Brighton and Hove City Council look into reinstating this by-law so that it could also include cycle lanes, as well as grass verges?”

62.9 Councillor Theobald replied,

“Thank you for your question. Whilst I do not believe there has ever been a by-law in place dealing with these offences, there is the Local Act known as The East Sussex Act 1981 which does allow the Council to prosecute in the Magistrates Court for the offence of driving over a verge. To enforce under this legislation would be slow and costly. There are a number of reasons for this, including the need for witness evidence of the offence actually taking place. Similarly, to introduce, monitor and enforce a new by-law would be resource intensive.

There are other avenues that we can now consider with the introduction in 2008 of the Traffic Management Act. We can already enforce where there are double or single yellow lines in place. Where these restrictions are not in place, it would be possible to look at introducing a new Traffic Regulation Order prohibiting parking on the verge and over cycle lanes. This could be enforced by Civil Enforcement Officers using the existing infrastructure already in place. There would, however, be a cost to doing this as officers would need to complete the TRO process, including advertisements and consultation and would need to purchase and erect the approved signage.”

62.10 Councillor Meadows asked a supplementary question, “Thank you Councillor Theobald for your detailed response. However, residents in my Ward are continually asking that something is done to prevent cars and vans parking on grass banks, where vans have slid down the bank to end up resting against the gate of some person’s home with the result that they are trapped in their own home. Residents raised concerns at the Moulsecoomb Local Action Team and were told by officers of this council that the old Local Act or by-law gave them the authority to deal with these offending vehicles.

With regard to vehicles parking on cycles lanes, I am sure you will appreciate it is a real health and safety hazard for cyclists and pedestrians alike, so I would ask that the council undertake further investigations as I could see from the Argus report that it is not just my Ward of Moulsecoomb and Bevendean who would appreciate your support on this matter but that Conservative Wards may also be affected.”

62.11 Councillor Theobald replied, “Well Councillor Meadows, of course, lives in a Conservative Ward and she is well aware as I am that this is actually a problem which goes right the way across the city and I accept that. When you are either using public transport or driving or walking around this city you see more and more people parking on grass verges and it’s very frustrating and very annoying.

What I have tried to do in this answer and it is a detailed answer and I have spent some time actually on this answer, because if I could find an easy way to try and resolve this issue then I would certainly come back to you. I am just looking at my predecessor and I am sure she will say the same, this is not an easy answer to come back upon.

Obviously if you have a residents' parking scheme then it's properly controlled and you don't get this problem. I'm not saying that to advocate a residents' parking, I am just making that as a point, but it does annoy me when I see cars destroying our grass verges and at the last council meeting I answered a similar question because Councillor Bennett raised exactly the same point along the Dyke Road. Of course, if you do embark upon the sort of course that it's suggested that we could do, you will need witnesses, you need to put signs up and, you know, it's not an easy task, you will finish up with displacement and then you'll have another set of people saying, well the cars now have nowhere to go, therefore they're parking in another stretch.

It's a very valid point that you raise and I wish there was an easy solution to it. I am very happy to confirm that I will continue to talk to officers on this issue because I do think it is an important one for the city as a whole but I don't pretend that there is an easy answer to it. I've tried to set it out here, lawyers will be happy to speak to you and give you further information on how we could go about these things and I am quite pleased to discuss this with you or any Member, you know, outside this Chamber."

62.12 Councillor West asked a further supplementary question, "As I understand it the cycle lanes up Dyke Road, for example, are merely advisory and that's why members of the public are able to park there and not be prosecuted and moved on, despite the fact that most of those houses there have driveways and there is also ample parking space in side roads.

Would Councillor Theobald pledge to make all those advisory cycle lanes mandatory so that it is possible to enforce moving cars on, so that cyclists can actually use those cycle lanes rather than being endangered by having to ride out in the road, skipping round cars that are parked in the cycle lane?"

62.13 Councillor Theobald replied, "I do have sympathy with what Councillor West has just said but again I would refer you to the answer that I gave to Councillor Bennett at the last meeting which did refer to those cycle lanes in Dyke Road. If this council was minded to make them mandatory; if we were minded to do that and then we would have to go through consultations, traffic orders and such like, there would be displacement of vehicles into the side roads. I only make that point. I don't represent either of those Wards on either side of the Dyke Road and obviously if the Councillors came to me and said look this is something that our residents would like then that is something that I would take very seriously."

62.14 **(c)** Councillor Hawkes asked,

"Would the Cabinet Member for Children's Services welcome the Government scheme to provide free laptops and internet to children from low income families - I'm aware that some schools have sent information to families that have children that benefit from free

school meals regarding free laptops, but please may the Cabinet Member confirm that this is the case for all schools?"

62.15 Councillor Brown replied.

"Home Access is a government programme that helps eligible low-income families to buy a computer and internet access to support learning at home. The programme is for families in England. To apply for a Home Access Grant, you must be a parent or guardian responsible for and living with a child who:

- is in school years 3 to 9 (normally aged 7-14)
- has never had a computer from Computers For Pupils or the Home Access programme
- is eligible for Free School Meals, and
- is named on the Child Benefit award letter.

Head teachers were briefed by Officers about this scheme. They were sent a follow up letter and a letter to send to parents. The take up is being monitored by a government organisation, BECTA, and we know that to date 23% of eligible families have applied. Officers will remind Head teachers about the scheme during the next round of briefings."

62.16 Councillor Hawkes asked a supplementary question, "Thank you Councillor Brown for your answer. I see that 23% is a good start but it isn't sufficient yet. I realise it's a Government scheme, a very good Government scheme, that's why I keep knocking on about it but I do believe that we must support the schools to try and urge higher figures. What I would like is that results are collated into figures for primary schools and for secondary schools, because I think there is a significant difference in this and there is absolutely no reason why it couldn't perhaps come to the Child Review Board or the Children's Trust Board, because I do know that if we can up these figures we will be giving advantage to so many children from the very young ones right the way through, so I hope we can be fairly proactive in this and I would be interested in your response please?"

62.17 Councillor Brown replied, "As I explained in my written answer we have done everything we can to encourage schools to make families aware of this entitlement, even to the point of sending them a letter that they can send to the schools, so we have given them every assistance and we will continue to do so, but, of course, some eligible families may already have a computer of their own and you obviously cannot make families apply. It's a bit like free school meals, not everybody takes up the entitlement but we are very positive about the scheme and we will do everything we can to encourage the schools to then encourage the families to apply for these computers and I'm sure we can collate the figures and report back."

62.18 **(d)** Councillor Mitchell asked,

"In response to concerns from East Brighton Ward Councillors over the lack of action to regenerate Madeira Drive, Councillor Geoffrey Theobald brought a report to his

Environment Cabinet Member Meeting in September 2008 that stated that longer term aims for the regeneration of the area would be drawn up.

A similar report to his Cabinet Member Meeting of 26th March 2009 included as recommendation 2.3;

*That the Cabinet Member for Environment requests officers to bring to a future Cabinet Member Meeting a report detailing the strategic vision action plan to address the future and ongoing regeneration of Madeira Drive.*

Specifically in relation to the land to the East of the Yellowave Beach Sports Centre, Councillor Theobald took the decision at this meeting to set out a marketing brief for the site, to proceed with the marketing, seeking expressions of interest in May 2009.

As no further reports on the Administration's proposals for the regeneration of Madeira Drive have been forthcoming, will Councillor Theobald inform the council as to where the Administration's "strategic vision action plan" is, whether the site East of Yellowave was ever marketed and what the outcome was?"

62.19 Councillor Theobald replied,

"There have been improvements along Madeira Drive following years of neglect. For example new lighting has been installed under the terraces between Concord 2 and the Volks Railway which has improved safety for both staff and customers using Yellowave at night. £230,000 was allocated last year for spending on structural repairs and restoration works to the terraces and the Madeira Lift and this work will continue in the next financial year. A further £150,000 has been allocated specifically to the terraces and an additional £100,000 per annum for the ongoing maintenance of railings, shelters and benches along the entire length of the Seafront.

An architect has been appointed and has submitted a concept proposal for replacement siding sheds at the Volks Railway. Vacant properties along Madeira Drive and the lower promenade are currently being marketed, these include new artist units just to the East of Palace Pier.

The sites to the East of Yellowave are occupied by the Adventure Golf and Grace's Place Café. Both tenants have submitted planning applications for substantial investment into their facilities. The newly appointed Seafront Development Manager is looking at schemes for the Peter Pan site.

This Administration is committed to improving the entire seafront hence the additional resources that we proposed at the recent Budget Council Meeting."

62.20 Councillor Mitchell asked a supplementary question, "I would like to thank Councillor Theobald for his initial response to my question. However, I think it was fairly clear during the budget and on the papers and in the speeches that the additional funding was to be allocated to Hove Lagoon and to the Hove Seafront.

I would like to ask Councillor Theobald that at the time of his Cabinet Member Meeting about a year ago, on 29 March last year, he did take the decision to market test or to

seek expressions of interest for the site to the west of Yellowave, a site that is currently surrounded by very expensive concrete bollards and I would like to ask Councillor Theobald how that market testing exercise is going and whether any results in relation to that site on Madeira Drive have also been received?"

62.21 Councillor Theobald replied that he would provide a written answer to the question.

62.22 Councillor Duncan asked a further supplementary question "Well it's clear from the answer to the original question, Councillor Theobald, that you think there is plenty of work being done in terms of the regeneration of the Madeira Drive area. It's equally clear as a Ward Councillor for Queen's Park that residents think exactly the opposite, at least the ones who speak to me.

My question is would Councillor Theobald agree with the establishment of a Madeira Drive Restoration Fund, as previously proposed by Green Party Councillors, as a way of collecting contributions from the organisers of profit seeking events held on Madeira Drive to fund future regeneration work in the area?"

62.23 Councillor Theobald replied, "I don't think so. You have raised this before and I think my colleague, Councillor Smith, gave you the answer and the reasons why this was not regarded as something that we could support.

I think the reason for that was that if we asked people to raise bits for particular areas we might have other people going to other parts of the city and funds would go to those particular areas and it could be seen as another sort of tax on the people coming to that area to use it, so I think Councillor Smith gave you an answer a year or maybe two years ago."

62.24 **(e)** Councillor Davis asked,

"Please could the Cabinet Member for Environment outline the details and the time scale he proposes for the budget of £.03m set aside to examine and implement improved school signing along the Old Shoreham Road?"

62.25 Councillor Theobald replied,

"The locations of the new signs are now being drawn up, and it is proposed that the scheme will be completed by the end of this calendar year."

62.26 Councillor Davis asked a supplementary question, "Thank you for your answer, I'm a little disappointed. I think local parents would have hoped that this could have been at the beginning of the next school year, not the calendar year but it is cars speeding up after the cameras on Old Shoreham Road and then subsequently shooting the lights that is the problem at the notorious junction with The Upper Drive and I wondered what the Cabinet Member was doing to ensure that the money they are planning to spend is co-ordinated with the local police to encourage and enforce the traffic to slow down and make it safe for 3,000 local school children to cross round there every day?"

62.27 Councillor Theobald replied, "Could I just emphasise, we want to see this done as quickly as possible. I've said completed by the end of this calendar year, that's December, so actually in terms of putting up Traffic Orders and all that, that is relatively quick. We want to do this as quickly as we can so I can assure you of that, so there's no delay here. Money we've put in our budget, we've put that to the council, not everybody supported that but this side certainly did and we want to see this done as quickly as possible. Whenever we do these schemes we consult with the police and any other partners that are necessary."

62.28 Councillor Fallon-Khan asked a further supplementary question, "Just a question for the Cabinet Member, would he congratulate the officers for the work that they have done on this particular site and also the urgency with which they have embraced this? I do understand that we have a time limit for the end of the year and we are hopeful that it will be before that."

62.29 Councillor Theobald replied, "I certainly will and I would like to thank you too for pushing this very hard indeed and I am very pleased about that and also Councillor Davis as well."

62.30 **(f)** Councillor Elgood asked,

"Would the Environment Cabinet Member consider authorising the removal of the unused gardeners hut in Adelaide Crescent? Residents have requested its removal as it is no longer required, and the hut itself could potentially be used elsewhere to benefit another area."

62.31 Councillor Theobald replied,

"I am pleased to state that the gardeners hut will be removed by the end of May."

62.32 Councillor Elgood asked a supplementary question, "Well, I was going to put in a bid for it but I'm told it's not a particularly attractive shed but could Councillor Theobald tell us what's happening to it?"

62.33 Councillor Theobald replied, "Well, we hope it will either be recycled or if anybody would like to take it and certainly if they'd like to take it and take it away at their cost then we would be very pleased."

62.34 **(g)** Councillor Hamilton asked,

"In a letter in The Argus, Feb. 25th, signed by the five Conservative Councillors for Portslade and Hangleton, it is claimed that my view on the future of Hangleton Bottom is the same as theirs. I am pleased that they share my view that Hangleton Bottom should not be used as a waste transfer station but should be retained as a greenfield site. Since all Portslade and Hangleton Councillors now share this viewpoint will Councillor Fallon-Khan now call a halt to his ill-advised marketing exercise and agree to retain Hangleton Bottom in council ownership?"

62.35 Councillor Fallon-Khan replied,

"Hangleton Bottom is not being sold. This preliminary evaluation of interest in the site is being undertaken as a direct result of the decision by the previous Administration in 2005 to designate Hangleton Bottom in the Joint East Sussex and Brighton & Hove Waste Local Plan and the Brighton & Hove Local Plan. Once this exercise has been concluded the results will be communicated to residents for their consideration and opinions. However, I repeat, Hangleton Bottom is not being sold."

62.36 Councillor Hamilton asked a supplementary question, "I should like to thank Councillor Fallon-Khan for his answer, which will not satisfy local residents.

The public will find it hard to understand why money is being spent on a marketing exercise for land that is not being sold. Councillor Fallon-Khan refers to the two Local Plans that were passed by the previous minority Labour Administration with Conservative support. He claims that the marketing exercise is a direct result of the passing of these Plans.

Does he accept that planning and land ownership are two entirely separate issues and that the existence of a planning designation for Hangleton Bottom places absolutely no obligation on the council to market or sell this greenfield site, especially as the council has met its obligations on domestic refuse facilities?"

62.37 Councillor Fallon-Khan replied, "Well first of all, I would like to thank Councillor Hamilton for his question and also for highlighting his spectacular and humiliating u-turn on this particular site. I have here a copy of the Waste Local Plan, which is 2005, which the Labour Administration signed off. We have explained to Councillor Hamilton, Madam Mayor, on numerous occasions at my CMM and at the Overview & Scrutiny Commission the entire process of what would happen to this site, where we're at and where he writes on, or where the Labour Party write on their website, which is a shame really because they're not only deceiving their own supporters but they're deceiving all the residents of Portslade as well, about us potentially selling off a piece of land.

We're not at that stage at all, Madam Mayor, we are merely opening the window so that an interest from business can tell us what they feel they might or might not do with that site, that is all we're doing. It is perfectly harmless and some of the stuff that I have read, some of the things that are on their website, it's just completely not true. I will repeat, Madam Mayor, that we are not selling the site and I would have to say that Councillor Hamilton's opposition to his own action five years ago is more than baffling and what, this is the question we should be asking, in 2005, Madam Mayor, when he as Chairman of the Planning Committee signed this off, and designated that site…"

62.38 Councillor Hamilton requested a point of order so that he could clarify the information being presented by Councillor Fallon-Khan and stated that he has on a number of occasions been referred to as the Chair of the Planning Committee. At the time Planning was a function of Environmental Services. He was Chair of the Planning Applications Sub-Committee which dealt entirely with applications and had no input into planning policy whatsoever and therefore asked that this be corrected because he had seen the reference several times in print and it was not true.

62.39 Councillor Fallon-Khan noted the information and stated that he would refer his comments to the previous Environment Committee Chair, which was Councillor Mitchell. He stated that all the council was doing was finding out what the interest was from anybody else and reconfirmed that the council was not seeking to sell the site.

62.40 Councillor Alford asked a further supplementary question, "Bearing in mind that in our letter we said that we would like to make it clear that we are totally opposed to any inappropriate development in this location and look forward to receiving resident feedback on the issue, would Councillor Fallon-Khan agree with me that it is not, as Councillor Hamilton claims, the testing of the market that's ill advised but the allocation of the site in the Waste Local Plan in the first place?"

62.41 Councillor Fallon-Khan replied, "I do agree with Councillor Alford and I would advise perhaps when Councillor Hamilton is quoting in the newspapers something that other Councillors have said he gets it right. Unfortunately, he hasn't got it right, so thank you very much."

62.42 **(h)** Councillor Kitcat asked,

"How long does Councillor Dee Simson feel it is appropriate disabled residents should have to wait to catch a taxi in this city?"

62.43 Councillor Simson replied,

"It is inappropriate for disabled residents to have to wait any longer than an able-bodied person would have to in the same circumstances. That is why the Administration is currently undertaking a thorough equality impact assessment on the taxi and private hire service."

62.44 Councillor Kitcat asked a supplementary question, "The equality impact assessment that Councillor Simson refers to only seems to have happened once the Local Federation of Disabled People actually threatened legal action, so I am not sure we can be thanking the Administration that much for it.

Given the refusal of the Tory and Labour Councillors to support immediate action on this issue at Licensing Committee, how long will disabled residents of this city have to wait before that waiting time to get a taxi is as low as that is for able-bodied residents at the moment?"

62.45 Councillor Simson replied "It would be utterly impossible for me to give you a timescale. What I can tell you is that we are committed to trying to make things better for the disabled residents in this city by improving the taxi service for them.

We are aware that there has been a problem, we have admitted that problem, both Councillor Denise Cobb, who Chairs the Licensing Committee, and myself have made moves to improve that situation; we have both attended the Taxi Forum. We have taken Geraldine Des Moulins of the Federation with us, so that all the problems that she feels there are in the city at the moment can be expressed to the taxi drivers and to the

operators and out of that has come the equality impact assessment. It's going to be a very comprehensive equality impact assessment.

The ideas that were being put forward at the Licensing Committee about putting more cars on the road, or more Hackney Carriages on the road, was felt not to be the right way to do it because no matter how many cars you put on the road, extra cars, unless the drivers are trained to manage disabled people and unless they are willing to do the work, we could have many, many more taxis out there. As we know, we've got problems with over-ranking at the moment and until the drivers themselves are trained and are willing to do the work, it is impossible to tell how long it's going to take but we will as an authority we will do everything we can to move this forward as quickly as we can because we know there is a problem and we want to put that problem to bed as quickly as possible."

62.46 Councillor West asked a further supplementary question "Having heard Councillor Simson's concern about the need to increase the availability of taxis for disabled people and to reduce the waiting times and her commitment to doing that, can she explain why she voted against the amendment that I put to Licensing Committee that was giving Committee an opportunity to look at other ways, other than the current increases in the number of licences, as a way of managing the problem? Can she say why she voted against that amendment which would have given us an opportunity to look at the whole matter and all possible alternative ways of addressing it? Can she explain why she voted against that when she says she's so committed to resolving the problem?"

62.47 Councillor Simson replied, "The main crux of the amendment was to put more taxis on the road, more vehicles on the road. We have come away from that Licensing Committee, we are fully aware now of the problems that are being faced by disabled people in the city and as I said before we are doing everything we can to move that forward.

We are looking at every single opportunity there is to make things better. Some of those may well have been within that amendment that you put forward. I honestly cannot clarify whether that is right or not but all I can say is that we are looking at everything we can.

There is going to be a thorough, a very thorough, equality impact assessment done and this is the first time that's been done and we are very clear that we are going to make things better and improve the facilities for disabled people in the city and that's all disabled people, that isn't just wheelchair users. A lot of the discussion has been around wheelchair users but this is about blind people, deaf people, we've got to make sure that they've all got an equal service and as I said before most of that can only be done through training and through drivers being willing to do the work."

62.48 **(i)** Councillor Kitcat asked,

"I ask that Councillor Geoffrey Theobald update the meeting with the recycling rates for the city centre areas where communal bins are used and how those rates have changed in recent years?"

62.49 Councillor Theobald replied,

"I think I have answered this question before. We have the recycling rate for the whole city - which for 2008/09 was 29.2%, this is an increase from 28.7% in 2007/08 and from 26.7% in 2006/07 – it is not broken down area by area."

62.50 Councillor Kitcat asked a supplementary question, "I'm afraid that Councillor Theobald's answer is actually numerically challenged. He has not answered the question before ever and he has not answered it here today. Area by area information is available and I've asked to receive it before and I'm asking again.

My supplementary question then is if he believes it is not available, how on earth is he measuring and addressing the impact of communal bins on the city centre's recycling rates?"

62.51 Councillor Theobald replied, "I take advice from officers when I prepare my answers and this is the point that officers tell me they cannot give that information in the central areas, so that is the answer when I contact officers and say give me your advice that is what they tell me. Now whether you know something more than I know, that's what they say."

62.52 **(j)** Councillor Kitcat asked,

"I ask that Councillor Geoffrey Theobald explain how many evening noise patrol shifts does the council provide in this financial year and how many shifts are planned to be provided in the next financial year?"

62.53 Councillor Theobald replied,

"Deployment of staff to meet statutory duties is delegated to officers at budget holder level. Officers aim to provide a responsive noise patrol service on Friday and Saturday nights throughout the year."

62.54 Councillor Kitcat asked a supplementary question, "Well, my original question simply asked how many in number, how many shifts there were and there were going to be and I don't understand why Councillor Theobald was not able to provide that detail; just how many shifts?

I was led to believe by Councillor Theobald that the studentification recommendations would be heeded and that they were going to extend noise patrols beyond the existing Friday and Saturday nights but according to this answer there is no change. Would Councillor Theobald, I humbly submit to you Councillor, would you consider increasing the number of shifts because there is a desperate need amongst residents who are really suffering from noise; Local Action Teams are all bringing noise up as an issue; please consider increasing the number of shifts for noise patrols?"

62.55 Councillor Theobald replied, "I hate to suggest that Councillor Kitcat ask the question again, but I didn't quite follow, could he just sum it up a little bit more."

62.56 Councillor Kitcat asked, “Very simply why can’t you provide a number of how many shifts you have been providing and are proposing to provide and secondly would you please increase that number because you have, I understand, committed to the studentification proposal recommendation and I would like to see an increase as would all the residents in, of course, much of the city?”

62.57 Councillor Theobald replied, “I mean, this point has been made and I appreciate that the Greens seem very keen and I think they put a resolution before the last council meeting on this. We have got to ensure that we are doing the very best for our residents within given resources and what is sensible and I am advised by officers that we are running an efficient and popular service and that we are producing best value by what we are doing as far as noise. Noise is a very important issue. I accept that. We all accept it is a very important issue.

I am advised that the way that we deal with this through our offices is the most appropriate way and we put the resources so as to produce the best results and as you will have seen, and I know that through the media people are, obviously it’s the last resort but we follow it up and it finishes up in court and I get letters from people either saying ‘well done’ or such like, so I don’t think I’ve got any more to add. I’m quite convinced that this is the most effective service giving value for money within the resources that we have.”

62.58 Councillor Carol Theobald asked a further supplementary question, “Would Councillor Theobald agree with me that it is rather hypocritical of Councillor Kitcat to be questioning this Administration’s commitment to noise control when he and his Group voted against the revenue budget in February which allocated significant amounts of funding to these patrols?”

62.59 Councillor Theobald replied, “The short answer is Yes. It’s our revenue budget so consequently, of course, if that had been carried then there wouldn’t have been a service.”

62.60 **(k)** Councillor Fryer asked,

"How can you justify submitting plans to the DCSF to turn Portslade Community College into an Academy before there was consultation with teachers, residents and other councillors?"

62.61 Councillor Brown replied,

“Informal discussions took place with the Head teacher and Chair of Governors of Portslade Community College prior to the submission of a Statement of Intent to the Office for the Schools Commissioner. There are no formal proposals as yet but Ministerial agreement to the Statement of Intent is necessary before the Council develops a formal Expression of Interest. Should Ministerial approval be secured, there will then be a 30 day period of consultation with staff, governors, and parents at the college and other stakeholders from the community. The results of this consultation will be reported to Cabinet who will determine whether an Expression of Interest is submitted to the DCSF.

The consultation will be about a proposal for Portslade Community College to become an academy. The need for structural change was agreed with the National Challenge agency, the Office of the Schools Commissioner (OSC), Partnership for Schools (PfS) and the DCSF. Options put to the council by DCSF were closure, federation with a high performing institution, becoming a National Challenge Trust School, or becoming an academy.

In discussion with the National Challenge agency, the Office of the schools commissioner (OSC), Partnership for Schools (PfS) and the DCSF the council believes that the academy route would best satisfy the external demands on the council and provide the best outcome from the options available, in order to secure a transformation in standards and investment in refurbishing the existing accommodation."

62.62 Councillor Fryer asked a supplementary question, "Thank you for your response Councillor Brown. The answer does highlight the fact that nobody other than the Head teacher and the Chair of Governors knew about this before the Statement of Intent was submitted or before the plans appeared in the 'Argus'. Other options were available before reaching the decision to pursue the Academy route, yet very few people were able to input into this decision.

I am pleased to hear that there is going to be some consultation but my question is very clear: I'm going to ask you to make a public commitment that the proposal to turn Portslade Community College into an Academy will only proceed to the next stage if it has the full support of the Governors, the teachers and the parents at Portslade Community College."

62.63 Councillor Brown replied, "As I said in my written answer discussions had taken place with the Head and Chair of Governors, the possibility of developing PCC has also been discussed at length with the Secondary Heads and Chairs of Governors at meetings that have been going on since July.

What I think you don't realise is that you are arguing over just a Letter of Intent, not detailed proposals. This letter simply asks for Ministerial agreement to proceed to working up an expression of interest. If we get that agreement we can then go out to full consultation and that's the prescribed Government procedure that we're adhering to. You can't have a full consultation process about something that may not even be a possibility. We did do everything correctly and I can assure you that you will have every opportunity to put forward your views if we're given the green light to proceed with this expression of interest but, of course, we already know what the Green's views are. You tried your hardest to scupper the proposals at Falmer Academy.

What we find difficult to understand is that you can't understand that we want to fight to improve the life chances for those young people at Portslade and we have the Labour Group's agreement with this too. We all want to raise standards but the Greens seem to have a problem with this. The Academy route is also the only route that we can bring in the capital to completely renovate and refurbish the school making it fit for teaching in the 21st Century. That is why we want to do it and, of course, we will listen to the consultation; we always listen to consultation and when we have the results of the

consultation it will then come back to my CMM and that will be very detailed and then when we know what the consultation is we will know how to proceed."

62.64 Councillor Kitcat asked a further supplementary question, "It would have been good if Councillor Brown had answered the original question but I just wanted to ask Councillor Brown if the consultation comes back with the majority opposed to it would she still proceed with the Academy or would she actually listen to the will of the people and refuse to proceed with the Academy?"

62.65 Councillor Brown replied, "It's a very hypothetical question Councillor Kitcat because until we get Ministerial agreement we can't even go out to consultation. When we do we will listen as we always do."

62.66 **(I)** Councillor Davey asked,

"Could the Leader of the Council please tell us how much has been spent in total by the council on the development of plans and the public consultation for the Old Shoreham Road cycle lane including both internal staff costs and external consultants as well as any other costs?"

62.67 Councillor Mears replied,

"It is hard to identify precise figures for the cycle lane scheme alone because the work undertaken, and therefore money spent, was also integral to the proposed road safety measures along Old Shoreham Road. However if Councillor Davey has a question about a specific financial aspect of the work I will endeavour to provide him with an answer."

62.68 Councillor Davey asked a supplementary question, "Thank you to the Leader of the Council for her reply but I find it disappointing and somewhat surprising that she feels unable to put a figure on the cost so far of the abandoned Old Shoreham Road cycle scheme.

I wonder if you could confirm that the actual cost is £93,000 as revealed in response to a Freedom of Information request made by Councillor Mitchell and, given that you are not proceeding with this scheme, do you consider that this £93,000 of cycling funds has provided value for money for the people of this city?"

62.69 Councillor Mears replied, "I intend to speak quite slowly to allow Councillor Kitcat to tweet as he has done through the council meeting, so I don't want him to miss a point as I am speaking so Councillor, you know, stop me if I'm going too fast for you.

I would like to thank Councillor Davey for his question and Councillor Mitchell's request through the Freedom of Information route. There are a number of costs on the Old Shoreham Road: approximately £23,000 was spent on a feasibility study, including a safety review, a further £27,00 was invested in traffic and mode assessments for junction design and accident reviews and an additional £43,000 was spent on additional design, organisation, printing and such like. A significant proportion of the work carried out in developing this scheme can be used to inform a new safety scheme along the Old

Shoreham Road, particularly this work will form the basis of proposed improvements to the junctions of Old Shoreham Road and The Upper Drive and of Old Shoreham Road and Sackville Road. As I said to Councillor Davey at Cabinet we really have to listen to everybody's views and as I told Councillor Davey at Cabinet his comment on this Old Shoreham Road scheme that it was next to useless, well obviously it's really important that we take that on board.

I do understand Councillor Davey's concerns about the cost and I intend to call for a full inquiry into the costing and expenditure that was undertaken on this scheme and, finally Madam Mayor, just for clarification I would like to say to Councillor Kitcat that the Greens also take their special allowances as do other Members of the Council."

62.70 Councillor Mitchell asked a further supplementary question,

"Would the Leader of the Council agree that in the recently published results of the public consultation on the proposed Old Shoreham Road cycle route that 66% of the public, 3,000 respondents to the consultation are in favour of the scheme and that 62% of drivers are also in favour of the scheme?"

62.71 Councillor Mears replied "Thank you Councillor Mitchell for such detail.

Madam Mayor, as I said earlier and especially to Councillor Davey there are other concerns around the safety of the Old Shoreham Road cycle lane. There have been other surveys which show up real concerns, hence my comment to council that there will be and I will be instructing a full inquiry into the costings associated with this scheme."

62.72 **(m)** Councillor Simson asked,

"As Brighton & Hove City Council's sole representative on the Sussex Police Authority (SPA), Councillor Duncan frequently claims to have been instrumental in overseeing an increase in the number of Neighbourhood Police Officers employed by the Force. Could he, therefore, explain to Council and the residents of this City, why, at the SPA meeting on February 11th, he voted against the Chief Constable's budget proposals which will expand neighbourhood policing in Sussex to the tune of 31 extra officers?"

62.73 Councillor Duncan replied,

"Thank you for the question. As Councillor Simson will know, I am a tireless champion of neighbourhood policing – and particularly the employment of more Neighbourhood Police Officers here in Brighton and Hove. It's a shame she hasn't had time to attend a meeting of Sussex Police Authority herself – they are all open to the public – to hear my views in full during any of the many debates we have had on the subject.

But in a nutshell the proposed Sussex Police Budget contained one cut too many – both as a result of the wishes of some Conservative Members of the Authority and the Labour Government's derisory grant for policing in Sussex, and I just don't believe you can cut your way out of a recession, or maintain a first-class police service in the face of a £35m cash shortfall. Members who wish a fuller explanation for the way I cast my

vote can see the budget debate in full at: http://www.sussexpolice.ukcouncil.net/site/player/pl_compact.php?a=36554&t=0&m=wm&l=en_GB "

62.74 Councillor Simson asked a supplementary question, "Thank you Madam Mayor and thank you Councillor Duncan for your response to my question and your suggestion that I either attend the Sussex Police Authority meetings or watch the webcast.

I actually have done this on occasion and did note at the recent budget setting meeting not only were you the only Member who voted against the budget but that your comments were described by a fellow Member (and I quote) as 'utter tosh'. Does Councillor Duncan really feel that he was acting in the best interests of the residents of Brighton & Hove when he voted against the Sussex Police Authority budget, the only one who did it and advocated a large hike in council tax which would have adversely affected every man, woman and child in this city?"

62.75 Councillor Duncan replied, "I'm really glad that you mentioned that particular comment actually because for those who haven't had the pleasure of watching that meeting there was a Councillor called Bob Tidy, who's a Conservative Councillor from East Sussex, who described some of my comments as 'tosh'. Actually what he was describing as 'tosh' was my commitments to neighbourhood policing.

Bob Tidy has been one of the biggest impediments actually to the uplift in neighbourhood policing that has served this city so well and in one recent meeting of the Neighbourhood Policing Scrutiny Committee, of which I am the Vice-Chair, he actually said that in consultation with residents he believed that there were far too many neighbourhood policing officers, we don't need any more and it would be ridiculous for us to keep spending money on neighbourhood policing. I think exactly the opposite actually and I am pleased that my belief that we need exactly the opposite approach to policing has allowed me to contribute to a situation where there are sixty more neighbourhood police officers on the streets of Sussex in the last three years."

62.76 Councillor Young asked a further supplementary question, "At the Sussex Police Authority meeting Councillor Duncan stated that he thought it was a shame that the other Members of the Authority didn't have the political courage to increase council tax further than the 2.7% proposed. Why did he not advocate a similar increase in council tax at the City Council's budget setting meeting in February and can we therefore take it that he thinks his Green Party colleagues have no political backbone?"

62.77 Councillor Duncan replied, "Very simply, I mean, unlike your approach I like to look at budget papers, listen to what residents are saying, there is always a consultation with residents, there is always a consultation before budgets are set and to set exactly the same council tax rate or even think the same thing about what it should be for one authority with different Members serving a different area and doing a different job to another authority would just be irresponsible.

I don't believe that my comments about the Police Authority budget are in any way transitive and should be taken as exactly the same as my approach on this Authority. For that reason I think there is no inconsistency and, of course, I don't think that my political colleagues or anyone in this Chamber particularly showed a lack of political courage. Those comments were about the decisions and the debates of the Police Authority."

62.78 **(n)** Councillor Hawkes asked,

"Will Councillor Dee Simson confirm that the three new Youth Outreach pilots for 8-13 year olds will be located in the most deprived wards in the city according to the Index of Multiple Deprivation 2007 from the DCLG?"

62.79 Councillor Simson replied,

"As Councillor Hawkes will be aware, it was agreed by the Leader of the Council to set up a cross-party working group to oversee the pilot projects. That working group has not yet met, therefore it is premature to say how and where those pilot projects might be based."

62.80 Councillor Hawkes asked a supplementary question, "Thank you Councillor Simson for your answer. I am, of course, aware of the plan for a cross-party working group to oversee the three pilot projects. I do need to ask though Councillor Simson that you guarantee that only wards with the highest level of deprivation be considered; that would mean East Brighton, Portslade, Queen's Park and pockets of my own ward, Hollingdean and Stanmer, being considered and probably Moulsecoomb & Bevendean but as we know these wards are amongst the highest levels of deprivation nationally, so could I have a guarantee on that please?"

62.81 Councillor Simson replied, "As I said in my answer until the cross-party working group is set up and I don't know which Member of your Group will be sitting on that, it may well be yourself, I am not in a position to say which areas the pilots will be set up in.

You mention several areas there: I know we've also got the Knoll Estate which has got high levels of deprivation, so I think all this has got to be taken into account. There's also the Index of Multiple Deprivation that was actually done three years ago now and obviously since Neighbourhood Renewal and New Deal one would hope that things would actually have improved in those areas by now. I'm not sure if they have or not, so I think we need to take all this into account.

These are pilots, we need to be looking at the areas that we feel we will get the best results from, whether that will be in areas of multiple deprivation or not I can't say until the cross-party working group is set up and we scope this out and then we will know where we need to do this work but I can assure you it will be done where it is most needed."

62.82 Councillor Duncan asked a further supplementary question, "I just wanted to ask you to clarify something you just said. You said that it would be those areas where the need was greatest and yet you weren't sure until the cross-party group had met that it would

be in the areas with the highest deprivation and I just need to be sure, are you suggesting that some of the areas identified as having the highest deprivation are not the areas where the need will be greatest but there will still be projects?"

62.83 Councillor Simson replied, "What I am trying to say is that until the cross-party working group has met and scoped out how we want to run this pilot, what the outcomes are that we want to get from it, we cannot decide which areas we're going to be working in. When we scope that and we know what outcomes we are looking for then we can see which areas of the city will give us the greatest response to that, where that kind of need is and where will benefit most. That's the point, it may be that we identify areas of the city where the need that will show the greatest outcomes may not be in an area of multiple deprivation. I can't say until that cross-party working group has met and scoped out what we want to get from this piece of pilot work we cannot say where the areas will be."

62.84 Councillor Mears noted that the Mayor had accepted the final question but asked for confirmation that it had been received in time and queried why its omission had come to light so late in the day.

62.85 The Head of Democratic Services confirmed that the question had been received in accordance with the procedural rules and its omission had been an error for which he apologised.

62.86 The Mayor noted the apology and stated that a full explanation would be provided in writing.

## 63. REPORTS OF THE CABINET, CABINET MEMBER MEETINGS AND COMMITTEES.

### (a) Callover

63.1 The following items on the agenda were reserved for discussion:

Item 66 - Sustainable Community Strategy;
Item 67 - Annual Investment Strategy 2010/11;
Item 68 - Proposals for Transforming Meetings of Full Council;
Item 70 - Member Appointment to South Downs National Park Authority.

### (b) Receipt and/or Approval of Reports

63.2 The Head of Democratic Services confirmed that Item No's. 66, 67, 68 and 70 had been reserved for discussion; and

63.3 The Head of Democratic Services confirmed that the Annual Report of the Standards Committee, and the E-Petitions report, Item No's 64 and 69 respectively, on the agenda with the recommendations therein had been approved and adopted.

### (c) Oral Questions from Members

63.4 The Mayor noted that there were no oral questions.

## 64. ANNUAL REPORT OF THE STANDARDS COMMITTEE

64.1 The Annual Report of the Standards Committee was noted.

## 65. REVIEW OF MEMBERS' ALLOWANCES

## 65. REVIEW OF MEMBERS' ALLOWANCES

65.1 The report of the Director of Strategy & Governance had been deferred from consideration at the meeting.

## 65. REVIEW OF MEMBERS' ALLOWANCES - REPORT OF THE INDEPENDENT REMUNERATION PANEL

65.2 The report of the Independent Remuneration Panel had been deferred from consideration at the meeting.

## 66. SUSTAINABLE COMMUNITY STRATEGY

66.1 Councillor Simson introduced the report which detailed the main changes between the 1st and 2nd drafts of the Sustainable Community Strategy and recommended the adoption of the revised Strategy. In referring to the documents that made up the report, Councillor Simson asked that a separate vote be taken on Chapter 7.

66.2 Councillor Mitchell welcomed the report and expressed her support for the strategy as an entirety and questioned the need for a separate vote on Chapter 7.

66.3 Councillors Randall, Taylor, Morgan, Kennedy and Davey expressed their concern over the request to hold a separate vote on Chapter 7 of the report.

66.4 Councillor Theobald noted that there had been a lengthy debate at the December Council meeting over the Local Development Framework and stated that the Administration had voted against a number of aspects that were reflected in Chapter 7 of the Sustainable Community Strategy report. It was therefore appropriate for the Administration to seek a separate vote on this element, in order to remain consistent with their policy objectives.

66.5 Councillors West, Kitcat, Randall and Duncan all raised Points of Order in relation to the request to hold a separate vote on Chapter 7 of the report.

66.6 Councillor Mears stated that the Administration had not asked for the Chapter to be withdrawn, but simply that it be voted on separately. She stated that the Administration fully supported the actions reflected in Chapters 1 to 6 and Chapter 8, but had clearly different views in respect of Chapter 7 and therefore wished to have the opportunity to record those views.

66.7 Councillor Simson noted the comments and stated that she wished to recommend the report to the Council in terms of Chapters 1 to 6 and Chapter 8; but that in view of the Administration's policy objectives, there was a need to vote on Chapter 7.

66.8 The Mayor stated that she had accepted Councillor Simson's request to take a separate vote on Chapter 7 of the report and would therefore put Chapters 1 to 6 and 8 to the vote and then Chapter 7.

66.9 Councillor Mitchell requested that a recorded vote be taken, which was supported by a sufficient number of councillors.

66.10 The Mayor noted that a recorded vote had been requested and stated that she would take two separate votes and put the recommendation that Chapters 1, 2, 3, 4, 5, 6 and 8 of the report be agreed and adopted;

| | NAME | FOR | AGAINST | ABSTAIN |
|---|---|---|---|---|
| Cllr | Alford | x | | |
| | Allen | x | | |
| | Barnett | x | | |
| | Bennett | x | | |
| | Brown | x | | |
| | Carden | x | | |
| | Caulfield | x | | |
| | Cobb | x | | |
| | Davey | x | | |
| | Davis | x | | |
| | Drake | x | | |
| | Duncan | x | | |
| | Elgood | x | | |
| | Fallon-Khan | x | | |
| | Fryer | x | | |
| | Hamilton | x | | |
| | Harmer-Strange | x | | |
| | Hawkes | x | | |
| | Hyde | x | | |
| | Janio | x | | |
| | Kemble | x | | |
| | Kennedy | x | | |
| | Kitcat | x | | |
| | Lepper | x | | |
| | Marsh | x | | |
| | McCaffery | x | | |
| | Meadows | x | | |
| | Mears | x | | |
| | Mitchell | x | | |
| | Morgan | x | | |
| | Norman, Ann | x | | |

| | | | | |
|---|---|---|---|---|
| | **Norman, Ken** | x | | |
| | **Older** | x | | |
| | **Oxley** | x | | |
| | **Peltzer Dunn** | x | | |
| | **Phillips** | x | | |
| | **Pidgeon** | x | | |
| | **Randall** | x | | |
| | **Rufus** | x | | |
| | **Simpson** | x | | |
| | **Simson** | x | | |
| | **Smart** | x | | |
| | **Smith** | x | | |
| | **Steedman** | x | | |
| | **Taylor** | x | | |
| | **Theobald, Carol** | x | | |
| | **Theobald, Geoffrey** | x | | |
| | **Turton** | x | | |
| | **Wakefield-Jarrett** | x | | |
| | **Watkins** | x | | |
| | **Wells** | x | | |
| | **West** | x | | |
| | **Wrighton** | x | | |
| | **Young** | x | | |
| | | | | |
| | **Total** | **54** | | |

66.11 **The motion was carried.**

66.12 The Mayor then put the recommendation that Chapter 7 of the report be agreed and adopted;

| | **NAME** | **FOR** | **AGAINST** | **ABSTAIN** |
|---|---|---|---|---|
| **Cllr** | **Alford** | | | x |
| | **Allen** | x | | |
| | **Barnett** | | | x |
| | **Bennett** | | | x |
| | **Brown** | | | x |
| | **Carden** | x | | |
| | **Caulfield** | | | x |
| | **Cobb** | | | x |
| | **Davey** | x | | |
| | **Davis** | x | | |
| | **Drake** | | | x |
| | **Duncan** | x | | |
| | **Elgood** | x | | |
| | **Fallon-Khan** | | | x |
| | **Fryer** | x | | |
| | **Hamilton** | x | | |

| | | | | |
|---|---|---|---|---|
| | **Harmer-Strange** | | | x |
| | **Hawkes** | x | | |
| | **Hyde** | | | x |
| | **Janio** | | | x |
| | **Kemble** | | | x |
| | **Kennedy** | x | | |
| | **Kitcat** | x | | |
| | **Lepper** | x | | |
| | **Marsh** | x | | |
| | **McCaffery** | x | | |
| | **Meadows** | x | | |
| | **Mears** | | | x |
| | **Mitchell** | x | | |
| | **Morgan** | x | | |
| | **Norman, Ann** | | | x |
| | **Norman, Ken** | | | x |
| | **Older** | | | x |
| | **Oxley** | | | x |
| | **Peltzer Dunn** | | | x |
| | **Phillips** | x | | |
| | **Pidgeon** | | | x |
| | **Randall** | x | | |
| | **Rufus** | x | | |
| | **Simpson** | x | | |
| | **Simson** | | | x |
| | **Smart** | | | x |
| | **Smith** | | | x |
| | **Steedman** | x | | |
| | **Taylor** | x | | |
| | **Theobald, Carol** | | | x |
| | **Theobald, Geoffrey** | | | x |
| | **Turton** | x | | |
| | **Wakefield-Jarrett** | x | | |
| | **Watkins** | x | | |
| | **Wells** | | | x |
| | **West** | x | | |
| | **Wrighton** | x | | |
| | **Young** | | | x |
| | | | | |
| | **Total** | **28** | | **26** |

66.13 **The motion was carried.**

66.14 The Mayor noted that both motions had been carried and therefore the Sustainable Community Strategy had been adopted in full.

**Refreshment Break**

66.15 The Mayor then adjourned the meeting for a refreshment break at 6.40pm.

66.16 The meeting was reconvened at 7.10pm.

## 67. ANNUAL INVESTMENT STRATEGY 2010/11

67.1 Councillor Young introduced the report which detailed the proposed Annual Investment Strategy for 2010/11 and had been endorsed by the Cabinet at its meeting on the 11 March 2010.

67.2 Councillor Hamilton welcomed the report and noted that a number of recommendations from the Department of Communities & Local Government had been identified for implementation.

67.3 Councillor Randall also welcomed the report and the proposed review of the number of Banks and Building Societies that the council had dealings with. He hoped that the review would leas to a greater involvement with Mutual Societies.

67.4 The Mayor noted that the recommendations had been moved which she put to the vote and were carried.

67.5 **RESOLVED:** That the Annual Investment Strategy 2010/11 be approved.

## 68. PROPOSALS FOR TRANSFORMING MEETINGS OF FULL COUNCIL

68.1 Councillor Oxley introduced the report, which outlined the current operation of the Council procedural rules and proposed some amendments to improve the way in which council meetings operated. He noted that there had been an extensive consultation process and believed that the proposed changes would provide a greater emphasis on the work of the council; as well as maintaining the democratic accountability to hold the Executive to account. The provision for public involvement through questions and deputations was retained and he hoped would encourage more interaction. However, the changes to Members' questions should enable specific matters to be dealt with through written questions and answers and leave the time allotted for policy debate raised through questions at the meeting. It was also proposed that the actual council meeting would close at 9.00pm unless it was decided to continue, and in this respect all matters not reached would then be dealt with by way of a vote so that they did not back-up to the next meeting.

68.2 Councillor Kitcat stated that he wished to move a series of amendments to the recommendations but in so doing would withdraw amendment 5, and therefore moved amendments 1, 2, 3, 4 and 6 as listed and circulated. In moving the amendment, he stated that the intention was recognise the need to represent residents and serve the public, which he felt were being restricted by the proposed changes. He believed that there was a need for more council meetings and that there should not be a limit to the number of notices of motions that could be submitted at any one meeting. He also questioned the operation of Members' questions which he felt needed further clarification.

68.3 Councillor Fryer formally seconded the motion.

68.4 Councillor Mitchell stated that she believed there had been a full consultation exercise in relation to the proposed changes and that they were sensible alterations to the process of council meetings to enable them to be more effective.

68.5 Councillor Elgood stated that he had concerns over the proposals and felt that a number of them were a retrograde step in terms of the workings of the council meetings. He believed the change in how Members' questions operated could lead to more unruly debate and did not feel that there number of notices of motion should be limited. He also expressed concern over the reduction in speaking times and suggested that if a specific meeting was to deal with a 'State of the City' debate then it should be in addition to the ordinary number meetings set. He also believed that it would be helpful to split the Annual Meeting into two so that ordinary business was dealt with prior to the mayor making. He therefore suggested that further discussion should be held and that the report should be deferred.

68.6 Councillor West stated that he believed the council meeting was the most important opportunity for councillors and members of the public to engage in political debate. However, the proposed changes sought to curtail this opportunity and went against the actions to encourage greater engagement in the democratic process.

68.7 Councillor Fryer referred to the proposed amendment 3 and stated that there was a need to maintain the opportunity to have as many notices of motion as felt necessary. They were an effective means of influencing or creating policy and building relations and should not be restricted. In regard to amendment 6 it was felt that the Annual Meeting should be held separately to any ordinary business such as the appointments to committees. This would ensure the process of mayor making was not politicised and was something that other authorities undertook successfully.

68.8 Councillor Oxley noted the comments and referred to the proposed amendments moved by Councillor Kitcat. He did not accept amendment No.1 and in relation to amendment No.2, stated that the proposed changes to Members' questions needed to be looked at as a whole. There was an opportunity to submit written questions and to receive written answers, which would be circulated at the meeting as currently. However, oral questions would then be put and answered for a period of 30 minutes and which no notice would have been given. Both aspects enabled the Executive to be held to account. In regard to amendment No.3 there was an opportunity to bring forward notices of motion and there was also the ability to put notices of motion to other meetings such as the Cabinet, Cabinet Member Meetings and Committees, although this facility had yet to be utilised. He believed that recommendation No.4 would give more Members an opportunity to speak and therefore could not accept the amendment. In respect of amendment No.6 he was unsure how this would help as he believed there were a number of informal processes that enabled agreements to be reached on the appointments so that they could be ratified at the council meeting. He could not therefore accept the amendments and wished to move the recommendations as detailed in the report.

68.9 The Mayor noted that a series of amendments had been moved by Councillor Kitcat. The Mayor stated that she would put each one to a separate vote, and noted that amendment No.5 had been withdrawn.

68.10 The Mayor then put the amendments to vote in the following order, No's. 1, 2, 3, 4 and 6 and each amendment was lost.

68.11 Councillor Fryer requested that a recorded vote be taken, which was supported by a sufficient number of councillors.

68.12 The Mayor noted that a recorded vote had been requested and put the recommendations as detailed in the report to the vote;

| | NAME | FOR | AGAINST | ABSTAIN |
|---|---|---|---|---|
| Cllr | Alford | x | | |
| | Allen | x | | |
| | Barnett | x | | |
| | Bennett | x | | |
| | Brown | x | | |
| | Carden | x | | |
| | Caulfield | x | | |
| | Cobb | x | | |
| | Davey | | x | |
| | Davis | x | | |
| | Drake | x | | |
| | Duncan | | x | |
| | Elgood | | x | |
| | Fallon-Khan | x | | |
| | Fryer | | x | |
| | Hamilton | x | | |
| | Harmer-Strange | x | | |
| | Hawkes | x | | |
| | Hyde | x | | |
| | Janio | x | | |
| | Kemble | x | | |
| | Kennedy | | x | |
| | Kitcat | | x | |
| | Lepper | x | | |
| | Marsh | x | | |
| | McCaffery | x | | |
| | Meadows | x | | |
| | Mears | x | | |
| | Mitchell | x | | |
| | Morgan | x | | |
| | Norman, Ann | x | | |
| | Norman, Ken | x | | |
| | Older | x | | |
| | Oxley | x | | |

| | | | | |
|---|---|---|---|---|
| | **Peltzer Dunn** | x | | |
| | **Phillips** | | x | |
| | **Pidgeon** | x | | |
| | **Randall** | | x | |
| | **Rufus** | | x | |
| | **Simpson** | x | | |
| | **Simson** | x | | |
| | **Smart** | x | | |
| | **Smith** | x | | |
| | **Steedman** | | x | |
| | **Taylor** | | x | |
| | **Theobald, Carol** | x | | |
| | **Theobald, Geoffrey** | x | | |
| | **Turton** | x | | |
| | **Wakefield-Jarrett** | | x | |
| | **Watkins** | | x | |
| | **Wells** | x | | |
| | **West** | | x | |
| | **Wrighton** | | x | |
| | **Young** | x | | |
| | | | | |
| | **Total** | **39** | **15** | |

68.13 **RESOLVED:**

(1) That the proposed amendments to Council Procedure Rules as set out in paragraphs 4.3, 5.4, 6.2 and 8.2 of the report be approved;

**4.3 Duration of Council Meetings**

(i) 4 hours after the beginning of the meeting (excluding any breaks/adjournments) a closure motion is moved by the Mayor automatically if the meeting has not concluded by then.

(ii) The Mayor's closure motion be by way of termination of the meeting under Council Procedure Rule 17.

**5.4 Member Questions**

(iii) A period of 30 minutes be set aside for Oral Member Question Time.

(iv) That the order of questions be: Leader of the Official Opposition, Convenor of the Green Group, Leader of the Liberal Democrat Group, then Members in the order of Conservative, Labour, Green and Liberal Democrat until the allocated 30 minutes is used at which time the meeting proceeds to the next business.

(v) The Groups will submit the order in which they want questions taken. The Mayor will have discretion and flexibility on how this operates in practice, including allowing the Independent Member to ask a question.

(vi) A Member asking a question (but no others) may ask one supplementary. No Member may ask more than one question.

(vii) There be no requirement to give advance notice of the actual oral questions to be asked. However, a Member proposing to ask a question should give notice of intention to do so within current timescales for Member questions with an indication of the subject matter.

(viii) Oral questions be limited to general policy rather than technical matters. If technical questions are asked the Mayor may disallow the question or the Member who is asked the question may decline to answer or state that a written response will be sent.

(ix) The Monitoring Officer will develop guidance for Members on what is policy and what is a technical/operational matter which the Mayor and Members will have regard to in applying the criteria.

(x) Members may submit written questions as now. These will receive written answers with the questions and replies circulated with the addendum at Council (as now) but no "supplementary" questions.

(xi) The current procedures continue to apply to Cabinet, Committees and CMM's.

**6.2 Notices of Motion**

(xii) There be a limit on the number of Notices of Motion presented at Council so that there are no more than 2 Notices of Motion from the 3 largest Groups and no more than 1 from other Groups with any Member not belonging to a political group being able to table a motion at the Mayor's discretion;

(xiii) In the event that more than the specified number of Notices of Motion are presented from any Group, the relevant group shall decide which ones it wants tabled. In the absence of such a decision, Notices of Motion from Members of a Group will be taken in the order in which they are received.

**8.2 Speaking Times**

(xiv) Speaking times be limited to 5 minutes fro the proposer of a motion and 3 minutes for all other speakers.

(xv) Council retains the power to grant an extension of time on a majority vote as now.

(2) That the Head of Law be authorised to amend the constitution to reflect the above, including making an consequential drafting amendments; and

(3) That the changes come into force immediately after the Annual Council Meeting in May 2010.

## 69. E-PETITIONS

69.1 **RESOLVED:**

(1) That the current e-petitions facility be retained;

(2) That the changes to the E-Petitions Guidance be approved.

## 70. MEMBER APPOINTMENT TO SOUTH DOWNS NATIONAL PARK AUTHORITY

70.1 The mayor noted that the Council had been asked to appoint a representative to the South Downs National Park Authority (SDNPA), and therefore sought nominations from the council.

70.2 Councillor Mears nominated Councillor Geoffrey Theobald and Councillor Simson formally seconded the nomination.

70.3 Councillor Mitchell nominated Councillor Melanie Davis and Councillor Hawkes formally seconded the nomination.

70.4 Councillor Taylor nominated Councillor Pete West and Councillor Kennedy formally seconded the nomination.

70.5 Councillor Elgood nominated Councillor Watkins and Councillor Bennett formally seconded the nomination.

70.6 The Mayor stated that the following four councillors had each been nominated and she would therefore put them forward to the vote:

Councillors Davis, Theobald, Watkins and West.

70.7 The Mayor noted that no overall majority had been gained from the round of voting. Therefore Councillor Watkins as the nominee with the lowest number of votes would drop out and she would put the three remaining nominees to the vote.

70.8 The Mayor noted that no overall majority had been gained from the second round of voting. She also noted that there was a tie between Councillors Davis and West for second place and therefore would repeat the process.

70.9 The Mayor noted that a similar tied position resulted had resulted from the vote and therefore asked the Head of Democratic Services to toss a coin between Councillors Davis and West.

70.10 The Mayor noted that Councillor Davis was successful and therefore put the remaining two nominees to the vote.

70.11 The Mayor confirmed that Councillor Geoffrey Theobald had achieved a majority of votes and was duly appointed as the Council's representative on the South Downs National Park Authority.

## 71. NOTICES OF MOTION.

### (a) Personal Care at Home Bill

71.1 The Notice of Motion as detailed in the agenda was proposed by Councillor Norman and seconded by Councillor Barnett.

71.2 Councillor Taylor moved an amendment, seconded by Councillor Wrighton which was not accepted by Councillor Norman.

71.3 The Mayor noted that the amendment moved by Councillor Taylor had not been accepted by Councillor Norman and therefore put the proposed amendment to the vote which was lost.

71.4 The Mayor then put the Notice of Motion in its original form to the vote:

"This Council believes in the principle of helping more people with care needs to stay in their own homes where they wish to do so and, therefore, welcomes the broad intentions of the new Personal Care at Home Bill.

However, this Council has serious concerns that local authorities are being asked to fund a substantial part of the costs of implementing the new Bill. The proposed Government funding to meet the costs of the scheme is inadequate and the proposed council efficiency savings entirely unrealistic.

Further, this Council shares the concerns of the Local Government Association and the Association of Directors of Adult Social Services who suggest that the total cost of the proposal will be much higher than the Government's estimated figure of £670 million due to a significant underestimate of the number of people likely to be entitled to, and take advantage of, free care.

Locally, it has been estimated that the cost of the Bill to Brighton & Hove's council taxpayers will be between £1.3 and £1.8 million per annum.

This Council notes that the Government is committed to ensuring that any new centrally-imposed responsibilities falling on local authorities are fully funded via the 'New Burdens Doctrine'. New Burdens are defined as *'any new policy or initiative which increases the cost of providing local authority services.'*

This Council believes that without adequate funding, more pressure will be placed on services for people who have significant, but not critical, needs and that the shortfall may require either an increase in council tax or cuts to other council services. In their current form, these irresponsible proposals threaten to destabilise the Council financially, put undue and unfair strain on our staff and risk councils' ability to properly care for those that most need it.

Therefore, this Council resolves to request that the Chief Executive writes to the Secretary of State for Health – Andy Burnham MP – requesting that he:

- Honours the Government's commitment in the New Burdens Doctrine by fully funding the provisions of the Personal Care at Home Bill.

- Delays implementation of any proposals until at least 1 April 2011 to enable a more accurate and realistic assessment of the costs of the scheme to be undertaken and to allow social care staff more time to get to grips with the proposed new assessment procedures."

71.5 **The motion was carried.**

**(b) Letting Agents**

71.6 The Notice of Motion as detailed in the agenda was proposed by Councillor Randall and seconded by Councillor Wrighton.

71.7 Councillor Simpson moved an amendment, seconded by Councillor Meadows which was not accepted by Councillor Randall.

71.8 Councillor Peltzer Dunn moved an amendment, seconded by Councillor Caulfield which was accepted by Councillor Randall.

71.9 The Mayor noted that the amendment moved by Councillor Simpson had not been accepted by Councillor Randall and therefore put the proposed amendment to the vote which was lost.

71.10 The Mayor then put the following Notice of Motion as amended to the vote:

"This council notes the findings of the national Citizens Advice report *Let down* (1) on the activities of private rented sector letting agents, which revealed:

- 73 per cent of tenants interviewed were dissatisfied with the service provided by their letting agent. Common concerns included difficulties in contacting the agent, serious delays in getting repairs carried out, inadequacies in the protection of clients' money and the frequency with which additional charges were made.

- 94 per cent of letting agents surveyed imposed additional charges on tenants on top of the tenancy deposit and rent in advance. The size of these charges varied hugely. The charge for checking references ranged from £10 to £275 and the charge for renewing a tenancy ranged from £12 to £200. In some cases additional charges for a tenancy amounted to over £600.

- Less than a third of agents willingly provided full written details of their charges to CAB workers when asked.

- 61 per cent of the tenants surveyed said that paying these charges was a problem. Some had to borrow the money, others had difficulty paying other bills or went into debt.

This council further notes:

- That Brighton & Hove has the sixth largest private rented sector in the country with tens of thousands of its residents having dealings with letting agents in the City.

In addition, the Citizens Advice proposals call for:

(1) The licensing of letting agents who should be required to demonstrate professional competence, have adequate client money protection arrangements and operate a system for handling complaints and redress;

(2) The introduction of regulations specifying that no additional charges should be made to tenants for activities that are part of the routine letting and management process. The cost of this work should be included in the rent paid by the tenant and/or the management fee paid by the landlord. The ultimate sanction against letting agents breaching the regulations should be the withdrawal of the licence to operate.

It therefore calls on the council to request the Chief Executive to:

1. Write to the Government and the major political parties seeking their support for the Citizens Advice proposals; and

2. Ask the Office of Fair Trading to carry out an investigation into the activities of letting agents.

71.11 **The motion was carried.**

**Note:** Councillor Harmer-Strange having declared a personal and prejudicial interest in the matter withdrew from the meeting and took no part in the debate or voting thereon.

**(c) Maternity Services in Brighton & Hove**

71.12 The Notice of Motion as detailed in the agenda was proposed by Councillor Kitcat and seconded by Councillor Kennedy.

71.13 Councillor Turton moved an amendment, seconded by Councillor Allen which was not accepted by Councillor Kitcat.

71.14 The Mayor noted that the amendment moved by Councillor Turton had not been accepted by Councillor Kitcat and therefore put the proposed amendment to the vote which was carried.

71.15 The Mayor then put the Notice of Motion as amended to the vote:

"This council welcomes the news that Brighton & Hove PCT are planning to introduce a midwife led unit in the city, and recognises that this decision reflects the findings of a recent survey into local residents' views about the kinds of maternity services they desire.

This council notes that the survey also found that:

- 88 per cent of respondents said they would like the same midwife throughout pregnancy and post natal care;

- 99 per cent of respondents thought it was a good idea to offer free counselling to women who have had a difficult birth.

Furthermore, this council notes and supports the aims of the National Childbirth Trust's *Reclaiming Birth* campaign, which is also calling for more midwives carrying their own caseloads and looking after parents-to-be from conception to birth and post-natally, and for more women to be able to give birth in free-standing midwifery units (Birth Centres) or at home.

This Council notes that the Government has:

- provided record investment to the NHS including the education, training and recruitment of midwives which has led to 35,305 midwives recorded as practicing on the professional Register in 2008 – a ten year high;

- provided an additional £330 million since 2008 specifically to improve maternity services over the three year period to 2011 and;

- established the Midwifery 2020 programme to examine how best to maximize the contribution of midwives to improving the experience of women during their maternity care.

However, this Council also notes that the NHS had a surplus of £1.7 billion in 2008 and shares the concern of the Royal College of Midwives that despite the Government providing additional funding to improve maternity care services, this funding is not being consistently passed on to local heads of midwifery in England.

Therefore this council requests the Chief Executive to:

- Write to the PCT urging them to act on the other findings of the survey with regard to midwife provision and post-natal counselling services;

- Write to the Health Secretary, Andy Burnham requesting that he instructs all NHS providers to ensure that the additional funding to improve maternity care services is passed on in full to local heads of midwifery in England"

71.16 **The motion was carried.**

The meeting concluded at 9.15pm

Signed Chairman

Dated this day of 2010

| COUNCIL | Agenda Item 80 |
|---|---|
| 29 April 2010 | Brighton & Hove City Council |

| | | |
|---|---|---|
| **Subject:** | **Reducing Alcohol Related Harm for Children and Young people : Overview & Scrutiny Report** | |
| **Date of Meeting:** | **29 April 2010** | |
| **Report of:** | **The Director of Strategy & Governance** | |
| **Contact Officer:** | Name: | Sharmini Williams Tel: 29-0451 |
| | E-mail: | Sharmini.Williams@brighton-hove.gov.uk |
| **Wards Affected:** | All | |

**FOR GENERAL RELEASE**

## 1. SUMMARY AND POLICY CONTEXT:

1.1 The Council's Constitution (Part 6, Paragraph 15.4) requires reports from Overview & Scrutiny Ad Hoc Panels and Select Committees, together with the Executive response to these reports, to be reported to full Council for information.

1.2 The Children and Young People's Overview and Scrutiny Committee (CYPOSC) set up a Reducing Alcohol Related Harm to Children and Young People Panel at the 24 September 2008 meeting, after considering the 2008 Annual Report of the Brighton & Hove Director of Public Health: "Brighten Up! Growing Up in Brighton & Hove 2008".

1.3 CYPOSC endorsed the report on the 17 June, 2009 and the Overview and Scrutiny Commission endorsed the report on the 14 July 2009.

The report was heard at the Children and Young People's Trust (CYPT) on the 7 September 2009.

The report was heard at Licensing Committee on the 26 November, 2008 and was deferred to the next Licensing Committee date of the 4 March, 2010, where it was endorsed.

1.4 The CYPOSC ad hoc panel report is included as **Appendix 1** to this report. The CYPT response to the ad-hoc panel recommendations is included as **Appendix 2**. The minutes of the CYPT Board meeting are included as **Appendix 3.** The Licensing Committee response to the ad-hoc panel recommendations is included as **Appendix 4A** and **4B**. The draft minutes of the Licensing Committee meeting are included as **Appendix 5.**

## 2. RECOMMENDATIONS:

2.1 That members note the CYPOSC ad hoc panel report on Reducing Alcohol Related Harm for Children and Young people and the responses to this report.

## 3. BACKGROUND INFORMATION

3.1 Councillor Ann Norman chaired the Panel, which also consisted of Councillors Juliet McCaffery and Ben Duncan.

3.2 The Panel's terms of reference were to;

"Examine the costs of, social and economic outcomes of, and reasons for the higher than average, and worsening, levels of alcohol related harm suffered by children and young people in Brighton and Hove.

Such a Panel will specifically, but not exclusively, examine the impact of the Licensing Act 2003 on the availability to and consumption of alcohol by those aged under 18 in the city and, seeking evidence from, amongst others, Sussex police, premises license holders, the council's own public safety officers and our partners in the NHS, will determine what steps the council could take to reduce levels of alcohol-related harm to children in the city.

Further, the Panel will examine reasons why the problems of alcohol-related harm appear to be worst in the east of the city."

3.3 The Panel held five evidence gathering meetings in public, talking to a number of witnesses including representatives of the NHS trusts, the Police, alcohol retailers, Trading Standards and Licensing, local schools, local authority drugs and alcohol services and the Youth Council.

3.4 Further details can be found in the main body of the report, see **Appendix 1.**

3.5 The report makes 11 recommendations, 6 of the recommendations are to Licensing and Trading Standards, the remaining recommendations are to the Children and Young People's Trust and the Police.

## 4. CONSULTATION

4.1 No formal consultation has been undertaken in relation to this report.

## 5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 No specific implications for this report, as this report is purely for the Council to note. See the implications on the attached CYPT Board and Licensing Committee reports.

Legal Implications:

5.2 As indicated in paragraphs 1.1 and 2.1 above, and in accordance with the council's procedure rules on overview and scrutiny, this report is purely for Council to note. There are no further legal implications arising directly from the report.

Equalities Implications:

5.3 No specific implications for this report, as this report is purely for the Council to note. See the implications on the attached CYPT Board and Licensing Committee reports.

Sustainability Implications

5.4 No specific implications for this report, as this report is purely for the Council to note. See the implications on the attached CYPT Board and Licensing Committee reports.

Crime & Disorder Implications:

5.5 No specific implications for this report, as this report is purely for the Council to note. See the implications on the attached CYPT Board and Licensing Committee reports.

Risk and Opportunity Management Implications:

5.6 No specific implications for this report, as this report is purely for the Council to note. See the implications on the attached CYPT Board and Licensing Committee reports.

Corporate / Citywide Implications:

5.7 No specific implications for this report, as this report is purely for the Council to note. See the implications on the attached CYPT Board and Licensing Committee reports.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Report of the CYPOSC ad hoc panel on Reducing Alcohol Related Harm to Children and Young People.

2. CYPT response to the report of the Children and Young People's Overview and Scrutiny Committee Report: Reducing Alcohol Related Harm to Children and Young People

3. Extract from the Proceedings of the CYPT Board meeting held on the 7 September, 2009.

4A. Cover report from Licensing - Reducing Alcohol Related Harm to Children and Young People – CYPOSC referral

4B General Licensing Response re: Considering Issues Raised by Recommendations within Statement of Licensing Policy Review during 2010.

5. Draft Extract from the Proceedings of the Licensing Committee (Licensing Act 2003 Functions) meeting held on the 4 March, 2010.

**Documents in Members' Rooms:**
None

**Background Documents:**
None

## Children and Young People Overview and Scrutiny Committee (CYPOSC)

# Reducing Alcohol Related Harm To Children and Young People Ad Hoc Panel

## Overview and Scrutiny

## Brighton & Hove City Council

## June 2009

# Table of contents

A Introduction page 3

B Recommendations page 9

C Appendices:

Appendix 1: Dates of public meetings and witnesses who attended plus dates of private meetings page 31

Appendix 2: Minutes of the meetings page 33

Appendix 3: Digest of recommendations page 62

Appendix 4: Background papers page 64

# A Introduction

This section explains the decision to establish an ad hoc panel, as well as providing general background to issues relating to underage drinking (in both national and local terms) and to the 2003 Licensing Act.

## 1. Establishment of the Ad Hoc Panel

**1.1** At its 24 September 2008 meeting, the Children and Young People's Overview and Scrutiny Committee (CYPOSC) considered the 2008 Annual Report of the Brighton & Hove Director of Public Health: "Brighten Up! Growing Up in Brighton & Hove 2008". The 2008 report (which doubles as a Joint Strategic Needs Assessment for city services) focuses on children's health issues.

**1.2** CYPOSC members decided that the committee should investigate some aspect of this public health agenda in greater depth, and after discussion it was determined that the committee's focus should be on the subject of young people and alcohol.

**1.3** More specifically, it was proposed that an ad hoc should be established to:

"Examine the costs of, social and economic outcomes of, and reasons for the higher than average, and worsening, levels of alcohol related harm suffered by children and young people in Brighton and Hove.

Such a panel will specifically, but not exclusively, examine the impact of the Licensing Act 2003 on the availability to and consumption of alcohol by those aged under 18 in the city and, seeking evidence from, amongst others, Sussex police, premises license holders, the council's own public safety officers and our partners in the NHS, will determine what steps the council could take to reduce levels of alcohol-related harm to children in the city.

Further, the Panel will examine reasons why the problems of alcohol-related harm appear to be worst in the east of the city."

**1.4** Committee members agreed to adopt this wording as the ad hoc Panel's Terms of Reference.

**1.5** Councillors Juliet McCaffery and Ann Norman agreed to sit on the Panel alongside Councillor Duncan. Councillor Norman was subsequently appointed as Chairman of the Panel.

**1.6** Panel members held a scoping meeting, where they were advised by the Director of Public Health and by officers from the council's Children and Young People's Trust (CYPT).

**1.7** The Panel subsequently held a series of evidence gathering meetings in public. Witnesses included police officers, Trading Standards officers, officers representing the council's Licensing team, CYPT officers, public health professionals from NHS Brighton & Hove, a consultant paediatrician, head-teachers, and representatives of the major supermarket and off-licence chains.[1] The Panel also invited a number of independent alcohol retailers to give evidence. However, none of these potential witnesses agreed to appear before the Panel.

**1.8** Panel members also met on two occasions with members of the Brighton & Hove Youth Council in order to elicit young people's views on this issue.

## 2. The 2008 Annual Report of the Director of Public Health

**2.1** The 2008 Annual Report of the Director of Public Health makes several references to alcohol-related issues. In particular the report states that:

"It appears that children in Brighton and Hove drink slightly more than their national counterparts and some key alcohol indices among 14-15 year olds in Brighton and Hove show high levels of drinking. Drinking is on the increase and a substantial number of children drink more than fourteen units, the recommended weekly maximum for adult women.

While boys drink more than girls, the culture of binge drinking appears to be more common among girls who are much more likely than boys to get drunk. Overall a quarter of boys and a third of girls report getting drunk in the previous week and in the east of the city the figures for drinking and getting drunk are much higher.

Mental and behavioural disorders due to alcohol were the highest cause of admission to hospital compared to other mental health disorders in 2005/6 and 2006/7.

The number of ambulance calls related to drinking among young people has been steadily increasing and between 10 and 25 children and young people aged less than 18 years attend A&E with alcohol related problems every month."

**2.2** In an attempt to address these problems, the Director of Public Health proposed that:

"The CYPT and the PCT [i.e. NHS Brighton & Hove] should take further action to tackle the increasing levels of drinking among young people, especially the apparent culture of binge drinking among young girls. This should be explored as part of the Joint Strategic Alcohol Needs Assessment currently underway.

[1] A full list of witnesses is contained in Appendix 1 to this report.

The CYPT should work with the ambulance service and A&E Services in order to ensure appropriate treatment and referral for children and young people presenting with alcohol related conditions. This work should be coordinated with the Joint Strategic Alcohol Needs Assessment."

# 3. Background

## 3.1 Population statistics

- Brighton and Hove has a rather lower proportion of children aged less than 16 years (16.65%) than the average for the South East (19.93%) and for England and Wales (20.16%).

- In mid-2005 there were an estimated 255,022 residents in Brighton and Hove, of whom 53,500 were aged between 0-19 years.

- Population trends and projections suggest that the proportion of children in the city is set to rise somewhat in the next few years, with a concomitant increase in demand for children's services.

- The east and central areas of Brighton & Hove have proportionately more children and young people than the west.

- Brighton and Hove has relatively high levels of deprivation, higher than both regional and national averages. In the more deprived parts of the city (e.g. in parts of East Brighton) up to 45% of children live in families with parents/carers who are out of work.

## 3.2 Alcohol statistics and further information

- Nationally the proportion of pupils aged 11-15 years who had drunk alcohol in the last seven days fell from 26% in 2001 to 21% in 2006.

- However, those young people who did drink were generally drinking more than hitherto: boys drank an average of 12.3 units per week and girls 10.5 units per week. Girls are more likely to get drunk than boys.

- Of the young people who did drink, 49% consumed more than four units on the days they drank; 22% consumed three or four units; and 28% consumed an average of two units or fewer.

- Half of the young people who drank claimed that they purchased their own alcohol.

- 20% of young people said they had been drunk in the last four weeks and 35% had deliberately tried to get drunk.

### 3.3 Local statistics

- In Brighton & Hove,11% of boys and 14% of girls claim that they purchase alcohol from off licences. Children in the east of the city are most likely to purchase alcohol from an off license and drink it in a public place[2].

- Underage drinking in public spaces (e.g. parks) is very common across Brighton & Hove. Young people who consume alcohol in public spaces are often implicated in anti-social behaviour. They are also at risk of becoming victims of crime, physical injury (i.e. via accidents or assault) or of being exposed to other harmful substances (e.g. illicit drugs). Young people drinking in public spaces often do so in large groups, and this increases the risk of anti-social behaviour and poses serious problems for policing.

- It is estimated that there are 12-20 young people who present at Brighton Accident & Emergency (A&E) each month with overdoses or injuries directly caused by alcohol, and of these, 4-5 young people are consequently admitted for treatment[3]. The number of young people presenting at A&E with conditions indirectly related to excessive alcohol consumption (e.g. people who engage in risky behaviour and consequently suffer injuries because they are drunk) is almost certainly far higher than this, although these statistics are not necessarily collated.

## 4 The Licensing Act (2003)

**4.1** The ad hoc Panel Terms of Reference proposed by Councillor Duncan (see **point 1.3** above) make reference to the 2003 Licensing Act. It may therefore be helpful to give a brief explanation of aspects of the Act and of how it has been incorporated into local licensing policy.

**4.2** The Licensing Act (2003) represented a major revision and rationalisation of licensing law, replacing the 22 existing Acts which determined licensing issues (including the 1964 Licensing Act – the principle vehicle for alcohol licensing).

**4.3** The 2003 Act introduced flexible opening hours for licensed premises (subject to their impact upon local residents), simplified the licence application process (by replacing the existing six types of licence with one general licence), and transferred the responsibility for granting licences from magistrates to local authority Licensing Committees.

[2] This information has been extracted from the Annual Report of the Director of Public Health, Brighton & Hove City NHS Teaching Primary Care Trust (Chapter 2 & 5).

[3] This information is from the Health Impact Assessment (April 2009)

**4.4** In addition to simplifying a previously very complex area of law, the 2003 Act sought to make significant changes to national licensing policy. In essence, the architects of the Act argued that the *status quo* position of tight restrictions on the number and opening hours of licensed premises was generally ineffective in controlling problems associated with the excessive consumption of alcohol, and in some instances might actually exacerbate the difficulties it sought to mitigate. For example, it can be argued that imposing an 11pm closing time on pubs and bars effectively creates 'flash-points' in town centres where several thousand people leaving premises at the same time can overwhelm local services, police etc. Staggering closing times may mean that some people spend longer drinking, but it also means that the police, taxi services etc. are required to cope with a regular trickle of people coming and going rather than with an 11pm deluge.

**4.5** Similarly it can be argued that restricting the number of licensed premises does little to limit drinking, as people will readily travel to purchase alcohol. Restrictions therefore inconvenience the public and local retailers whilst doing little to mitigate the impact of excessive drinking.

**4.6** These arguments are by no means universally accepted, with critics contending that extended opening times may reduce flash-points, but only at the expense of prolonging noise nuisance and anti-social behaviour (e.g. instead of having an hour or so when people noisily returned home from a night's drinking, there are now people creating a disturbance all night long, as groups of drinkers come and go throughout the night). Similarly, whilst some aspects of the growth in licensed premises may not impact upon drink-related problems, others (such as the increase in late night off-licences) may have a deleterious effect (i.e. people who might formerly have stopped drinking when they ran out of alcohol can now continue drinking for as long as they please, with obvious consequences for themselves and their neighbours).

**4.7** Brighton and Hove City Council's response to the 2003 Licensing Act is embodied in the council's "Statement of Licensing Policy 2003" [4]. This sets out the council's licensing objectives in light of the 2003 Act. The Licensing Authority 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.

**4.8** The revised Brighton & Hove Licensing Policy came into force in January 2005, and will be under constant review until January 2011.

[4] See the Licensing Act 2003, Brighton & Hove City Council, Statement of Licensing Policy, Environmental Health and Licensing Service.

**4.9** The Licensing Committee is limited in its ability to consider the impact of the granting of new licences, being authorised to consider any potential impact upon the very local vicinity, but not broader issues of harm (e.g. impact on a wider or more distant geographical area).

**4.10** In terms of the current ad hoc panel, the obviously pertinent licensing objective is: Protection of Children from Harm. The Licensing Policy addresses this by:

- Including the moral, psychological and physical harm which may be connected with licensed and club premises (e.g. exposure at a young age to strong language and adult entertainment and films) as a factor to be considered in relation to license applications.

- Insisting that licensees show awareness that under 18s are frequently involved in drink related disorders, and have a robust policy for checking customers' ages in place.

- Demanding that all staff responsible for selling alcohol receive information and advice on the licensing laws in relation to children and young people in licensed premises.

**4.11** In order to limit underage drinking and related problems, the Licensing Committee supports the following measures:

a) (Under powers established by the Confiscation of Alcohol (Young Persons) Act 1997) the Police acting to remove alcohol from young people on the street;

b) The Police and Trading Standards using Police Cadets to carry out test purchasing (e.g. employing U18s to attempt to purchase alcohol from on and off-sales);

c) The promotion of proof of age schemes;

d) The development of in-house, 'mystery shopper' schemes carried out by businesses (i.e. to check whether staff are willing to sell to U18s);

e) Possible CRB checking of staff providing catering for events with unaccompanied children.

**4.12** Licensing enforcement entails close partnership working involving Sussex Police, the East Sussex Fire & Rescue Service and Brighton & Hove City Council.

**4.13** Where licensees are found to sell consistently to U18s (or to serve intoxicated people etc.), the licensing authority will take action under its statutory powers. In general, offenders are not prosecuted; the Licensing Committee has the power to attach conditions to, to suspend

or to revoke licenses, and typically employs these measures rather than using the courts (prosecution is time-consuming, expensive, and often less effective than revocation/suspension). Any action taken against licensees must be proportionate; balancing the undesirability of selling to U18s with the need to support local businesses.

# B Recommendations

This section of the report describes in more detail the particular problems faced by Brighton & Hove in relation to young people and alcohol, and makes some recommendations in terms of how city services might be improved.

## 5 On-sales and Off-sales

**5.1** The majority of adults probably associate underage drinking with evenings spent in on-sales premises: pubs and bars. However, in recent years this has changed considerably, with fewer under 18s (U18s) drinking in pubs and many more drinking in public places or at home. There has been a particularly noticeable growth in the phenomenon of 'park drinking' – with often very large groups of teenagers gathering in parks on Friday and Saturday nights to socialise and consume alcohol, with consequent problems of anti-social behaviour.[5] There are several possible explanations for this shift:

**5.1(a) Better on-sales enforcement.** Recent years have seen the introduction of 'test purchasing' by the police working in partnership with Trading Standards Officers (TSO). Test purchasing involves employing U18s (police cadets) to attempt to buy alcohol from licensed premises. This method of enforcement is often more effective than alternatives (which may essentially consist of observing premises in the hope of witnessing staff serving or refusing to serve customers who are clearly U18). Test purchasing for alcohol is a relatively recent development as, until 2003, it was illegal to employ people under the age of 18 for this purpose (as it is against the law for U18s to buy alcohol, not just against the law to sell it to them). If fewer U18s are drinking in pubs and bars then, it may be because bar staff are more reluctant to serve them than they were a few years ago, as there is a far greater risk of being caught out.[6]

**5.1(b) Pricing.** There has always been a difference between on and off-sales (off-licence and supermarket) pricing of alcohol. However, recent years have seen this gap grow to the point where it is almost invariably

[5] To a degree this shift is seasonal, with park drinking very popular in the summer months and drinking in on-sales more popular over the winter.

[6] See evidence from Tim Nichols (point 23.9, 16.02.09).

considerably more expensive to drink in a pub or a bar than to purchase alcohol from off-sales. Since U18s are, on average, fairly unlikely to have very much disposable income, this price differential may be a significant factor in determining where they choose to drink.

**5.1(c) 'Fashion'.** In addition to pressures 'pushing' young drinkers out of pubs and bars, it may be the case that other locations for drinking have attractive elements which act as a 'pull'. For instance, the phenomenon of park drinking may be influenced by high on-sales prices or a decreasing tolerance for U18s in pubs, but it may also be a product of active choice: young drinkers simply prefer congregating outside in large groups to using pubs and bars.

**5.2** Whatever the reasons for the change in drinking habits, it seems to be the case that most of the alcohol that U18s drink is not now obtained from on-sales.[7] But, if they are not purchasing from pubs and bars, where do young people get alcohol? The Panel heard that the principle sources are: U18s purchasing from off-sales; 'proxy-purchase' (over 18s buying from off-sales on behalf of U18s); theft (from off-sales or from the family home); and parents (i.e. parents knowingly providing their children with alcohol).[8]

**5.3** In terms of the role the statutory agencies play in enforcement, the key factor here is probably U18 purchase from off-sales.[9] Is the shift of underage drinking from on to off-sales a significant one? It can be argued that it is, and that there are some worrying implications to such a move:

**5.3(a)** Traditionally, U18s drinking in pubs would be informally 'monitored' by bar staff and by adult drinkers, with young drinkers who were disruptive being refused service. There need be nothing particularly altruistic

[7] It is estimated that approximately 5% of U18 drinking is via on-sales purchase by underage drinkers; 15% via off-sales purchase by underage drinkers. The remaining 80% of alcohol consumed by U18s is not purchased illegally – i.e. it is supplied by parents, by over 18s 'proxy-purchasing', or by theft. (Evidence from Inspector Andrew Kundert, Licensing Inspector, Brighton & Hove Police: point 4.15, 27.02.08). See also evidence from Tim Nichols and Cllr Carol Theobald: points 23.2 and 23.3, 16.02.09. Not everyone working in the field would regard these estimates as accurate.

[8] It is difficult to be sure where alcohol consumed by U18s originates, as inebriated teenagers (the obvious source of this information) may not be very lucid, and may also be inclined to lie in order to protect friends or family (evidence from Andrew Kundert and Anna Gianfrancesco: point 5.2(b), 27.11.08).

[9] 'Proxy-purchase' is also an enforcement issue, but this is very difficult to regulate as the obvious targets for enforcement here are the adults who agree to buy alcohol for children rather than the on or off-sales retailers (although retailers do have a duty to be observant and to refuse sales where it is apparent that proxy-purchase may be taking place). The group of potential proxy-purchasers is obviously much larger and more diffuse than that of retailers. Neither is it really possible to do anything equivalent to test purchasing here – i.e. by employing U18s to ask adults to buy alcohol on their behalf – as, legally speaking, this would be considered to amount to entrapment: meaning that no adult caught in such a 'sting' could subsequently be prosecuted (see point 5.2(a), 27.11.08).

about this monitoring – it would generally just be a case of adult drinkers only tolerating U18s who kept a low profile and did not annoy them; but the effect may well have been to provide quite a powerful lever to moderate alcohol consumption and behaviour amongst young drinkers in pubs. In contrast, young people drinking in parks or other public places are not monitored in any way, save by their peers.

**5.3(b)** Large groups of U18 drinkers would not typically have been tolerated in pubs as such groups are bound to be noisy and attract unwanted attention (i.e. from TSO and the police). Thus even publicans who were willing to sell to U18s would probably baulk at selling to large groups. Again, there is no such lever to control the size of groups gathering in parks – and there are clear links between the size of a group of drinkers and the likelihood of public disorder.

**5.3(c)** On-sales prices have always been higher than those in off-sales, particularly so for spirits. Since U18 drinkers are not, on average, likely to have a lot of spare cash, drinking in pubs may mean that young drinkers consume with a degree of moderation and that they drink beer, cider etc. rather than spirits (generally seen as less risky behaviour as it is rather harder to drastically over-consume beer than it is vodka etc). Off-sales prices can be much cheaper, particularly for spirits (which are also far more portable than large volumes of relatively low alcohol beer), thereby encouraging greater and more hazardous consumption.

**5.3(d)** U18s drinking in pubs would be exposed to the behaviour of adult drinkers, and (assuming that the adult behaviour they saw was relatively benign) might therefore learn to drink sensibly by observation. U18s drinking with their peers have no such role models to draw upon.

**5.3(e)** Pubs and bars and the areas around them are generally relatively heavily policed, both by the police force and by bar security staff, council officers etc. Clearly, this degree of policing is in reaction to the dangers inherent in adult drinking environments – pubs would not warrant this level of security if they were safe places to be. However, it can certainly be argued that on-sales are still much safer places to congregate than parks or the beach, which have no comparable networks of security in place.

**5.4** In a number of ways then, it can be argued that U18 drinking in on-sales may be preferable to U18s obtaining alcohol from off-sales (or from the parental home etc.) and congregating in large groups in parks or the like.[10] Given that a certain level of U18 drinking is probably

[10] These arguments do rather assume a relatively civilised pub environment - the traditional 'local' where adults meet to drink in a sensible manner. Whether or not such pubs ever formed the majority of on-sales, it's certainly questionable whether they do so in the present day; and the argument for the civilising influence of city-centre 'vertical drinking establishments' is perhaps not quite so clear-cut as that for backstreet 'locals'.

inevitable, it might in fact be preferable if this drinking took place in pubs rather than other, objectively more risky, environments.

**5.5** Clearly, U18 drinking is illegal in most contexts, and it would not be possible at a local level, even if it was considered desirable, for underage drinking in pubs and bars to be officially tolerated. However, licensing enforcement inevitably involves prioritising certain elements of the licensing regime over others, as with any service which is required to manage finite resources. Panel members believe that the dangers posed by U18 drinking in relation to off-sales (and subsequent consumption of alcohol in public places) considerably outweigh the typical dangers of U18 drinking in on-sales, and that licensing enforcement should be prioritised accordingly.[11]

**5.6** However, enforcement of off-sales is led by TSO, whilst on-sales enforcement is, in the most part, carried out by the police. It would therefore be difficult, if not impossible, to switch focus and resources from one type of enforcement to the other in a wholesale manner. The point is rather that, when working in partnership to develop strategies around U18 drinking, TSO and the police should take into account the differential impact of off and on-sales drinking as set out above, and plan accordingly.

**5.7** In fact, there is considerable evidence that this is already happening, with, for instance, the recent concentration on park drinking via the 'Operation Parks' initiative.[12] The Panel commends this forward thinking and effective partnership working and trusts that city licensing enforcement agencies will continue to focus on the aspects of U18 drinking which are of most pressing concern.

**5.8 RECOMMENDATION 1: The Panel welcomes and commends the increased emphasis of Licensing enforcement on off-sales (and on public place drinking), as it shows a commitment to identifying and tackling current problems rather than simply adhering to traditional modes of enforcement. The Panel hopes that this will provide a platform for the further development of Licensing enforcement, both in terms of closer partnership working, and in terms of a continuing concentration on the actual rather than the popularly perceived problems of underage drinking.**

[11] This assumes that on-sales premises tolerate moderate levels of U18 drinking rather than that they permit U18s to drink and act irresponsibly. On-sales which effectively facilitate anti-social behaviour by U18 drinkers (by allowing large groups to congregate, by serving people who are already drunk etc.) should remain a licensing enforcement priority.

[12] See evidence from Andrew Kundert: point 4.11, 27.11.08.

# 6 Best Practice in Off-Sales

**6.1** During the course of the Scrutiny review, Panel members spoke with Trading Standards officers, with the council's Head of Licensing, with police officers responsible for licensing and with representatives of some of the city's largest alcohol retailers. The Panel learnt of a number of initiatives designed to ensure that U18s are unable to purchase alcohol from off-sales.

**6.2** Measures in place include comprehensive training of till staff; systems for recording incidents when customers have been refused service; store by store analysis of refusals to identify potential discrepancies[13]; the deployment of security guards to support and reassure till staff; close co-working with TSO and the police; support for voluntary I.D. card schemes; and support for initiatives which require till staff to request identification from customers who appear to be younger than 21 or 25 (depending on the scheme in use).

**6.3** Whilst there may sometimes be a significant gap between the theory and the practice of some of these measures, it is clear that a great deal has been done to try and avoid selling alcohol to U18s. The retailers who adopt these types of safeguards should be commended for their responsibility, as should TSO and the local police force who have done a considerable amount of work in terms of persuading and requiring city retailers to adopt best practice.

**6.4** However, it seems to be the case that those firms adopting the measures outlined above are generally the large regional and national off-licence chains and supermarkets. Whilst these firms are responsible for a very significant part of the city off-sales market, this market also includes several hundred independent retailers.

**6.5** Indeed, it would seem that independent off-sales have proliferated since the Licensing Act (2003) relaxed the terms under which alcohol licences are granted.[14] Many of these retailers are not specialist off-sales, but rather generalist shops which sell alcohol as a sideline alongside newspapers, groceries etc. This may mean that independent retailers are not always as well-trained about, or as focused on, issues of underage selling as might be wished.

[13] See evidence from Sue Dixon and Chris Denman (Area Manager for Threshers): points 17.3 &17.5, 10.02.09, points 18.1to 18.4 from David Solomon and Tony Rickwood, point 12.1 from Eric Price.

[14] In essence the 2003 Licensing Act demands that Local Authority Licensing Committees work on the presumption that a licence should be granted unless there is good reason to oppose it (and members of the public willing to protest). Therefore, applicants for licences do not have to prove that their business will not damage the community; rather, anyone opposing a license application has to 'prove' that there will be damage.

**6.6** Whilst there is no doubt that the great majority of independent off-sales retailers are honourable businesses which do not set out with any intention of selling alcohol to U18s, it is also clear that it can be very difficult for small business to adopt and enact the best practice evolved by the large off-sales chains. The kind of systemised approach which seems to have worked very well for Somerfield or Tesco may not be readily adopted by a small family concern, with limited capacity to pay for training, extra security, CCTV etc.

**6.7** The Panel recognises that TSO is very active in this area, working in partnership with independent retailers to improve their practice, rather than simply assuming the role of licensing enforcer. However, Panel members believe that there would be value in taking an extra step here by compiling a best practice guide on how to avoid selling alcohol to U18s. This guide could then be distributed to all new licence applicants and could also become an important tool for the Local Authority Licensing Committee – e.g. when considering what action to take against retailers who have sold to U18s, the Licensing Committee might request that a licence holder adopted some or all of the recommendations contained within the best practice guide.

**6.8** Although all the information contained in such a guide might already be transmitted to independent retailers via a number of avenues, there is considerable value in having it compiled and available in one place, as this would mean that retailers could not then plead ignorance of any elements of the best practice advice. A best practice guide would therefore be a tool to complement the work of TSO and the local Licensing Committee; it would not be a substitute for the face-to-face work with retailers that TSO excels in, but would augment this work.

**6.9 RECOMMENDATION 2 – City partners (co-ordinated by TSO) should draw up a Best Practice Guide on avoiding selling alcohol to U18s with a view to the guide being disseminated to independent retailers.**

## 7 'Think 21' and 'Challenge 25'

**7.1** It is evident that relatively few off-sales retailers deliberately sell to U18s. Ethical issues aside, the potential downsides of doing so outweigh any benefits in terms of increased sales.[15] However, the issue is not quite as simple as resolving not to sell to U18s, as it can be very difficult for staff to determine which customers are underage and which are not.

[15] This is perhaps particularly the case for the national chain retailers, which risk attracting adverse publicity if they are found to have sold alcohol to U18s. (See evidence from Sue Dixon, Head of Security, First Quench Retailing [Thresher]: point 17.4, 10.02.09; and evidence from Tony Rickwood, Tesco Store Manager [Portslade]: point 18.5, 10.02.09.)

**7.2** In consequence, a number of measures have been adopted by retailers (see **point 6.2** above). Perhaps the most interesting of these are the 'Think 21' and 'Challenge 25' initiatives. Under the 'Think 21' scheme, till staff are instructed to challenge any customer who they believe may be under 21. When challenged, customers must show I.D. before being allowed to proceed with their purchase. Think 21 is heavily advertised in participating stores, with prominent checkout notices explaining that the scheme is in operation. Think 21 is designed to remedy a common problem in dealing with U18 alcohol sales: the fact that staff often struggle to accurately identify customers' ages. By setting the 'bar' at several years above the legal drinking age, the Think 21 scheme should ensure that only customers who look 21 or over will be served without an age check. The assumption is that, whilst many younger teenagers may pass for 18, relatively few will pass for 21, and that the number of inadvertent sales to U18s will consequently be reduced.

**7.3** 'Challenge 25' is essentially Think 21 but with a higher age bar. Again, the intention is to counter ambiguities associated with making visual assessments of customers' ages, and setting a bar at 25 means that even fewer U18s are likely to get served. The introduction of Challenge 25 is perhaps testament to how difficult it can be to assess customers' ages, as it was seemingly felt that Think 21 allowed for too much ambiguity, with staff still struggling to differentiate between 16 and 21 year olds.

**7.4** Panel members consider that these age-based schemes are an excellent idea, particularly Challenge 25. Retailers adopting this scheme should be in a position where they rarely if ever inadvertently sell alcohol to an U18.[16] These initiatives may also make it easier for staff to challenge customers who are under age, since they make it less likely that individuals will take offence at being singled out by till staff (i.e. it's not just you who's being asked for I.D.; it's everyone who looks under 25).

**7.5** Almost all the major chain off-sales retailers now employ or are planning to adopt the Challenge 25 scheme.[17] However, it is still not widely used by independent retailers, even though it is arguably smaller businesses (or at any rate those that genuinely wish to avoid

[16] Since Challenge 25 and Think 21 rely upon customer I.D., there is an issue of the integrity of I.D. schemes to be considered here. Passports and driving licenses provide a very secure proof of identity, but few young people would wish to carry passports around with them at all times, and not everyone is a driver. This means that it is often necessary to fall back on less formal I.D. schemes. These schemes can be excellent, but people are much more likely to tamper with or forge this kind of I.D. than they are driving licenses or passports, and the police are often reluctant to prosecute this type of fraud (see evidence from Tim Nichols, Head of Environmental Health and Licensing, Brighton & Hove City Council – point 23.4, 16.02.09).

[17] See evidence from Sue Dixon: point 18.6, 10.02.09.

selling to U18s) which stand to benefit most from the initiative. Panel members therefore believe that Challenge 25 should be more widely encouraged, particularly in the context of the Licensing Committee granting new licences and reviewing existing licenses (i.e. in circumstances where a licensee has been found to have sold to U18s). Whilst it may not be possible for the Licensing Committee to impose the adoption of this or similar schemes, there might be considerable value in encouraging licensees to adopt this best practice.

**7.6 RECOMMENDATION 3 – Encourage (particularly via the Brighton & Hove Licensing Committee) all off-sales to adopt the 'Challenge 25' scheme.**

## 8 Discounting

**8.1** It may be possible, through good partnership working and effective licensing enforcement, to limit the amount of alcohol U18s obtain from off-sales. However, it seems inevitable that under age drinking, including U18 purchasing from off-sales, will continue to be a problem to some degree. It is therefore necessary to enquire whether there are other factors relating to off-sales which may encourage U18s to use them or to indulge in particularly hazardous drinking practices?

**8.2** One factor that Panel members were particularly interested in was the price of alcohol (which is typically much cheaper in off than in on-sales), and whether price and various discounting practices affect the amount that young people drink.

**8.3** In terms of price, some witnesses argued that pricing makes little difference to levels of consumption or to alcohol-related anti-social behaviour. One witness pointed out that France and many other European countries have very low alcohol prices, but also relatively few difficulties with excess underage drinking or alcohol-related behaviour problems. There is therefore no simple and universal correlation between the cost of alcohol and its negative impact[18].

**8.4** Other witnesses argued that price is an important factor in determining levels of consumption.[19] This seems to be a view which is gathering strength nationally, with several recent calls for a national minimum (per unit) price for alcohol to combat drink related problems.

**8.5** This argument is a complex one, but perhaps rather simpler in terms of U18s than for adult drinkers. Since U18s may be assumed, on average, to have relatively little disposable income, it seems reasonable to suppose that they will be particularly sensitive to drink

[18] See evidence from Sue Dixon: point 18.10, 10.02.09.

[19] See evidence from Tim Nichols: point 23.18, 16.02.09.

pricing – i.e. with relatively little money to spend on alcohol, higher pricing is likely to see them buy less, and lower pricing more, alcohol.[20]

**8.6** Off-sales also commonly practice discounting on multiple sales: for instance offering '2 for 1' or '2 for £10' deals. The obvious risk here is that these offers encourage customers to buy and then drink more alcohol than they actually require. Of course, this type of discounting need not inevitably lead to excessive drinking: an adult customer might take advantage of a 2 for 1 offer by putting aside some of their purchase for a later date. However, U18 drinkers are unlikely to have anywhere to store unneeded alcohol; everything they buy, they are going to drink. It seems likely therefore, that discounting on multiples may encourage excessive drinking in young and under age drinkers, even if it does not do so for most adults.

**8.7** There are few if any local levers in relation to drink pricing, as alcohol duties are set nationally.[21] However, the local Licensing Committee can request that applicants for new licences or licensees whose licences are being re-considered following incidents of underage selling should consider voluntarily adopting certain measures.[22] These might include some or all of the following:

**(i)** retailers agree not to discount sales below cost ('loss-leading')[23]

---

[20] A potential complicating factor to bear in mind here is the type of alcohol which people purchase. If alcohol is made more expensive in an attempt to curb drinking, there is a danger that drinkers with little money will opt to buy very strong cider/lager or cheap spirits rather than purchasing average strength beer, 'alco-pops' etc (i.e. that they will switch to drinks which offer the best value in terms of units of alcohol). However, there are particular problems associated with consuming these very potent drinks (i.e. that it is much easier to drink excessive amounts of spirits/strong lager than it is of weaker drinks), and these risks need to be born in mind when considering the relationship between the price of alcohol and its consumption by young people.

[21] The only context in which minimum prices could be set locally would be if it were possible to prove a "clear causal link" between pricing/drinks promotions and anti-social behaviour. However, it is almost impossible to legally prove such a link (see evidence from Tim Nichols: point 23.10, 16.02.09).

[22] It appears that the Government is considering granting Local Authorities some powers to compel licensees to adopt more responsible pricing policies. (See point 23.17 from Tim Nichols, 16.02.09. Clearly, the Panel would encourage the use of such powers when and if they become available. In the meantime, the Licensing Committee should seek to persuade licensees to voluntarily adopt good selling practices.)

[23] 'Loss-leading' in a strict sense refers to the practice of retailers discounting a line below its actual cost in order to attract customers (who then buy other products in addition to the discounted ones, and/or remain loyal to the retailer after prices have risen again). However, it is not clear that many major retailers actually loss-lead alcohol, instead preferring to negotiate deals with suppliers which guarantee them a supply of some products at a heavily discounted price and others at the standard commercial rate (i.e. the supplier rather than the retailer takes the 'loss'; suppliers are often willing to do this if the retailer agrees to buy enough additional products at full price, as this allows them to off-set a loss on one line with profits on others). Although this might have the same end result as loss-leading, this practice does not actually involve retailers selling anything at a loss and would therefore not be subject to any

**(ii)** retailers agree not to discount for multiples[24]

**(iii)** retailers agree not to stock certain types of drink[25]

**8.8 RECOMMENDATION 4 – Licensing Committee to request assurances that new and re-assessed licensees will not discount sales below cost, engage in irresponsible multiple discounting or sell products strongly associated with hazardous drinking practices.**

## 9 Drugs and Alcohol issues

**9.1** Alcohol is often linked with drugs in terms being a health problem, often under the umbrella of 'substance misuse'. This grouping is quite understandable, and may often make good sense. However, it can be argued that the drugs element of substance misuse has received a disproportionate degree of attention over the past few years, to the detriment of alcohol services.

**9.2** In part, any over-emphasis of drugs issues has been a reaction against their under-emphasis for very many years – recent improvements in drugs services have often been the result of professionals and campaigners working tirelessly to create an understanding of the damage that drugs can do and the legitimacy of seeing them as a social problem requiring public solutions rather than a minority issue which should elicit censure rather than sympathy. This has led to a number of measures, including the 'ring-fencing' of funding for some drugs projects, which were necessary to ensure that drugs-related issues were adequately addressed in the face of a good deal of institutional and public scepticism.

**9.3** However, now that there is a broad recognition of the value of doing drugs-related work, this prioritising of drugs issues may, in some instances, be of detriment rather than of value, particularly when it means that local substance misuse budgets are inflexibly geared towards drugs issues when there might be greater value in moving some funding into alcohol based projects. This may be of particular

---

informal agreement on loss-leading. (Smaller retailers probably do very little loss-leading of any type, as they are unlikely to be able to balance the loss with a profit from other areas of their business. This is obviously particularly the case for dedicated off-licences, which cannot sell alcohol at a loss when they do not stock a range of other products to be sold at a profit.)

[24] Such an agreement would have to be sensibly applied, as some discounting of multiples is established practice for off-sales retailers not associated with U18 drinking – i.e. for wine merchants who typically offer a discount for customers buying 12 bottles or more. There seems no reason for intervening in this practice, unless it is considered likely that U18 drinkers are abusing fine wines.

[25] Most obviously, strong lager and cider (i.e. 6% plus) and very cheap spirits.

relevance to preventative educational projects, where there may be as much to be gained in warning people of the dangers of excessive drinking as of warning about drug use.[26]

**9.4** Whilst there may have always been an argument for better funding of alcohol services, the issue has moved up the agenda in recent years, as the health and social impacts of excessive drinking from an early age have become clearer.[27] However, there may still be something of a lag between recognising the gravity of alcohol-related harm and funding services designed to ameliorate this harm.

**9.5** In some instances, there may be little which can be achieved at a local level, as ring-fencing has been imposed nationally (particularly in terms of NHS budgets). However, where there is a degree of local autonomy in terms of substance misuse budgets, Panel members believe that serious consideration should be given to whether alcohol services are being funded as well as they could or should be. Since the Panel's remit is to consider the impact of excessive alcohol on children and young people, this recommendation is directly addressed to children's rather than adult services, although the issue is just as relevant for adults.

**9.6** The Panel is not necessarily proposing any general shift of budgets from drugs to alcohol. In most instances, continuing support for drugs-based education or treatments may be absolutely vital. In many cases, it may be that what is needed is better central funding for drugs and alcohol services (perhaps particularly in terms of public health/preventative services). In some other cases though, it may be that an inflexible approach, either due to structural inflexibilities (i.e. ring-fencing) or for attitudinal reasons, means that substance misuse funding is not spent in the most effective possible manner.

**9.7 RECOMMENDATION 5 – CYPT should consider its substance misuse services in terms of a potential re-deployment of resources from drugs to alcohol-related projects in instances where drugs issues may have been advanced to the detriment of similarly serious alcohol-related problems. CYPT should also consider whether there is value in lobbying NHS Brighton & Hove and central Government to review their resource allocation in regard to alcohol-related services for children and young people.**

## 10 Cumulative Impact Area (CIA)

**10.1** The Licensing Act (2003) introduced a presumption in favour of granting licenses to sell alcohol (as well as relaxing opening time restrictions). The reasoning behind this is essentially that excess

[26] See evidence from Tim Nichols: point 23.12, 16.02.09.

[27] See evidence from Dr Oli Rahman, Barbara Hardcastle and Inspector Andrew Kundert: points 5.5-5.6, 27.11.08.

alcohol consumption is not generally causally linked to the number of on and off-sales premises in an area (i.e. people will still buy as much alcohol if the number of licensed premises is restricted, it will just be more inconvenient for them to do so), and that artificially restricting the supply of alcohol is likely to have little positive effect on drinking behaviour, but may have a negative impact (e.g. having an 11pm closing time creates a 'flash-point' for anti-social activity).[28]

**10.2** However, even if this argument generally holds true, there are local circumstances which may contradict it. This is especially the case for urban areas, where particular localities may become the focus of local and even regional drinking activity. Brighton is a prime example of such a special case – the city is a magnet for tourists visiting the night time economy (pubs, clubs, restaurants etc.), as well as having an unusually young demographic, bolstered by the city's two universities (lots of residents in their twenties and thirties – the people most likely to binge drink in pubs and bars). Furthermore, as Brighton is a seaside resort, it is inevitable that people will tend to gravitate towards the beach and its environs for their entertainment rather than utilising the wider city.

**10.3** The result is that there is an extremely high concentration of licensed on-sales premises around Brighton sea-front, with lots of additional public drinking from a proliferation of off-sales in and around the beach area.

**10.4** Although the night time economy is hugely advantageous to the city in terms of the income and the employment it generates, there are also very major problems associated with such a massive concentration of drinking in such a small area. These problems most obviously relate to public order and anti-social behaviour as there is a well established correlation between having very large groups of drunk people in one place and experiencing problems with disorder. In such circumstances, the concentration of on and off-sales can be said to 'cause' crime and disorder problems, with any increase in the number of licenses likely to exacerbate the problem. Thus, although a concentration of drinking in one part of a city may not lead to any absolute increase in alcohol consumption (as people might have drunk just as much had they done so in other areas of the city), it can lead to an increase in crime and anti-social behaviour (as drunk people concentrated in very large groups tend to create many more problems than drunk people dissipated over a larger area).

**10.5** In response to these particular issues, the council established a 'Cumulative Impact Area' – CIA (sometimes known as a 'Cumulative Impact Zone'). A CIA is essentially an area in which the normal

[28] The Panel heard evidence from the council's Head of Environmental Health and Licensing that the 2003 Licensing Act had been effective in facilitating better management of the city's night time economy. With the potential for closing-time 'flash-points' reduced via more flexible licensing, the police and the council have been able to significantly reduce incidents of public place violent crime (evidence from Tim Nichols: point 23.13, 16.02.09).

presumptions of the 2003 Licensing Act are reversed, so that new applicants for licenses must prove that their premises will not adversely impact upon the local community (rather than having their licence granted unless a detrimental impact can effectively be argued). The intention is to limit the creation of new licensed premises within this area and thus maintain some control over alcohol and public order associated problems.[29]

**10.6** The Brighton & Hove CIA extends from Rock Gardens in the east of Brighton to Preston Street in the west, and stretches north to Western Road/Edward Street. Areas abutting selected CIA boundaries may be subject to some, but not all the CIA controls.[30]

**10.7** Clearly, it would run counter to the intentions of the 2003 Licensing Act to have a CIA that extended over a very large part of the city (unless there was a very high concentration of licensed premises throughout), but this does not mean that the current boundaries of the local CIA are, or should be, set in stone. Panel members believe that the large number of licensed premises in the Hanover/Elm Grove and London Road areas, together with the increasing problems of public drunkenness, noise nuisance and anti-social behaviour in these localities, may justify the extension of the CIA northwards to Elm Grove to include the Hanover and London Road areas south of this line.

**10.8** Furthermore, the serious problems posed by park drinking and its associated anti-social behaviour (in addition to a rapid growth in off-sales premises in the area) justifies extending the CIA to include Preston Park and potentially other city parks.

**10.9** The problems in these areas may not always be as acute as in the current CIA (although in terms of say, serious drink-related anti-social and criminal behaviour in the London Road area, it can be argued that they are just as serious), but it would not be necessary to employ all the powers of the CIA in every instance to gain a considerable benefit from extending the CIA boundaries in the ways suggested.

**10.10 RECOMMENDATION 6 – CIA boundaries to be re-examined with a view to extending them to other areas of the city which might benefit from CIA powers (e.g. extension around Preston Park and up to Elm Grove).**

[29] See evidence from Councillor Carol Theobald, Chairman of Brighton & Hove Licensing Committee:point 23.6, 16.02.09.

[30] For more information see: The Licensing Act 2003 – Brighton & Hove City Council: Statement of Licensing Policy (available to download at: http://www.brighton-hove.gov.uk/downloads/bhcc/licence_applications/Licensing_Policy_A4_2008.2.pdf)

# 11 Policing Underage Drinking

**11.1** Fewer underage drinkers frequent pubs and bars than was the case a generation ago, but this does not necessarily mean that U18 drinking has decreased. Rather, there seems to have been a displacement of activity to other locations, most notably to parental homes and to parks and other public places.

**11.2** U18s drinking in parental homes should have their behaviour observed and moderated by adults (although clearly a good deal of drinking goes on when parents are away or otherwise unaware of what is happening). Drinking in parks and other public places is a more pressing problem, in part because it involves U18s consuming alcohol without adult supervision or intervention (unlike much home drinking and drinking in on-sales – see **points 5.3(a)** through **5.3(e)** above). In part also, park drinking tends to involve very large numbers of young people congregating in one place to get drunk, with obvious public order implications.

**11.3** There are two issues of concern here: the danger posed by young people acting in an anti-social manner; and the potential risk to young people themselves (e.g. that they may accidentally hurt themselves, or that they may be targeted by other U18s or by older people – inexperienced drinkers who are intoxicated in a public place are an obvious target for assault etc.).

**11.4** Policing park drinking also poses specific challenges for the police force. U18 drinking is, of course, illegal in most contexts, but in practical terms it may not always be possible or even desirable for the police force to stop all such drinking. The degree to which the police do intervene, and the point of intervention, are key to managing park drinking effectively.

**11.5** The specific problem here may be described as the escalatory nature of drinking in large groups, which means that gatherings which are entirely peaceable when everyone is sober are almost certain to become disordered when drink is involved. From a policing perspective, this means that it may be necessary to intervene pre-emptively before trouble starts, rather than reactively once problems emerge – particularly as it is generally easier to communicate with sober people than drunk ones.

**11.6** However, this may mean that teenagers who are drinking illegally, but are not otherwise engaged in any risky or anti-social behaviour, find themselves targeted by police officers and ordered to disperse etc. This can obviously cause resentment, particularly if young people do not understand why they are attracting police attention when they are not themselves acting anti-socially.

**11.7** It is clearly undesirable for young people to develop a bad relationship with the police force, perhaps particularly in terms of teenagers who might not otherwise be negatively involved with the police (as is presumably the case with many park drinkers); but it also is evident that the police cannot permit very large groups of young people to congregate and get drunk without taking some sort of pre-emptive action in mitigation of the problems which are likely to arise as the drinking progresses.

**11.8** There may not be any easy solution to this problem, but young witnesses to the Panel did point out that it was as much the attitude of police officers as their intervention *per se* that young people often found disconcerting, with needlessly aggressive or confrontational approaches adopted in situations where a friendly attitude might have been more appropriate and effective.[31]

**11.9** Young people's perception of events are important, but they do not necessarily provide an objective evidence base, and Panel members have no actual evidence that police interventions with young drinkers are typically needlessly confrontational or aggressive (clearly there are situations when police interventions will quite properly be very assertive).[32] However, given the circumstances surrounding park drinking, it is obviously important that policing is conducted with a degree of sensitivity, and that, whenever possible, pre-emptive action is explained and contextualised in a friendly and non-confrontational manner. If this is not done, the danger is not only that young people may become needlessly alienated from the police force in general, but that very vulnerable young people may be reluctant to use the police force as a resource when they feel threatened by the behaviour of others (particularly in the context of U18 drinking in parks etc.).

**11.10** Clearly, it is far easier to recommend in the abstract that the police act in a friendly manner than it is in actuality, when the situation may require that a robust attitude to potential disorder be taken. One partial solution may be to encourage the police force to reach out to young people – most obviously via schools – in order to explain why they manage park drinking as they do. This type of explanation may be a good deal more effective in the context of a classroom than at the point where a crowd is being dispersed, and might make at least some park drinkers more amenable to taking directions from the police.

---

[31] See Appendix 2 -Notes from the Brighton and Hove Youth Council meeting on the 31.1.09 for evidence from Youth Council representatives.

[32] The Panel heard that the police adopt a variety of approaches to park drinking, and may sometimes choose not to intervene in situations where young people are not engaged in anti-social behaviour (evidence from Andrew Kundert: 4.13, 27.11.08). One problem here may be that some young people define anti-social behaviour rather differently than do older people (particularly in terms of what constitutes an unacceptable level of noise), so that teenagers may feel they are doing nothing wrong in situations where their behaviour is actually causing a nuisance to local residents.

**11.11 RECOMMENDATION 7 – When engaged with young drinkers, police officers need to ensure that they are not over-confrontational and that the rationale for their actions is widely understood. This may best be achieved by engaging with young people in contexts other than those of front-line policing (particularly by visiting schools).**

## 12 Education on the Health Risks of Underage Drinking

**12.1** The police and the licensing authorities have an important role to play in combating excessive underage drinking by limiting the retail supply of alcohol to U18s and by ensuring that when young people do drink in public, they do not get in situations which are risky for themselves or for others. However, other groups of people may have just as much influence on what young people do – these include schools and, perhaps most importantly, parents.

**12.2** The Panel heard that U18 drinking is not generally a very high profile issue for schools. Although schools do provide some education and training on alcohol-related issues, there is relatively little drunkenness in and around school premises, so the issue is not one of direct concern to most head teachers. Similarly, whilst some students do have serious issues with alcohol which intrude upon their school lives, such students are very likely to drink as a reaction to serious emotional problems: these are therefore best characterised as behavioural issues which manifest in drinking rather than drink problems *per se.* Most students, even if they are involved in alcohol-related anti-social behaviour outside school hours, are unlikely to show the effects in school to any great degree.[33]

**12.3** The issue of hazardous drinking by young people who have serious emotional or other problems is an important one, but is largely beyond the remit of this ad hoc panel. Schools should monitor attendance and achievement records so as to be aware of pupils who may fall into this category (pupils with serious drink problems are likely to do poorly in school and to attend on an irregular basis).

**12.4** Panel members do believe that more could be done in terms of schools educating young people about the implications of excessive alcohol use. As noted in **point 11.10** above, there may be an opportunity for the police to engage with pupils in schools to explain in strategic terms why they manage U18 drinking in public places as they do. It may also be the case (as argued in **Part 9** of this report), that some of the time and resources which schools currently devote to drugs issues might be better allocated on alcohol-related education.

[33] See evidence from Tim Barclay, Head Teacher, Hove Park School: point 11.2, 22.01.09.

**12.5** The strand of alcohol education which might most usefully be developed relates to the health impact of U18 drinking. This is not an area which is currently very comprehensively covered, with the focus of alcohol-related education falling on the legal status of U18 drinking and the risks posed by hazardous consumption in terms of safety (accidents, criminal behaviour, teenage pregnancy etc.).

**12.6** However, several witnesses made the point that there should be a greater focus on the long term health impact of excessive drinking. One health sector witness pointed out that if alcohol was a drug it would be banned due to its harmful side effects.[34] There is a growing body of evidence on the damage that alcohol can have on the developing body (i.e. excessive drinking is always problematic, but it can be far more so for adolescents than for adults, as teenagers' bodies are still in the process of developing the systems necessary to safely process alcohol).[35] Long term health problems associated with teenage drinking include an increased risk of early onset dementia[36], serious liver damage, some cancers, heart disease, and foetal alcohol syndrome (as a result of excessive drinking in early pregnancy).

**12.7** Clearly, effective public health education is not quite so straightforward as informing people about the dangers of the activities they indulge in and then watching their behaviour change. In particular, people do not always link their current behaviour with long term health risks, which is why it may sometimes be more effective to flag up relatively minor issues (i.e. that smoking gives you bad breath rather than that it gives you lung cancer). However, the situation with underage drinking seems to be rather different, as it is readily apparent that some of the long term health risks of excessive drinking are not very well known at all. There might therefore be considerable value in establishing these risks, even if it were unlikely that increased knowledge would necessarily lead to reduced risk taking in the short term.

**12.8** There are also considerable short term problems with excessive U18 drinking. These can include the direct effects of over-consumption of alcohol (i.e. 'alcohol poisoning'), as well as indirect consequences of drinking, such as an increased likelihood to have accidents, to become injured in fights, to have unprotected sex, become pregnant etc.

**12.9** It is not necessarily always clear what effect U18 drinking has on pregnancy rates, attendance at Accident & Emergency (A&E) etc. as statistics may not be collated or may not be particularly reliable.[37]

---

[34] See evidence from Anna Gianfrancesco, Service Manager, RU-OK: 5.6(b), 27.11.08.

[35] See evidence from Dr Oli Rahman, Consultant Paediatrician, Brighton & Sussex University Hospitals Trust: point 5.5(a), 27.11.08.

[36] See point 5.5(b), 27.11.08.

[37] Traditionally, A&E attendances were only fully recorded if they resulted in an admission/treatment, and only then in terms of the actual admission criteria. Thus, someone

However, the Panel did hear that a significant number of young people do present at A&E with alcohol-related problems, placing an additional strain on an already over-stretched system.

**12.10 RECOMMENDATION 8 – Alcohol education should address the long term physical impact of U18 alcohol use, not just safety/legal issues.**

## 13 The Role of Parents

**13.1** It is evident that parents and carers play a key role in combating excessive teenage drinking, not least because parents appear to be the source of so much of the alcohol that U18s consume. In some instances, drink may be taken from the parental home without parents' permission or knowledge, but it seems often to be the case that parents are complicit in their children's drinking. There may be several reasons for this:

**13.1(a)** Parents may see little or no harm in their children drinking – either because they are unaware of the health and public order impact of U18 drinking, because they feel the risks are exaggerated, or because they feel the risks are not really applicable to their children (who, they believe, drink and act with relative moderation).

**13.1(b)** Parents have their concerns, but would rather their children socialise with their peers (even if this involves alcohol) than risk them becoming socially isolated.[38]

**13.1(c)** Parents have concerns, but recognise that they cannot effectively bar their children from drinking, and would prefer to maintain some control over consumption rather than have none at all (e.g. parents may give their children a moderate amount of alcohol rather than risk them obtain an unregulated quantity from off-sales or friends; parents may chaperone parties at which U18 drinking is permitted rather than have their children drink without being monitored etc).[39]

**13.1(d)** Parents are unsure what common practice is with regard to U18 drinking, so may not know how to deal with children who tell

---

who had fallen down and damaged their leg whilst drunk might not have their attendance recorded as alcohol-related, whilst someone who had passed out as a result of drinking heavily would (assuming that both patients received treatment rather than being diagnosed as not requiring urgent attention). This is now changing, with a greater emphasis on recording more information about A&E admittances (although not necessarily attendances), particularly from 'at risk' groups (such as U18s, people with disabilities, mental illnesses etc.). See point 5.4(b), from Dr. Oli Rahman, 27.11.08. Panel members welcome this move to a more thorough recording system.

[38] See evidence from the Youth Council representative point 25.3, 11.03.09

[39] See evidence from Chris Owen, Healthy Schools Team Manager: point 11.5, 22.01.09 and evidence from the Youth Council representative points 25.4 and 25.5, 11.03.09.

them that their friends are permitted to drink and that they risk being 'the odd one out'. (The ambiguous status of U18 drinking is a key factor here, as parents have always been complicit in U18 drinking to the degree that they were effectively aware that their children were frequenting pubs, even if they never overtly granted them permission to do so. What may have changed in recent years is the degree to which parents are actively complicit in their children's drinking – i.e. actually buying them alcohol rather than tacitly permitting them to drink in pubs.)

**13.1(e)** Parents may be willing to accept the risks (as they understand them) of U18 drinking since it provides them with respite from their teenage children, particularly in situations where alternative social activities are limited.

**13.2** Some of these problems seem rooted in a lack of information – parents can feel very isolated, particularly when the modern environment is very different to the situations that they have personal knowledge of (e.g. parents who grew up experiencing relatively moderate U18 drinking in pubs may not have much understanding of the problems caused by binge drinking and drinking in parks).

**13.3** There is therefore an obvious need for information specifically targeted at parents, information which objectively sets out the actual dangers of U18 drinking – in terms of long and short term health risks, public disorder, teenage pregnancy, safety etc. As well as providing this basic information, any pack should include links to be more detailed resources and should also link to organisations which provide long term support to children and families with serious and ongoing alcohol-related issues.

**13.4** There is an equally obvious need for advice to parents and carers on how to deal with the (considerable) pressure that children can bring to bear to allow them to drink, and on what a sensible approach to U18 drinking should actually look like (i.e. whether it ought to proscribe alcohol entirely, or allow teenagers to drink moderately in chaperoned situations etc). Rather than consisting of prescriptive advice from the authorities, this support might be better arranged by encouraging parent forums and similar representative bodies to develop their own resource packs, thereby utilising 'on the ground' knowledge of the current manifestations of U18 drinking.

**13.5** There may be an opportunity to involve some of the city's various community groups, residents' associations etc. in such work

**13.6 RECOMMENDATION 9 – Develop and deliver an information pack on alcohol targeted at parents and carers, and facilitate the involvement of parents/carers in creating and maintaining this material.**

## 14 Activities For Young People

**14.1** Part of the problem that parents and the authorities face in terms of discouraging U18 drinking is that there may be relatively few alternative outlets available to young people, particularly at the times (e.g. Friday and Saturday nights) when they are most needed. Therefore, U18 drinking may be as much a reaction to there being nothing to do as it is a 'positive' choice.

**14.2** Clearly, it is possible to overstate this argument: drinking alcohol is a central aspect of British culture, and many young people will surely choose to get drunk even if there are alternative activities available. However, the availability of alternatives to park drinking must surely have some impact on the numbers of young people engaged in these activities, particularly as it seems to be the case that park drinking, for many of the young people involved, is actually as much about having a shared space to socialise as it is about getting drunk.

**14.3** It is important that activities are developed as direct alternatives to U18 drinking. There is relatively little point, for instance, in offering things to do if they are not available on Friday and Saturday nights when the great bulk of park drinking takes place, or in offering activities which appeal to an entirely different 'market' than does park drinking (e.g. activities which appear very structured and controlled by adults, when a good deal of the appeal of park drinking seems to be that it is unregulated and 'controlled' by young people).

**14.4** One way of ensuring that these activities actually match what young people want is to ask teenagers for their opinion. This could take the form of a poll/survey of 13-18 year olds (or similar) organised via schools. This would also have the benefit of explicitly involving young people in the design of services, and could form part of an educational programme aimed at explaining the democratic process and local decision making.

**14.5 RECOMMENDATION 10 – Survey teenagers for their views and seek to develop alternative activities for young people to engage with as alternatives to illegal drinking in public places.**

## 15 East Brighton

**15.1** When the Scrutiny Panel was established, an element of its remit was to establish whether the problems of excessive under age drinking were a constant across the city or whether they were concentrated in any specific areas. The Director of Public Health's Annual Report (2008/9) had stated that there was a higher level of problems in East Brighton than in other parts of the city, and it was determined that this warranted further investigation.

**15.2** Witnesses were asked about this issue, but no one thought that there was anything singular about the east of the city which might explain a higher incidence of U18 drinking problems, save for the generally higher levels of deprivation in this area.

**15.3** It was however noted that East Brighton alcohol-related problems do not just impact upon this area of the city, as both the perpetrators and the victims of alcohol-related crime in the city centre are disproportionately likely to live in East Brighton.[40]

**15.4** Panel members debated whether to include a recommendation for better funding for U18 alcohol services in East Brighton in recognition of the particular problems faced in this part of the city. However, whilst some members argued for such an approach, others felt that area based funding had not been an unqualified success in past years, and that although the allocation of funding might fruitfully track deprivation, this should be on a targeted basis rather than an area level.

**15.5** Therefore, whilst the Panel notes the higher incidence of problems involving young drinkers in the east of the city, and Panel members recognise the correlation between alcohol problems and family deprivation, the Panel has not chosen to make a recommendation in this instance.

## 16 Scrutiny Panel Recommendations and the Sustainable Communities Act

**16.1** The Sustainable Communities Act (2007) seeks to make the statutory framework of government more amenable to local and community influence, by encouraging local authorities (via the Local Government Organisation) to report back to Central Government in instances where it is felt there would be value in introducing new statutory powers or varying existing powers.

**16.2** When compiling this report, panel members were initially minded to recommend that the local Licensing Committee sought to impose certain conditions on licensees in instances where a licensee had been shown to have sold to U18s, or where an application for a new license was made in an area with particular alcohol-related problems (e.g. in the vicinity of a city centre park; in an area with many existing licensed premises etc.).

**16.3** The conditions envisaged by the Panel included licensees being required to refrain from selling alcohol below its cost price (loss-leading), from discounting multiples (e.g. '2 for 1' offers), and from selling certain drinks strongly associated with hazardous drinking (e.g. strong cider, cheap spirits). They also included requiring licensees to

[40] Evidence from Tim Nichols: point 23.14, 16.02.09.

adopt best practice in terms of under age drinking (e.g. adopting the 'Challenge 25' scheme).

**16.4** However, on taking advice, it became clear that it is generally not the case that local Licensing Committees are able to impose such conditions on aspirant licensees, and not always the case that they can impose this type of condition on licensees facing suspension/revocation.

**16.5** In this report, the Panel has therefore recommended that the Licensing Committee asks for a commitment from licensees that they follow the types of best practice enumerated above.

**16.6** However, panel members believe that local problems with young people and alcohol could be much more effectively managed if Licensing Committees had the ability to compel licensees to adopt sensible approaches to selling in situations where there was an established problem – either with the particular premises itself or in the local area.

**16.7** Therefore, the Panel would like to recommend that a proposal to allow Licensing Committees considerably more latitude in terms of imposing conditions on licensees be included amongst this council's submissions to the Local Government Association in relation to the Sustainable Communities Act (2007).

**16.8 RECOMMENDATION 11 – The council should request changes to statute relating to the powers of local Licensing Committees (as detailed in point 16.3 above) in line with the powers granted by the Sustainable Communities Act (2007).**

# Appendix 1: Dates of public meetings and witnesses who attended plus dates of private meetings (witnesses are employed by Brighton & Hove City Council unless otherwise indicated)

**Monday 27 October 2008**
Private Scoping meeting with the following officers:

- Dr Tom Scanlon – Director of Public Health
- Lydia Lawrence - Public Health Development and Improvement Manager
- Anna Gianfrancesco – Service Manager, RU-OK
- Chris Owen – Healthy Schools Team Manager

**Wednesday 26 November**
Private meeting – to plan the questions for the witnesses

**Thursday 27 November 2008**

- Barbara Hardcastle – Brighton & Hove City Teaching Primary Care Trust (PCT)
- Andrew Kundert – Brighton & Hove Licensing Inspector, Sussex Police
- Dr Oli Rahman – Consultant Paediatrician, Brighton & Sussex University Hospitals Trust
- Anna Gianfrancesco – Service Manager for RU-OK

**Monday 15 December 2008**
Private De-brief meeting

**Thursday 22 January 2009**

- John Peerless– Head of Trading Standards Office
- Tim Barclay – Head Teacher, Hove Park School
- Chris Owen – Healthy Schools Team Manager
- Eric Price –Trading Standards Licensing Manager, Somerfield

**Saturday 31 January 2009**
Brighton & Hove Youth Council meeting

**Tuesday 10 February 2009**

- David Soloman – Store Manager, Tesco Express (Droveway, Hove)
- Tony Rickwood –Store Manager, Tesco (Portslade)
- Chris Denman- Area Manager for Threshers and the Local
- Sue Dixon - Head of Security for First Quench Retailing (formally known as the Thresher Group)

**Monday 16 February 2009**

- Cllr. Carol Theobald- Chairman of Licensing Committee
- Tim Nichols – Head of Environment & Licensing

**Wednesday 11 March 2009**
A private meeting was arranged with Youth Council representatives

**Friday 20 March 2009**
Private meeting to discuss the recommendations.

**Tuesday, 12 May 2009**
Private meeting to discuss the first draft of the report.

**Tuesday 26 May 2009**
Private meeting to discuss the second draft of the report.

# Appendix 2: Minutes of the meetings

a) Thursday 27 November 2008: 2-4pm, Committee Room 1, Brighton Town Hall

b) Thursday 22 January 2009: 2-4.30pm, Council Chamber, Hove Town Hall

c) Saturday 31 January 2009: 12pm, Brighton Youth Centre (the Chairman was invited to speak at the Brighton & Hove Youth Council Meeting and to listen to Youth Council representatives' views)

d) Tuesday 10 February 2009: 9.30-12.30pm, Banqueting Suite, Hove Town Hall

e) Monday 16 February 2009: Committee Room 2, Hove Town Hall

f) Wednesday 11 March 2009: 5pm - Private meeting the Chair and a Youth Council Representative

# BRIGHTON & HOVE CITY COUNCIL

## CHILDREN & YOUNG PEOPLE'S OVERVIEW & SCRUTINY AD-HOC PANEL - REDUCING ALCOHOL RELATED HARM TO CHILDREN & YOUNG PEOPLE

**2.00pm 27 NOVEMBER 2008**

**COMMITTEE ROOM 1, BRIGHTON TOWN HALL**

## MINUTES

**Present**: Councillors Mrs Norman (Chairman), Duncan and McCaffery

**Other Members present**: Councillors

## PART ONE

### 1. PROCEDURAL BUSINESS

### 1A Declarations of Substitutes

1.1 Substitutes are not permitted on Ad-hoc Scrutiny Panels.

### 1B Declarations of Interest

1.2 There were none.

### 1C Exclusion of Press and Public

1.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Schedule 12A, Part 5A, Section 100A(4) or 100 1 of the Local Government Act 1972 (as amended).

1.4 **RESOLVED -** That the press and public be not excluded from the meeting.

### 2. MINUTES

**2.1** This was the first panel meeting and there were therefore no minutes from a previous meeting to be approved.

## 3. CHAIRMAN'S COMMUNICATIONS

3.1 The Chairman welcomed the witnesses giving evidence at this meeting, and noted that the panel's Terms of Reference were:

To make practical recommendations by examining the costs of social and economic outcomes of, and reasons for the increasing levels of alcohol related harm suffered by children and young people in Brighton and Hove.

To examine the impacts of the Licensing Act 2003 on the availability to and consumption of alcohol by those aged under 18, in the city.

These recommendations will be made by inviting and gathering evidence from Sussex Police, Council Officers, PCT, NHS and off sales licensed premises.

## 4. EVIDENCE FROM WITNESSES

4.1 The Chairman asked the witnesses to introduce themselves and explain how their work connected with the issue of alcohol use and young people.

4.2 Members then asked each witness a series of questions.

4.3 Barbara Hardcastle (BH), Brighton & Hove City Teaching Primary Care Trust: PCT told members that she was employed by Brighton & Hove City Teaching Primary Care Trust (PCT), and was responsible for developing and compiling a Joint Strategic Needs Assessment (JSNA) for alcohol services, covering both adult and children's services.

4.4 BH noted that Brighton & Hove's performance lagged behind national/regional averages in many aspects of alcohol related health, including having one of the worst performances in England in terms of male deaths from chronic liver disease.

4.5 In terms of children and alcohol, BH told members that national trends showed that the numbers of young people drinking were stable or declining slightly, but that those young people who did drink tended to be drinking more.

4.6 In Brighton & Hove, BH noted that young people's drinking rates are slightly above the national averages. It seems that more girls than boys are engaged in 'binge-drinking', and that drinking rates are highest in the east of the city (and lowest in the west).

4.7 Dr Oli Rahman (OR), Consultant Paediatrician, Brighton & Sussex University Hospitals Trust informed members that he was a consultant

paediatrician working at the Royal Alexandria Children's Hospital. Dr Rahman also works closely with colleagues in the Royal Sussex County Hospital Accident & Emergency (A&E) department.

4.8 OR told members that it was difficult to gauge the proportion of young people attending A&E with alcohol related conditions, as, whilst admissions obviously linked to alcohol use would be coded as such, other admissions might not be, even if alcohol was probably a contributory factor (e.g. an alcohol-related fall resulting in injury might just be recorded as a fall).

4.9 In addition, OR informed the panel that the great majority of A&E attendances do not result in admission to hospital (i.e. patients are discharged without treatment or are treated without requiring admission as in-patients). Recording the role of alcohol in attendances which do not result in admission can be very challenging.

4.10 Inspector Andrew Kundert (AK), Licensing Inspector, Brighton & Hove Police told the panel that he was the Licensing Inspector for Brighton & Hove, and that the Brighton & Hove police force was committed to reducing levels of public place violence and anti social behaviour – both of which were alcohol (and licensing) related matters.

4.11 AK noted that, whilst in previous years the police had concentrated on the city's 'night time' economy, there had been a more recent focus on other areas where alcohol related disorder was an issue, particularly in terms of the effective policing and management of young people drinking and socialising in parks and green spaces.

4.12 AK told the panel that three localised initiatives had recently been combined to form 'Operation Parks' which sought to address problems associated with the phenomenon of groups of young people meeting up to drink in city parks (particularly on Friday and Saturday nights).

4.13 AK noted that effective policing of this issue required a variety of approaches: if young people were not engaging in anti social behaviour, there might be no police intervention; if there was anti-social behaviour, the police might seek to disperse those on the periphery of incidents and to target 'ring-leaders' (e.g. to escort them home to their parents/guardians).

4.14 AK informed the panel that it was not always clear whether groups of young people were drinking or not, as young people would typically 'disguise' alcoholic drinks in soft drinks bottles.

4.15 AK told members that (in very approximate terms) around 5% of underage drinking involved underage drinkers purchasing alcohol in pubs and bars; approximately 20% involved alcohol purchased by underage drinkers from shops and off licenses. However, around 75% of alcohol was not purchased illegally – i.e. it was bought by parents,

by 'proxy buyers' (over 18s buying alcohol at the request of under 18s), was stolen etc.

4.16 AK informed the panel that a good deal of work was done to try and ensure that under 18s were not able to purchase alcohol from either on or off sales. The police work closely with Trading Standards to arrange 'test purchasing' (under 18s will try to purchase alcohol in closely monitored operations). Test purchasing is not at random; it is targeted at businesses where there is intelligence of selling to minors.

4.17 AK told members that the citywide 'fail' rate for test purchasing was currently around 20% (i.e. one in five test purchasers was actually served alcohol). This is a very encouraging rate.

4.18 AK informed members that if business do fail test purchasing, they will be re-tested. Persistent offenders may have their alcohol licences suspended or revoked.

4.19 Anna Gianfranceso (AG), Service Manager, RU-OK? told the panel that she was the Service Manager for RU-OK?, the Children & Young People's Trust specialist substance misuse service, and that she was also heavily involved in the local implementation of the new national alcohol strategy.

4.20 AG informed members that she worked closely with the police, and had developed a Care Pathway for young people referred from the police. She is currently seeking to develop a similar pathway to channel referrals from A&E, and eventually hopes to combine the pathways.

4.21 AG noted that targeting alcohol use amongst young people was a fairly recent initiative, as drugs misuse had traditionally been prioritised.

4.22 AG told the panel that Operation Parks had been very successful in terms of reducing young people drinking in public. However, it was not clear whether this reduction in public drinking actually indicated lower levels of drinking (i.e. it might be the case that young people were simply drinking at home rather than in public places).

4.23 AG noted that there had been recent national guidance on alcohol education in schools and that she would pass this guidance on to the panel members.

4.24 AG told members that Operation Parks had not identified a large number of 'repeat offenders' in terms of young people drinking and behaving anti-socially in public: fewer than 20% of people escorted home by police are subsequently picked up again.

## 5. FURTHER QUESTIONS

5.1 Panel members then jointly asked the witnesses a series of questions. The witness responses are detailed below.

5.2(a) In answer to a question as to whether action was taken against adults supplying children with alcohol, members were told (by AK) that Operation Parks had tried to address the issue of 'proxy purchasing'. For example, an operation had been arranged in which under 18s tried to persuade passing adults to purchase alcohol from off-licenses on their behalf. However, such an initiative could not realistically lead to prosecution, as the act of encouraging adults to purchase alcohol for under 18s would probably be viewed as a form of entrapment by the courts.

5.2(b) AK and AG added that it was often difficult to ascertain where an underage drinker had obtained alcohol, as drunk people might not be very lucid, and might lie to protect friends or retailers. However, there was now more focus on tracking back the supply of alcohol, and city partners would share this type of information if they were successful in obtaining it.

5.2(c) John Peerless (JP), Head of Trading Standards, Brighton & Hove City Council, told members that an initiative had been planned for under age drinking in Moulsecoomb, which would have included trying to ascertain the origin of the alcohol being consumed – possibly via an analysis of litter.

This scheme would also have sought to encourage off-licenses not to sell to people who looked under 21.

The council failed to get Government funding for this initiative, but does still intend to undertake it at some point.

5.2(d) AG noted that schemes seeking to restrict sales to under 21s had been effective in other localities.

5.3(a) In response to a question about whether the recent proliferation of off licences had led to an increase in drink-related problems, AK replied that the city Cumulative Impact Zone (CIZ) assumed that there was indeed such a causal link.

AK noted that the CIZ had been very successful, particularly in terms of empowering local communities (i.e. individuals felt that their representations were taken seriously and could have a practical effect).

5.3(b) BH added that there had in fact been a very large increase in the number of off-licenses in recent years.

5.4(a) In answer to a question regarding repeat A&E attendances, OR told members that very few young people repeatedly attended A&E for alcohol-related issues (unless they were self-harming).

5.4(b) OR also noted that A&E record keeping was not perfect in this respect, and that whilst incidents where drink was the primary cause of injury would almost certainly be recorded as alcohol-related, incidents where drink was only a potential contributory factor might not be recorded. Efforts were being made to improve recording, although this needed to be carefully handled as there were issues of patient confidentiality to take into account.

5.5(a) In response to a question regarding the physical damage caused by excessive drinking in young people, OR told members that teenagers' bodies were still developing which might mean that they were less able to process alcohol than adults.

5.5(b) BH noted that there was growing evidence that excessive drinking from an early age would lead to an increase in alcohol related-dementia in the future.

5.6(a) In answer to a question regarding the relative threat posed by alcohol or drugs, OR told members that a significant number of teenage drink or drug hospital admissions were drink related (unless self-harm was a factor).

5.6(b) AG added that alcohol could be very dangerous and certainly would not be licensed if it was not so socially established.

5.6(c) AK noted that alcohol was a major contributory factor in most public disorder offences, as well as many Domestic Violence incidents.

5.6(d) OR added that drunkenness also created major problems for A&E services, particularly at weekends.

5.7(a) In answer to questions concerning prosecution of licensees, JP told members that prosecution was rare, as it was a relatively ineffective method of taking action. This was generally the case in Brighton & Hove and across Sussex, where a consistent strategic approach had been adopted by a number of authorities.

5.7(b) AK added that the police in Brighton & Hove would generally seek to take action through the city Licensing Committee (e.g. seeking suspension or revocation of a license) rather than via prosecution.

5.7(c) JP also noted that most local businesses to not wish to sell to under 18s and are keen to work together with the police and the local authority. Suspension or revocation of the licenses of co-operating businesses is rarely a sensible option.

5.7(d) AK noted that suspension was quite rarely used, and questioned whether the Licensing Committee would welcome attempts to employ this power more widely, particularly in situations where a premises had only failed one or two times.

5.8 In response to a query about supermarkets, JP told members that supermarkets could be a source of alcohol for under 18s. Supermarkets have a specific problem in that their scale means that it can be difficult for them to properly train and monitor staff (in contrast with small off-licenses where the person making sales may well also be the licensee). Trading Standards have done a lot of work with large local alcohol retailers such as Somerfield and Threshers and are now involved in these organisations' staff training.

5.9(a) Asked what could be done to improve the situation in Brighton & Hove, AK noted that one possibility was to take action against under age drinkers buying alcohol rather than focusing entirely on those selling alcohol (as both selling and buying are offences).

AK also told the panel that it was important to recognise that Brighton & Hove was much safer than formerly – much has been done to tackle alcohol-related anti social behaviour and violence.

5.9(b) AG noted that young people replicate adult behaviour, and that children are bound to see adults drinking to excess. This is particularly so given the effects of the smoking ban in pubs and a general modern attitude amongst adults of not being ashamed of being inebriated in public. Adult attitudes to drinking need to change if there is to be any realistic hope of changing children's behaviour.

5.9(c) JP added that messages to children about alcohol harm needed to be consistent – which they currently are not.

5.9(d) OR suggested that children should be given much more credit for being able to understand information about how their own behaviour might impact upon their health, and that providing an honest assessment of the risks associated with excessive drinking might be effective.

## 6. ANY OTHER BUSINESS

6.1 There was none.

The meeting concluded at 4.00pm

Signed Chair

Dated this day of

**BRIGHTON & HOVE CITY COUNCIL**

**CHILDREN & YOUNG PEOPLE'S OVERVIEW & SCRUTINY AD-HOC PANEL - REDUCING ALCOHOL RELATED HARM TO CHILDREN & YOUNG PEOPLE**

**2.00pm 22 JANUARY 2009**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present**: Councillors Mrs Norman (Chairman), Duncan and McCaffery

**Other Members present**: Councillors

**PART ONE**

**7. PROCEDURAL BUSINESS**

**7a. Declaration of Substitutes**

7.1 No substitutes are permitted on Ad-hoc Scrutiny Panels

**7b. Declarations of Interests**

7.2 There were none.

**7c. Declaration of Party Whip**

7.3 There was none.

**7d. Exclusion of Press and Public**

7.4 In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

7.5 **RESOLVED –** That the press and public be not excluded form the meeting.

## 8. MINUTES OF THE PREVIOUS MEETING

**8.1** **RESOLVED –** That the minutes of the meeting held on the 27 November 2009 be agreed.

## 9. CHAIRMAN'S COMMUNICATION

9.1 The Chairman announced that Mark Whitby (Head of Advisory Centre for Education - ACE) had been obliged to send his apologies for this meeting. Mark Whitby will be invited to attend the next meeting of the panel.

9.2 John Peerless (Head of Trading Standards) kindly agreed to give evidence at this meeting at late notice.

## 10. EVIDENCE FROM JOHN PEERLESS (JP)- HEAD OF TRADING STANDARDS OFFICE (TSO)

**10.1** JP told members that the council was currently being evaluated on its approach to regulating alcohol sales to children. A copy of the report would be forwarded to the panel when it was published.

**10.2** JP informed the panel that work on limiting alcohol sales to under 18s altered significantly in 2001, when changes to licensing law permitted 'test purchasing' (using under 18s to try and purchase alcohol).

**10.3** JP noted that the TSO has a very broad remit and limited resources (amounting to 15 Full Time Equivalent officers). The Brighton & Hove TSO considers under-age drinking to be a city priority and has allocated its resources accordingly. In the past few years the local TSO has developed initiatives such as 'Too Young to Buy' and 'Think 21', and has promoted the use of an identity card scheme for young people.

**10.4** JP told members that a major piece of work had been undertaken in 2004 in which local authorities, working together with the Home Office Alcohol Standards Unit, had developed a campaign to encourage co-working between regulators of licensed premises. Test purchasing conducted as part of this work showed very high levels of non-compliance for both on and off licences. Partly as a result of this, local authorities have subsequently been strongly encouraged to incorporate work to limit under-age drinking as part of their core business, rather than relying upon time-limited initiatives. Experience suggests that a good rate of compliance is reliant upon constant reinforcement: as soon as a time-limited initiative ends, rates of non-compliance soar.

**10.5** Non-compliance rates are still around the 35% mark. Problems are particularly associated with newly licensed premises or those with a very high turnover of staff, managers or licensees. The TSO attempts to 'risk assess' newly licensed premises, offering advice on how best to train staff so as to minimise sales to under 18s.

**10.6** JP told members that eliminating off sales to under 18s would not stop under-age drinking as there are several sources of alcohol: co-ordinated action from other services is required for any initiative to be successful.

**10.7** TSO initiatives to counter under age drinking are not always effective, as targeting a particular location can result in displacement of drinking activity to neighbouring areas. Informal intelligence networks used by teenage drinkers (via texting, Face Book etc) are often very efficient. To some degree this may be a resource-related issue, as displacement might be less of a problem if a greater geographical area could be targeted by TSO, although better planning and co-working between agencies rather than extra resources *per se* might produce good results.

**10.8** JP confirmed that prosecution of licensees is very rarely considered, as the licence review/revocation process is far more effective. JP stressed that this approach is intended to help retailers sell alcohol responsibly: it is not meant to be punitive.

**10.9** In answer to a query about the spread of problems across the city, JP told members that the TSO had not encountered any particular problems in East Brighton. However, if there was a spike in figures in the East of the city, it probably reflected other problems encountered here, as problematic under age drinking could often be a symptom/result of other problems.

**10.10** JP informed the panel that the way forward for his work may well lay in encouraging local partners to work together to tackle under age drinking. JP referred to ongoing work in Moulescoomb, which he identified as embodying good practice in this area.

## 11. EVIDENCE FROM CHRIS OWEN (CO)- HEALTHY SCHOOLS TEAM MANAGER & TIM BARCLAY (TB)-HEAD OF HOVE PARK SECONDARY SCHOOL

**11.1** CO presented to the Panel "A summary of the learning opportunities delivered by schools and local data about school age children and young people"

TB explained what is done in his school in terms of drug and alcohol education, how this programme is reviewed in the light of emerging data from students, surveys etc.

**11.2** TB noted that there are two distinct groups of underage drinkers: the first group can be characterised as 'risk takers' – individuals who use alcohol (and who may display other types of risky behaviour) due to underlying emotional/social problems. The second, much larger, group uses alcohol as a way of bonding with their peers/in a celebratory

manner etc. Many young people feel a sense of empowerment and safety in large groups, and this includes groups of people sitting in parks etc. drinking. This is not necessarily about a lack of facilities, youth clubs etc.

**11.3** CO noted that the behaviour of young people frequently mirrors that of their elders, and that adult culture currently features many patterns of drinking which are reflected in teenage behaviour.

**11.4** Recent years have seen a reduction of young people drinking in licensed premises, and this drinking has been displaced to parks etc where it can be much more visible and can lead to problems of disorder.

**11.5** CO told members that many parents were uncertain how to deal with the issue of underage drinking – e.g. unsure whether the best approach was to try and proscribe their children's drinking or to supply a limited amount of alcohol in the hope that this would encourage a relatively sensible approach to alcohol.

**11.6** In answer to a question on the impact of alcohol on educational attainment, TB told the panel that there was not necessarily a link between 'Friday night drinking' and attainment, but that people with more serious drink problems could see their attainment fall (however this is a complex issue as excessive alcohol use is often a 'symptom' of other social or emotional problems rather than a discrete problem).

**11.7** TB added that schools do lots of work with students in terms of advising on how best to deal with the stress associated with exams, and this may include advice on sensible drinking.

**11.8** CO noted that schools may simply not be aware of problems associated with their students' drinking as very few students actually attempt to drink in the school environment, and contact with students out of school is generally limited.

CO informed members that children of parents with problematic drinking are another group the Panel needs to be mindful of.

## 12. EVIDENCE FROM ERIC PRICE(EP) -SOMERFIELD TRADING STANDARDS LICENSING MANAGER

**12.1** EP told the panel that almost all Somerfield stores (859) have an alcohol license, and that the company is committed to implementing licensing law. Somerfield uses comprehensive training and re-training; till prompts for staff, maintains a 'refusal record' for under age sales, has a 'three year rule' (i.e. staff will ask for ID from anyone who doesn't look 21), and supports 'citizen cards.'

**12.2** EP noted that, prior to 2003, retailers were less aware of the level of their sales to under 18s, as it was not legal to conduct test purchasing. Very few if any complaints were received from the general public about sales being made to under age persons. Since test purchasing became widespread, it became clear that there was an industry wide problem with staff failing test purchases. An industry group, the Retail of Alcohol Standards Group was formed to seek ways to drive down under age sale. Great improvements were then made.

**12.3** In recent years retailers have had to think very hard about how best to deal with this problem – this is far more involved than simply having a policy in place. Issues to be dealt with include: staff problems with identifying under 18s; staff reticence Re: challenging customers; dealing with groups of under 18s.

**12.4** Somerfield does a lot of data analysis, looking at situations where staff actually challenge customers, and at the results of its own internal test purchasing (although it cannot use 18s for this).

**12.5** Larger stores tend to be better performers; perhaps because young people buying alcohol are more conspicuous in this type of environment (most customers in big stores tend to be doing a large weekly shop, whereas smaller stores tend to have a higher percentage of shoppers buying only a few items).

**12.6** In terms of the London Road, Brighton store, there are obvious problems associated with the siting of this store: on a very busy bus route, near to the level and to several nearby housing estates etc.

**12.7** Measures introduced at the London Road store include: an increased use of door supervision (particularly reassuring for counter staff); only using over 18 counter staff; marking alcohol so that it can be traced back to the shop (although none ever has been); employing a new store manager who has a track-record of supporting staff; collaborating with TSO on training of staff. These measures have turned the situation around in this store – the store has passed its last three test purchases, and the working culture has significantly improved.

**12.8** In response to a question regarding alcohol sales to adults, EP told members that Somerfield was increasingly concerned with facilitating sensible drinking via providing information on units, safe drinking practices etc.

**12.9** In answer to a question about what more could be done locally to tackle the problem of underage drinking, EP told the panel that the key was to involve all elements of the community in initiatives – including police, schools, TSO etc.

## 13. ANY OTHER BUSINESS

13.1 It was agreed to contact St. Neots for further information on their partnership working, as mentioned by Eric Price.

13.2 Members agreed to find out young people's views through attending a school or sixth form college

The meeting concluded at 4.00pm

Signed Chair

Dated this day of

**Notes from the Brighton and Hove Youth Council meeting on the Saturday, 31 January 2009**

1. Present: Councillor Ann Norman (Chair) and Youth Council Representatives (YCR), Superintendent Grenville Wilson (from Sussex Police) and Youth Council Officers.

2. Councillor Ann Norman was asked to speak at the Youth Council meeting and was present to here Superintendent Grenville Wilson speak too.

3. Questions were asked by the YCR's why the Police disperse small groups of youths in parks when they are not being disruptive or loud. The Superintendent explained that the Police tend to work on dispersing small groups early on in the evening before any anti-social behaviour can start; working on prevention rather than waiting for situations to escalate and then dealing with the issues then.

4. A YCR privately told Councillor Norman that young people enjoyed meeting up in groups, as they felt safer and by dispersing the groups they felt more vulnerable and that young people did not see anything wrong with sitting around in small groups. They felt the dispersal technique was unfair especially when they are not causing any trouble.

5. Another YCR privately said that when she was at a party, where lots of additional young people turned up to the party (than previously planned); a Police van came to the location with dogs to disperse the large crowd and that this was seen as a very heavy handed approach and they had been dealt with unfairly.

6. Another YCR privately said that the Police do ask young people to empty their drinks. Some young people take offence to this as some young people do not drink alcohol and therefore have to empty out their soft drinks.

7. A YCR privately said how young people who do not drink alcohol tend to look after their friends that do drink alcohol.

8. A YCR privately said about a positive experience she had with the Police and how she and her friend, (who had been drinking alcohol,) had been treated as individuals and how the policewoman showed that she was concerned for their safety.

9. What upset young people the most was how most of the Police approach these situations by not explaining what they are doing and why they are doing it and not treating each young person as an individual but as a group as a whole.

**BRIGHTON & HOVE CITY COUNCIL**

**CHILDREN & YOUNG PEOPLE'S OVERVIEW & SCRUTINY AD-HOC PANEL - REDUCING ALCOHOL RELATED HARM TO CHILDREN & YOUNG PEOPLE**

**10.00am 10 FEBRUARY 2009**

**BANQUETING SUITE, HOVE TOWN HALL**

**MINUTES**

**Present**: Councillors , Duncan and McCaffery

**Other Members present**: Councillors

**PART ONE**

**14. PROCEDURAL BUSINESS**

**14a. Declaration of Substitutes**

14.1 No substitutes are permitted on Ad-hoc Scrutiny Panels

**14b. Declarations of Interests**

14.2 There were none.

**14c. Declaration of Party Whip**

14.3 There was none.

**14d. Exclusion of Press and Public**

14.4 In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

14.5 **RESOLVED –** That the press and public be not excluded form the meeting.

## 15. MINUTES OF THE PREVIOUS MEETING

15. That the minutes of the meeting held on the 22 January 2009 need to be approved and signed by the Chairman.

## 16. CHAIRMAN' S COMMUNICATIONS

16.1 Apologies have been sent from the Councillor Ann Norma (Chairman).

## 17. EVIDENCE FROM WITNESSES

17.1 Evidence from **Sue Dixon (SD), Head of Security for the First Quench Retailing** (formally known as the Thresher Group) and **Chris Denman (CD), Area Manager for Threshers and the Local**

17.2 SD told members that the there were 1500 branches with 4 different brand names: Threshers, Wine Rack, the Local & Hadows in Scotland; of which there were 30 stores in Brighton & Hove.

17.3 SD informed the panel around a million people were challenged annually and a third of these were refused. All refusals were recorded on the tills and in books and this information was collated and analysed to identify anomalies.

CD explained that any anomalies were investigated and compared with company and store averages. A “compliant” Store Manager generally meant that refusals would be lower in these stores, as young people would not shop at these branches.

17.4 SD informed members that the company derives no benefit from under 18 sales as it would damage their reputation which would not exceed potential income.

17.5 SD told members that new staff completed an induction, filled out a booklet, watched a DVD which covered mechanisms to prevent underage selling of alcohol and had to be signed off by their Manager before being authorised to use the tills. These inductions and training materials were developed by working with Trading Standards.

17.6 SD informed members that identification is asked for, when any customer looks younger than 21: “Challenge 21”. This is being moved to “Challenge 25”. This makes identification of under 18’s easier for staff. Accepted forms of ID are Passport, Driving Licence and any other accredited ID. Test purchases are carried out with over 18’s and over a 100 test purchases are carried out nationally per month; from this the company can identify problem areas and target their work on these.

CD confirmed that all Brighton and Hove stores were working to Challenge 25 already

17.8 It was advised that Partnership working with local authorities, the Police and Trading Standards was the best way forward. It was noted that enforcement has a role but dealing with issues at an early stage is better and to act on any intelligence to deal with the matter swiftly worked best.

17.9 In answer to a question as to how many challenges Brighton and Hove had, it was estimated at around 25/30 per store, per week and challenges were higher in the summer. The exact figures would be forwarded onto the panel.

17.10 In relation to a question on what happens to the information about refusals, it was explained that the District Manager and Licensing Manager collate and investigate the information on a store basis.

CD added that store visits are arranged to stores that have anomalies and an investigation would take place by speaking with staff. All stores within each area are visited on a 6 weekly basis.

17.11 In response to a question as to where under 18's were sourcing their alcohol and whether proxy sales were the problem, it was advised that staff are trained on proxy purchasing by looking at unusual buying patterns and that staff shouldn't sell if they are suspicious of proxy sales being undertaken.

The Panel were informed that shoplifting was an issue and it was thought that 60% of alcohol consumed by underage drinkers came from homes.

17.12 In answer to a query about what information in stores is available for parents, it was noted that stores have been involved in local area schemes where leaflets were put into customers' bags. However it was noted that more education was required.

17.13 Tony Rickwoood - Portslade Tesco's Store Manager commented that there were many instances of staff overhearing parents asking their children what alcohol they would like their parents to purchase for them. In these experiences the retailer would refuse these sales.

17.14 CD informed the panel that refusals do vary from store to store. Stores with higher footfall have higher refusals and smaller "community" stores have lower refusals. Under 18's do not shop at their local stores as there is more chance that they will be refused as the Retailer will probably know their parents.

17.15 In response to a question as to whether there are more refusals in the east of Brighton (as underage drinking is worst in the east of city), it was noted that this hadn't been identified.

17.16 In response to a question from a Youth Council representative as to whether it would be possible to scan an universal ID card which could total up the amount of alcohol purchased and flag up if the individual was over a guidance level and the possibility that proxy sales may be occurring, TR explained that technically it would not be possible to collate this type of data from the different retailers.

18. Evidence from **David Solomon (DS), TESCO Express, Store Manager -Droveway, Hove** and **Tony Rickwood (TR), TESCO, Store Manager – Portslade**

18.1 DS informed members that TESCOs had a vigorous induction training programme, which included "Think 21", a buddy system, plus training updates, refresher training, till prompts (with the date of birth information), a DVD and also regular team meetings.

TR handed out training materials that all staff including managers had to complete and noted that there was more comprehensive training for the Licensees at each store. There were "Quarterly Due Diligence Reviews" that a Designated Premises Supervisor completed which reviewed their stores compliance.

18.2 The panel noted how managers backed staff with the "you say no and we say no policy" when a transaction was refused.

18.3 DS informed the panel how the non-compliance is identified with test purchases, and explained how these stores are targeted for up skilling. It was also very important to work with the Police, Trading Standards and the community and advertise the no selling of alcohol to under 18's policy around the store.

18.4 TR explained how there were very robust systems in place and that he had worked hard to engage with the local Police, to increase store visits which had an impact on reducing theft.

18.5 TR told members how it was not in TESCO's interest to sell alcohol to under 18's.

18.6 In answer to a question on how young staff challenge under 18's, TR informed the panel that staff under 18 had to have a supervisor authorise any alcohol sales they made. This then prevents under 18 store staff selling to their under 18 friends. TR explained how TESCO is moving to the "Think 25" scheme.

SD informed members that all retailers were moving to the "Think 25" scheme, expect Waitrose. However independents would not necessarily follow.

18.7 In response to a question as to whether there was an increase in sales since the Licensing Act 2003 was implemented, SD told members that

the Act had meant that a tighter regime was in operation and it was hard to determine as this is a very high profile topic and is in the press regularly.

18.8 TR informed the panel how there had been a significant improvement in compliance since legislation made individual staff vulnerable to prosecution as well as the retail company.

18.9 In answer to a question whether cheap alcohol had increased the levels of drinking, TR felt that people weren't buying more cheap alcohol.

18.10 TR informed the panel that by increasing the cost of alcohol it would not have any affect as customers wouldn't trade down to cheaper drinks and that when the VAT had been reduced recently; there wasn't an increase in alcohol sales.

SD noted that alcohol was cheap in France and there were no major issues there.

18.11 In answer to a question why young people were drinking more, TR informed the panel that alcohol is increasingly difficult for young people to get from retailers and that more adults were purchasing it for them.

SD questioned whether young people were drinking more or whether anti-social behaviour had increased.

18.12 In response to questions as to whether shoplifting was an issue, SD told members that it was a problem as there was little legal deterrent (fixed penalty notice for a first offence). Retailers find it challenging to balance attractive store layouts with crime prevention measures.

Shoplifting varies with different areas and different products.

TR informed the panel how alcohol is purchased with weekly shopping on a regular basis.

18.13 In answer to a question on whether there is information for parents about not purchasing alcohol for their underage children, TR responded he could not recall any such information and that parents had a lack of understanding on the subject.

18.14 In answer to a question on what recommendations would they make TR responded that the local Police are the key and their support to retailers was invaluable.

Members noted that SD recommended partnership working as retailers were committed to eliminating sales to under 18's and that any intelligence could be dealt with swiftly. Additionally direct links with the retailers Central Office would be useful for more proactive working. It

was also pointed out that enforcement does have a negative impact on retailers.

TR informed members that Trading Standards could do with engaging with Retailers more in the future.

**18. ANY OTHER BUSINESS**

19.1 No other business was discussed.

The meeting concluded at 11.00am

Signed Chair

Dated this day of

**BRIGHTON & HOVE CITY COUNCIL**

**CHILDREN & YOUNG PEOPLE'S OVERVIEW & SCRUTINY AD-HOC PANEL - REDUCING ALCOHOL RELATED HARM TO CHILDREN & YOUNG PEOPLE**

**2.00pm 16 FEBRUARY 2009**

**COMMITTEE ROOM 1, HOVE TOWN HALL**

**MINUTES**

**Present**: Councillors Mrs Norman (Chairman), Duncan

**Other Members present**: Councillors C Theobald

**PART ONE**

**19. PROCEDURAL BUSINESS**

**20a. Declaration of Substitutes**

20.1 No substitutes are permitted on Ad-hoc Scrutiny Panels.

**20b. Declarations of Interests**

20.2 There were none.

**20c. Declaration of Party Whip**

20.3 There was none.

**20d. Exclusion of Press and Public**

20.4 In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

20.5 **RESOLVED –** That the press and public be not excluded form the meeting.

## 20. MINUTES OF THE PREVIOUS MEETING

21.1 That the minutes of the meeting held on the 10 February, 2009 need to be approved and signed by Chairman.

## 21. CHAIRMAN'S COMMUNICATIONS

22.1 Chris Parfitt (Youth Lead on Alcohol) and Mark Whitby (Head of Advisory Centre for education (ACE)) send their apologies.

## 22. EVIDENCE FROM WITNESSES

23.1 Evidence from **Councillor Carol Theobald (CD), Chairman of the Licensing Committee** and **Tim Nichols (TN), Head of Environment and Licensing**

23.2 CT informed the panel that there was ongoing work in schools educating pupils on the affects that alcohol has and that generally, under 18's do not obtain their alcohol from licensed premises.

23.3 TN told members that this was a national problem and that most of the alcohol is obtained from homes, off sales and proxy purchasing.

23.4 TN informed the panel that the Council supports proof of age schemes, but levels of fraud are very high. Police are also reluctant to prosecute under 18's for using false ID. The Licensing Committee is currently enacting the recent national guidelines to deal with problem licensees.

23.5 CT informed the panel that Challenge 25 was very useful, as were out of school activities. She also stated that refusal log books should be kept as evidence relating to underage sales.

23.6 CT confirmed that the Cumulative Impact Area (CIA) had also been introduced to stop further new drinking establishments from opening.

23.7 TN told members that under age drinking is a national priority and a Health impact Assessment (HIA) is being funded by the Primary Care Trust (PCT) and being undertaken by the Council. It was noted that Licensing was not to blame for this problem, and that marketing, pricing and availability were more the reason.

23.8 TN informed the panel that there was a 40% failure rate for test purchasing and it was difficult to decrease this (Subsequently TN said the current rate was 20%).

23.9 TN advised the panel that underage drinking in on licences has moved to parks in recent years as the on licenses are regulated heavily. In the past when Licenses were less heavily regulated publicans tended to tolerate underage drinking providing they didn't drink to access.

23.10 In answer to a question as to whether there was a case to charge above a minimum level for alcoholic drinks, TM told members this would be unlawful. For any action to be taken it needs to be demonstrated that there was a "clear causal link" between price promotions and antisocial behaviour. It was noted that it was particularly difficult to establish that link and also to word such restrictions. TN referred to the "*Guidance: Department for `Culture, Media & Sport, sections 10:38 & 10:40 of the Licensing Act 2003"*

23.11 TN advised the panel that it was important to be mindful of economic conditions and that most licensees were trying to earn an honest living, however it maybe useful to publicise revocations and suspensions in the future.

23.12 TN told members that he was looking forward to the publication of the Health Impact assessment (HIA) and possible changes to the NHS drinking and drug budgets. It was suggested that spending on preventative education might be better allocated on alcohol rather than drugs.

23.13 In answer to a question as to whether the Licensing Act 2003 had any impact on the worsening health figures, TN responded that the reverse was true; there had been a long term rise in consumption and disease relating to alcohol and the Licensing Act 2003 was a reaction to the situation rather than a cause. Since the Licensing Act 2003 there were declining rates of public place violent crime. The Police should also be credited for this. The Licensing Act 2003 has given city centres the ability to spread out "closing time" public disorder.

23.14 In relation to a question why binge drinking amongst young people was worst in the east of the city, TN responded that the analysis of information from the Police show a disproportionate volume of the postcodes from offenders and victims are in the BN25 and BN26 areas.

23.15 In response to a question whether it was possible to restrict the proliferation of off sales premises, TN responded that the Licensing Act 2003 assumed that most of these off sales premises are operating an honourable business; applications are granted automatically unless representations have been made. The Review Panels have more power than the initial License and have a choice of options which are to suspend/revoke the license, remove the premised licensee or take no action. Residents, Trading Standards Officers and the Police can be heard and it is more likely that the Panel would make a more effective decision based on evidence than refuse a new application.

23.16 In answer to a question whether smaller stores were selling to under 18's, CT responded that there was a case where by a non-english speaking relative, who had received no training was covering a shop when the store failed a test purchase. The shop had been to the Review Panel before with a similar problem and the Owner had not

acted upon the advice given by the Review Panel in the first occasion; at the next Review Panel the decision was taken to revoke the license.

TN told members that sales to underage drinkers was spread out throughout different off and on sales as there were national off licences, franchises, single operators, pubs and bars have all been subjects for reviews.

23.17 In answer to a question how Licensing laws could be tightened TN answered that the recently issued government guidance gave the Review Panel power to restrict the trading hours, or even use CCTV to record sales.

23.18 In response to a question on whether increasing the tax on alcohol would reduce underage drinking TN advised that this would reduce access for young people, should focus on off sales, stores and supermarkets and Government could hypothecate the money to alcohol treatment services and out of school activities.

**23. ANY OTHER BUSINESS**

24.1 It was agreed to contact any Representatives from the Youth Council who had given their contact details.

24.2 It was agreed to collate written questions for Chris Parfitt (Youth Lead on Alcohol) and Mark Whitby (Head of ACE) and ask them for written statements.

24.3 The meeting with the youth offender is arranged for Thursday, 19 February and the Chairman will be attending this.

The meeting concluded at 3.00pm

Signed Chair

Dated this day of

**BRIGHTON & HOVE CITY COUNCIL**

**CHILDREN & YOUNG PEOPLE'S OVERVIEW & SCRUTINY AD-HOC PANEL - REDUCING ALCOHOL RELATED HARM TO CHILDREN & YOUNG PEOPLE**

**4.00pm 11 MARCH 2009**

**MINUTES**

**Present**: Councillors Mrs Norman (Chairman),

**Other Members present**:

**PART ONE**

**24. EVIDENCE FROM WITNESS**

25.1 **Evidence from a Youth Council Representative (YCR)**

25.2 YCR told the Panel Member how the view of not being able to drink needs to be changed, as it makes young people want to drink and break the rules.

Her experience of her first alcoholic drink was that it was “not an amazing thing”, and she still didn’t enjoy the taste of it and would drink wine with a sweet fizzy drink to make it more palatable.

The YCR told how there was alcohol always in her parent’s house and how her parent would give wine with a mixer to drink on occasions.

25.3 It was confirmed that peer pressure was one of the reasons why young people drank.

25.4 The YCR told how house parties are popular places for young people to drink. There were varying amounts of alcohol at these parties, more being available if parents were not present. If parents were present they did supervise these parties and tended to water down the alcoholic drinks by providing punches.

At a recent party, the YCR informed the member how some young people arrived already drunk.

The YCR informed the member how at her next party her father will invite his friends to the party to help supervise. Some young people

regularly sleep at certain friends' parents' houses as these parents do not "tell" on them. The next morning the young person has slept of most of their hangover and "is not that much of a wreck" when they return home.

25.5 YCR informed the member how teenagers copied adults, parents and their older friends and how they had seen parents having a drink of alcohol after they had a stressful day and copy this; or it's the weekend and they learn how alcohol is consumed to celebrate this. As a result of this, young people get stressed over their exams and can turn to alcohol to relax.

25.6 In answer to a question whether parents are aware how much their children drink, the YCR answered, that they say to their parents they drank "smart" levels of alcohol, but didn't mention the additional amounts consumed on top of this too.

25.7 When asked where else young people were getting alcohol from other than parents supplying it, the YCR informed that their 18 year old friends purchased it for them.

The YCR told how she could remember that last year her friends bought bigger bottles of spirits but this year, due to the credit crunch parents have less disposable income to give their children and as a result of this, young people were purchasing smaller bottles of spirits as they found the bigger bottles too expensive to purchase.

25.8 The YCR recommended that adverts similar to the smoking ones would be affective, showing how it could ruin young people's lives in different ways, for example how it can "mess up your exams".

25.9 In response to a question whether young people were aware of what the adverse affects of underage drinking were, the YCR said she wasn't aware of these and she would recommend that these be advertised. She confirmed that in schools there is some Personal Social Health Education (PSHE) which touches on the safety issues when drunk, but not information on the negative affects of drinking alcohol.

25.10 The YCR advised the member that she felt it was very dangerous to be drinking on the streets and that more controlled places would be suitable, such as clubs perhaps?

25.11 YCR confirmed that a friend had problems at home and some young people did not want to discuss these experiences with anyone so they tended to deal with these on their own, without asking for help and drank alcohol to forget these problems. However, the YCR informed how she had a supportive group of long standing friends and they would try and help anyone they could and have been successful in

doing this, by guiding their friend away from alcohol, studying more and getting them to mix with the right crowd.

25.12 The YCR informed the member how teachers did not understand the pressures that young people were under.

The meeting concluded at 5.00pm

Signed Chair

Dated this day of

# Appendix 3: Digest of recommendations

- **RECOMMENDATION 1-** The Panel welcomes and commends the increased emphasis of Licensing enforcement on off-sales (and on public place drinking), as it shows a commitment to identifying and tackling current problems rather than simply adhering to traditional modes of enforcement. The Panel hopes that this will provide a platform for the further development of Licensing enforcement, both in terms of closer partnership working, and in terms of a continuing concentration on the actual rather than the popularly perceived problems of underage drinking.

- **RECOMMENDATION 2 –** City partners (co-ordinated by TSO) should draw up a Best Practice Guide on avoiding selling alcohol to U18s with a view to the guide being disseminated to independent retailers.

- **RECOMMENDATION 3 –** Encourage (particularly via the Brighton & Hove Licensing Committee) all off-sales to adopt the 'Challenge 25' scheme.

- **RECOMMENDATION 4 –** Licensing Committee to request assurances that new and re-assessed licensees will not discount sales below cost, engage in irresponsible multiple discounting or sell products strongly associated with hazardous drinking practices.

- **RECOMMENDATION 5 –** CYPT should consider its substance misuse services in terms of a potential re-deployment of resources from drugs to alcohol-related projects in instances where drugs issues may have been advanced to the detriment of similarly serious alcohol-related problems. CYPT should also consider whether there is value in lobbying NHS Brighton & Hove and central Government to review their resource allocation in regard to alcohol-related services for children and young people.

- **RECOMMENDATION 6 –** CIA boundaries to be re-examined with a view to extending them to other areas of the city which might benefit from CIA powers (e.g. extension around Preston Park and up to Elm Grove).

- **RECOMMENDATION 7 –** When engaged with young drinkers, police officers need to ensure that they are not over-confrontational and that the rationale for their actions is widely understood. This may best be achieved by engaging with young people in contexts other than those of front-line policing (particularly by visiting schools).

- **RECOMMENDATION 8 –** Alcohol education should address the long term physical impact of U18 alcohol use, not just safety/legal issues.

- **RECOMMENDATION 9 –** Develop and deliver an information pack on alcohol targeted at parents and carers, and facilitate the involvement of parents/carers in creating and maintaining this material.

- **RECOMMENDATION 10 –** Survey teenagers for their views and seek to develop alternative activities for young people to engage with as alternatives to illegal drinking in public places.

- **RECOMMENDATION 11 –** The council should request changes to statute relating to the powers of local Licensing Committees (as detailed in point 16.3 above) in line with the powers granted by the Sustainable Communities Act (2007).

# Appendix 4: Background papers

'Brighten Up! Growing Up in Brighton & Hove 2008': Annual Report of the Director of Public Health (and Joint Strategic Needs Assessment, Children and Young People. Brighton and Hove City Council and Brighton & Hove City Teaching Primary Care Trust, 2008.

'Are the kids driving you mad?': Positive Parenting Programme leaflet. Brighton & Hove Children & Young People's Trust.

Draft Alcohol Needs Assessment for Children and Young People: Brighton & Hove City Primary Care Trust (Draft 4), November 2008.

'Drug Education: An Entitlement For All': A report to Government by the Advisory Group on Drug and Alcohol Education, 2008.

Government Response to the report by the Advisory Group on Drug and Alcohol Education: Department for Children, Schools and Families.

Health Impact Assessment of the introduction of flexible alcohol hours in Brighton & Hove: Brief for consultants 2007 v2. Brighton & Hove City Council, 2007.

Licensing Act 2003: Statement of Licensing Policy. Environmental Health and Licensing Service, Brighton & Hove City Council.

Report of stakeholder responses to the Health Impact Assessment of the Introduction of Flexible Alcohol Hours in Brighton and Hove, 6th April 2009.

Setting Targets for Core, Enhanced and Intensive Services (presentation on drug use among vulnerable young people): from 'Crime & Drugs Analysis & Research,' Home Office, September 2007.

"Safe, Sensible, Social: the next steps in the National Alcohol Strategy." Department of Health, Home Office, Department for Education and Skills and Department for Culture, Media and Sport, 2007.

Scrutiny Review of Alcohol Misuse amongst Children & Young People. East Sussex County Council, March 2008.

Sustainable Communities Act 2007 : A Guide for Communities and local Government.

Young People and Alcohol, Overview and Scrutiny Review, Lancashire County Council, February 2008.

| **CHILDREN & YOUNG PEOPLE'S TRUST BOARD** | **Agenda Item 24**<br><br>Brighton & Hove City Council |
|---|---|

| | | |
|---|---|---|
| **Subject:** | | **Response to the report of the Children and Young People's Overview and Scrutiny Committee Report: Reducing Alcohol Related Harm to Children and Young People** |
| **Date of Meeting:** | | **7 September 2009** |
| **Report of:** | | **Director of Children's Services** |
| **Contact Officer:** | **Name:** | **Steve Barton** **Tel: 29-6105** |
| | **E-mail:** | **steve.barton@brighton-hove.gov.uk** |
| **Key Decision:** | **No** | Forward Plan No. N/A |
| **Wards Affected:** | **All** | |

**FOR GENERAL RELEASE**

## 1. SUMMARY AND POLICY CONTEXT:

1.1 In September 2008, in response to the Annual Report of the Director of Public Health 'Brighten Up: Growing Up in Brighton and Hove', the Children and Young People's Overview and Scrutiny Committee (CYPOSC) established an ad-hoc panel to:

*"Examine the costs of, social and economic outcomes of, and reasons for the higher than average, and worsening, levels of alcohol related harm suffered by children and young people in Brighton and Hove."*

1.2 This response sets out to address the recommendations of this report and to propose further action in respect to the Children and Young People's Trust (CYPT) response to the issue of young people and alcohol.

## 2. RECOMMENDATIONS:

2.1 That the Children & Young People's Trust Board:

(a) Note the recommendations of the report from CYPOSC and acknowledge the work of that committee.

(b) Request a further report from the CYPT, to set out proposals for a Youth Alcohol Action Plan as part of the Brighton & Hove Alcohol Strategy.

(c) Agree that further work, in respect of the recommendations from the CYPOSC which fall beyond the remit of the CYPT, is taken forward through the Local Area Agreement.

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

3.1 Ad-Hoc Scrutiny Panels consist of cross party groups who carry out short, sharply focused pieces of work. The purpose of the panel was to:
*"Specifically, but not exclusively, examine the impact of the Licensing Act 2003 on the availability to, and consumption of, alcohol by those aged under 18 in the city and, seeking evidence from, amongst others, Sussex Police, premises license holders, the council's own public safety officers and our partners in the NHS, will determine what steps the council could take to reduce levels of alcohol-related harm to children in the city.*

*Further, the Panel will examine reasons why the problems of alcohol-related harm appear to be worst in the east of the city."* (CYPOSC, June 2009)

3.2 The panel subsequently held a series of evidence gathering meetings and drew together the report Reducing Alcohol Related Harm to Children and Young People (Appendix 1).

3.3 Brighton & Hove NHS (Primary Care Trust) leads on the development and delivery of the Brighton and Hove Alcohol Strategy 2008/11, which has identified seven priority areas. The CYPT is part of the multi agency strategy group and will attend the next meeting with an update on activity and proposals for the development of a Youth Alcohol Action Plan.

3.3.1 **RECOMMENDATION 1:**
**The Panel welcomes and commends the increased emphasis of Licensing enforcement on off-sales (and on public place drinking), as it shows a commitment to identifying and tackling current problems rather than simply adhering to traditional modes of enforcement. The Panel hopes that this will provide a platform for the further development of Licensing enforcement, both in terms of closer partnership working, and in terms of a continuing concentration on the actual rather than the popularly perceived problems of underage drinking.**

Licensing and trading standard services are working closely with the CYPT to address issues of underage sales across all licensed premises and are continuing enforcement around underage sales and proxy purchasing.

3.3.2 **RECOMMENDATION 2:**
**City partners (co-ordinated by Trading Standards Officers) should draw up a Best Practice Guide on avoiding selling alcohol to U18s with a view to the guide being disseminated to independent retailers.**

Trading Standards Officers have agreed to deliver training to licensed premises and to develop education leaflets and awareness tools with Health Promotions Advisors.

3.3.3 **RECOMMENDATION 3:**
**Encourage (particularly via the Brighton & Hove Licensing Committee) all off-sales to adopt the 'Challenge 25' scheme.**

The CYPT understands that this is happening.

3.3.4 **RECOMMENDATION 4:**
**Licensing Committee to request assurances that new and re-assessed licensees will not discount sales below cost, engage in irresponsible multiple discounting or sell products strongly associated with hazardous drinking practices.**

This may not be enforceable by the Licensing Committee under current legislation.

3.3.5 **RECOMMENDATION 5:**
**CYPT should consider its substance misuse services in terms of a potential re-deployment of resources from drugs to alcohol-related projects in instances where drug issues may have been advanced to the detriment of similarly serious alcohol-related problems. CYPT should also consider whether there is value in lobbying NHS Brighton & Hove and central Government to review their resource allocation in regard to alcohol-related services for children and young people.**

ru-ok?, Brighton & Hove's specialist substance misuse service for under-19s, is currently funded via the Local Area Agreement to address both drug and alcohol related issues, with the CDRP (Crime and Disorder Reduction Partnership) providing funding for a specialist Alcohol Worker post. However, all workers within the service will engage with young people who have alcohol related issues as a matter of course. During 2008-09, 38% of young people working with ru-ok? identified alcohol as their primary problematic substance and 34% identified alcohol as their secondary problematic substance.

As part of the local alcohol strategy, and in line with national policy, Brighton and Hove NHS has recently commissioned an Alcohol Brief Intervention service, which will offer early preventative advice, information and support to people aged 16 and over. CRI, the adult substance misuse service provider, has this tender and is working closely with the ru-ok? service to establish how the work with under-18s will take place.

There has also recently been an increase in capacity in the Health Promotions team, with an additional worker employed to focus primarily upon alcohol. This has led to an increase in the level of Health Promotions work around alcohol that is targeted at young people.

Recommendation 2.2 of this response proposes a way forward to address this issue.

3.3.6 **RECOMMENDATION 6:**
**CIA (Cumulative Impact Area) boundaries to be re-examined with a view to extending them to other areas of the city which might benefit from CIA powers (e.g. extension around Preston Park and up to Elm Grove).**

In order to extend the CIA the Licensing authority must take steps to identify concern about crime and disorder or public nuisance, consider whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent. It must then identify the boundaries of the area where

problems are occurring, consult with specified parties, and subject to the outcome of the consultation include and publish details of special policy in licensing policy statement. This work is reviewed by the licensing committee; the Statement of Licensing Policy is set by full Council.

3.3.7 **RECOMMENDATION 7:**
**When engaged with young drinkers, police officers need to ensure that they are not over-confrontational and that the rationale for their actions is widely understood. This may best be achieved by engaging with young people in contexts other than those of front-line policing (particularly by visiting schools).**

The ru-ok? service is currently working with schools and the police liaison office for the West Area to develop alcohol education, in partnership with the Healthy Schools Team. The IYSS (Integrated Youth Support Service) and police meet regularly to develop joint working in relation to the Youth Crime Action Plan and delivery of services. This recommendation may need to go forward to this group, through the IYSS Area Manager who is linked into the Youth Crime Action Plan.

3.3.8 **RECOMMENDATION 8**
**Alcohol education should address the long term physical impact of U18 alcohol use, not just safety/legal issues.**

The Healthy Schools Team are continuing to support schools to address the health impact of alcohol as part of PSHE (Personal, Social, Health and Economic Education) and work is being undertaken with General Practitioners and Accident & Emergency departments to support their staff in addressing the health impact of alcohol with young people.

3.3.9 **RECOMMENDATION 9:**
**Develop and deliver an information pack on alcohol targeted at parents and carers, and facilitate the involvement of parents/carers in creating and maintaining this material.**

In the national Alcohol Action Plan, the Government stated that it will produce an advice and guidance leaflet for parents and carers. The CYPT is currently awaiting this leaflet to distribute locally. As part of a successful bid to address youth disorder, the CYPT will be working with city-wide partners this summer to develop a leaflet for parents, carers and those who buy alcohol for young people about the dangers and consequences of underage alcohol consumption and proxy purchasing.

3.3.10 **RECOMMENDATION 10:**
**Survey teenagers for their views and seek to develop alternative activities for young people to engage with as alternatives to illegal drinking in public places.**

Under the current restructure of the CYPT, an audit of youth provision across the city is being undertaken which young people and youth advisors will feed into.

3.3.11 **RECOMMENDATION 11:**

**The council should request changes to statute relating to the powers of local Licensing Committees (as detailed in point 16.3 above) in line with the powers granted by the Sustainable Communities Act (2007).**

The Home Office is currently proposing amendments to licensing provisions to include discretionary local conditions that can be applied by licensing authorities to groups of two or more licensed premises experiencing particular problems. These could include bans on discounted alcohol, security measures, risk reviews and operation of 'Challenge 21'. This work would be delegated to licensing committee or sub-committee.

## 4. CONSULTATION

4.1 The findings and recommendations of the CYPOSC report are based on extensive consultation.

4.2 Councillors Juliet McCaffery and Ann Norman agreed to sit on the CYPOSC Panel alongside Councillor Duncan. Councillor Norman was subsequently appointed as Chairman of the Panel. Panel members held a scoping meeting, where they were advised by the Director of Public Health and by officers from the council's Environment Directorate and from the CYPT.

4.3 The Panel subsequently held a series of evidence-gathering meetings in public. Witnesses included police officers, Trading Standards officers, officers representing the Council's Licensing team, CYPT officers, public health professionals from NHS Brighton & Hove, a consultant paediatrician, head teachers, and representatives of the major supermarket and off-licence chains. The Panel also invited a number of independent alcohol retailers to give evidence; however, none agreed to appear before the Panel.

4.4 Panel members also met on two occasions with members of the Brighton & Hove Youth Council in order to elicit young people's views on alcohol.

## 5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 The CYPOSC report identifies a number of new initiatives and responsibilities for the Council and highlights a potential increase in activity over the next few years. While the resources in the budget are sufficient to cover the current workload in 2009/10, no additional funding has been identified to cover any future rise in activity. In addition, due to likely cuts in the CDRP funding next year, the budget may be reduced by £40k. Also, the Oasis project (a local charity which supports female substance misusers) has previously provided c£20k to part-fund a post providing additional support for young women, but this may now no longer be possible. The potential reduction of c£60k of available funding in this area may seriously hamper the ability of Brighton & Hove City Council to successfully implement the recommendations proposed by the CYPOSC.

*Finance Officer Consulted: David Ellis* *Date: 04/08/09*

Legal Implications:

5.2 There are no direct legal implications arising from the report. The body of the report refers to relevant licensing legislation. Where children are abusing alcohol they could be regarded as children in need under the Children Act 1989, and so be entitled to a range of services to assist them in addressing this. Programmes to address underage drinking of the sort identified in the report will assist the Trust in meeting its obligation to promote the well being of young people under the Children Act 2004.

*Lawyer Consulted: Natasha Watson* *Date: 24/08/09*

Equalities Implications:

5.3 An Equalities Impact Assessment for Substance Misuse services in the CYPT is scheduled to be complete.

Sustainability Implications:

5.4 There are no immediate sustainability implications.

Crime & Disorder Implications:

5.5 Current partnership work around alcohol also addresses issues around crime and disorder relating to alcohol and young people. If the potential cuts in specialist service funding take place in 2010/11, this partnership work, and the focus on youth crime and disorder, will be reduced.

Risk & Opportunity Management Implications:

5.6 These will be dealt with in the proposed Youth Alcohol Action Plan.

Corporate / Citywide Implications:

5.7 These will be dealt with in the proposed Youth Alcohol Action Plan.

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

6.1 Consideration will be given to the added value of the Youth Alcohol Strategy and Action plan proposed in recommendation 2.1(b) of this report.

## 7. REASONS FOR REPORT RECOMMENDATIONS

7.1 To establish the relationship between the CYPT Board and the CYPOSC as part of service improvement and quality assurance, and consequently improve outcomes for children and young people.

7.2 To take forward the issues raised by the CYPOSC report.

## SUPPORTING DOCUMENTATION

**Appendices:**

1. CYPOSC Report: Reducing Alcohol Related Harm to Children and Young People

**Documents in Members' Rooms**

None

**Background Documents**

None

**EXTRACT FROM THE PROCEEDINGS OF THE CHILDREN AND YOUNG PEOPLE'S TRUST BOARD MEETING HELD ON THE 7 SEPTEMBER 2009**

**CHILDREN AND YOUNG PEOPLE'S TRUST BOARD**

**5.00PM 7 SEPTEMBER 2009**

**COUNCIL CHAMBER, HOVE TOWN HALL**

# MINUTES

**Present**: Councillors: Brown (Chairman), Bennett, Fryer, Hawkes (Opposition Spokesperson) and Alford

**Also in attendance**: Brighton & Hove Primary Care Trust:
Denise Stokoe, Darren Grayson and Dr Louise Hulton
South Downs Health:
Andy Painton, Simon Turpitt and Mo Marsh

**Other Members present**: Non-Voting Co-optees:
David Standing, Community & Voluntary Sector Forum
Gail Gray, Community & Voluntary Sector Forum
Andrew Jeffrey, Parent Forum
Eleanor Davies, Parent Forum
Priya Rogers, Youth Council
Rose Suman, Youth Council
Graham Bartlett, Sussex Police Authority

## 24 RESPONSE TO THE REPORT OF THE CHILDREN AND YOUNG PEOPLE'S OVERVIEW & SCRUTINY COMMITTEE ON REDUCING ALCOHOL RELATED HARM TO CHILDREN AND YOUNG PEOPLE

24.1 The Board considered a report of the Director of Children's Services, which provided a response to the report of the Children and Young People's overview and Scrutiny Committee Report relating to reducing alcohol related harm to children & young people. The report proposed further action in respect of the CYPT response to the issue of young people and alcohol (for copy see minute book).

24.2 The Assistant Director, Strategic Commissioning and Governance, noted that the one of the functions of this report was to acknowledge the work carried out by CYPOSC. The Assistant Director pointed out that this was the first time that a report from the CYPOSC had been received at the Children and Young People's Trust Board and noted the importance of cementing the relationship between the two bodies.

24.3 Councillor Marsh and her colleagues in the NHS and PCT noted the various implications completed in the 'Financial and Other Implications' section of the report. They drew attention to the relevance of including and referencing health implications alongside all the other information provided therein. It was felt that this information would contribute to a more integrated approach in relation to the

Board's work and recognise the contribution that the different partnerships brought to it. They sought clarification about how this information could be integrated in the future.

24.4 The legal adviser noted the comments raised in relation to health implications. She advised that this matter needed to be resolved elsewhere, outside the Board's remit.

24.5 Darren Grayson, PCT, noted that this particular report had alluded to some health considerations in the information contained in its appendix. He accepted, however, that because the Board was committed to the health and well being of young people, a clearer expedition of this issue should be a matter of course on all the reports that were considered at this Board. He volunteered to work with the Director of Children's Services to take this matter forward.

24.6 Graham Bartlett, Sussex Police, noted that the Operations Parks, which dealt with a combination of youth related disorders, had seen a decrease in the number of interventions among the youth by 5%. He noted that this had been a result of the engagement work carried out with all partners together with parents and other agencies.

24.7 Members drew attention to the possibility of children drinking either with their parents or with their parents' knowledge, and sought clarification as to whether there were any statistics available about the damage caused to health as a result of drinking practices.

24.8 The Service Manager, RuOK, reported that officers were aware of the possibility raised above. She noted that one of indicators shown in the information collected from surveys her team conducted was that a youth was more likely to get alcohol through an adult than through off-license premises. She reported that work was being carried out around proxy-purchasing, which involved a joint work from the Police, the Licensing team and the Trading Standards Team, to target adults purchasing alcohol for children and under age individuals.

24.9 In terms of the statistics about health damage caused by drinking, Darren Grayson stated that he was aware that the NHS collected information relating to alcohol misuse, although he did not have all the details about that practice.

24.10 Councillor Fryer noted the scope of Recommendation 10 and welcomed the practice of asking young people about their views about this matters. She also enquired whether there was any research available, which taught about responsible drinking and promoted its benefits.

24.11 The Service Manager, RuOK, Indicated that she was aware of such reports in the USA; she was, however, unaware of such research nationally.

24.12 The Board welcomed the report.

24.13 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Board accepted the following recommendations:

(1) That the recommendations of the report from CYPOSC be noted.

(2) That the work of the CYPOSC Committee be acknowledged.

(3) That a further report be requested from the CYPT, setting out proposals for a Youth Alcohol Action Plan as part of the Brighton & Hove Alcohol Strategy.

(4) That it be agreed that further work, in respect of the recommendations from the CYPOSC which fall beyond the remit of the CYPT, be taken forward through the Local Area Agreement.

| LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS) | Agenda Item 28<br><br>Brighton & Hove City Council |
|---|---|

| | | | | |
|---|---|---|---|---|
| **Subject:** | | ***Reducing Alcohol Related Harm to Children and Young People – CYPOSC referral*** | | |
| **Date of Meeting:** | | **4 March 2010** | | |
| **Report of:** | | ***Director of Environment*** | | |
| **Contact Officer:** | Name: | Tim Nichols | Tel: | 29-2163 |
| | E-mail: | tim.nicols@brighton-hove.gove.uk | | |
| **Wards Affected:** | All | | | |

**FOR GENERAL RELEASE**

## 1. SUMMARY AND POLICY CONTEXT:

1.1 This report details the findings of the Scrutiny Panel established to examine the issue of Reducing Alcohol Related Harm to Children and Young People. The report and its appendices can be found in **Appendix 3**.

1.2 **Appendix 1** of this report sets out the recommendations and findings of the review, along with a draft response for the Committee to consider.

1.3 The report makes 11 recommendations, 5 of which are directly the responsibility of Licensing and Trading Standards, (the remaining recommendations are to the Children and Young People's Trust and the Police).

1.4 The report has already been discussed at the CYPT Board and responses to the recommendations specifically relevant to the CYPT are also included in **Appendix 1** to help contextualise debate, relevant extracts from the minutes are also attached as **Appendix 2**.

## 2. RECOMMENDATIONS:

2.1 That the Committee notes the evidence, findings and recommendations of the Environment & Community Safety Overview & Scrutiny Committee and its scrutiny panel, in relation to Reducing Alcohol Related Harm to Children and Young People.

2.2 That the Committee agrees the response to recommendations 1, 2, 3, 4, 6 and 11 (those specific to Licensing and Trading Standards) as set out in **Appendix 1.**

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

3.1 The review was instigated by the Children and Young People's Overview and Scrutiny Committee (CYPOSC) on the 28 September 2008. Scrutiny panels undertake short focused enquiries into specific areas of interest, making recommendations to decision makers.

3.2 The terms of reference for the panel were to:

*"Examine the costs of, social and economic outcomes of, and reasons for the higher than average, and worsening, levels of alcohol related harm suffered by children and young people in Brighton and Hove.*

*Such a panel will specifically, but not exclusively, examine the impact of the Licensing Act 2003 on the availability to and consumption of alcohol by those aged under 18 in the city and, seeking evidence from, amongst others, Sussex police, premises license holders, the council's own public safety officers and our partners in the NHS, will determine what steps the council could take to reduce levels of alcohol-related harm to children in the city.*

*Further, the Panel will examine reasons why the problems of alcohol-related harm appear to be worst in the east of the city."*

3.3 The Panel held five evidence gathering meetings in public, talking to a number of witnesses including representatives of NHS trusts, the Police, alcohol retailers, Trading Standards and Licensing, local schools, local authority drugs and alcohol services and the Youth Council.

3.4 CYPOSC endorsed the report at the 17 June, 2009 Committee and it was subsequently tabled at the Children and Young People's Trust on the 7 September 2009.

## 4. CONSULTATION:

4.1 In preparing this response consultation has been carried out with CYPT and scrutiny colleagues and the police.

4.2 The scrutiny review itself undertook extensive consultation with interested parties.

## 5. FINANCIAL & OTHER IMPLICATIONS:

5.1 <u>Financial Implications:</u>

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 at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime. Any changes to licensing policy

following this report would be met from existing .Environmental Health and Licensing or Trading Standards revenue budgets.

*Finance Officer Consulted: K. Brookshaw* *Date:18 January 2010*

5.2 Legal Implications:

Protection of children from harm is a licensing objective. Licensing authorities should maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under s.154 of the Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. For example, where as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given. Relevant offences under the 2003 Act include: unaccompanied children prohibited from certain premises, sale of alcohol to children, persistently selling alcohol to children, sale of liqueur confectionary to children under 16, purchase of alcohol by or on behalf of children, consumption of alcohol by children, delivering alcohol to children, sending a child to obtain alcohol, prohibition of unsupervised sales by children.

*Lawyer Consulted: R. Sidell* *Date: 30 December.2009*

5.3 Equalities Implications:

Protection of children from harm is a licensing objective. The protection of children from harm includes the protection of children from moral, psychological and physical harm.

5.4 Sustainability Implications:

In the context of many licensed premises such as pubs, restaurants, café bars and hotels, it should be noted that the Secretary of State recommends that the development of family-friendly environments should not be frustrated by overly restrictive conditions in relation to children.

5.5 Crime & Disorder Implications:

Conditions, where they are necessary, should reflect the licensable activities taking place on the premises and can include: where alcohol is sold, requirements for the production of proof of age cards or other age identification before sales are made, to ensure that sales are not made to individuals under 18 years (whether the age limit is 18 or 16 as in the case of the consumption of beer, wine and cider in the company of adults during a table meal); limitations on the hours when children may be present; limitations on the presence of children under certain ages when particular specified activities are taking place; limitations on the parts of the premises to which children may have access; age limitations; limitations or exclusions when certain activities are taking place; requirements for accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and full exclusion of people under 18 from the premises when any licensable activities are taking place.

5.6 Risk and Opportunity Management Implications:

Failure to meet licensing statutory duties would lead to uncertainties in decision making, loss of business continuity and an inability to meet customer care standards

5.7 Corporate / Citywide Implications:

The statement of licensing policy is a statutory requirement which enables the council, as licensing authority, to administer and enforce licensing objectives – including the protection of children from harm in premises licensed for the sale of alcohol.The 2003 Act and Licensing Guidance intends 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 a restriction or there are good reasons to restrict entry or to exclude children completely. Licensing authorities, the police and other authorised persons are recommended to focus on enforcing the law concerning the consumption of alcohol by minors.

## SUPPORTING DOCUMENTATION

### Appendices:

1. Draft response to report recommendations.
2. Extract from the minutes of the CYPT Board meeting – 7th September.
3. The Scrutiny Panel report and its appendices.

### Documents In Members' Rooms

1. None.

### Background Documents

1. None.

**Item 28: Appendix 1**

**GENERAL LICENSING RESPONSE RE CONSIDERING ISSUES RAISED BY RECOMMENDATIONS WITHIN STATEMENT OF LICENSING POLICY REVIEW DURING 2010.**

**RECOMMENDATION 1: The Panel welcomes and commends the increased emphasis of Licensing enforcement on off-sales (and on public place drinking), as it shows a commitment to identifying and tackling current problems rather than simply adhering to traditional modes of enforcement. The Panel hopes that this will provide a platform for the further development of Licensing enforcement, both in terms of closer partnership working, and in terms of a continuing concentration on the actual rather than the popularly perceived problems of underage drinking.**

**Licensing response:**

Trading standards and the police undertake ongoing enforcement operations around under-age sales and test purchasing. Sussex Police, BCRP and RUOK are currently undertaking work concerning proxy purchases and counterfeit ID as part of the partnership support work with Community Safety and Trading Standards.

**CYPT response**

Licensing and trading standard services are working closely with the CYPT to address issues of underage sales across all licensed premises and are continuing enforcement around underage sales and proxy purchasing.

**RECOMMENDATION 2: City partners (co-ordinated by Trading Standards Officers) should draw up a Best Practice Guide on avoiding selling alcohol to U18s with a view to the guide being disseminated to independent retailers.**

**Licensing response:**

Trading standards have a programme of business support for local businesses to avoid under-age sales.

The Local Better Regulation Office cite Brighton & Hove City Council Trading Standards “improving compliance through business support” in its document: “Better Regulation: Supporting Businesses Towards Recovery” June 2009.

**CYPT response**

Trading Standards Officers have agreed to deliver training to licensed premises and to develop education leaflets and awareness tools with Health Promotions Advisors.

**RECOMMENDATION 3: Encourage (particularly via the Brighton & Hove Licensing Committee) all off-sales to adopt the 'Challenge 25' scheme.**

**Licensing response:**

In determining applications and reviews, applications can only be dealt with on their individual merit. Use of schemes like Think 21 and Challenge 25 are appropriate on a case by case basis

**RECOMMENDATION 4: Licensing Committee to request assurances that new and re-assessed licensees will not discount sales below cost, engage in irresponsible multiple discounting or sell products strongly associated with hazardous drinking practices.**

**Licensing response:**

Licensing authorities may not standardise conditions promoting fixed prices. Where appropriate, voluntary industry codes of practice can be encouraged. Applications must be dealt with on individual merits. A clear causal link between price discounting and disorder may lead to the imposition of conditions prohibiting irresponsible promotions.

Policing and Crime Act 2009 will have key implications for Licensing Authorities. Originally it proposed a mandatory code and local discretionary conditions. Although the local element of the code has been removed from the legislation, the Home Office is still analysing the results from the formal consultation and has yet to publish a summary. The mandatory element of the code has been retained, and the Home Office may choose to move some of the proposed elements of the local discretionary conditions into the mandatory part. This may impact on discounting.

**RECOMMENDATION 5: CYPT should consider its substance misuse services in terms of a potential re-deployment of resources from drugs to alcohol-related projects in instances where drug issues may have been advanced to the detriment of similarly serious alcohol-related problems. CYPT should also consider whether there is value in lobbying NHS Brighton & Hove and central Government to review their resource allocation in regard to alcohol-related services for children and young people.**

**CYPT response**

ru-ok?, Brighton & Hove's specialist substance misuse service for under-19s, is currently funded via the Local Area Agreement to address both drug and alcohol related issues, with the CDRP (Crime and Disorder Reduction Partnership) providing funding for a specialist Alcohol Worker post. However, all workers within the service will engage with young people who have alcohol related issues as a matter of course. During 2008-09, 38% of young people working with ru-ok? identified alcohol as their primary problematic substance and 34% identified alcohol as their secondary problematic substance.

As part of the local alcohol strategy, and in line with national policy, Brighton and Hove NHS has recently commissioned an Alcohol Brief Intervention service, which will offer early preventative advice, information and support to people aged 16 and

over. CRI, the adult substance misuse service provider, has this tender and is working closely with the ru-ok? service to establish how the work with under-18s will take place.

There has also recently been an increase in capacity in the Health Promotions team, with an additional worker employed to focus primarily upon alcohol. This has led to an increase in the level of Health Promotions work around alcohol that is targeted at young people.

Recommendation 2.2 of this response proposes a way forward to address this issue.

**RECOMMENDATION 6: CIA (Cumulative Impact Area) boundaries to be re-examined with a view to extending them to other areas of the city which might benefit from CIA powers (e.g. extension around Preston Park and up to Elm Grove).**

**Licensing response:**

The cumulative impact area boundaries and supporting evidence is reviewed on an annual basis and was last reviewed by this committee on 24 April 2009. The statement of licensing policy is reviewed on a three year cycle next due in 2010. The CIA is recommended for review as part of the statement of licensing policy, informed by:

1. Sussex Police report of public place violent crime 09/10
2. Environmental health noise statistics for 09/10
3. This CYPOSC report: Reducing alcohol related harm to children and young people.
4. Health impact assessment of licensing report
5. Consolidation of licensing enforcement policy (following Home Office & DCMS advice on problem premises) and dealing with films not BBFC certified.
6. EU Services Directive (cross border trade in services between countries in the EU allowing on line applications for some licences within Europe)
7. New Licensing Guidance 10 December 2009.

**RECOMMENDATION 7: When engaged with young drinkers, police officers need to ensure that they are not over-confrontational and that the rationale for their actions is widely understood. This may best be achieved by engaging with young people in contexts other than those of front-line policing (particularly by visiting schools)**

**Police response**

Police engage with young drinkers primarily through operation Park. This is an initiative aimed very much at preventing alcohol misuse and anti-social behaviour in young people. It adopts a multi agency approach and refers young people to our partner agencies for support when appropriate. Officers are also aware of the need to educate young people at the same time as policing them. Op Park is a successful operation and only a very small proportion of those stopped get stopped

on successive occasions. In conjunction with this operation the police work with the ASB team to make home visits to discuss issues with parents as well.

Alongside this operation, police work through the Neighbourhood Schools Officers and Safer Schools Partnership Officers to identify and address problems with alcohol at school. The Safer School Partnership takes a strategic overview of this.

The issue of engagement with young people is a bigger one than this and the Neighbourhood Teams are looking at ways of better improving communication with this group. The Operational Targeted Youth Support meeting (chaired by the police) should take this recommendation on board to look at ways of addressing this point. It should be noted that there are occasions where policing needs to be slightly more confrontational in order to resolve the problem faced at the time.

**CYPT response**
The ru-ok? service is currently working with schools and the police liaison office for the West Area to develop alcohol education, in partnership with the Healthy Schools Team. The IYSS (Integrated Youth Support Service) and police meet regularly to develop joint working in relation to the Youth Crime Action Plan and delivery of services. This recommendation may need to go forward to this group, through the IYSS Area Manager who is linked into the Youth Crime Action Plan.

**RECOMMENDATION 8: Alcohol education should address the long term physical impact of U18 alcohol use, not just safety/legal issues.**

**CYPT response**
The Healthy Schools Team are continuing to support schools to address the health impact of alcohol as part of PSHE (Personal, Social, Health and Economic Education) and work is being undertaken with General Practitioners and Accident & Emergency departments to support their staff in addressing the health impact of alcohol with young people.

**RECOMMENDATION 9: Develop and deliver an information pack on alcohol targeted at parents and carers, and facilitate the involvement of parents/carers in creating and maintaining this material.**

**CYPT response**
In the national Alcohol Action Plan, the Government stated that it will produce an advice and guidance leaflet for parents and carers. The CYPT is currently awaiting this leaflet to distribute locally. As part of a successful bid to address youth disorder, the CYPT will be working with city-wide partners this summer to develop a leaflet for parents, carers and those who buy alcohol for young people about the dangers and consequences of underage alcohol consumption and proxy purchasing.

**RECOMMENDATION 10: Survey teenagers for their views and seek to develop alternative activities for young people to engage with as alternatives to illegal drinking in public places.**

**CYPT response**
Under the current restructure of the CYPT, an audit of youth provision across the city is being undertaken which young people and youth advisors will feed into.

**RECOMMENDATION 11: The council should request changes to statute relating to the powers of local Licensing Committees (as detailed in point 16.3 above) in line with the powers granted by the Sustainable Communities Act (2007).**

**Licensing response:**
There is a difference between how applications, variations and reviews are dealt with by licensing panels.

During progress of a recent Bill, some condition making measures were removed. Amendments to the Bill that was enacted as the Policing and Crime Act 2009 changed licensing provisions, with the effect that members of the licensing authority may in future be able to make representations or seek a review in their own right. They would not be required to live in the vicinity or have to have been asked to represent someone who does. As the bill progressed, amendments were also tabled that appeared to remove the discretionary power, originally in the bill, for local authorities to impose conditions on two or more premises in their districts. The Home Office's proposed code practice on selling alcohol responsibly was subject to consultation in 2009. The Secretary of State may be able to make up to nine new mandatory conditions for all premises licence holders although the final composition of these is unknown currently. The strengthening of local councillors' powers to seek a review is seen as a more effective remedy for irresponsible, disorderly premises. This is subject to continued national policy development.

**DRAFT EXTRACT FROM THE PROCEEDINGS OF THE LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS) MEETING HELD ON THE 4 MARCH 2010**

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

**3.30PM 4 MARCH 2010**

**COUNCIL CHAMBER, HOVE TOWN HALL**

# DRAFT MINUTES

**Present**: Councillors Cobb (Chairman), Lepper (Deputy Chairman), Alford, Duncan, Harmer-Strange, Hawkes, Hyde, Kitcat, Marsh, Older, Phillips, Pidgeon, C Theobald, Watkins and West

**Also in attendance**:

**Apologies:** Councillors Simson and Wrighton

## 28. REDUCING ALCOHOL RELATED HARM TO CHILDREN AND YOUNG PEOPLE - CYPOSC REFERRAL

28.1 The Committee considered a report from the Director of Environment regarding Reducing Alcohol Related Harm to Children and Young People – CYPOSC Referral.

28.2 The Head of Overview and Scrutiny, Mr Hook, introduced the report and highlighted the recommendations that directly related to the Licensing Committee, which covered a range of different options for the Committee to consider.

28.3 Councillor Duncan stated that he had sat on the CYPOSC panel which conducted this review and felt it had been an excellent non-party analysis of the problem. He noted that children in the city were suffering increasing impact from alcohol abuse and there was evidence to suggest it was getting worse in the eastern part of the city. He highlighted the recommendations and felt that a co-operative approach to these issues needed to be taken with the trade. Recommendation six related to the proliferation of licensed establishments outside of the Cumulative Impact Area and Councillor Duncan felt that this year's review of the boundary needed to take this into consideration. He urged the Committee Members to support the recommendations.

28.4 Councillor Older noted that whilst recommendation eight dealt with impacts to health, this was not a licensing consideration. Mr Nichols agreed but added that this recommendation, and some others, were directed towards Children's and Young

Person's Trust rather than the Licensing Committee.

28.5 Councillor Hawkes noted that youth workers were working with young people on many of the issues raised within the report, and added that this valuable work needed to continue and be supported.

28.6 Councillor West noted that the recommendations of this report could inform the Best Practice for Responsible Licensing Notice of Motion, which was being drafted by Officers in the near future.

28.7 **RESOLVED** –

1. That the Committee notes the evidence, findings and recommendations of the Children's and Young People's Overview and Scrutiny Committee and its scrutiny panel, in relation to Reducing Alcohol Related Harm to Children and Young People.
2. That the Committee agrees the response to recommendations 1, 2, 3, 4, 6 and 11 (those specific to Licensing and Trading Standards) as set out in appendix 1 of the report.