





**Brighton & Hove
City Council**

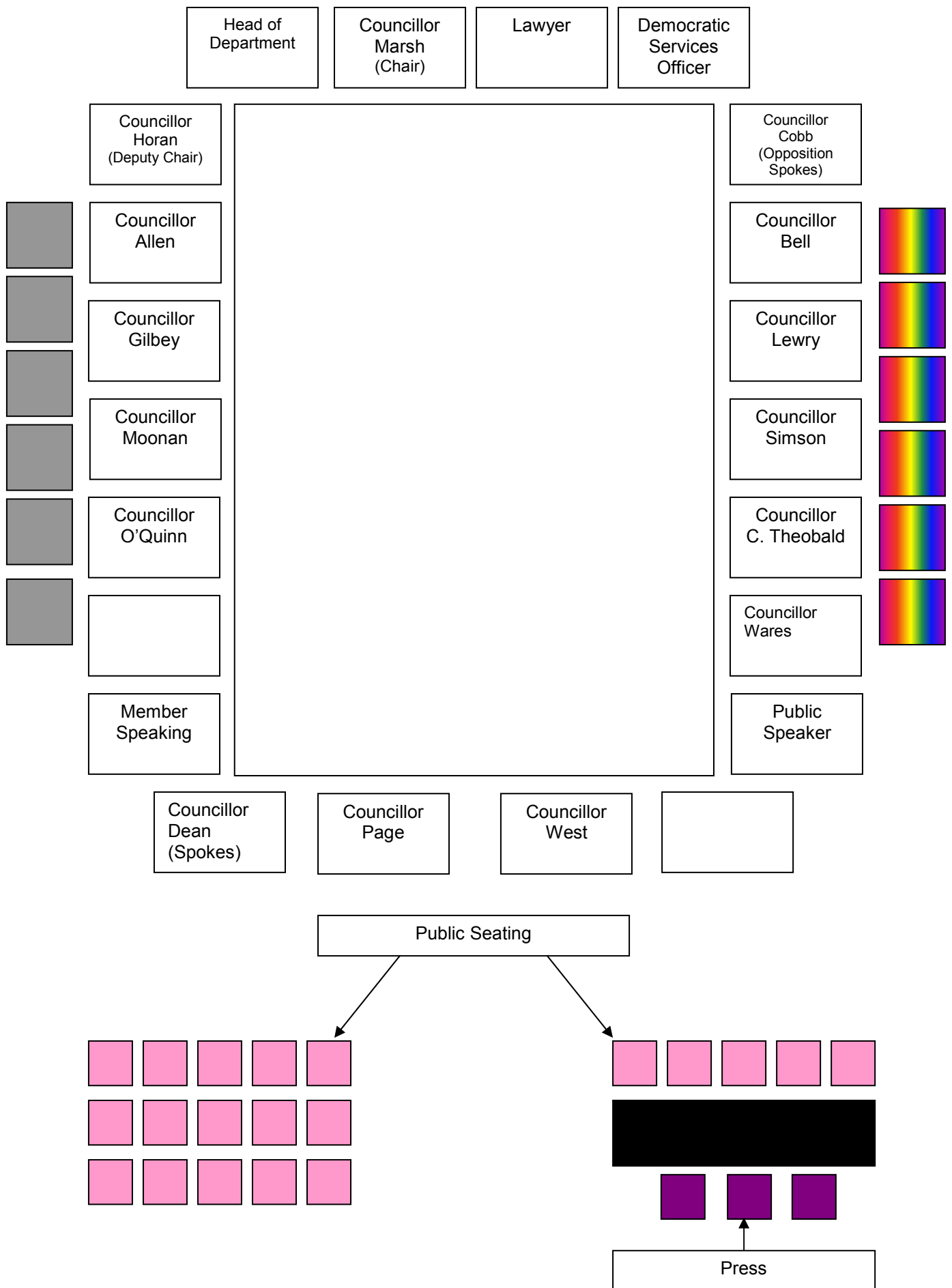
Licensing Committee

(Licensing Act 2003 Functions)

Title:	Licensing Committee (Licensing Act 2003 Functions)
Date:	25 June 2015
Time:	4.00pm (or conclusion of Non 2003 Committee)
Venue	Main Hall, Quaker Meeting House, Ship Street/Prince Albert Street, Brighton
Members:	Councillors: Marsh (Chair), Horan (Deputy Chair), Cobb (Opposition Spokesperson), Deane (Group Spokesperson), Allen, Gilbey, Moonan, O'Quinn, Bell, Lewry, Page, Simson, C Theobald, Wares and West
Contact:	Penny Jennings Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

1 PROCEDURAL BUSINESS

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

(b) Declarations of Interest:

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

In each case, you need to declare

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

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

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

NOTE: Any item appearing in Part 2 of the Agenda states in its heading either that it is confidential or the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

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

2 MINUTES OF THE PREVIOUS MEETING

1 - 6

Minutes of the meeting held on 5 March 2015 (copy attached)

3 CONSTITUTIONAL MATTERS- LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

7 - 14

Report of the Head of Legal and Democratic Services (copy attached)

Contact Officer: Mark Wall

Tel: 29-1006

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

Ward Affected: All Wards

4 CHAIR'S COMMUNICATIONS

5 PUBLIC INVOLVEMENT

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

- (a) **Petitions:** to receive any petitions presented to the full council or at the meeting itself;
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on the 18 June 2015;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 18 June 2015.

6 MEMBER INVOLVEMENT

To consider the following matters raised by councillors:

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

7 LATE NIGHT LEVY

15 - 62

Report of the Director of Public Health (copy attached)

Contact Officer: Sarah Cornell Tel: 29-5801

Ward Affected: All Wards

8 REVIEW OF STATEMENT OF LICENSING POLICY - FOR CONSULTATION

63 - 128

Report of the Director of Public Health (copy attached)

Contact Officer: Jean Cranford Tel: 29-2550

Ward Affected: All Wards

9 SCHEDULE OF REVIEWS

**129 -
130**

Report of the Director of Public Health (copy attached)

Contact Officer: Jean Cranford Tel: 29-2550

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

Ward Affected: All Wards

10 SCHEDULE OF APPEALS

131 -
132

Report of the Head of Legal and Democratic Services (copy attached)

Contact Officer: Rebecca Sidell

Tel: 29-1511

Ward Affected: All Wards

11 ITEMS TO GO FORWARD TO COUNCIL

To consider items to be submitted to the 16 July 2015 Council meeting for information.

In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting

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

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

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email penny.jennings@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Wednesday, 17 June 2015

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

3.30PM 5 MARCH 2015

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Powell (Chair), A Kitcat, Simson (Opposition Spokesperson), Lepper (Opposition Spokesperson), Cobb, Hamilton, Hyde, Jones, Kennedy, Marsh, Rufus and C Theobald

PART ONE

22 PROCEDURAL BUSINESS

22a Declaration of Substitutes

22.1 Councillor Hamilton declared that he was substituting for Councillor Gilbey.

22b Declarations of Interest

22.2 There were none.

22c Exclusion of the Press and Public

22.3 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I of the Act).

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

23 MINUTES OF THE PREVIOUS MEETING

- 23.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 20 November 2014 be agreed and signed as a correct record.

24 CHAIR'S COMMUNICATIONS

- 24.1 The Chair thanked all of her fellow Committee Members for their support during her period as Chair. She wished every success to those who were standing for in the forthcoming local government elections and placed on record her thanks and those of the Committee to those outgoing Councillors who were not standing again, namely Councillors Jones, Kennedy, A Kitcat, Lepper and Rufus, thanking them for their contribution whilst Members of the Committee. Particular tribute was paid to Councillor Lepper for her contribution over a number of years including a period as Chair of the Committee when the current licensing legislation first came into force.

25 PUBLIC INVOLVEMENT

25a Petitions

- 25.1 There were none.

25b Written Questions

- 25.2 There were none.

25c Deputations

- 25.3 There were none.

26 MEMBER INVOLVEMENT

26a Petitions

- 26.1 There were none.

26b Written Questions

- 26.2 There were none.

26c Letters

- 26.3 There were none.

26d Notices of Motion

- 26.4 There were none.

27 ANNUAL REPORT OF LICENSING AUTHORITY 2014

- 27.1 The Committee considered a report of the Director of Public Health setting out the licensing and gambling functions for Brighton & Hove Council carried out during 2014 and detailing national matters which had included legislative changes and consultation.
- 27.2 Tables included in the body of the report showed the numbers of applications and hearings over for the last three years including those granted, refused and withdrawn. The Licensing Authority had dealt with 10 reviews (including 2 gambling premises for failed test purchases) and there had been a number of challenging reviews. Details were also set out detailing the types and numbers of gambling licences issued.
- 27.3 With the agreement of the Chair, Inspector Katy Woolford gave a power point presentation (slides circulated to Members) detailing the potential benefits for the city which could result from a Late Night Levy. Officers had monitored progress in Newcastle and other licensing districts where a levy had been brought into force and in addition had recently paid a fact finding mission to Newcastle. The Police supported the levy as a funding stream of assistance in countering rising incidence of sexual assault crime and could be used to fund taxi marshall and similar schemes.
- 27.4 Whilst thanking the Inspector Woolford for her presentation Councillors Lepper and Simson stated that the Committee was unable to give support for this concept in the absence of a detailed and balanced officer report on this subject. There were reasons for and against adopting a late night levy. A number of authorities had not adopted this approach and some who had had subsequently abandoned it. In the past for various reasons the Committee had resisted this. Other Committee Members were in agreement. Members considered that whilst there were benefits in reducing late night alcohol availability, there were also risks to the local economy, there could be a perceived unfairness in that all late night premises paid for the impact caused by a few. A Late Night Levy was not ruled out but Members needed the opportunity to give this matter full consideration.
- 27.5 Members requested that officers prepare a report for consideration by the new Committee post May 2015, once newly appointed Members had had the opportunity to be fully trained. It was considered that two cycles would probably be appropriate.

27.6 **RESOLVED** - (1) That the Committee note the contents of the report; and

(2) That officers should continue to monitor trends of applications and illegal activity to inform future policy.

28 REVIEW OF STATEMENT OF LICENSING POLICY – INTERIM REPORT

- 28.1 The Committee considered a report of the Director of Public Health giving an interim update on the current Statement of Licensing Policy.
- 28.2 It was explained that the Council, as Licensing Authority had a statutory duty to review its Statement of Licensing Policy (SoLP) every five years. The previous review had been adopted on 15 December 2011 by Full Council and the revised Statement of Licensing Policy had come into effect on 20 December 2011. The revised statement of licensing policy had included an expanded cumulative impact zone (CIZ) and a new larger special stress area (SSA). In addition, a matrix approach to licensing decision making had been

adopted. At its meeting on 20 November 2014 the Committee had considered a report in relation to the proposed revision of the current Statement of Licensing Policy and it had been agreed that officers would report back to the March 2015 meeting of the Committee with an updated draft SoLP for statutory and public consultation.

28.3 **RESOLVED** - (1) Officers continue to carry out work to review the SoLP to incorporate emerging policy issues such as Sensible on Strength and off licences and advice from the Director of Public Health England and the Local Government Association; and

(2) Officers to report back to the scheduled June 2015 meeting of the Committee with an updated draft SoLP for statutory and public consultation.

29 RENEWAL OF PERSONAL LICENCES

29.1 The Committee considered a report of the Director of Public Health providing Members with an update in relation to the 10 year renewal of personal licences in order to apprise them of local and national issues.

29.2 The Head of Regulatory Services explained that when the Licensing Act 2003 had been introduced in November 2005, the local authority had become responsible for issuing personal licences, which would be valid for a period of ten years after which time they needed to be renewed.

29.3 It was explained that the Government was intending to remove the requirement for personal licence holders to renew their licences every ten years through the Deregulation Bill, currently before Parliament, it seemed unlikely however, that this would receive Royal Assent before the tenth anniversary of the date at which the first applications for personal licences had been received and processed by the Council during April/May 2005. As the Council had a duty to process personal licence renewal applications until the Government removed that requirement the application form to renew a licence had been amended so that licence holders were required to provide only essential information to the licensing authority. Copies of the application form were available on the Council website.

29.4 **RESOLVED** – That the contents of the report be noted.

30 SCHEDULE OF REVIEWS

30.1 The Committee considered a schedule prepared by the Director of Public Health setting out details of any reviews which had taken place since its last meeting.

30.2 **RESOLVED** – That the contents of the schedule be received and noted.

31 SCHEDULE OF APPEALS

31.1 The Committee considered the schedule prepared by the Head of Law containing details of any appeals lodged during the period since its last meeting.

31.2 **RESOLVED** – That the contents of the schedule be received and noted.

32 ITEMS TO GO FORWARD TO COUNCIL

32.1 There were none.

The meeting concluded at 5.10pm

Signed

Chairman

Dated this

day of

Subject:	Constitutional Matters –Licensing Committees		
Date of Meeting:	25 June 2015		
Report of:	Monitoring Officer		
Contact Officer:	Name:	Mark Wall	Tel: 29-1006
	Email:	mark.wall@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To provide information on the committee's terms of reference and related matters including the appointment of a sub-committee, (Licensing Panel), and an urgency sub-committee.

2. RECOMMENDATIONS:

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

3. CONTEXT/ BACKGROUND INFORMATION

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

Licensing Committee – Terms of Reference

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

Membership

- 3.3 The membership of the committee is set at 15 Members of the Council.
- 3.3 The arrangements for substitute Members to attend meetings of Committees/Sub-Committees, as set out in the Council Procedure Rules 18 to 24, apply to meetings of the Licensing Committee.

Programme Meetings

- 3.5 Ordinary meetings of the Licensing Committee are scheduled to take place on the following dates during 2015/16:

Thursday 25 June 2015
Thursday 19 November 2015
Thursday 3 March 2016

- 3.8 Meetings of the Committee will normally be held at Hove Town Hall and will start at 3.00 p.m. For the 2015/16 municipal year, meetings will be held in The Friends Centre at 3.00pm due to renovation work at Hove Town Hall.

Licensing Panel

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

Urgency Sub-Committee

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

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

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

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Full Council has considered and approved the Brighton & Hove City Council constitution, most recently on 26 March 2015.

6. CONCLUSION

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

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The costs of establishing and running the Urgency Sub-Committees are expected to be met within existing levels of resources. The cost of holding the committee meetings at the Friends Centre have been included in the overall Workstyles Programme for the move to Hove Town Hall and will be reported to the Policy & Resources Committee at a later date.

Finance Officer Consulted: Peter Francis

Date: 08/06/2015

Legal Implications:

- 7.2 The Council's constitution complies with the legal framework set out in the Localism Act 2011, the Local Government Act 2000 and other relevant legislation.

Lawyer Consulted: Rebecca Sidell

Date: 08/06/2015

Equalities Implications:

- 7.3 There are no equalities implications arising from the report

Sustainability Implications:

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

Any Other Significant Implications:

- 7.5 None

SUPPORTING DOCUMENTATION

Appendices:

1. Licensing Committee Terms of Reference

Documents in Members' Rooms

1. None

Background Documents

1. The Constitution

LICENSING COMMITTEE

Explanatory Note

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

Delegated Functions

1. Licensing Act 2003

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

2. Gambling Act 2005

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

3. Other Licensing and Registration Functions

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

Referred Functions

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

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

LICENSING PANEL

Explanatory Note

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

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

Delegated functions

1. Licensing Act Functions

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

2. Gambling Act 2005 Functions

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

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

3. Other Licensing and Registration Functions

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

4. Determinations and Appeals

To hear and determine cases:

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

5. General

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

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

LICENSING COMMITTEE (LICENSING ACT 2003)

Agenda Item 7

Brighton & Hove City Council

Subject:	Late Night Levy		
Date of Meeting:	25 June 2015		
Report of:	Director of Public Health		
Contact Officer:	Name:	Sarah Cornell/Jean Cranford	Tel: 295801/292550
	Email:	Sarah.cornell@brighton-hove.gcsx.gov.uk Jean.cranford@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 This report sets out to inform the Licensing Committee of the proposed policy position of Brighton & Hove City Council as licensing authority concerning the Late Night Levy (LNL).

2. RECOMMENDATIONS:

2.1 That officers are charged with investigating the possibility of consulting on a proposal for the LNL, publishing on line and in a local newspaper etc (see 3.8).

2.2 Report to committee in March 2016 to report on progress and make a final decision, or earlier if ready.

2.3 The local authority proportion is prioritised for necessary protection for residents concerning noise disturbance

3. CONTEXT/ BACKGROUND INFORMATION

3.1 The Late Night Levy ("the levy") is a power, conferred on licensing authorities by provision in Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 ("the 2011 Act") as part of "Rebalancing the Licensing Act". This enables licensing authorities to charge an annual levy to persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy. The decision to introduce the levy is an option available to all licensing authorities in the whole of their respective areas and they are expected to consider the need for a levy with the chief officer of police and police and crime commissioner ("PCC").

3.2 Test

The licensing authority must consider the desirability of introducing a levy in relation to the matters described in section 125(3) of the Police Reform and Social Responsibility Act 2011. These matters are the costs of policing and other arrangements for the reduction or prevention of crime and disorder, in connection with the supply of alcohol between midnight and 6am.

The levy is a power and some licensing authorities will not consider that it is appropriate to exercise it. The licensing authority may wish to decide whether or not it believes it has a viable proposal to introduce the levy before incurring the costs of the formal consultation process. At this stage, some licensing authorities may decide that the levy will not generate enough revenue to make it a viable option in their area.

- 3.3 When considering whether to introduce a levy, licensing authorities should note that any financial risk (for example lower than expected revenue) rests at a local level and should be fully considered prior to implementation.
- 3.4 Officers have run calculations to estimate potential income in order to advise the Council, Sussex Police or Police and Crime Commissioner (PCC). The Council's costs in administration should be recoverable. However, challenges include:
- Complexity and short term service pressure of setting up and collection.
 - Variable factors in predicting income (variations, exemptions, reductions).
 - Competing demands on limited funds: policing, taxi marshals, safe space, street pastors, cleansing.
 - Fairness: The Home Office said the levy would not target individual premises but is applicable over the licensing authority's administrative area. The levy applies to the whole area of the authority. It cannot be imposed on part of the area only. The local Licensees Association and National Association of Licensed Multiple Retailers opines that LNL will not counter unmanaged home pre-loading and the off trade; possibly aggravating the phenomena. Other main issues include potential increase in antisocial behaviour, unfairness between licensees based on geography and divisive measures that reduce partnership spirit between the trade and responsible authorities. Legal challenge might reasonably be expected.
 - Police contribution is not hypothecated. PCC is under no obligation to reinvest police contribution in the area paying the LNL. The PCC policing strategy would determine resource allocation. The police are not statutorily required to apply the funds to the supply of policing during the late night supply period, or to provide extra policing during that period or to reinvest in the same geographical area as collection. The proportion of the net levy receipts are paid by the licensing authority to the local policing body determined by the licensing authority and must be at least 70% of the net levy receipts. There may be perception of injustice with suburban licensed premises subsidising policing city centre problems or urban licensed trade subsidising rural Sussex policing strategy.
- 3.5 The levy will be payable by the holders of any premises licence or club premises certificate ("holders"), in relation to premises in the authority's area, which authorise the sale or supply of alcohol on any days during a period (the "late night supply period") beginning at or after midnight and ending at or before 6am.
- 3.6 Following consultation with the PCC and Chief Officer of Police, the licensing authority would then decide whether to move to the next stage in the process and consult on its proposal to introduce a late night levy. The consultation document would state its intention to introduce a levy, its proposed design (including the late night supply period and proposed exemption and/or reduction categories) and the services that the licensing authority intends to fund with its share of the levy revenue. Exemption and reduction categories are outlined in Appendix 5.
- 3.7 The licensing authority would publish the consultation online and in a local newspaper. It would also send written details to the PCC, the relevant chief officer of police and all premises licence and club premises certificate holders whose authorisations permit the

supply of alcohol during the period when it is proposed the levy would apply. The consultation is intended to be targeted at those affected by the levy, particularly businesses, the police, residents and other interested parties. The consultation process, including the period, is expected to be proportionate and targeted, so that the type and scale of engagement is relative to the potential impacts of the proposal.

- 3.8 The licensing authority would assess consultation responses and make a final decision about whether to introduce the levy and, if so, its design. The decision to introduce the levy, and its design, would then be put to the full council to approve.
- 3.9 If the full council approved the introduction (or variation) of the levy, it is recommended that the licensing authority notifies adjoining authorities and it would be helpful if licensing authorities also notified the Secretary of State for transparency purposes, via the Home Office.
- 3.10 The levy will apply indefinitely until the licensing authority decides that the levy will cease to apply in its area. Licensing authorities may wish to review the requirements for the levy at appropriate intervals. A decision that the levy should cease to apply can only be made at the end of a levy year. Licensing authorities may wish to notify holders of a relevant late night authorisation of any such decision.
- 3.11 The levy must apply to the whole of the licensing authority's area. It will apply to all holders (on and off-trade) of relevant late night authorisations situated in the licensing authority's area. Any such holder will be liable to pay the levy, regardless of whether the holder's premises are actually operating during the period. For example, a holder in relation to a supermarket with a 24 hour licence will be required to pay the levy regardless of its actual opening hours.
- 3.12 Holders with a relevant late-night authorisation may make a free variation to their licence to reduce their licensed hours to avoid operating in the late-night supply period. It is recommended that licensing authorities may wish to allow holders no less than two months to make such applications.
- 3.13 The LNL does not apply to Temporary Event Notices (TENs), so some premises might take up their full TEN entitlements to avoid the levy. Currently within the cumulative impact area premises appear to heavily rely on TENs. There is concern that the temporary event notice provision and further deregulation measures in the current Home Office consultation are and may further be used to avoid the stricter licensing policies and controls. LNL does not apply to entertainment or late night refreshment providers.
- 3.14 The Regulatory Impact Assessment published by the Home Office for the LNL suggests that the Council might use its contribution (<30%) for:
- Late night street wardens – in Brighton and Hove there are voluntary, unpaid street pastors trained at the authorities' expense.
 - Late night taxi marshals – in the city the city centre ranks are marshalled, currently funded by Sussex Police and public health
 - Late night CCTV – currently provided in John Street suite.
- However, Brighton & Hove Licensing Authority would look to fund services it provides to tackle late night alcohol-related crime and disorder and services connected to the management of the night-time economy (for instance could look to fund the Council's noise patrol service with their share of the levy). Guidance states that specifically, these activities must have regard to the connection with the supply of alcohol during the late night supply period and related to arrangements for:
- The reduction of crime and disorder;

- The promotion of public safety;
 - The reduction or prevention of public nuisance; or
 - The cleaning of any relevant highway or relevant land in the local authority area.
- 3.15 Some strategic considerations for the council are: economic effects of the levy on operators, on local economy and local employment; the existence of night safe and the BCRP for the reduction of crime and disorder and the cost of and effect on scheme for operators; the current alternative means of reducing crime and disorder (licensing policy, Operation Marble, etc.); fairness of passing the burden to operators rather than their being borne by the community at large; Police capacity to fund crime prevention and fairness of non-town centre operators funding town centre policing.
- 3.16 The net levy revenue must be split between the licensing authority and the relevant PCC. The licensing authority must pay at least 70 per cent of the net levy revenue to the police. The licensing authority can choose to amend the portion of the net levy revenue that will be given to the PCC in future levy years. This decision must be subject to consultation in the same way as a decision to introduce the levy.
- 3.17 Guidance issued by the Home Office recommends that the licensing authority should use its existing partnership with the police to discuss the police intentions for their share of the levy revenue. They also recommend that the PCC should consider allocating the funds raised from the levy back to local commanders to allow the revenue to be spent on tackling alcohol-related crime and disorder in the area in which the levy was raised. There is no bar to making a local agreement between licensing authority and the PCC to vary the percentage split by allocating some or all of the PCC's share of the revenue back to local authority initiatives if the PCC so chooses.
- 3.18 A licensing authority can deduct the costs it incurs in connection with the introduction or variation, administration, collection and enforcement of the levy, prior to the levy revenue being apportioned between the police and licensing authority. Regulations have prescribed descriptions of expenses which may be deducted. Any financial risk relating to the levy revenue, such as lower than expected revenue or higher than expected costs, rests at a local level. These deductible costs may include (but are not necessarily limited to) the following:
- the preparation and publication of the consultation document, including publishing it online and sending details to the PCC, the relevant chief officer of police and all premises licence and club premises certificate holders whose authorisations permit the supply of alcohol after midnight on any day;
 - the collection of levy payments;
 - the enforcement of levy payments; and
 - the cost of processing applications for a variation in relation to the introduction of the levy.
- As previously reported above, officers have run programmes to estimate income with different late night supply periods but it is difficult with variables: volume of minor variations, confidence in getting rateable values and multipliers, trade response to different 'witching' hours, accuracy over exemptions and reduction categories and calculating. It is doubtful that we would know BCRP nightsafe premises or small business rate relief recipients. Indications from Newcastle City Council show that approximately 33% of those premises identified as being within the levy period applied to vary their licences to reduce their hours, the majority were to remove non standard timings rather than reduce their basic hours. Also, a trade representative from the St James' Street area has asked all late alcohol licensed premises if they would vary their licences if a levy was introduced and approximately 8% said they would.
- 3.19 Guidance states that in respect of: Business Improvement Districts ("BIDs"),

Licensing authorities can offer an exemption from the levy for premises which participate in BIDs that operate in the night-time economy and have a satisfactory crime and disorder focus. The Government would expect licensing authorities to carefully consider exempting eligible BIDs from the levy. It is up to the licensing authorities' discretion to determine whether the BIDs in their area are eligible.

- 3.20 **Economic Partnership comments** - The consultation for the Business Improvement District will take in all the primary and secondary shopping areas from St James's Street to Boundary Road. It remains to be seen if there will be a late night element in the BID which is dependent upon whether the businesses request and whether deliverable.

The EP will be interested in whether the licensing authority offer exemption for BID businesses and whether it offers 30% discount for best practice schemes like Business Crime Reduction Partnership and NightSafe. There are still a lot of unknowns, but EP will need to know what sort of reduction (if any) is proposed from a BID perspective so as to be able to include it in EP consultation material. I.e. something that clearly outlines that with the BID, businesses will pay 'x' amount and get 'y' delivered in services as opposed to the LNL at a cost of 'x' against what will be delivered directly to them via that. The first round of consultation will occur over the next few months, so quite soon EP will be in a position to say whether or not the businesses want to see something delivered in that area, at the moment, EP has an aspiration for it, but not based on evidence.

- 3.21 It is estimated that there are approximately 138 premises open until 0100, approximately 162 premises open until 0200, approximately 62 premises open until 03.00, approximately 17 premises open until 04.00, approximately 19 premises open until 05.00, approximately 15 premises open until 06.00 and approximately 71 premises which are open 24 hours (11 of these are for residents only).
- 3.22 Appendix 1 shows the timeline for LNL's in other areas.
- 3.23 Appendix 2 shows Sussex Police comments
- 3.24 Appendix 3 shows Analysis of Pride and Halloween of the impact of crime, disorder and alcohol related crime in the city for 2012-2014
- 3.25 Appendix 4 shows the Late Night Levy process.
- 3.26 Appendix 5 shows the new late night sector union
- 3.27 Appendix 6 shows the method of calculating the number of premises within the different hours, what their rateable value is etc and includes potential exemption categories and reductions.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

Continue working with partners and the licence trade to tackle the effects of the night time economy and look at introducing voluntary initiatives and further BIDs.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Licensing Strategy Group, Strategic Domain Group 2, finance and legal services.

At the Strategic Domain Group 2 (SDG2) meeting on 1st April 2015 a representative from the British Beer and Pub Association (for the Licensees' Association) and a local trade representative commented:

Their position was quite clear – they have major concerns about a LNL and do not feel it is necessary.

It was felt a lot of goodwill would be lost and that it would create a “them and us” situation.

There is good partnership working at the moment and good practice schemes, which all work. If premises remain a problem, there is always the option of reviews.

If it was decided that a LNL should come in, their position would be that there should be no exemptions and that full discounts should be given for being a member of a good scheme.

Local trade found the idea of a LNL fundamentally unfair and unconstitutional. They did not understand how a single industry could be singled out for the policing of society.

The licensed trade is extremely important to the city and is one of the reasons why we have such a good economy and why people want to live and visit here.

The trade felt a LNL would be very divisive. The licence trade already pay 46% of turnover in taxes.

Trade does have sympathy for the police and partnership working with them works very well. However, cuts to the police budget are not the fault of the licensed trade.

Re Taxi Marshalls, they said it might be possible for their organisation to be prepared to enter into discussions about how these are funded.

- 5.2 The Alcohol Programme Board (APB) which includes health commissioners and NHS/voluntary sector providers, the Council, University student reps, police, licensees, retailers and probation services had a meeting on 13th April 2015 and the Late Night Levy was one of the items discussed. The Licensing Team outlined the scheme and it was noted by attendees the need to ensure that it is seen as a way to improve the Night Time Economy and not as a punitive measure. Ultimately the APB support the implementation of the levy in the city.

Minutes from the APB meeting state “It is hoped that it will receive a positive response from the new Licencing Committee when it comes in after the election. The Director of Public Health noted the need to back up our proposal with any positive responses from retailers in other cities where it has come into effect and informed the Board that he would seek wider support for it from across the city”.

- 5.3 At the Licensing Strategy Group meeting on 20 April 2015 the General Manager from Pryzm (p.k.a .Event) part of the Luminar Leisure Group, the biggest commercial night club operator said, regarding Late Night Levy – *“For the bigger venues, I do not think the levy would be a problem. If it led to safer streets, I think it would be seen as a positive”*

6. CONCLUSION

Report to committee in March 2016 to report on progress and make a final decision, or earlier if ready.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 A Late Night Levy may generate some additional income but only 30% of income collected will be available to the licensing authority (after administration costs have been taken out). The level of estimated gross income per annum from the introduction of a late night levy will be determined by the regulations, but will also be affected by the level of exemptions or reductions agreed. Appendix 6 sets out the estimated annual gross income from introducing the levy at various start times (before taking account of any exemptions).

Officers are concerned about the number of free Minor Variation Applications that would have to be dealt with and that the introduction of LNL will necessitate a large amount of work not already carried out, possibly requiring more staff.

The financial implications arising from the introduction of a levy will need to be carefully considered in detail prior to any final decision to proceed. Clarity will also be required on the financial administration arrangements for both the collection and application of the levy income to ensure that any risks to the Council are minimised e.g. if the actual level of income collected in a given financial year is lower than the estimate on which spending decisions have been based and put in place.

Finance Officer Consulted: Name Mike Bentley Date: 12/06/15

Legal Implications:

- 7.2 Legal implications are contained within the body of this report. There is no appeal to challenge the introduction of a levy. Any challenge would be by way of a judicial review. Legal challenge might reasonably be expected.

Lawyer Consulted: Rebecca Sidell Date: 12/06/15yy

Equalities Implications:

- 7.3 There are no direct equalities implications.

Sustainability Implications:

There are no direct sustainability implications.

- 7.4 Any Other Significant Implications

Public health is not a licensing consideration. Evidence based policy supports the local economy and retail industry.

SUPPORTING DOCUMENTATION

Appendices:

1. Timeline for introduction of LNLs in other areas.
2. Sussex Police comments.
3. Analysis of Pride and Halloween of the impact of crime, disorder and alcohol related crime in the city – 2012- 2014
4. Late Night Levy process
5. New late-night sector union setup
6. Calculation sheets.

Documents in Members' Rooms

None

Background Documents

None

Late night levy development around England & Wales:**Rejections of the LNL:-**

- **Milton Keynes:** LNL rejected May 14 – mainly due to the level of funding it would have raised had it gone through. May look to consult again after the elections in May.
- **Tameside:** LNL rejected Dec 14 due to the economic climate and businesses financial difficulties – would reconsider if climate changed.
- **Leeds:** Agreed not to pursue the introduction of the LNL in Dec 13, better to continue working with partners, including the licence trade and carry forward existing voluntary initiatives and support a BID.
- **Woking:** Rejected Oct 13 – potential revenue would be insufficient to provide any real benefit to the town.
- **Bristol:** Agreed that the introduction of a BID in the city centre would be better than the LNL. LA confirmed March 15 that no current plans for the LNL and BID is currently progressing.

On hold, ongoing or in consultation:-

- **Plymouth:** Consultation showed that the public were in favour of the LNL & trade against it. The Cabinet postponed the implementation of the LNL in favour of working with the trade to deal with the night time economy problems & getting a clearer view of the Governments intention to review the LA03.
- **Camden:** Consulting on the LNL Feb 15 to May 15.
- **York:** Consultation in 2013 with a view to implement in April 14 but info obtained March 15 stated that they had put it on hold and were looking into a BID.
- **Cheshire East:** At Licensing Committee in Jan 14 when asked to look at the LNL, they resolved to set up a Working Group consisting of members to look at options which may reduce the harmful effects of alcohol consumption in the area. No further update March 15.
- **Lambeth:** LNL may be considered as part of the Licensing Policy review but no further update as of March 15.
- **Liverpool:** Consulting on the LNL Jan 15 to April 15.

LNL's approved:-

- **Newcastle-upon-Tyne:** First authority to introduce - from Nov 13 (midnight-6am). The push was from the City Council but the PCC and Police were fully on board and supportive. Decision to introduce the levy was to maintain and enhance the safe night time economy (NTE) in and around Newcastle, whilst sharing and contributing to the cost, Police spending a lot of money policing the city centre and Council on cleansing and enforcement which was not sustainable. It was time consuming to introduce and employed a consultant solicitor and project officer for a year to deal with implementation. There is a 30% reduction for members of a business-led best practice scheme and all exemption classes as listed in Appendix 2. It is too soon to say there has been an improvement but some services would have been cut had it not been for the levy and if the levy had not been implemented then it would be highly expected that crime and disorder figures would be much higher in the city centre.

JD Wetherspoon has successfully appealed Newcastle City Council's refusal to vary the Premises Licences for 3 of its premises in the city, which variation had sought to introduce a condition removing authorisation to sell alcohol for the 'Late Night Levy period' whilst a Late Night Levy was in place.

The condition which was put on the licence after the appeal, was the condition originally requested by JD Wetherspoon on the variation, and allows the automatic resumption of the use of those hours should the Levy no longer be charged, without the need for a variation application to add the hours back onto the licence. JD Wetherspoon's must give 56 days' notice of its intention to resume the use of hours should it wish to do so.

- **City of London:** LNL came into force on 1st Oct 2014 and apply to all licensed premises which sell alcohol between midnight and 6am. There will be no exemptions, but a 30% discount will be granted to premises that have shown they operate at the standard required to achieve the City of London 'Safety Thirst' award which is given to pubs and clubs who make safety a priority.
- **Chelmsford LNL-** LNL came into force on 1st Nov 2014 (hours – 1am-6am). PCC agreed to let Council keep 100% of the income otherwise they wouldn't have done it. Projects approved by the PCC but ultimately Council choice – going back into the NTE – finance ensure all done legitimately. There was no additional staff or help, relatively straightforward as long as follow legislation and guidance. Relevant exemption classes: New Years Eve (NYE), Theatres & Cinemas and hotels (guests only), no reduction schemes. Main problems: start time from 1am which affected NYE exemption so figures all skewed. Big debates with big solicitors as NYE exemption means that cannot trade until after midnight on any other day of the year so 1am LNL time severely confused this (see 4(i) Exemption Regs). Wrote to all people who were affected but a lot ignored as did not think it related to them (don't open past 1am etc) so need to chase up non responses. Too early to notice any change but there is concern to ensure that money is spent across the whole borough and not just the city centre if not possibility of being Judicial Reviewed for not spending money fairly and appropriately. Thinking of offering borough wide training to staff, DPS, door staff etc to solve this.
- **Southampton City Council:** Came into effect on 1st April 2015 (hours: 00:01 – 6am). Already had a good partnership approach to managing the NTE but there was a cost to maintain services. With all of the cuts the authority was going to struggle to maintain the funding for these initiatives. Consultation and implementation was rushed so allow plenty of time for this. Head of legal and Licensing Manager did most of the work, with a temp for one month to ID the premises liable for the levy, rest of the work absorbed by the team. Currently working on a Best Practice Scheme with the local Pub Watch to offer a 30% reduction from the levy for members. Trying to set up a group with key stakeholders such as police, PCC, trade and LA to discuss how the monies should be spent and this is then fed to the Safe City Partnership to decide. Have secured an agreement from PCC to invest the money into the NTE in the city.
- **Nottingham City Council:** Took effect from 1st November 2014 (time: midnight – 6am). No mention of reductions.
- **Islington:** Took effect from 1st November 2014 (times: 00:01 – 6am). The Council has decided to grant a 30% reduction to members of our best Practice Scheme for Late Night Premises.
- **Cheltenham:** Took effect from 1st April 2014 from midnight to 0600. The reason for implementing is the cost of policing and managing the NTE. No particular issues with the implementation apart from the increase in work including the free variations, there were no

extra staff. They found a number of premises did not know (and expect) the LNL demand. This was because the manager/DPS is not the licence holder and because they corresponded with the licence holder, head office did not always disseminate the info down to the local setup. Only have the NYE exemption and a reduction for Best Bar None and pub watch. Too early to say if any change in the city centre environment.

Comments from Sussex Police:

On speaking with the officers at Newcastle City Council, they advised that when they started the process of speaking to licensees re the Levy and the reasons behind needing one, they met little or no resistance. They kept the licensees engaged throughout the whole process, and they saw the need for the Levy to ensure the policing was kept on the streets during the evening / nights. This attitude of everyone working together, being driven by the Council officers and members, continued all the way through to consultation. This resulted in there being only one premises making negative comments on the consultation. The subsequent meeting of the Council to discuss the Levy was not attended by any trade or licensees at all and was voted through unanimously.

The following information was available regarding the economic effect:

- in year two from October 2014 two premises did not pay the levy as they were having financial difficulties not associated with the Levy, and subsequently, they ceased trading. The total they were due to pay for the levy was £1,723, which indicates they were fairly small premises. That is 2 premises out of 244. The Licensing Authority should be able to ascertain how many licensed premises in Brighton & Hove closed, during the same period, we suspect it will be many more than 2.
- overall crime in Newcastle City fell by 12% during first financial year of the levy being in place, these included:
 - Violent crime 6% deduction
 - Sexual offences 7% reduction
 - Crim damage 27% reduction
 - ASB 10% reduction

Newcastle reported that 124 of the eligible levy premises reduced their hours to before midnight, mainly because the hours they had they did not use and in a lot of instances it was a reduction of only one hour.

Feedback from the Newcastle Pubwatch has been that whilst no licensee wants to pay extra tax, they believe it has been success with the funding being spent on making things better for drinkers and landlords in the city. They have acknowledged that it has financed extra CCTV and police officers that has immediately cut crimes like mobile phone thefts in half.

Sussex Police confirm that the PCC have committed to spend the levy funds in the area where the LNL applies and although they are unable to commit to specific allocation of funding, they have provided a list of examples of where the funding could go to:-

Specialist interventions

- Specialist services e.g. ISVA
- Sustain and extend Safe Space project

Targeted interventions

- Street pastors
- Taxi Marshalls

Prevention

- Water Angel type scheme
- Training for door staff, other premises (hotels) and taxi drivers (enables link to other crime types e.g. child sexual exploitation)
- Bystander interventions
- Sustained evidence based awareness campaigns.

Other activities e.g. Mobile CTV cameras, ID Scanners for selected venues, Safe Haven phone application, crime & safety initiatives, Police operations.

Why Brighton needs a Late Night Levy

The impact of alcohol in Brighton & Hove is considerable. Although alcohol supports the night-time economy and tourism, people can be a victim of alcohol-linked crime and disorder such as violence, sexual violence and abuse, criminal damage, late night noise and other anti-social behaviour.

- ∇ Alcohol related reported crime and violent crime are worse locally than nationally, with the city among the worst performing 10% of PCTs for alcohol related violent crime.
- ∇ The night time economy runs from early evening till 7am.
- ∇ Puts a strain on police and other emergency services
- ∇ Funding gaps to secure and maintain vital services.

What could this mean for Brighton?

- ∇ Maintain and enhance the reputation of the national renowned NTE in the city for people to come and enjoy, safely
- ∇ A reduction in alcohol related harm
- ∇ Prevention of people becoming victims of crime
- ∇ People / females feeling safe
- ∇ Driving standards up
- ∇ Licensed premises sharing and contributing to the cost of the keeping the NTE safe.

Sussex Police would also strongly support a LNL licensing advisory panel to influence the levy spend, this would consist of the Licensing Authority, the Police and the trade.

Brighton & Hove Pride

**Analysis of the impact on crime, disorder
and alcohol related harm in the city - 2012
to 2014**

*Brighton & Hove City Council Public Health Intelligence
Team*

February 2015

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Analysis conducted and report compiled by:

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Liz Tucker – Research and Development Officer, Drug and Alcohol Action Team
Kate Gilchrist – Head of Public Health Intelligence
Chris Dorling – Public Health Information Specialist

I. Summary

Aim

- The aim of this summary is to evidence any increase in antisocial behaviour, crime and alcohol related harm on the night of Pride compared with an “average” night over a three year period.

Method

- This has been done by looking at A&E attendances on the night of Pride (from 8pm until 12midday the following day) and the same time period in the preceding two weekends and following two weekends (referred to as neighbouring weekends in this report for ease). Crime and incident data has been looked at for the same weekends but the time period used is 8pm-6am. More detail on the criteria used is given in the appendix but please note that due to changes in police recording, crime and incident data should not be compared across the three year period.
- Data from the South East Coast Ambulance Service has been requested but is not yet included in this summary.
- A similar analysis has been undertaken for Halloween and there are some reflections here of how Pride and Halloween compare.

Results

- Pride weekends see more assaults and more alcohol related attendances at A&E when compared with comparable weekends –but the impact of Pride on total A&E attendances appears to be diminishing.

A&E attendances

- Pride weekends have generated additional A&E attendances but the effect appears to be declining. In 2012 during the Pride weekend there were 53 more A&E attendances compared with the average attendance for the neighbouring weekends. By 2014 Pride there were only 7 additional attendances compared with the average for the neighbouring weekends.
- However, alcohol related A&E attendances do appear to be increasingly affected by Pride. In 2012 there were 30 attendances compared with an average of 7 for the neighbouring weekends. In 2014 there were 38 alcohol related attendances during Pride compared with an average of 17 for the neighbouring weekends.
- A&E attendances for assault were also higher during Pride weekends, though as with total A&E attendances, the effect has diminished over time. In 2012 there were 18 attendances at A&E for assaults over Pride weekend compared with an average of 7 over the neighbouring weekends. In 2014 there were 8 assaults compared with an average of 6 over the neighbouring weekends.
- Younger adults are more likely to present to A&E during a Pride weekend but the effect is less marked and less consistent than that seen in respect of Halloween 2014. During 2012 total A&E attendances saw a higher number and proportion of those aged 21-30 years and those aged 36-40 years. Pride 2013 saw a higher number of attendances from a younger group of patients aged 11-25 years. Pride 2014 saw an increase in those aged 17-18 years and patients aged 21-25 years.

A&E: Pride and Halloween comparison

- Though the actual date of Pride changes year-on-year it always occurs over a weekend. Because Halloween takes place on a fixed date in the calendar the day of the week

changes between years. It is also possible that nationally Halloween is becoming a more significant cultural event as the popularity of Bonfire Night declines.

- The day of the week that Halloween falls on appears to have a significant effect on whether A&E attendances are affected. In 2015 Halloween falls on a Saturday. In recent years Pride has been managed pro-actively with the introduction of ticketing in 2011 and it is possible that this measure has contributed to the decline in A&E attendance.
- The application of similar tailored approach to event management has the potential to reduce the health burden of events such as Halloween. An increased street presence of peripatetic street triage for example, could reduce the burden on A&E. This would necessitate pre-emptive management between existing strategic partners such as Sussex Police and acute health care in order to share intelligence of events that are likely to spike attendance.

Crime and disorder

- An increase is seen over Pride in the number crimes most related to the night-time economy in all 3 years analysed, when compared with the two Saturday nights either side of Pride in the same year. This is seen particularly in theft other than motor vehicle offences, and in violence against the person offences.
- In 2014, there was a higher proportion of theft from person offences (as opposed to theft offences where belongings have been left unattended which usually predominate), as well as a higher proportion of theft other offences which occurred on the street, or in an open/public place compared with the two Saturday nights either side of Pride on the same year.
- Violence against the person offences on the night of Pride 2014 had a younger victim age profile than the two Saturday nights either side of Pride, as well as than more generally with violence against the person offences year round. Similarly to theft other offences, there was also a higher proportion of violence against the person offences occurring on the street, or in a public/open space than on the two Saturday nights either side of Pride, as a result of increased numbers of people on the streets.
- Police incident data in both 2014 and 2013 showed that whilst there was slight increase in the number of police recorded incidents, this was not as pronounced as seen in the number of crimes, indicating a possible lack of reporting about lower level anti-social behaviour over events such as Pride. In 2012, the total number of police recorded incidents for Pride 2012 was not greater than the average for the two Saturday nights before and after Pride.

3. A&E data

3.1 All A&E attendances 2012 to 2014

Figure 1 shows activity between 8.00pm on Saturday through to mid-day the following Sunday for the day of Pride and the two weekends immediately before and after (“neighbouring weekends”) for the years 2012, 2013 and 2014. The highest number of attendances during a Pride weekend occurred in 2012 (220). The number fell in 2013 (204) and again in 2014 (178).

Figure 2 compares the average attendances for the neighbouring weekends those over the Pride weekend. The higher level of activity experienced over Pride is shown as a number and proportion. The impact of Pride on total A&E attendances appears to have diminished over time: In 2012 there was 32% increase in A&E attendances during Pride (53 more attendances) compared with the four neighbouring weekends, in 2014 this proportion had fallen to 4% (7 attendances).

Figure 1: Total A&E attendances at Brighton A&E for Pride and neighbouring weekends 2012 to 2014

Note: Number in brackets after year is the average attendances for “neighbouring” weekends

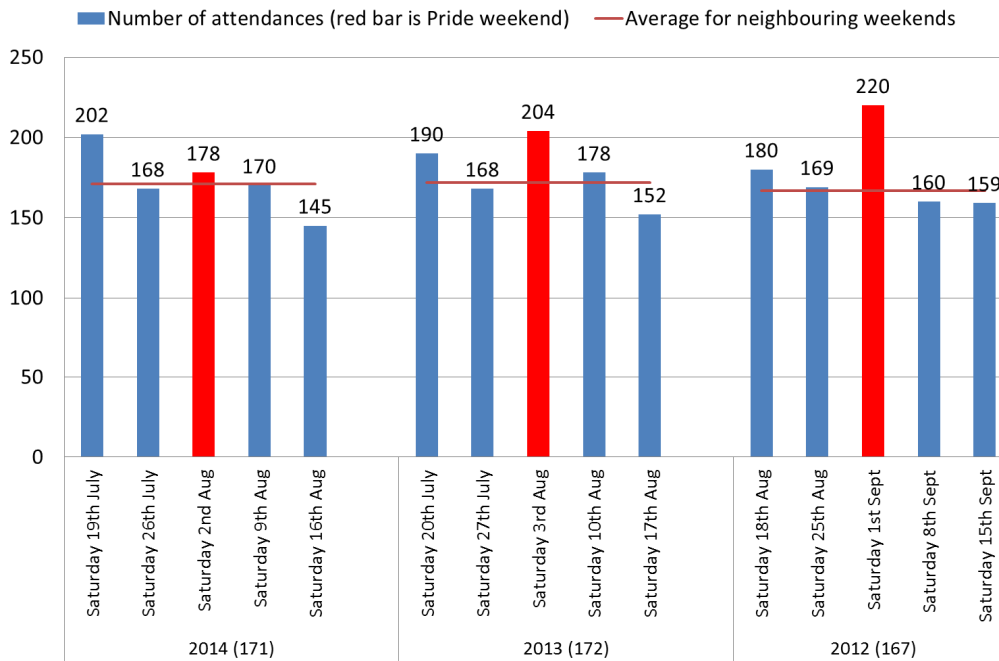
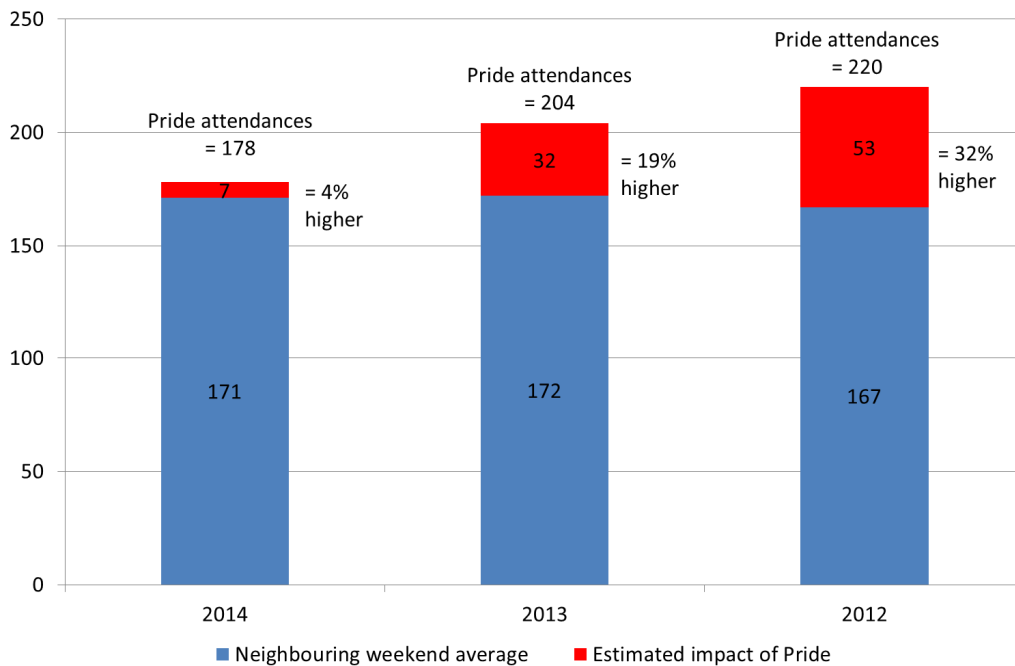


Figure 2: Estimated impact of Pride on total A&E attendances at Brighton A&E, 2012 to 2014



Source: Brighton A&E Symphony system

3.2 Alcohol related A&E attendances

Figures 3 and 4 show alcohol related A&E attendances for Pride and the comparison with neighbouring weekends. In 2014 there were 38 alcohol related attendances on Pride weekend – 347% higher than the average for neighbouring weekends.

Despite the apparent diminishing impact of Pride on total A&E attendances across the three years, the number of alcohol related attendances is was higher for Pride 2014 than the previous two years. Alcohol related attendances were high in both 2012 and 2014, however in 2013 they were nearly half those in the preceding and following year.

Figure 3: Alcohol related A&E attendances at Brighton A&E for Pride and neighbouring weekends 2012 to 2014

Note: Number in brackets after year is the average attendances for “neighbouring” weekends

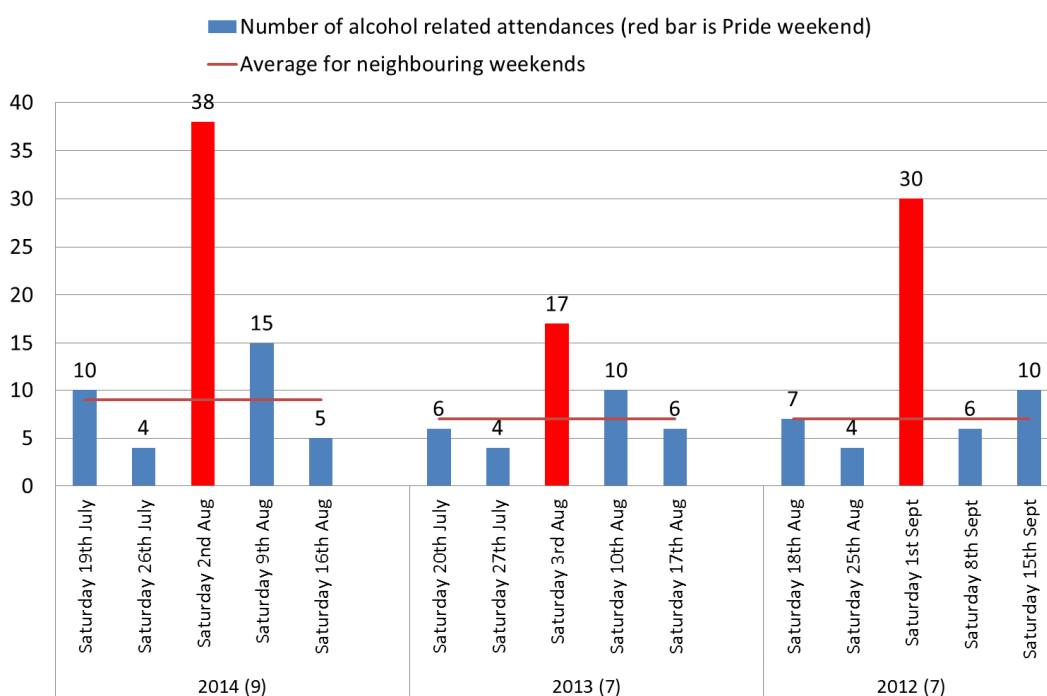
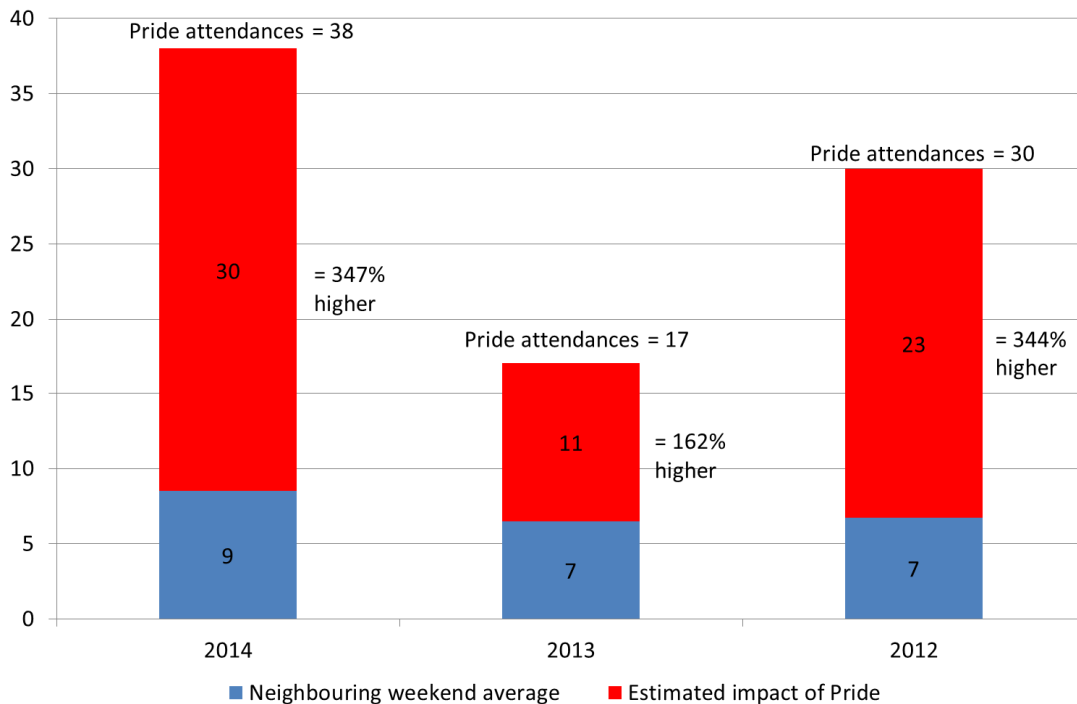


Figure 4: Estimated impact of Pride on alcohol related A&E attendances at Brighton A&E, 2012 to 2014

Note: Some figures do not sum due to rounding

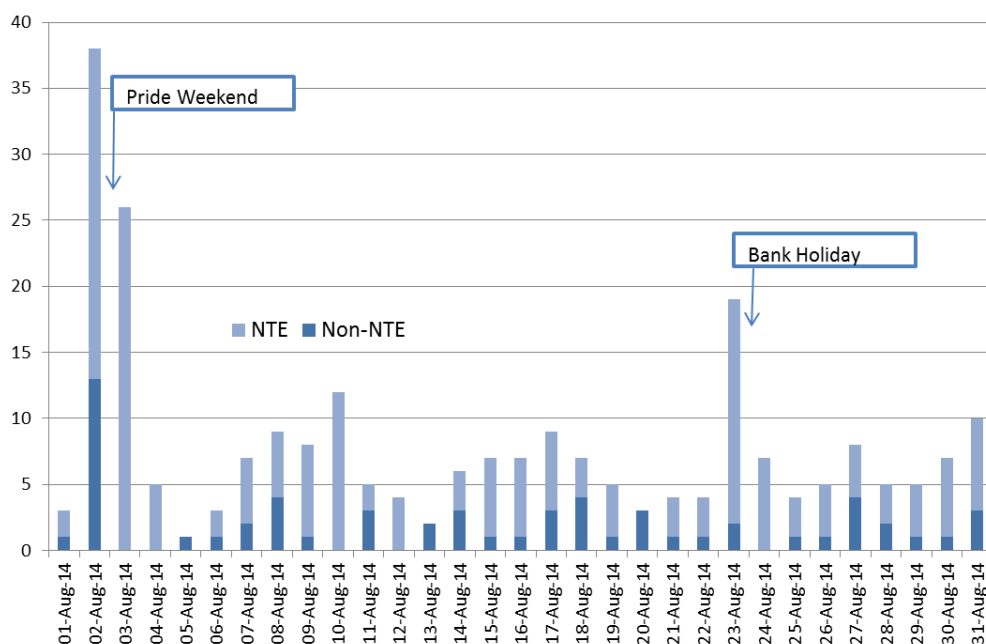


Source: Brighton A&E Symphony system

Analysis produced for Sussex Police as intelligence to support the proposed introduction of the Night Time Levy reviewed day-to-day alcohol related activity for the night time economy during August 2014. This included the weekend of Pride. The impact of Pride on daily A&E attendances related to alcohol is clearly illustrated Figure 5. This also shows that alcohol related attendances were around double those seen on the August Bank Holiday weekend.

So although the impact of Pride in respect of all attendances has diminished over time, in relation to alcohol presentations for the impact of Pride is pronounced and indicates there may be an additional impact seen into the night time economy of the following day.

Figure 5: Alcohol related attendances at Brighton A&E for the night time economy (NTE) and non-night time economy (non-NTE) August 2014



Source: Brighton A&E Symphony system

3.3 Age

The age groups of those attending A&E (total attendances) during Pride have also been compared with their presentation across the neighbouring weekends. No consistent pattern appears:

- 2012 Pride saw a higher number and proportion of those aged 21-30 years and those aged 36-40 years
- Pride 2013 appears to have generated a higher number of attendances from a younger group of patients those aged 17-20 years making up 11.4% of attendances compared with an average of 5.25% over the neighbouring weekends for that year.
- Pride 2014 saw an increase in those aged 17-18 years and patients aged 21-25 years.
- Looking at the age breakdown of alcohol related A&E attendances for the years when there were higher activity (2012 and 2014), those years saw a higher proportion of attendances for young adults aged 17-30 years. In 2012 there were 18% more attendances from this age group when compared with an average for the neighbouring weekends and in 2014, 9% more attendances.

3.4 Other diagnoses and reason for attendance

Diagnoses that appear to more frequently present during Pride weekends, in addition to alcohol related (Alcohol Intoxicated) during Pride in 2012 and 2014 are attendances related to laceration in 2012, (closed) fracture in the 2012 and 2013 and in 2014 patients who did not wait at A&E to be seen.

Assaults were also higher during Pride weekends though as with the other data sets the effect has diminished over time. In 2012 there were 18 assaults over Pride weekend compared with an average of 7 over the neighbouring weekends. In 2014 there were 8 assaults compared with an average of 6 over the neighbouring weekends.

4 Inpatient admissions to hospital

There were 475 directly related alcohol admissions¹ in 2013/2014, an average of just 1.3 per day. An analysis of admissions for Halloween and the day after, and the preceding and following weekends (Friday to Sunday, to ensure all relevant admissions were captured) was carried on this data. The average daily number of admissions ranged from 0.3 to 1, with no evident pattern. Due to such small numbers further analysis on other years, and on Pride weekends, was not carried out.

¹ 15 ICD10 codes, including 'alcoholic liver disease', 'mental and behavioural disorders due to use of alcohol', 'poisoning by and exposure to alcohol, undetermined intent'

5 Crime and disorder

5.4 Police recorded crime

Figure 5: Police recorded crime for offences most associated with the night-time economy (violence against the person, theft other than motor vehicle and criminal damage – sexual offences are not shown as fewer than five in the periods looked at) – Pride and “neighbouring weekends” 2014, 2013 and 2012

5.4.1 2014

In 2014 the average number of offences for those crime types most associated with the night-time economy (excluding sexual offences as the numbers are too small to show) on the neighbouring weekends to Pride was 38 offences, compared with 102 on the night of Pride 2014 (168%, or 1.7 times, higher). The largest difference, perhaps unsurprisingly due to the high number of people in the city, was in theft other than motor vehicle offences – where there were 56 recorded offences on the night of Pride, compared with an average of 13 (331%, or 4.3 times, higher).

There was a higher proportion of theft from person offences on the night of Pride than the neighbouring weekends, where theft offences where belongings have been left unattended predominate.

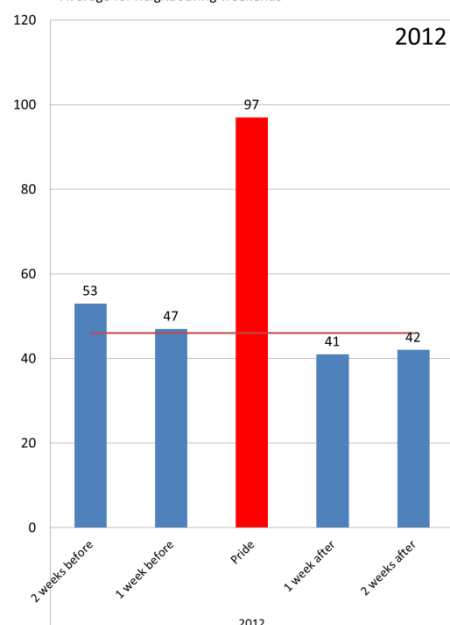
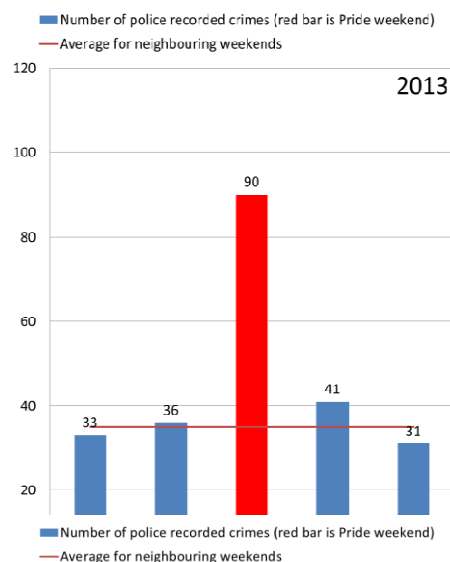
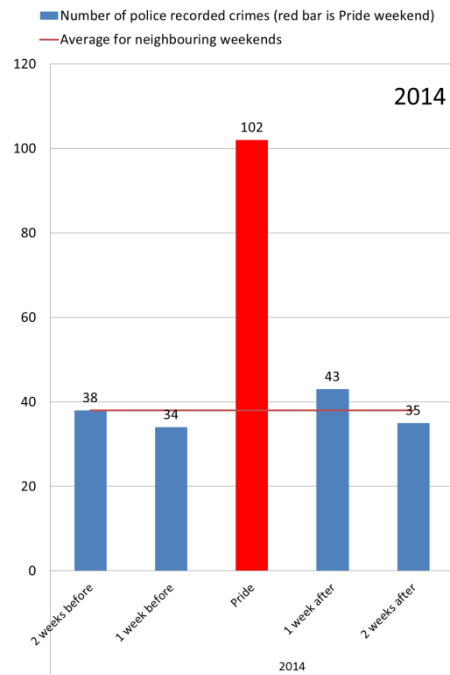
There was also a much higher proportion of theft other offences which occurred in the street or in an open place than seen in the neighbouring weekends. As expected, these were particularly clustered in the streets around St James’s Street and in the city centre generally. There were fewer theft other offences which occurred inside a licensed premises compared with the two Saturday nights before and after Pride.

There was also an increase in violence against the person offences, from an average of 18 offences, to 35 on the night of Pride itself (94%, or 1.98 times, higher).

The age profile of victims of violence against the person offences on the night of Pride is younger on neighbouring weekends. The number of victims peak in the 10-19 age group (all of which were aged between 17 and 19), followed by the 20-29 age group. Across the neighbouring weekends, as seen in violence against the person offences generally, victim numbers peak in the 20-29 age group, followed by those aged 30-39. As with theft offences, there is a higher proportion of violence against the person offences which occurred on the street or in a public/ open space (66%) compared with the average for the two Saturday nights either side of Pride (47%).

There was an increase in criminal damage offences from an average of 7 offences, to 11 on the night of Pride (57%, or 1.6 times, higher- although overall numbers are low and so caution should be used).

6.1.2 2013



In 2013 there were 90 offences in those crime types most associated with the night-time economy on the actual night of Pride 2013, compared with an average of 35 offences on neighbouring weekends (157%, or 2.6 times, higher).

As in 2014, this was particularly seen in theft other offences – with a rise in the number of offences from an average of 22 to 63 offences on the night of Pride (186%, or 2.9 times, higher).

Violence against the person offences rose from an average of 10 offences, to 19 on the night of Pride (90%, or 1.9 times, higher).

6.1.3 2012

In 2012 Pride was a month later than usual due to the Olympics, at the beginning of September rather than August. The weekend preceding Pride 2012 was August Bank Holiday weekend which might impact of the results.

However, there was again an increase in those offences most associated with the night-time economy over the night of Pride 2012, from an average of 46 for the neighbouring weekends, to 97 offences on the night of Pride itself (111%, or 2.1 times, higher).

There was an increase in violence against the person offences from an average of 13 offences, to 36 offences on Pride night (177%, or 2.8 times, higher).

As in 2013 and 2014, there was also an increase in the number of theft other than motor vehicle offences, from an average of 29 offences in neighbouring weekends compared with 54 recorded offences on the night of Pride (86%, or 1.9 times, higher).

Table 1: Police recorded crime for offences most associated with the night-time economy (violence against the person, theft other than motor vehicle and criminal damage – sexual offences are not shown as fewer than five in the periods looked at) – Pride and “neighbouring weekends” 2014, 2013 and 2012

Crime type	2 weeks before	1 week before	Pride	1 week after	2 weeks after	Average for neighbouring weekends	% higher during Pride	Number of times higher	Possible impact of Pride (number)
2014									
Violence against the person	16	13	35	25	17	18	94%	1.9	17
Theft other	19	8	56	14	12	13	331%	4.3	43
Criminal Damage	3	13	11	4	6	7	57%	1.6	4
<i>Total for three offence types</i>	38	34	102	43	35	38	168%	2.7	64
2013									
Violence against the person	12	7	19	9	12	10	90%	1.9	9
Theft other	18	23	63	30	16	22	186%	2.9	41
Criminal Damage	3	6	8	2	3	4	100%	2.0	4
<i>Total for three offence types</i>	33	36	90	41	31	35	157%	2.6	55
2012									
Violence against the person	22	10	36	13	5	13	177%	2.8	23
Theft other	29	35	54	19	33	29	86%	1.9	25
Criminal Damage	2	2	7	9	4	4	75%	1.8	3
<i>Total for three offence types</i>	53	47	97	41	42	46	111%	2.1	51

6.2 Police incident data

There was a slight increase in the number of police recorded incidents over the night of Pride 2014, from an average of 68 incidents on the neighbouring weekends, to 79 on Pride weekend. This was seen in a small rise in the number of ‘suspicious activity’ incidents, a broad category which can include intelligence about particular individuals, reports of suspected drug use, fights/disturbances, break-ins etc. There was also a small rise in ‘disorderly behaviour’ incidents which are predominantly complaints of noise and rowdy behaviour.

Whilst there was a slight rise in the number of incidents, this was much less pronounced than seen in the number of offences for Pride 2014, indicating that Pride impacts more on recorded crime figures than it does lower levels of anti-social behaviour – perhaps representative of a disinclination by the public to call in lower level incidents when events such as Pride are taking place.

The night of Pride 2013 had slightly higher numbers of police recorded incidents than seen in the average of the neighbouring weekends – 69 incidents, compared with an average of 56. This was predominantly due to a rise in the number of disorderly behaviour incidents, from an average of 25 incidents, to 36 on the night of Pride.

However, as seen in 2014, the increase seen in police recorded incidents during Pride is not as pronounced as in police recorded crimes.

The total number of police recorded incidents for Pride 2012 was not greater than the neighbouring weekends (an average of 74, compared with 75 on the night of Pride). The number of disorderly behaviour incidents was in fact lower on the night of Pride than in the average of the neighbouring weekends (21 on Pride, compared with an average of 34).

7. Appendix - methods

A&E data

- All analysis is drawn from the A&E monitoring system Symphony. Symphony captures activity for clients who are triaged on arrival in the department. Activity is not captured for those who do not present to the clinical staff.
- All activity is for the Night Time Economy (NTE). In this review this is defined as A&E attendances that occur between 20.00 – noon mid-day Saturday through to Sunday. This review compares activity on the two Saturday nights before Pride, Pride itself and the subsequent two Saturday nights, in order to look at any changes in presentation across this period.
- A range of clinical and demographic information is included in the A&E data set. These include: age, gender, diagnosis, reason for attendance and presenting complaint.
- In addition there is a long standing collation of alcohol related activity based on a composite of alcohol related records aggregated from the diagnosis, reason for attendance and presenting complaint fields.
- Patterns of presentation across the clinical and demographic variables were reviewed to assess patterns of activity across the measurement period. The tables summarise the most common conditions presenting within each of the clinical categories: coded complaint, diagnosis, reason for attendance and injury mechanism. In most cases information is recorded in each of these fields, this may lead to some repetition with similar information being recorded under for example coded complaint and diagnosis. These data fields vary in their degree of completion and have only been included for review when complete across the measurement period.

Crime and disorder data

- Crime and disorder data used in this report is downloaded from the live system at Sussex Police each month. This data has not been audited or verified by statisticians at Police HQ, therefore it represents a reflection of crime and disorder in the area, rather than the authorised and fully verified 'performance data'.
- **Crime and Disorder Information contained in this report should not be made publically available or further distributed without reference to Sussex Police**
- **Please note that due to changes in police recording, crime and incident data should not be compared across the three year period (2012-2014) for which data is shown, or used to demonstrate trends over this period, but rather used to look at any changes that may occur in crimes and incidents on Pride weekend, compared with the average for neighbouring weekends.**
- Crime and incident data for Saturday nights, between 20:00hrs and 06:00hrs has been used in this analysis, looking at Pride itself, and Saturday nights both one and two weeks before and afterwards.
- For police crime data this analysis looks at violence against the person offences, sexual offences, theft (other than motor vehicle offences), and criminal damage – all crime types associated with the night-time economy.

Brighton & Hove Halloween

**Analysis of the impact on crime, disorder
and alcohol related harm in the city - 2012
to 2014**

*Brighton & Hove City Council Public Health Intelligence
Team*

February 2015

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I. Summary

Aim

- The aim of this summary is to evidence any increase in antisocial behaviour, crime and alcohol related harm on the nights of Halloween compared with an “average” night over a three year period.

Method

- This has been done by looking at A&E attendances on the night of Halloween (from 8pm until 12midday the following day) and the same time period in the preceding two weekends and following two weekends (referred to as neighbouring weekends in this report for ease). Crime and incident data has been looked at for the same weekends but the time period used is 8pm-6am. More detail on the criteria used is given in the appendix but please note that due to changes in police recording, crime and incident data should not be compared across the three year period.
- Data from the South East Coast Ambulance Service has been requested but is not yet included in this summary.
- A similar analysis has been undertaken for Halloween and there are some reflections here of how Pride and Halloween compare.

Results

A&E attendances

- Halloween in 2012 and 2013 did not have an adverse effect on A&E attendances. In 2014 Halloween fell on a Friday and it is probable that celebrations extended into the Saturday resulting in an average of 10.7 attendances per hour compared with an average of 8.8 for the previous two years. Further analysis has therefore focused 2014.
- There were 341 A&E attendances related to the Halloween weekend in 2014. This is 20 more than the average (321) for the A&E attendances over the neighbouring weekends.
- Comparing the total alcohol related activity for the Halloween weekend (25) with average for the other weekends (17) it would appear that there were an additional 8 alcohol related attendances during Halloween.
- The weekends of 17-19th October and Halloween experienced a spike in A&E activity. Both of these weekends also show a high number of alcohol related attendances.
- There were 21 assaults during the 2014 Halloween weekend compared with an average of 8.5 for the neighbouring weekends. This equated to an additional 13 assaults during Halloween 2014. Thirty percent (9) of those who experienced an assault across the Halloween weekend were aged 21-25 years.
- Attendances by those aged 17- 30 years (117) showed a 26% (30 more attendances) during Halloween when compared with the average (86.7 [range 81-98]) for the other weekends in the measurement period.
- The number of patients who did not wait to be seen (DNA) increased during Halloween. In total 20 patients DNAed and of these 14 were aged 17-30 years.

A&E: Pride and Halloween comparison

- Though the actual date of Pride changes year-on-year it always occurs over a weekend. Because Halloween takes place on a fixed date in the calendar the day of the week changes between years. It is also possible that nationally Halloween is becoming a more significant cultural event as the popularity of Bonfire Night declines.
- The day of the week that Halloween falls on appears to have a significant effect on whether A&E attendances are affected. In 2015 Halloween falls on a Saturday. In recent years

Pride has been managed pro-actively with the introduction of ticketing in 2011 and it is possible that this measure has contributed to the decline in A&E attendance.

- The application of similar tailored approach to event management has the potential to reduce the health burden of events such as Halloween. An increased street presence of peripatetic street triage for example, could reduce the burden on A&E. This would necessitate pre-emptive management between existing strategic partners such as Sussex Police and acute health care in order to share intelligence of events that are likely to spike attendance.

Crime and disorder

- In 2014, there was a rise in crimes most associated with the night-time economy, from 79 offences on Halloween, compared with an average of 34 offences on neighbouring weekends (132%, or 2.3 times, higher).
- This was predominantly seen in high-volume crimes such as violence against the person offences, and theft other than motor vehicle offences. There was a slightly higher proportion of violence against the person offences occurring on the street on Halloween, and a higher than average proportion of theft other offences occurring where belongings had been left unattended, particularly in licensed premises.
- On Halloween 2014 there were 103 police recorded incidents, compared with 57 on neighbouring weekends (81%, or 1.8 times, higher). This was particularly seen in disorderly behaviour incidents, with frequent reports of noise complaints.
- In 2013 Halloween fell on a Thursday. There was a rise in the number of both crimes and incidents recorded by the police, in most cases above the average of neighbouring weekends. However this was not as pronounced as in 2014 when Halloween fell on a Friday.
- In 2012 there was a rise in offences on the Wednesday night of Halloween, with numbers higher than seen in the average of two Friday and Saturday nights either side. However this effect was less pronounced than both 2013 and 2014, and even less so in police recorded incident data – which whilst elevated for a Wednesday night, was in line with an average weekend night.

2. A&E data

2.1 All A&E attendances 2012 to 2014

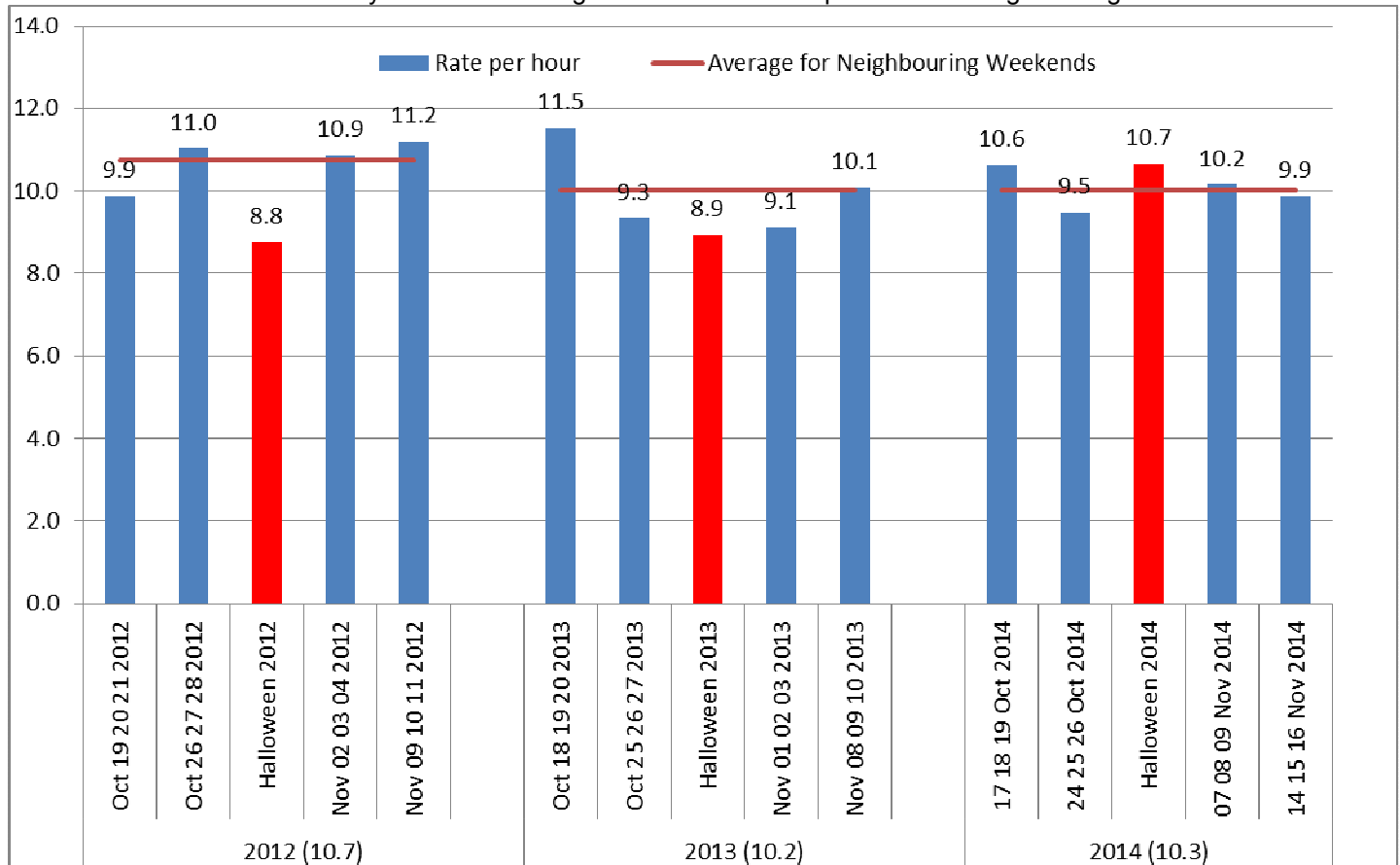
The chart below applies the methodology detailed in the appendix and shows the frequency of attendances relating the Night Time Economy (NTE) for Halloween and the two nearest weekends both before and after across the three year period 2012,2013 and 2014.

In 2014 Halloween fell on a Friday and it is probable that celebrations extended into the Saturday. In 2014 therefore 32 hours of activity have been included compared with 16 hours in 2012 and 2013 when Halloween fell on a Wednesday and Thursday respectively.

In order to accommodate the differing time periods a rate of individual patient attendance per hour has been produced. This shows that in 2014 the hourly rate of attendance was 10.7 compared with 8.8 and 8.9 in 2012 and 2013. The rates of attendances for Halloween weekends in 2012 and 2013 were also lower than those for the neighbouring weekends. This indicates that Halloween in 2012 and 2013 did not have an adverse effect on A&E attendances.

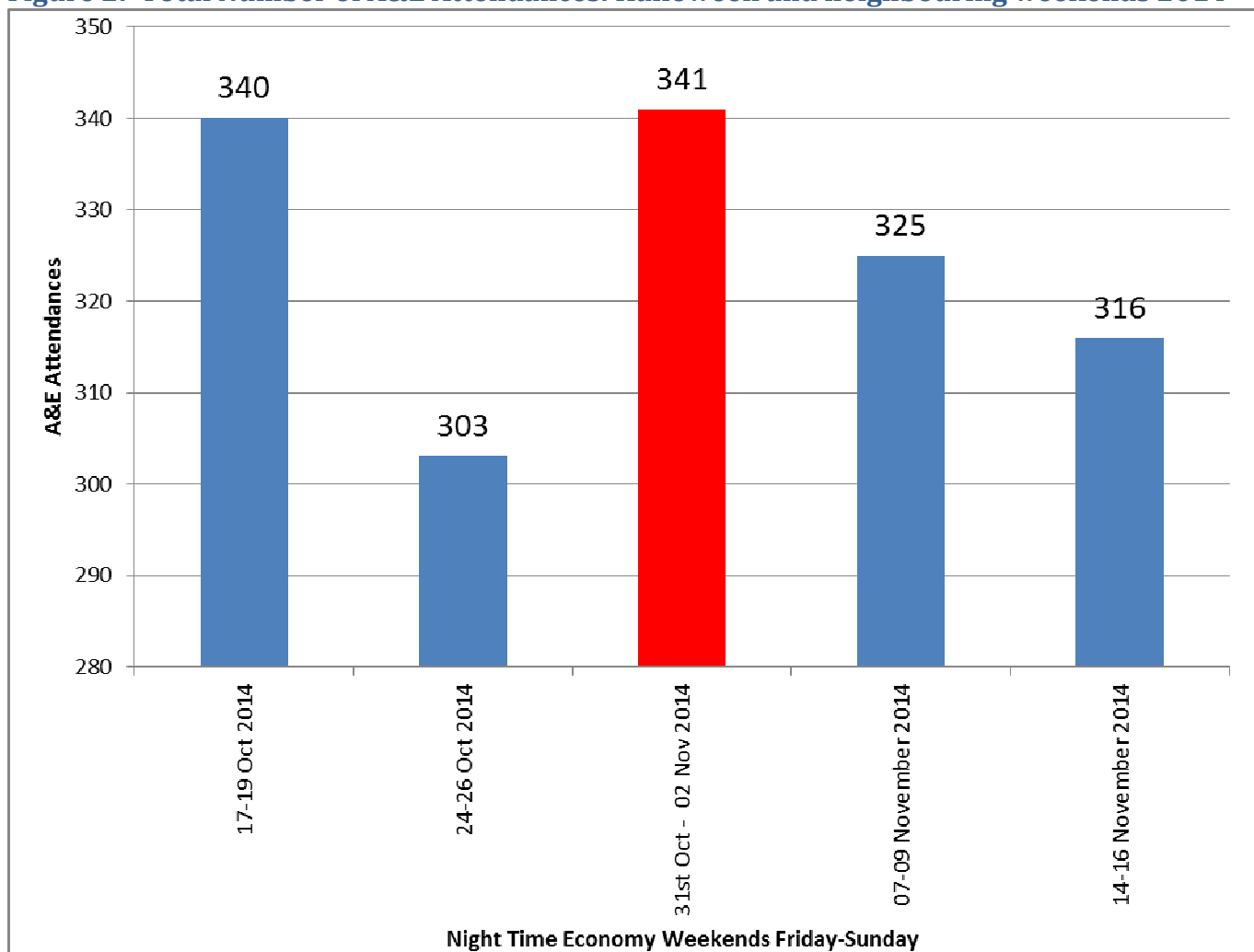
Figure 1: Average Hourly Rate of A&E Attendances for Halloween and neighbouring weekends 2012 to 2014

Note: Number in brackets after years is the average rate of attendance per hour for 'neighbouring' weekends



Halloween in 2012 and 2013 had no effect on A&E attendances this is probably because Halloween fell on a Wednesday and Thursday during those years. Further analysis has therefore focused 2014.

Figure 2: Total Number of A&E Attendances: Halloween and neighbouring weekends 2014



There were 341 A&E attendances related to the Halloween weekend in 2014. This is 20 more than the average (321) for the A&E attendances over the neighbouring weekends. Halloween activity was higher than the weekends immediately before (11.1% higher) and after (4.7% higher). However, activity was comparable to that of the weekend of the 17-19th when there were a total of 340 attendances.

2.2 Alcohol related A&E attendances and Assault Related Attendances

Comparing the total alcohol related activity for the Halloween weekend (25) with average for the other weekends (17) it would appear that there were an additional 8 alcohol related attendances during Halloween.

The weekends of 17-19th October and Halloween experienced a spike in A&E activity. This weekend also shows a high number of alcohol related attendances. Though the numbers are small Halloween had a higher proportion of younger adults presenting to A&E in relation to alcohol than the weekend of the 17-19th. The contribution of age to heightened A&E activity is discussed in greater detail later.

Figure 3: Alcohol Related A&E Attendances: Halloween 2014 and neighbouring weekends shown by age group

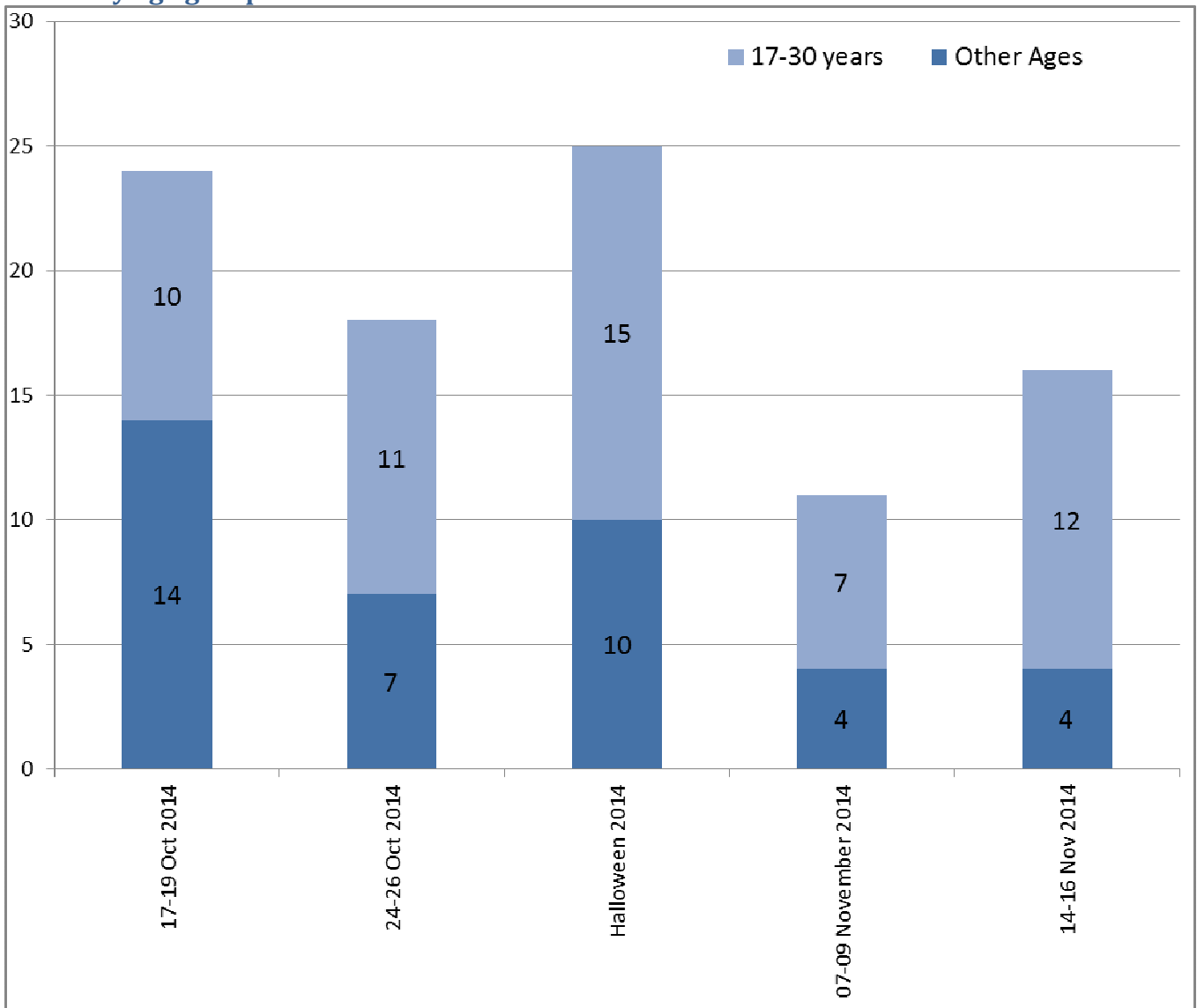
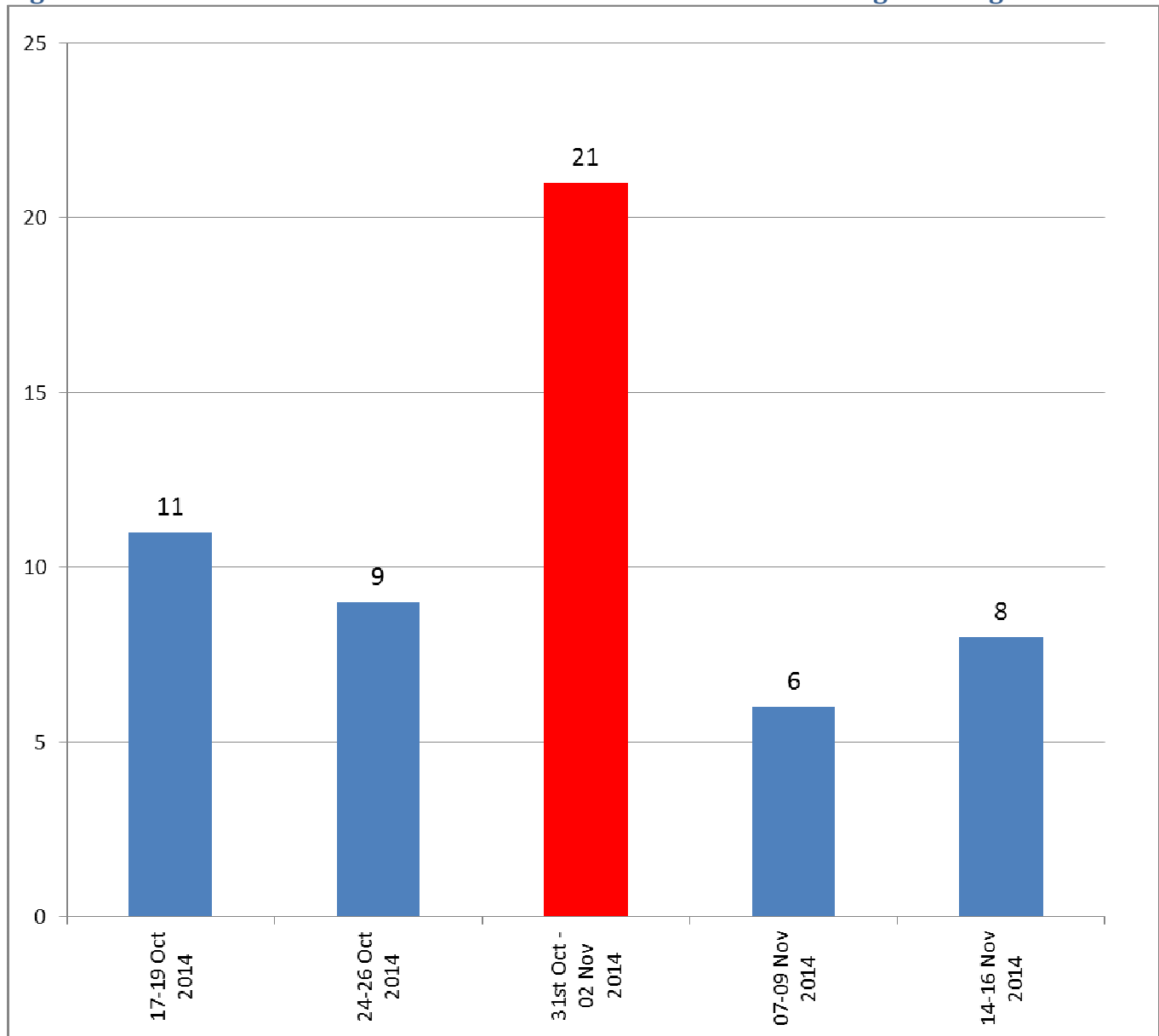


Figure 4: Assault* Related A&E Attendances: Halloween 2014 and neighbouring weekends



*assaults recorded under coded complaint, reason for attendance, coded complaint, injury mechanism
There was a higher incidence of assault during the 2014 Halloween weekend. Across the weekends before and after Halloween there were an average of 8.5 assaults (range 6-11) but over Halloween there were 21. This equates to 13 additional assaults during Halloween. Thirty percent (9) of those who experienced an assault across the Halloween weekend were aged 21-25 years.

2.3 Age

It was noted earlier when we looked at the alcohol related attendances that younger adults were more likely to present. The next section of this review looks at the impact of age on activity. Attendances by those aged 17- 30 years (117) showed a 26% (30 more attendances) during Halloween when compared with the average (86.7 [range 81-98]) for the other weekends in the measurement period.

Total activity for the weekend of the 17-19th of October 2014 was comparable with that of the Halloween weekend, 340 attendances compared with 341. However, when the age profile of those presenting on these weekends is reviewed 34% of those who attended A&E during Halloween were aged 17-30 years compared with 29% for the weekend of the 17-19th. In practice

this equates to an additional 19 attendances from those in this age group during Halloween when compared with the weekend of 17-19th, and an increase of 34 patients when compared with an average (83) for the other three weekends included in this review.

2.4 Other diagnoses and reason for attendance

Looking in greater detail at the A&E data set and activity recorded under Coded Complaint it is possible to see that there were more attendances related to falls, assaults, wounds, apparently drunk, overdoses rashes and skin problems during the Halloween weekend. There were ten attendances related to wounds during Halloween, but this is the same as that for the weekend of the 14th-16th November.

Looking at differences in the presentation of Diagnoses across this period there appears to have been an increase in the number of attendances during Halloween weekend in relation to lacerations, non-specific abdominal pain, alcohol intoxication, contusion and respiratory infection. The number of patients who did not wait to be seen (DNA) also increased during Halloween. In total 20 patients DNAed and of these 14 were aged 17-30 years.

3. Crime and disorder

3.1 Police recorded crime

Figure 4: Police recorded crime for offences most associated with the night-time economy (violence against the person, theft other than motor vehicle and criminal damage – sexual offences are not shown as fewer than five in the periods looked at) – Halloween and “neighbouring weekends” 2014, 2013 and 2012

3.2 2014

In 2014 Halloween fell on a Friday night. The average number of offences for those crime types most associated with the night-time economy (excluding sexual offences as the numbers are too small to show) on the neighbouring weekends to Halloween was 34 offences, compared with 79 on the night of Halloween 2014 (132%, or 2.3 times, higher).

This rise was seen predominantly in violence against the person and theft other offences. There were 33 violence against the person offences on the night of Halloween, compared with an average of 17 on neighbouring weekends (94%, or 1.9 times, higher). There were 34 theft other offences, compared with an average of 12 on neighbouring weekends (183%, or 2.8 times, higher). There were 12 recorded criminal damage offences on the night of Halloween, compared with an average of 6 on neighbouring weekends. However, overall numbers of criminal damage offences are low and caution should be used.

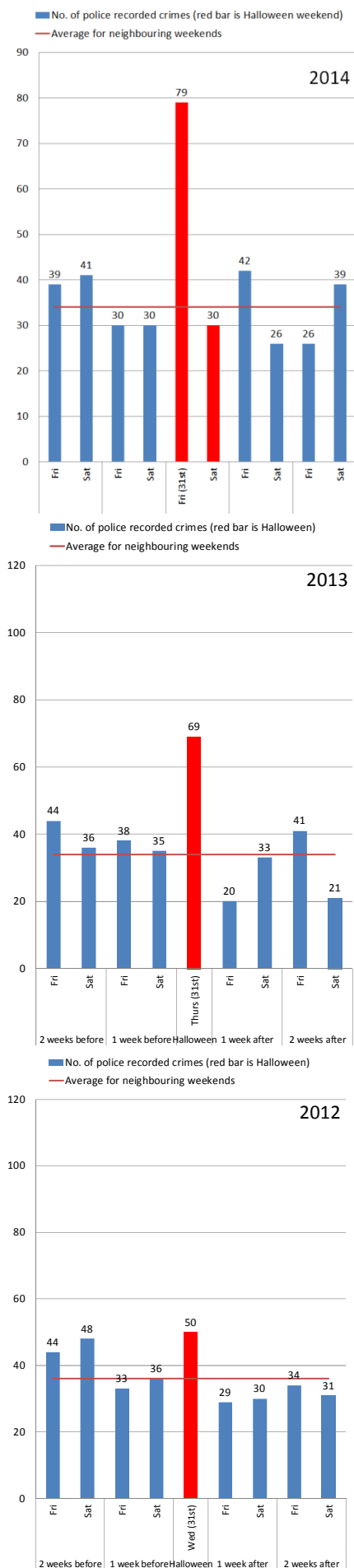
In comparison, the Saturday following Halloween (01/11/14) had slightly fewer crimes most associated with the night-time economy compared with neighbouring Saturdays nights (30 offences, compared with 34 on neighbouring weekends).

The profile of violence against the person offences which occurred on Halloween night was largely similar to that on an average Friday night, despite being higher in volume. 60% of violence against the person offences on Halloween night occurred on the street, slightly higher than that seen from the average of two Friday nights before and after (51%).

There was a higher than average proportion of 'theft' offences, where belongings have been left unattended, than seen on neighbouring Friday nights (50% of theft other offences, compared with 38%). This corresponds to a higher proportion of theft other offences which occurred in a licensed premise (56%) on Halloween night than on neighbouring Friday nights (40%).

3.3 2013

In 2013 Halloween fell on a Thursday. There were 69 offences in those crime types most associated with the night-time economy on the night



of Halloween. This compares to an average of 34 on neighbouring Friday and Saturday nights (103%, or 2 times, higher than an average weekend). This was predominantly seen in theft other offences, where there were 38 offences on Halloween, compared with an average of 18 on neighbouring weekends (111%, or 2.1 times, higher). There were 17 violence against the person offences on Halloween, compared with an average of 10 for neighbouring weekends (70%, or 1.7 times, higher).

3.4 2012

In 2012, Halloween fell on a Wednesday. Again there was a rise in offences related to the night-time economy, with 50 offences on the Wednesday night of Halloween compared with an average of 36 on neighbouring Friday and Saturday nights (39%, or 1.4 times, higher). This was predominantly due to a rise in the number of theft other offences, with 29 offences on the Wednesday of Halloween, compared with an average of 18 offences on neighbouring weekends (61%, or 1.6 times, higher). Violence against the person offences did not see an increase compared with a weekend average, which contributed to a less pronounced increase in offences overall than seen in subsequent years.

Table 1: Police recorded crime for offences most associated with the night-time economy (violence against the person, theft other than motor vehicle and criminal damage – sexual offences are not shown as fewer than five in the periods looked at) – Halloween and “neighbouring weekends” 2014, 2013 and 2012

Crime type	2 weeks before		1 week before		Halloween		1 week after		2 weeks after		Average for neighbouring weekends	% higher on Halloween	Number of times higher	Possible impact of Halloween (number)
	Fri	Sat	Fri	Sat	Fri (31st)	Sat	Fri	Sat	Fri	Sat				
2014														
Violence against the person	20	24	9	19	33	19	19	16	13	13	17	94%	1.9	16
Theft other	11	12	15	6	34	7	18	7	6	19	12	183%	2.8	22
Criminal Damage	8	5	6	5	12	4	5	3	7	7	6	100%	2.0	6
<i>Total for three offence types</i>	39	41	30	30	79	30	42	26	26	39	34	132%	2.3	45
	Fri	Sat	Fri	Sat	Thurs 31st	Fri	Sat	Fri	Sat					
2013														
Violence against the person	11	7	12	12	17	6	8	17	8	10	70%	1.7	7	
Theft other	29	25	13	17	38	10	20	21	6	18	111%	2.1	20	
Criminal Damage	4	4	13	6	14	4	5	3	7	6	133%	2.3	8	
<i>Total for three offence types</i>	44	36	38	35	69	20	33	41	21	34	103%	2.0	35	
	Fri	Sat	Fri	Sat	Wed 31st	Fri	Sat	Fri	Sat					
2012														
Violence against the person	15	22	12	7	10	9	10	13	8	12	-17%	0.8	-2	
Theft other	23	21	13	24	29	17	15	12	16	18	61%	1.6	11	
Criminal Damage	6	5	8	5	11	3	5	9	7	6	83%	1.8	5	
<i>Total for three offence types</i>	44	48	33	36	50	29	30	34	31	36	39%	1.4	14	

3.5 Police incident data

In 2014, the total number of police recorded incidents on Halloween was 103, compared with an average of 57 incidents on neighbouring Friday and Saturday nights (81%, or 1.8 times, higher). This increase was predominantly seen in high volume incident categories such as disorderly behaviour – where there was an increase from an average of 23 incidents on neighbouring weekends, to 51 incidents on Halloween (122%, or 2.2 times, higher). These were frequently reports of noise complaints such as loud parties/ music.

Those incidents of ‘suspicious activity’ (a broad category which can include intelligence about particular individuals, reports of suspected drug use, fights/disturbances, break-ins etc.) increased from an average of 17 incidents on neighbouring weekends, to 27 incidents on Halloween (59%, or 1.6 times, higher)

The total number of police recorded incidents on the Saturday immediately following Halloween (01/11/14) were also elevated, from an average of 59 incidents compared with the two Saturdays before and after, to 96 on Halloween (63%, or 1.6 times, higher).

In 2013, the total number of police recorded incidents on the Thursday night of Halloween was 84, compared with an average of 65 incidents on neighbouring Friday and Saturday nights (29%, or 1.3 times, higher). In 2012 there were 65 incidents on the Wednesday night of Halloween, compared with an average of 67 incidents on neighbouring Friday and Saturday nights, showing that whilst elevated for a Wednesday night, the level of incidents for a mid-week Halloween was in line with an average weekend night.

4. Appendix – methods

A&E data

- All analysis is drawn from the A&E monitoring system Symphony. Symphony captures activity for clients who are triaged on arrival in the department. Activity is not captured for those who do not present to the clinical staff.
- A range of clinical and demographic information is included in the A&E data set. These include: age, gender, diagnosis, reason for attendance and presenting complaint.
- In addition there is a long standing collation of alcohol related activity based on a composite of alcohol related records aggregated from the diagnosis, reason for attendance and presenting complaint fields.
- All activity is for the Night Time Economy (NTE). In this review this is defined as A&E attendances that occur between 20.00 – noon mid-day Friday through to Saturday and then using the same time frame from Saturday through to Sunday. This review compares activity on the weekend before Halloween/Pride, Halloween/Pride itself and the subsequent weekend in order to look at any changes in presentation across this period.
- Patterns of presentation across the clinical and demographic variables were reviewed to assess patterns of activity across the measurement period. The tables below summarises the most common conditions presenting within each of the clinical categories: coded complaint, diagnosis, reason for attendance and injury mechanism. In most cases information is recorded in each of these fields, this may lead to some repetition with similar information being recorded under for example coded complaint and diagnosis. These data fields vary in their degree of completion and have only been included for review when complete across the measurement period.

Crime and disorder data

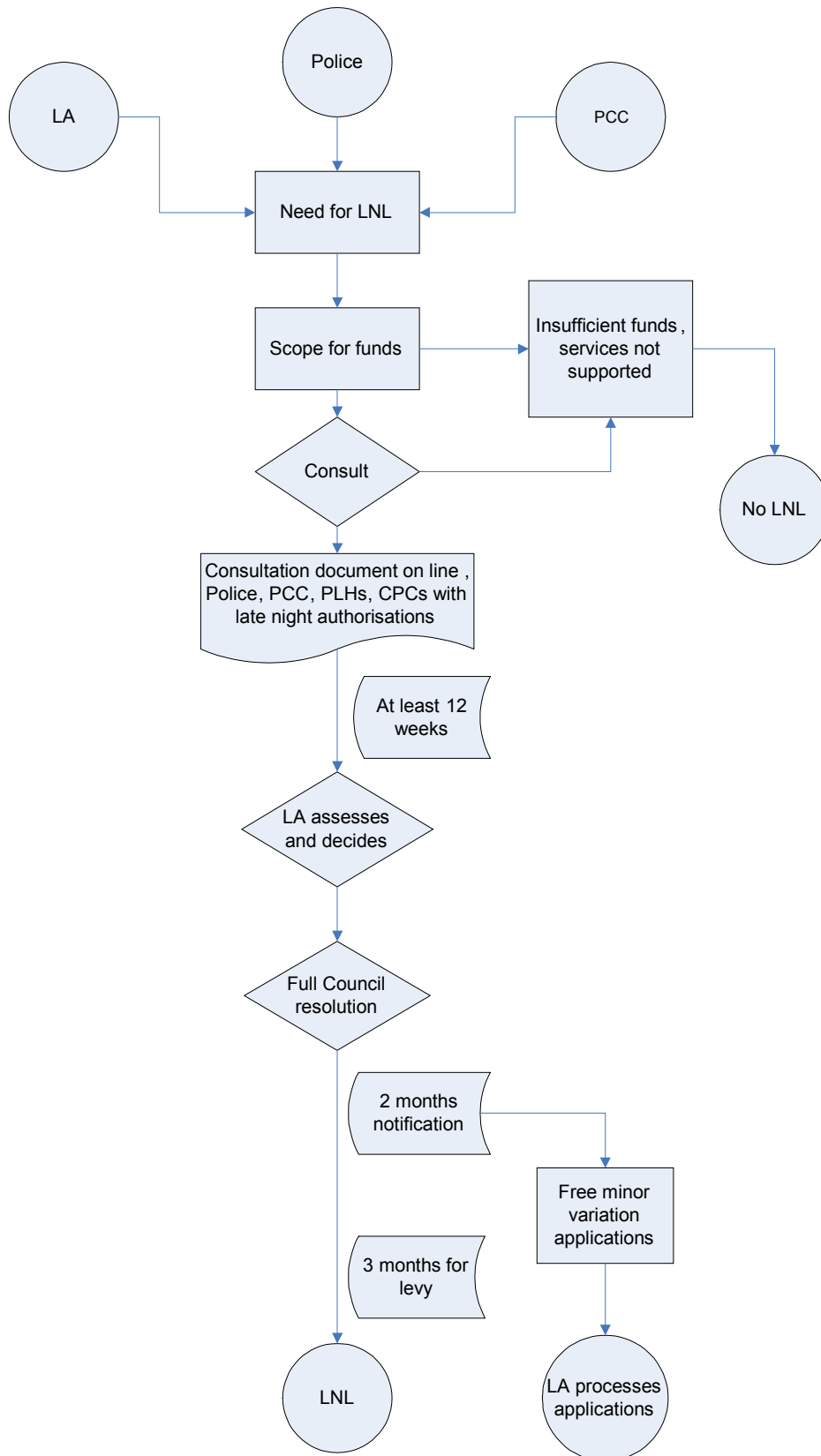
- Crime and disorder data used in this report is downloaded from the live system at Sussex Police each month. This data has not been audited or verified by statisticians at Police HQ, therefore it represents a reflection of crime and disorder in the area, rather than the authorised and fully verified 'performance data'.
- **Crime and Disorder Information contained in this report should not be made publically available or further distributed without reference to Sussex Police**
- **Please note that due to changes in police recording, crime and incident data should not be compared across the three year period (2012-2014) for which data is shown, or used to demonstrate trends over this period, but rather used to look at any changes that may occur in crimes and incidents on Halloween, compared with the average for neighbouring weekends.**
- Crime and incident data for both Friday and Saturday nights, between 20:00hrs and 06:00hrs has been used in this analysis, looking at Halloween night when it is mid-week, or the weekend when it falls on one, compared with Friday and Saturday nights both one and two weeks before, and after Halloween.
- For police crime data this analysis looks at violence against the person offences, theft (other than motor vehicle offences), and criminal damage – all crime types associated with the night-time economy.

Late Night Levy process

1. First, while there is some constraint as to how authorities may spend their share of the levy, there is no constraint on how the police do so.
2. The second reason is principally political. The introduction of a taxation regime is an emotive topic which is liable to occasion significant local debate.
3. (1) Members need to be asked to decide the five matters which need to be consulted upon.
(2) The date of implementation.
(3) The late night supply period.
(4) The permitted exemption categories.
(5) The permitted reductions categories, and the specified proportion.
4. The third reason is practical and important. There are five key topics that have to be consulted upon.
5. **Discussions with police.** Officers ought to conduct preliminary discussions with police, with two ends in view. The first will be to agree the scope of the material which the council is likely to require to proceed to a public consultation on the levy. This may, for example, include crime and disorder statistics and trends and the costs of policing the night time economy during particular hours between midnight and 6.00am. The second will be for the police to agree how they would use their share of the levy. This may even be reduced to a proposed service level agreement, setting out particular obligations on the police, for example to provide specified levels of personnel at particular times of night.
6. **Presentation to members.** This is not a statutory stage and therefore the presentation could in theory be to any configuration of members, including the Licensing Committee. However, since it is likely to be the full council which decides to introduce the levy, and given the importance of the ultimate decision, it is recommended that the presentation is to the full council.
7. The presentation should include, as a minimum:
 - (1) The material relied upon by the police and licensing officers to support the introduction of the levy.
 - (2) The rationale.
 - (3) The test.
 - (4) The process.
 - (5) Budgetary considerations.
 - (6) The costs of policing and other arrangements for the reduction or prevention of crime and disorder, in connection with the supply of alcohol between midnight and 6.00am.
 - (7) The desirability of raising revenue by means of the levy.
 - (8) Other material considerations.
 - (9) The likely net proceeds.
 - (10) The proposed use of the specified and non-specified proportions.
 - (11) The process.

- (12)The need for the ultimate decision on the levy, the date of implementation, the late night supply period, the permitted exemption and reduction categories and the specified proportion.
- (13)Explanation of the reasons why the late night supply period, the permitted exemption and reduction categories and the specified proportion have been selected for consultation.
- (14)Financial implications (costs and benefits).
- (15)Legal risks.
- (16)Equality considerations.
- (17)Human rights considerations.

Philip Kolvin QC



New late-night sector union setup

Published Date: 28/Apr/2015

A new late-night sector union has been created by leading industry figures to promote the positive effects of the industry and seeking to halt encroaching regulation.

The newly formed Night Time Industries Association (NTIA) is being led by Alan D Miller, co-founder of Old Truman Brewery and chief executive of the Vibe Bar for nearly 20 years. Other founders members include Steve Ball of the Columbo Group, Alex Proud of The Proud Group, Jonathan Downey of Rushmore Group and Aaron Mellor of Tokyo Industries.

He said: "There was a change about three or four years ago. Prior to that I would say most responsible operators had a good relationship with the police and the council. But something changed and all of a sudden there seemed to be an agenda that the answer to the ills of humanity was more regulation for the late-night sector.

"It has spread very quickly – a year ago the idea of breathalysers on doors seemed like a joke but now it's increasingly a reality. Where does that end?

"Late-night venues are blamed for the actions that can occur in and around them in a way that other venues aren't. People get drunk and cause trouble at Ascot every year but no one suggests regulation is the answer, there are fights and crime in shopping centres all over the country but there's no campaign to close them down.

"The UK is world renowned for being at the cutting edge of music, the arts and fashion but the late-night sector is where that talent was bred. That needs to be recognised and protected."

The group would be lobbying all political parties in the run-up to the election to seek assurances that they would support the late-night sector.

It will also commission and publish research highlighting the benefits of the sector from an economic, cultural and urban regeneration point of view and campaign for legislation to protect music venues from vexatious complaints and provide a framework for sharing best practice amongst operators.

Brighton & Hove Licensing Authority predicted calculations and notes:

Latest hour	Number of Premises	Licences revoked/surrendered
1am	138	8
2am	162	8
3am	62	3
4am	17	4
5am	19	2
6am	15	1
24 hour	71	2
Total	484	28

Terminal hour	No. of premises	Levy fee	Total	Total A-E
<i>01.00</i>				
A	2	A 299	£598.00	
B	96	B 768	£73,728.00	
C	28	C1259	£35,252.00	
D	4	D1365	£5,460.00	
E	8	E 1493	£11,944.00	
E + Multiplier	0	E+ 4440		
	Total: 138			£126,982.00
<i>02.00</i>				
A	9	A 299	£2,691.00	
B	101	B 768	£77,568.00	
C	36	C 1259	£45,324.00	
D	3	D 1365	£4,095.00	

E	13	E 1493	£19,409.00	
E+ Multiplier	0	E+ 4440	-	
	Total: 162			£149,087.00
<i>03.00</i>				
A	1	A 299	£299.00	
B	32	B 768	£24,576.00	
C	18	C 1259	£22,662.00	
D	2	D 1365	£2,730.00	
E	8	E 1493	£11,944.00	
E + Multiplier	1	E+ 4440	£4,440.00	
	Total: 62			£66,651.00
<i>04.00</i>				
A	1	A 299	£299.00	
B	10	B 768	£7,680.00	
C	5	C 1259	£6,295.00	
D	0	D 1365	-	
E	1	E 1493	£1,493.00	
E + Multiplier	0	E+ 4440	-	
	Total: 17			£15,767.00
<i>05.00</i>				
A	0	A 299	-	
B	10	B 768	£7,680.00	
C	7	C 1259	£10,072.00	
D	1	D 1365	£1,365.00	
E	1	E 1493	£1,493.00	
E + Multiplier	0	E+ 4440	-	
	Total: 19			£20,610.00
<i>06.00</i>				
A	0	A 299	-	
B	3	B 768	£2,304.00	
C	9	C 1259	£11,331.00	
D	0	D 1365	-	
E	3	E 1493	£4,479.00	
E + Multiplier	0	E+ 4440	-	
	Total: 15			£18,114.00

24 hour				
A	2	A 299	£598.00	
B	40	B 768	£30,720.00	
C	18	C 1259	£22,662.00	
D	3	D 1365	£4,095.00	
E	8	E 1493	£11,944.00	
E + Multiplier	0	E+ 4440	-	
	Total: 71			£70,019.00

484 premises after midnight including 24 hour premises (this includes suspended premises).

- If the terminal hour was set at 00:01, the amount collected could be in the region of £449,116.00 (everyone selling alcohol after 00:01 inc. 24 hour premises)
- If the terminal hour was set at 01:01, the amount collected could be in the region of £322,134.00 (everyone selling alcohol after 01:01 inc. 24 hour premises)
- If it was set at 02:01, the amount collected could be in the region of £173,047.00 (everyone selling alcohol after 02:01 inc. 24 hour premises)
- If it was set at 03:01, the amount collected could be in the region of £106,396.00 (everyone selling alcohol after 03:01 inc. 24 hour premises)
- If it was set at 04:01, the amount collected could be in the region of £90,629.00 (everyone selling alcohol after 04:01 inc. 24 hour premises)
- If it was set at 05:01, the amount collected could be in the region of £70,019.00 (everyone selling alcohol after 05:01 inc. 24 hour premises)

None of the above figures takes account of exemptions.

Notes

Exemptions:

Licensing authorities will have the discretion to offer an exemption from the levy to the following categories of premises and schemes:

- Premises with overnight accommodation: This exemption is not applicable to any premises which serve alcohol to members of the public who are not staying overnight at the premises, such as a hotel bar which can be accessed by the general public.

- Theatres and cinemas
- Bingo halls
- Community Amateur Sports Clubs (“CASCs”)
- Community premises
- Country village pubs
- Business Improvement Districts (‘BIDs’)
- New Year’s Eve: Licensing authorities can offer an exemption from the levy for holders in relation to premises which are only have a relevant late-night authorisation by virtue of their being permitted to supply alcohol for consumption on the premises on 1st January in every year.

Reductions of the levy:

Licensing authorities may wish to use the late night levy to promote and support participation by premises in other business-led best practice schemes. Licensing authorities can decide, when considering the levy design, if holders whose premises participate in such schemes should benefit from a reduction to the amount they are required to pay under the levy. Eligible premises will receive a 30 per cent reduction from the levy.

If a licence has been suspended because of non payment of annual fee, it has been counted as if the licence was active.

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

Agenda Item 8

Brighton & Hove City Council

Subject: Review of Statement of Licensing Policy
Date of Meeting: 25 June 2015
Report of: Head of Regulatory Services
Contact Officer: Name: **Jim Whitelegg** Tel: **29-2438**
E-mail: Jim.whitelegg@brighton-hove.gcsx.gov.uk
Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Council, as Licensing Authority, has a statutory duty to review its Statement of Licensing Policy (SoLP) every five years.
- 1.2 On 20th November 2014 Licensing Committee resolved to confirm the current Cumulative Impact Zone (CIZ) and Special Stress Area (SSA) as adopted by Full Council on 15th December 2011 and defined in the current Statement of Licensing Policy. The first Special Policy incorporating a Cumulative Impact Zone (CIZ) and Special Stress Areas (SSA's) were adopted in March 2008. Since that date, the licensing authority has kept the CIZ and SSA's under review. On 15 December 2011 Full Council resolved to expand the CIZ and the special stress area, covering 1.5% of the administrative area of Brighton & Hove City Council. In addition, a matrix approach to licensing decision making was adopted.
- 1.3 It was further agreed that the cumulative impact zone and special stress area are reviewed regularly and as such we have reviewed data year on year from the implementation of the CIZ and SSA's.
- 1.4 On the 5th March Licensing Committee considered the Report of the Head of Regulatory Services in relation to proposed revision of the current Statement of Licensing Policy in response to Scrutiny Panel work focussing on local alcohol issues and the Committee resolved that Officers continue to carry out work to review the SoLP to the report, to incorporate emerging policy issues such as "Sensible on Strength" and off licences, and advice from Director of Public Health, Public Health England and the Local Government Association; and Officers to report back to the scheduled June 2015 meeting of the Committee with an updated draft SoLP for statutory and public consultation. Note the review of the matrix that had been carried out in accordance with the recommendations of *Scrutiny Panel on Alcohol*.

2. RECOMMENDATIONS:

- 2.1 Committee to confirm that the SoLP (set out in Appendix A) can go out for statutory and public consultation, incorporating recommendations of the Scrutiny Panel on Alcohol and emerging policy issues such as Sensible on Strength and off licences, and advice from Director of Public Health, Public Health England and the Local Government Association.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 The Key Changes

- Review of overall structure and layout, including Executive Summary (see below)
- Proposed new section titled 'Special Policies and Initiatives' to include BHCC policies CIZ, SSA, Matrix, TENs, Off licences/sensible on strength scheme, student and organised beer crawls, night-time economy safeguarding initiatives (see paragraph 3 onwards Appendix A).
- Public Health section, incorporating latest PH thinking and perspective, include Alcohol Programme Board.
- Matrix review including café/bars category and define restaurant condition, removal of residential/mixed areas and include Other Areas, include notes on licensing authority taking into account Ward alcohol related health, crime and disorder data published in the Public Health Framework document. This is an annual report entitled 'Public Health Framework for assessing Alcohol licensing' produced by the Brighton & Hove Drug and Alcohol Action Team and Safe in the City. It contains ward by ward analysis of crime and disorder data and health data and as such is a valuable tool in assessing the potential impact of new licences within a community.
- Updates received from Police, Public Health & Arts/Tourism.

3.2 Executive Summary

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

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

The City receives 9.5 million tourism day trips and 1.4 million staying visitors per year. The cultural and tourism offer in Brighton & Hove is crucial to the

ongoing economic success of the city; it brings both money and jobs. The city has the highest level of current arts engagement outside London and the seventh highest out of 150 in the country at 61.2%. Brighton & Hove is known for its colourful and interesting arts and creative industries which attract tourism and new businesses. The sale and consumption of alcohol contributes greatly to the city's economy and tourism.

However, alcohol-related death rates are twice the national average in Brighton & Hove. The City experiences local problems and local trends such as pre- and post loading, binge drinking and street drinking created by cheap alcohol and fierce, localised price competition, particularly between off-licence stores and supermarkets.

To tackle these emerging themes the Director of Public Health chairs the Alcohol Programme Board (APB), which is a partnership of licensee representatives and colleagues from health, licensing, the police, universities and voluntary sector – which oversee the city's strategy on alcohol.

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

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

4. CONSULTATION

- 4.1 Consultation involved the Licensing Strategy Group which includes businesses via City Centre and Hove Business Fora, Police, Tourism, Events Office, Seafront Office (including Seafront Trader Association), Trading Standards, Legal and Finance, residents via residents associations and Community Associations. If members were minded to change the statement of licensing policy, officers should undertake the statutory consultation exercise outlined in Section 5 of the Act and Full Council alone can exercise the function of revising the authority's policy.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

The costs associated to the recommendations in this report are allowable under the Licensing Act 2003 and therefore funded by licence fee income; any variation between expenditure and income generated from licence fees is funded from existing revenue budgets. Licence fees are set by central government. The recommendations in this report would only affect new applications and variations

to existing premises licenses, and is not expected to impact on current levels of income from renewals of applications.

Finance Officer Consulted: Mike Bentley

Date: 15/05/15

Legal Implications:

- 5.2 These are set out in the report. The SoLP should follow the fundamental principles set out in the Licensing Act 2003 and statutory guidance.

Lawyer Consulted: Rebecca Sidell

Date:

Equalities Implications:

5.3

Sustainability Implications:

- 5.4 Licensed premises throughout the city rely on local licensing policies in ensuring there is clear guidance on the continued operation of local businesses. Maintaining a regularly reviewed policy, which has undergone public consultation, will ensure a consistency of support to licensed premises, members of the public and other stakeholders affected by these activities.

Crime & Disorder Implications:

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

Risk and Opportunity Management Implications:

- 5.6 Failure to meet this statutory duty would lead to uncertainties in decision making, loss of business continuity and an inability to meet customer care standards.

Corporate / Citywide Implications:

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

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

SUPPORTING DOCUMENTATION

Appendices:

Appendix A – Updated Statement of Licensing Policy

Documents in Members' Rooms:

None.

Background Documents:

None.

BRIGHTON & HOVE CITY COUNCIL

STATEMENT OF LICENSING POLICY 2016



LICENSING ACT 2003

Executive Summary

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Brighton & Hove City Council: Statement of Licensing Policy 2016

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Brighton & Hove City Council: Statement of Licensing Policy

1 Introduction

1.1 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the act. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions. The discretion of the licensing authority in relation to applications under the act is only engaged if 'relevant representations' are made by other persons or responsible authorities. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

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

1.2 The licensing objectives are:

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

1.3 Scope

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

1.4 Consultation

- 1.4.1 Before revising or determining policy for any five-year period, the licensing authority must consult:
- (a) the chief officer of police for the licensing authority area;
 - (b) the fire authority for that area;
 - (c) the Director of Public Health
 - (d) such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority;
 - (e) such persons as the licensing authority considers to be representative of holders of club premises certificates issued by the authority;
 - (f) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority; and
 - (g) such other persons as the licensing authority considers to be representative of businesses and residents in its area.
- 1.4.2 In relation to this, its fourth statement of licensing policy, the licensing authority has also chosen to consult the following persons or bodies:
- The Licensing Strategy Group
 - Sussex Ambulance Service
 - Accident & Emergency Services
 - Brighton & Hove Bus and Coach Company
 - Taxi Forum
 - The council's Transport Planning, Planning Policy, Community Safety, Tourism, Drug & Alcohol Awareness and Economic Development departments
 - Ward Councillors
 - Individual premises and personal licence holders and club premises certificate holders
 - Residents' Associations
 - Generally via the licensing pages of the council's website and also via the council's Consultation Portal.

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

1.5 Partnership

- 1.5.1 The Policy recognises the new public health role in local authorities and the new legal framework for local government after the introduction of The Health and Social Care Act 2012. Local authorities will be responsible amongst other things for alcohol and drug misuse services.
- 1.5.2 Local leadership for public health will be at the heart of the new public health system. Unitary authorities will take on new responsibilities to improve the health of their populations, backed by a ring-fenced grant and a specialist public health team, led by the Director of Public Health. Unitary authorities will be supported in this by the existing expertise within Environmental Health, Trading Standards and Licensing.
- 1.5.3 Local authorities should embed these new public health functions into all their activities including its duty as licensing authority, tailoring local solutions to local problems, and using all the levers at their disposal to improve health and reduce inequalities. They will create a 21st century local public health system, based on localism, democratic accountability and evidence.
- 1.5.4 Supporting local political leadership in improving health will be the duty of the director of public health and his or her team. The Director of Public Health will be the lead officer in the local authority for health, and a statutory chief officer. The Head of Regulatory Services will act as principle licensing officer.
- 1.5.5 They will champion health across the whole of the authority's business, promoting healthier lifestyles to promote better health and ensure threats to health are addressed.
- 1.5.6 The policy recognises the need to balance economic prosperity with community protection. Good regulation at a local level provides fair trading conditions. This creates a fair trading environment, discourages irresponsible practices and promotes community well being. Local regulation is attuned to supporting the local economy and local businesses. Partnership between responsible authorities reduces conflict between agencies and targets resources.
- 1.5.7 The Licensing authority encourages partnership working with other authorities and agencies. The Licensing Strategy Group, Business Crime Reduction Partnership, Pub and Club Watch, Door Supervisors Business Forum and similar schemes, for instance with Home Office approval, will be encouraged to share information and facilitate exclusion of troublemakers.

1.6 Local features

- 1.6.1 The local visitor economy is characterised by three sectors: conferences, leisure and English language education. The city receives 9.5 million tourism day trips and 1.4 million staying visitors per year. 24% of staying visitors originate from overseas. Tourism generates £817m of direct income for local businesses and supports 20,622 jobs. 17% of the total Brighton & Hove labour force is employed in jobs supported by tourism expenditure.

1.7 Culture and Tourism

- 1.7.1 Licensing policy supports entrepreneurial activity, promoting the city's businesses, supporting growth of creative industries sector, extending the business improvement district. The cultural and tourism offer in Brighton & Hove is crucial to the ongoing economic success of the city; it brings both money and jobs. This range of work also provides solutions to some of the problems of inequality in the city.
- 1.7.2 VisitBrighton, the council's tourism unit, has developed and implemented a full brand strategy and guidelines for the city's tourism offering. The Tourism Strategy 2008-2018 in its Guiding Principles looks at responsible behaviour and aims to "look to maintain the balance between a tolerant attitude, for which the city is well known, and encouraging and welcoming appropriate behaviour especially in the evening by both residents and businesses".

1.8 Arts

- 1.8.1 Brighton & Hove has taken a leading role in the national consortium, the Cultural Cities Network. The city's cultural offer has grown through new festivals, venues and organisations developing in or moving to the city.
- 1.8.2 The city has the highest level of current arts engagement outside London and the seventh highest out of 150 in the country at 61.2%. Brighton & Hove is known for its colourful and interesting arts and creative industries which attract tourism and new businesses. About one in five businesses and 10% of jobs are in the arts or creative industries.
- 1.8.3 The city currently hosts around 60 festivals each year including the largest arts festival in England, the Brighton Festival and its Fringe, which contributes annually £20 million to our economy

1.9 The Planning Context

- 1.9.1 Planning, building control and licensing will be properly separated to avoid duplication and inefficiency. Granting of licences will not relieve applicants of the need to apply for planning permission or building control consent and there is an

expectation that these issues will have been explored before licensing applications are submitted. Applicants are recommended to obtain correct planning consents prior to applying for a licence to avoid potentially inoperative licences.

- 1.9.2 Where appropriate, matters for consideration in licensing applications will not duplicate matters considered as part of any planning application. Licensing decisions will take into account any relevant planning decisions either by the Planning Applications Committee or following appeals against decisions taken by that committee and will not normally cut across such decisions.
- 1.9.3 Where appropriate, when considering planning applications within the above policy framework, planning conditions can be attached to permissions to safeguard amenity and mitigate against cumulative impact.

2 Public Health and Alcohol

2.1 Public Health Perspective

- 2.1.1 Where a local authority's Director of Public Health exercises its functions as a responsible authority, it should have sufficient knowledge of the licensing policy and health issues to ensure it is able to fulfil those functions. If the authority wishes to make representations, the DPH will need to decide how best to gather and coordinate evidence from other bodies which exercise health functions in the area, such as emergency departments and ambulance services. Health bodies may hold information which other responsible authorities do not, but which would assist a licensing authority in exercising its functions. This information may be used by the health body to make representations in its own right or to support representations by other responsible authorities, such as the police. Such representations can potentially be made on the grounds of all four licensing objectives.
- 2.1.2 Public Health England and the Local Government Association recognise that the Statement of Licensing Policy provides an important opportunity to incorporate relevant local public health concerns within the wider policy context of the local licensing authority and that as a responsible authority, the Director of Public Health has a key role in identifying and interpreting health data and evidence.

- 2.1.3 In 2009/10 there were 5,029 hospital inpatient admissions for alcohol-related harm of Brighton & Hove residents, a rate of 1,842 per 100,000 population which is higher than the rate in England. This was a 3% reduction on the previous year but prior to that, admissions had been increasing at a rate of 15% per year, compared with 8% nationally, and the number of admissions per year is still more than double the number in 2003/04.
- 2.1.4 Central Brighton and particularly the West Street area have been identified as a violent crime hotspot. Through effective coordination of relevant strategies and policy areas (eg licensing, policing and public safety), the council will seek to improve safety by encouraging a more balanced range of complementary evening and night-time economy uses which appeal to a wide range of age and social groups and managing existing late night uses within identified parts of central Brighton. Local work to reduce violent crime is coordinated through the Local Public Service Agreement / Violent Crime Action Plan. In addition, a 'Cumulative Impact Zone' within central Brighton has been adopted by the Council's Licensing Committee and grants greater powers to control the number of licensed premises in the city centre.
- 2.1.5 Brighton & Hove scores significantly worse than the England average for a range of indicators that profile alcohol related harm. Of 26 indicators in the 2014 Local Alcohol Profiles for England (LAPE), produced by Public Health England,[1] Brighton & Hove does significantly worse than England on 10, including:
- Alcohol-Specific Mortality (males and females)
 - Alcohol-related mortality (males)
 - Alcohol specific hospital admissions – under 18s
 - Alcohol specific hospital admissions (males and females)
 - Alcohol related hospital admissions (males and females)
 - Binge drinking synthetic estimate
- 2.1.6 An annual report entitled 'Public Health Framework for assessing Alcohol licensing is produced by the Brighton & Hove Drug and Alcohol Action Team and Safe in the City. It contains ward by ward analysis of crime and disorder data and health data and as such is a valuable tool in assessing the potential impact of new licences within a community. The Director of Public Health may use this information to inform a representation relating to an individual application. This document is available on the following page of our website www.brighton-hove.gov.uk/licensingact.
- 2.1.7 From 1st April 2015 Brighton and Hove City Council will have a new partnership of providers providing an integrated drug and alcohol treatment and recovery service. 'Pavilions' will offer a city-wide alcohol and drug service, focused on treatment, recovery and health improvement. Pavilions is a partnership of organisations, led by Cranstoun, a charity with over 45 years' experience of delivering specialist alcohol and drug treatment. The Pavilions Partnership

incorporates the NHS, local organisations and community groups, each bringing their own unique skills and experience to deliver recovery and health improvement for the city's communities.

2.2 Alcohol Programme Board and Sensible on Strength Campaign

2.2.1 In 2010, in response to the Marmot Inequalities report, the Director of Public Health selected alcohol as a priority health inequality area. The Alcohol Programme Board (APB) includes health commissioners and NHS/voluntary sector providers, the Council, University student reps, police, licensees, retailers and probation services. The APB is concerned about emerging themes concerning the availability of alcohol, in particular, pre- and post-loading, street drinking and binge drinking. Brighton & Hove City experiences local problems and local trends such as pre-loading, binge drinking and street drinking created by cheap alcohol and fierce, localised price competition, particularly between off-licence stores and supermarkets.

2.2.2 Over recent years problems associated with street drinking have been experienced across the city but particularly by the Level, Lewes Road and New Road. There are many support services in place to deal with this and the drinkers themselves. In November 2013 the Licensing Authority launched the 'Sensible on Strength' scheme to reduce the availability of cheap super-strength beers and ciders. Off licences voluntarily sign up not to sell cheap super-strength beers and ciders over 6% ABV and operate good practice measures (see 3.5.3), for which they receive an accreditation as a responsible retailer. This has been a considerable success and we have received positive feedback including from businesses, alcohol treatment centres and health professionals, where 80% of the high profile street drinkers have moved to lower ABV and more clients are engaging with rehab treatment centres, as well as breaking up hot spot drinking areas. This is an ongoing scheme that will be reviewed regularly.

2.2.3 Through achieving this change, the ultimate aim is to reduce alcohol related harm and anti-social behaviour, and to move vulnerable drinkers onto weaker alcohol as experience shows that if this can be achieved, the level of deterioration in health is dramatically slowed and there is more likelihood that they will take the step to abstinence and long-term sobriety. Public health is not a licensing consideration but reducing high alcohol by volume drinks from the off licence trade should benefit alcohol related morbidity and mortality.

2.3 Delegations

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

Matter to be dealt with	Full Licensing Committee	Sub-committee	Officers
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Application for personal licence		If a police objection	If no relevant representation made
Application for personal licence with unspent convictions		If a police objection	
Application for premises licence/club premises certificate	If discretion engaged for major applications	If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application			All cases
Determination of a police objection to a temporary event notice		All cases	
Policy decisions	All cases		
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor variation application			All cases

2.3.1 The professional development and competence of licensing councillors will be provided and maintained to support the need to act as a professional licensing authority, meeting lawful standards of good administrative decision making.

2.4 Human Rights

2.4.1 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention right. The licensing authority will have particular regard to the following relevant provisions of the European Convention on Human Rights:-

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

3 Special Policies and Initiatives

3.1 Cumulative impact

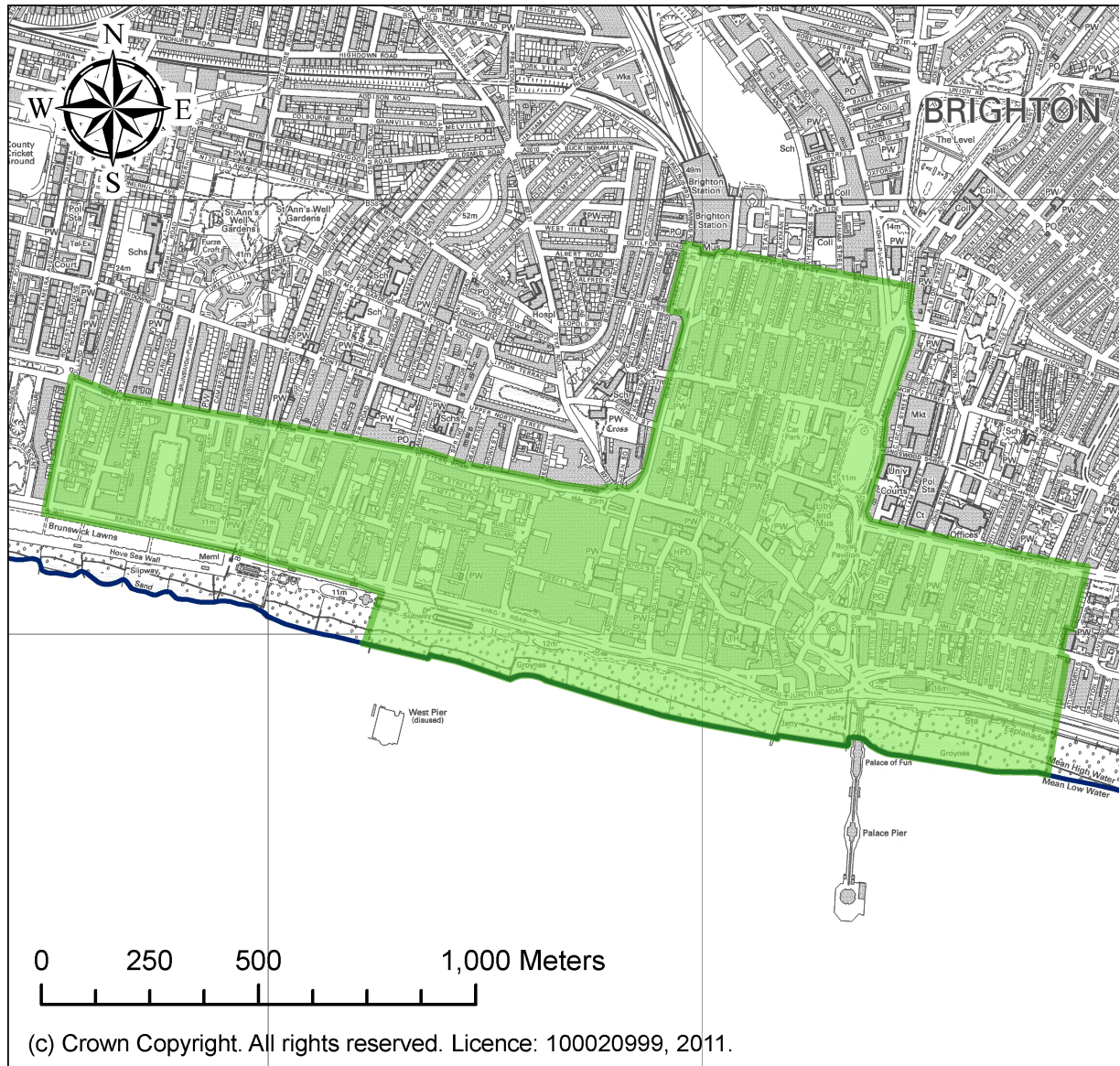
3.1.1 The licensing authority may receive representations from either a responsible authority or other persons that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not, however, be confused with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is therefore a matter for the market to decide and can, in some circumstances, be a matter for planning consideration; need therefore does not form part of this licensing policy statement.

3.1.2 **Special Policy** - Cumulative Impact is defined as the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

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

3.1.3 This special policy will refer to a Cumulative Impact Zone ("the CIZ") in the Brighton city centre, a detailed plan of which is shown below.

Brighton & Hove City Council - Cumulative Impact Area



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

3.1.4 The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licences or club premises certificates within the area, or variations which are likely to add to the

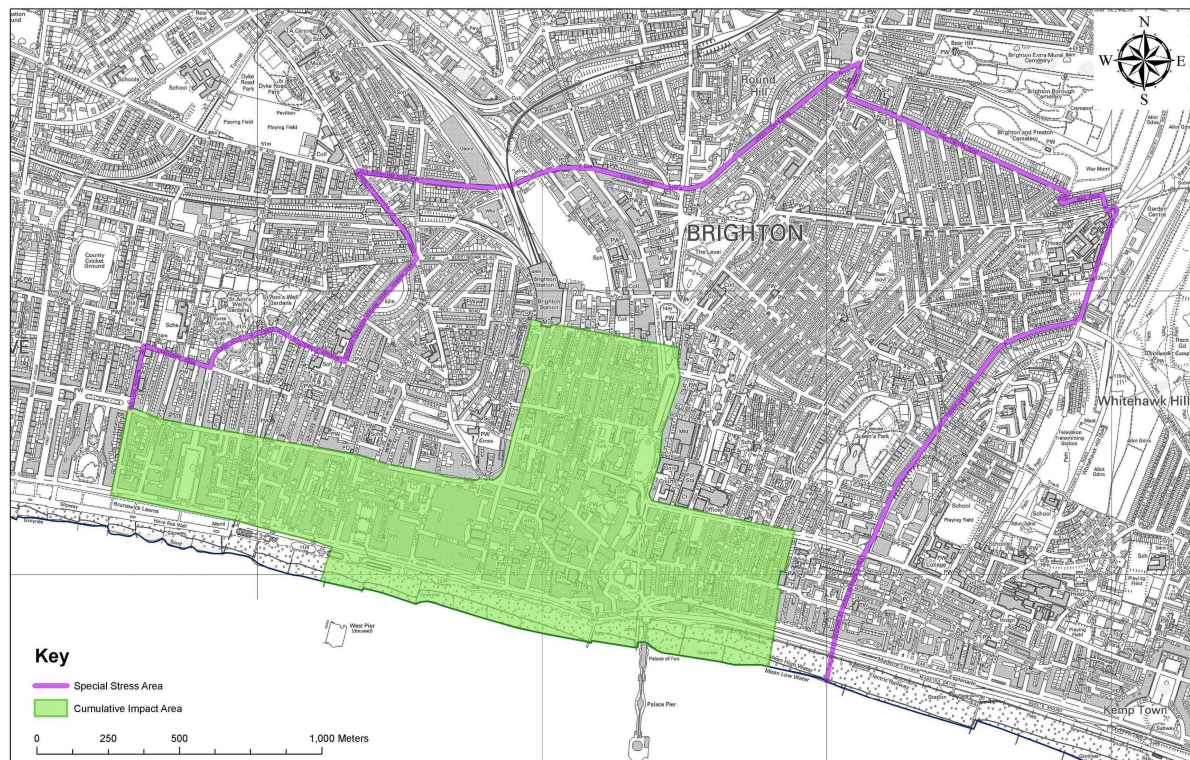
existing Cumulative Impact, will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact.

- 3.1.5 This special policy also applies to all new premises licences and club premises certificates, for example pubs, restaurants and take-away establishments. Off licences also come within this policy as they can contribute to problems of street drinking, proxy purchasing, dispersal issues, preloading and excessive drinking and related disorder.
- 3.1.6 The presumption of refusal does not relieve responsible authorities or other persons of the need to make a relevant representation. If there are no representations, the licensing authority must grant the application in terms consistent with the operating schedule submitted.
- 3.1.7 Furthermore, this special policy is not absolute. Upon receipt of a relevant representation, the licensing authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case. If an application is unlikely to add to the cumulative impact of the area, it may be granted. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant, theatre or live music venue (where alcohol is not the primary activity) may be considered exceptional circumstances. The fact that a premises will be/is exceptionally well managed with a well qualified applicant, or that there are no residential premises nearby, will not be considered exceptional. Exceptional circumstances may include: close consultation with Sussex Police and the Licensing Authority, meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to off set impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts), BCRP membership.
- 3.1.8 If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that conditions would be ineffective in preventing the problems involved.

3.2 Special Stress Area

The map below details the area of the Brighton city centre which borders the Cumulative Impact zone at 3.1.3 and which is deemed an area of special concern in terms of the levels of crime and disorder and public nuisance experienced within it. The area recommended for further monitoring and detailed guidance within the Special Policy comprise the following as pictured below delineated in purple:

Cumulative Impact Zone



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The Special Stress Area - an area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Holland Road northwards to its intersection with the north side of Lansdowne Road; eastwards to the junction with Furze Hill, along the north side Furze Hill to its end and then due east along Victoria Road to its junction with Montpelier Road (west side), north to where Montpelier Road joins Vernon Terrace then north to Seven Dials; north west along the west side of Dyke Road until the junction with the Old Shoreham Road, then East along the north side of Old Shoreham Road, north end of New England Road, across the north side of Preston Circus, eastwards along the north side of Viaduct Road, then at the junction with Ditchling Road, North East along the north side of Upper Lewes Road until the junction with Lewes Road; south along the Lewes Road to junction with Hartington Road, along the north side of Hartington Road until the junction with St. Helen's Road, south into May Road, eastwards until its junction with Freshfield Road, then south into Upper Bedford Street, into Bedford Street to the mean water mark south of Bedford Street, then due west until the mean water mark south of Lower Rock Gardens.

- 3.2.1 This Special Stress Area (SSA) is of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced within it. The area will be kept under review.
- 3.2.2 New and varied applications for premises and club premises certificates within the SSA will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and

to make positive proposals to ensure that their operation will not add to the problems faced in these areas. Appendix C of the SoLP sets out a list of potential measures the licensing authority considers may be appropriate. These may be more or less appropriate depending upon the style of operation applied for.

- 3.2.3 On receipt of any application in the SSA, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules and compare them to the measures set out in Appendix A, Licensing Best Practice Measures. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.
- 3.2.4 The Licensing Authority will keep the Cumulative Impact Zone and Special Stress Area under review. Should the authority find that problems of crime and disorder or nuisance are not improving, or are worsening, the Special Policy will be reviewed.

3.3 The Matrix Approach

The Licensing Authority will support:

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

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

	Cumulative Impact Area	Special Stress Area	Marina	Other Areas
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Restaurant	Yes (midnight)	Yes (2am)	Yes	Yes (midnight)
Café bar	Yes (11.30pm)	Yes (midnight)	Yes	Yes (midnight)
Late Night Takeaways	No	Yes (midnight)	Yes	Yes (midnight)
Night Club	No	No	Yes	No
Pub	No	Yes (11pm)		Yes (midnight)
Non-alcohol lead (e.g. Theatre)	Yes (favourable)	Yes (favourable)	Yes	Yes (favourable)
Off-licence	No	No	Yes	Yes (generally to 11pm but if in densely residential area may be earlier – see note 7 below)
Members Club (club premises certificate)	Yes (<100 capacity) (11pm)	Yes (<100 capacity) (11pm)	Yes	Yes

Notes on matrix

Subject to the following notes, the policy, as represented in the matrix, will be strictly adhered to

- 1) Each application will be considered on individual merit
- 2) Applications within the CIZ are subject to the special policy on cumulative impact at para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.
- 3) Departure from the matrix policy is expected only in exceptional circumstances
- 4) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.
- 5) Exceptional circumstances may include: close consultation with Sussex Police and the Licensing Authority, meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to off set

impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts), BCRP membership.

- 6) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, members clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre.
- 7) Other Areas consideration will be given to the nature of the area and location in relation to any application. In a densely residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or café bars, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing which can be accessed from the following link (see appendix E) and Street Community and Drug Activity Profile. This document is available on the following page of our website www.brighton-hove.gov.uk/licensingact.
- 8) In an area where there are already several existing off-licences and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds.
- 9) Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The Licensing Authority will have regard to Noise Council guidance.

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

- The sale of intoxicating liquor and other beverages shall be waiter/waitress service for consumption by persons seated at tables.
- Substantial food shall be available at all times.

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

3.4 Night-time Economy Safeguarding Initiatives

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

- 3.4.2 Sussex Police are rolling out vulnerability awareness sessions to both Police Staff and those working in the night time economy in Brighton and Force Wide. The training is devised to ensure officers and those working in the Night Time Economy are aware of the signs of vulnerability, which can include a variety of different factors including intoxication, age, losing contact with friends, not being familiar with the area.

3.5 Off licences

- 3.5.1 In recent years there has been a noticeable shift towards more people buying alcohol from shops and drinking at home before going out prior to going into premises such as pubs and clubs. The council is concerned that alcohol loading from off-licence sales is a significant problem in the city and adversely affects the licensing objectives as it gives rise to problems of drunkenness, disorderly behaviour and a higher risk of alcohol sales to children. Representations from the police, local residents and the director of public health at licensing panel hearings have testified to these problems and Information published in the Public Health Framework for assessing alcohol licensing presents a ward by ward analysis of crime and disorder and health data which is relevant in this respect.
- 3.5.2 The special policy on cumulative impact and the special stress areas apply to off-licences as explained in the matrix approach at 3.3. But in general/or outside these areas where applications are made for new premises or variations to existing licences, and where the police or others make representations against the grant of a further licence for off sales, the council will give specific consideration to restricting the number, type, and the hours of premises selling alcohol exclusively for consumption off the premises. Decisions will be grounded in the Public Health Framework for assessing alcohol licensing. The council will want to be assured that the Operating Schedule of premises, and their overall management, training and levels of staffing, are appropriate to ensure that the licensing objectives are promoted in what may be challenging circumstances. Retail outlets and stores where the provision of fresh produce is the principle product sold maybe considered more favourably.
- 3.5.3 The Licensing Authority encourage off licences to join the Council led “Sensible on Strength” scheme to reduce the availability of cheap super strength beers and ciders. Off licences voluntarily sign up not to sell cheap super-strength beers and ciders over 6% ABV and operate good practice measures (see 3.5.4), for which they receive an accreditation as a responsible retailer.

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

3.6 Street drinking

- 3.6.1 Licensing authority will have regard to areas highlighted by the Street Community and Drug Activity Profile, produced by the Safe in City Team at Brighton Police Station. This document is available on the following page of our website www.brighton-hove.gov.uk/licensingact. These hot spot areas are considered high risk for street drinkers and the Licensing Authority will have regard to prevention of crime and disorder by virtue of street drinking and anti-social behaviour when considering applications in this area.

3.7 Temporary Event Notices

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

3.8 Student and Organised Pub Crawls

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

drinks, water angels, and promotion of non-alcohol events. This includes working with Brighton University regarding a Home Office initiative for an accreditation scheme around a NUS alcohol impact project to encourage students to drink responsibly.

3.9 Promoters and irresponsible drinks promotions

- 3.9.1 The Licensing Act 2003 makes no mention or provision for the use of promoters within licensed premises. Many of the late night bars and clubs within the Brighton & Hove Cumulative Impact Area regularly hire promoters to sell nights at their venues. In recent years with the introduction of promoters within the Brighton night time economy, several issues have arisen. This includes promoters vouching for underage customers to get them inside licensed premises where they can access alcohol, providing flyers to passers by who throw them on the floor and irresponsible promotions for their nights. Many premises now have an agreement with their promoter for acceptable promotions and behaviour which includes the signing of a written contract of expectations. This shows premises evidencing their due diligence and ensures that promotion companies know what is expected of them. The contract could include, obligations to pick up self generated litter, verification of ages of their customers and users of their social media, promoters being over the age of 18 and responsible advertising on social media.
- 3.9.2 The Licensing Authority expect licensed premises to develop staff policy and training on recognising signs of drunkenness and vulnerability, for example, offering drinking water and tips for refusing customers who appear drunk. And discourage company policies that promote bonuses and sales incentives for selling alcohol. Licensing Authority will expect necessary precautionary processes to restrict drunkenness, e.g. Licensing Guidance states happy hours should not be designed to encourage individuals to drink excessively or rapidly.

4 Prevention of Crime and Disorder

- 4.1.1 The Licensing Authority have kept the Late Night Levy under close scrutiny, considering the advantages and disadvantages of introducing a Levy, whilst maintaining an impartial position. However, it is recognised there is a gaining weight of opinion amongst public health professionals, Police and Crime Commissioner and Senior Representatives of the Council in favour of introducing a late night levy. The Levy is a power that enables licensing authorities to charge an annual levy to persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy.
- 4.1.2 The following details and measures are intended to address the need for the prevention of crime and disorder which may be associated with licensed

premises and certificated club premises. Conditions attached to licences and certificates will, as far as possible, reflect local crime reduction strategies.

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

4.2 Sussex Police

- 4.2.1 The Police have experienced a shift in peak times during the policing of the night time economy with an increasing demand for resources further into the early hours of the morning. This may be indicative of individuals coming out later into the night time economy due to changes in disposable income. This is coupled with the increases in 'pre-loading,' when individuals coming into the night time economy have already consumed alcohol purchased at home. There has also been a noticeable increase in licensing activity mid-week. This has been partly due to the large student population taking advantage of a more affordable week night economy. Likewise, licensed venues have encouraged a wider customer base by hosting regular themed nights and offering discounted alcohol and entry. These trends provide obvious challenges to both the licensed on-trade and the police when assessing and responding to levels of drunkenness.
- 4.2.2 Dispersal from the city centre during the late evening and early morning continues to provide policing challenges. Over recent years, there has been a proliferation of off-licences and late night refreshment venues along the city's arterial routes. This has led to incident 'hot spots' where patrons from the night time economy continue to interact, albeit away from any safety measures afforded by on-licences. As such, Sussex Police support the Council's Special Policy in offering guidance to both applicants and the Licensing Committee in relation to off-licences and late night refreshment licences.
- 4.2.3 Sussex Police have a growing concern that, despite staff training in age-restricted sales, under age individuals are still being served alcohol in some of the city's licensed premises. As such, regular intelligence-led 'test-purchase' operations are conducted. Between December 2013 and July 2014, 21 off-licences and 13 on-licences were tested. 38% of the off-licences failed in contrast with a 85% failure rate with the on-licences; indicating a considerable risk in this area of the trade. It is anticipated that initiatives, including the introduction of identification scanning machines at premises throughout the city, will go some way to mitigate this risk. Sussex Police also continue to work alongside the Brighton Crime Reduction Partnership to tackle the problem of those who use false identification to enter licensed premises and purchase alcohol.
- 4.2.4 Brighton and Hove Police are working closely with venues and other organisations within the city to protect vulnerable people from becoming victims of crime. This includes such measures as offering vulnerability training and supporting initiatives such as mobile teams of volunteers actively checking peoples well-being.

4.2.5 Policing the night time economy continues to provide a challenge and in the climate of limited resources and newly emerging problems, Sussex Police support maintaining the Council's Special Policy which defines cumulative impact and special stress. Sussex Police also recognise and support businesses which are aware of their social responsibilities and as such, actively contribute towards keeping Brighton and Hove a safe and enjoyable city

4.3 Care, control and supervision of premises

4.3.1 The Licensing authority supports the Business Crime Reduction Partnership and other approved schemes. Where appropriate, premises licence holders should be members of the BCRP for the deterrence to violent crime that such membership provides. The BCRP NightSafe radio scheme is normally expected as an operational requirement for city centre bars, clubs and pubs and is an example of good practice in achieving the aim of reducing crime and disorder and improving public safety. Well managed pub-watch schemes provide information exchange between the premises licence holders and responsible authorities that reduce and deter violent crime and disorder. The council will support a responsible licensing scheme.

4.3.2 The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The police will consider the applicants, objecting to the application where appropriate. The police may suggest crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The police may ask for conditions which support such measures to be imposed when licensing applications are granted, eg type of licence, capacity, operating hours restrictions.

4.3.3 Following the grant of a licence, the management and supervision of the premises, in so far as it might impact on crime and disorder, will continue to be monitored. Particular attention will be paid to any licensed premises where there is evidence of criminal activity or any association with racist or homophobic crime. The licensing authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence and disorder are occurring so it can take full account of the facts and avoid exacerbating problems as required by the Community Safety Strategy. Where licensed premises are found to cause nuisance or be associated with disorder or unreasonable disturbance, powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier closing times. Such action to restrict the operation may be taken for trial periods to allow businesses an opportunity to remedy existing disorder, nuisance or disturbance.

- 4.3.4 This policy recognises the use of registered Door Supervisors as members of the extended police family as all Door Supervisors will be licensed by the Security Industries Authority. Mobile security units and similar systems are in use by some premises operators as a means of providing security cover at very short notice at premises which may not normally require a permanent security presence. The Licensing Strategy Group has sought to define the standards and operating guidance for such mobile units, which will be in need of regular review. This policy endorses the use of units following such guidance and standards in appropriate circumstances. A copy can be found on the licensing pages of the council's website.
- 4.3.5 The development of codes of practice and general operating standards for security companies is encouraged for local businesses; premises operators are urged to ensure that security services, when engaged, are provided by suitably qualified businesses operating to recognised standards and who should be working towards SIA accreditation.
- 4.3.6 Enforcement will be achieved by the enforcement policy appended (Appendix D).

5 Public Safety

- 5.1 The following details and measures are intended to address the need for the protection of public safety which may be associated with licensed premises and certificated club premises.
- 5.1.1 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the "permitted capacity" of those premises should be.
- 5.1.2 Normally in the city centre, pubs and clubs will be expected to operate using polycarbonate or toughened/shatterproof glass.
- 5.1.3 Conditions may be imposed in accordance with operating schedules to protect public safety including where justified:
- (a) provision of closed-circuit television and panic buttons.
 - (b) use of shatterproof drinking vessels; bottles requiring use of toughened glass or plastic should normally be required unless applicants can show exceptional reasons .

- (c) use of door supervisors, licensed by the Security Industry Authority.
- (d) requirement of a minimum of a licensed door supervisor for every 100 customers in nightclubs and large city centre pubs or as indicated by risk assessment.
- (e) occupant capacity conditions will be applied where appropriate.
- (f) the provision of designated and suitably trained first aiders.

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

6 Prevention of Public Nuisance

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

6.1.1 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke).

6.1.2 Applications for new licences or for the extension in size of licensed premises should not normally be granted if the premises will use amplified or live music and operate within or abutting premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be inaudible in any residence. Noise emanating from within licensed premises should not normally be audible outside.

6.1.3 Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.

6.1.4 Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The Licensing Authority will have regard to Noise Council guidance.

6.1.5 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.

6.1.6 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy (see 6.2 below).

6.2 Smoking Advice

6.2.1 Premises licence holders will be expected to:

- Develop a management plan on how to manage smoking on your premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented. Noise from people smoking and talking can be intermittent, vary in character and volume and be intrusive. An effective smoking management plan will help prevent neighbours being disturbed.
- Comply with any planning conditions restricting the use of outdoor areas.
- Ensure that any structures used by smokers comply with the design criteria detailed in the Heath Act 2006 and that any structures, awnings, retractable canopies, etc. have the relevant planning permission.
- Ensure any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.
- Ensure that the conditions on the premises licence are complied with. There may be conditions restricting the hours of use of gardens and outdoor areas. Having reviewed the contents of the premises licence you may find it necessary to request a variation of your licence.
- Licence tables and chairs on the Public Highway under the provisions of the Highways Act 1980. These licences may have conditions restricting the times that the area can be used.
- Ensure drinks, glasses and bottles are not taken onto the highway unless there is a tables and chairs licence permitting use. A system should be adopted to prevent theft and 'spiking' of drinks, and reminding customers not to leave unattended items.
- Discourage smokers remaining in gardens and outdoor areas and determine terminal hours.
- Discourage smokers remaining outside by removing/disabling tables and chairs or prohibiting their use after a certain time. Lights and heaters will also be turned off.
- Introduce a system that after a certain time the number of smokers outside are restricted to a maximum number. Staff will be needed to manage this restriction.
- Employ staff and/or SIA registered door supervisors to manage doors and control customers and smokers entering and leaving the premises. Staff positioned on the doors can help to encourage customers not to cause a

noise problem. It may be that staff are required to manage doors after a certain time, particularly during the hours when neighbouring residents are trying to sleep.

- Ensure door supervisors maintain order outside venues and protect customer safety. BCRP supports the use of Night Safe. Radio net and other pager systems and pub watch schemes can be used to provide for rapid police response and alert other venues where customers and staff are endangered.
- Position signs to remind customers that the premises is in an area where people live. It is not always obvious in busy commercial streets with flats above. By changing the design and wording of signs customers do not forget. Signs can be located in and outside the premises and on tables.
- Use CCTV to manage outside areas.

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

7 Protection of Children from Harm

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

- 7.2** Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, the committee recommend that all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be those recommended by police, trading standards officers and their partners in the Licensing Strategy Group (e.g. passport, photo driving licence or pass card).
- 7.3** It is the licensing authority's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them. Each application will be considered on its own merit but particular areas that will give rise to concern in respect of children are to be found in section 5.3 below.
- 7.4** To reduce alcohol-induced problematic behaviour by under 18 year olds, to enforce underage purchase and drinking laws and to assist in the protection of children from harm, the licensing authority supports the following measures:-
- a) Police should exercise powers (Confiscation of Alcohol (Young Persons) Act 1997) to remove alcohol from young people on the street
 - b) Police and trading standards should implement test purchasing to reduce sales to under 18s in on and off sales licensed premises
 - c) Further take-up of proof of age schemes will be promoted
 - d) In-house, mystery shopper type schemes operated by local businesses will be supported
 - e) Providers of events specifically catering for unaccompanied children should consider whether all staff at such events need to be CRB checked
- 7.5** The licensing authority will not seek to require that access to any premises is given to children at all times – under normal circumstances this will be left to the discretion of the licensee. The following areas give rise to concern in respect of children, who will normally be excluded from premises:
- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
 - with a known association with drug taking or dealing;
 - where there is a strong element of gambling on the premises;
 - where entertainment of an adult or sexual nature is commonly provided;
 - where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons.

Options may include:

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

7.6 Licensees of premises giving film exhibitions will be expected to include in their operating schedules arrangements for restricting children from viewing age restricted films. Such premises will be subject to a mandatory condition requiring that access will be restricted to only those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification, or in specific cases where such certificates have not been granted, the licensing authority. The licensing authority does not intend to adopt its own system of film classification. The licensing authorities procedures for dealing with unclassified films are appended at Appendix E.

7.7 Where children are expected to attend a public entertainment, appropriate adult supervision will be required to control the access and egress of children and to protect them from harm. This will normally be an adult member of staff for every 100 children. Where the entertainment is music and dancing, 2 persons, licensed by the Security Industry Authority (door supervisors) should be employed for every 100 children but will be subject to advice within the Event Safety Guide. Nothing in this policy shall seek to override child supervision requirements contained in other legislation or regulations. The licensing authority recognises the Children, Families and Schools section as being competent to advise on matters relating to the protection of children from harm. Applicants shall copy their applications to the Local Safeguarding Children Board (LCSB) in its capacity as the responsible authority. Copies should be sent care of the Police. The booklet 'What to do if you are worried about a child' is available from the LCSB and is downloadable from the council's licensing web pages.

7.8 Trading standards and the police undertake ongoing enforcement operations around under-age sales and test purchasing. Sussex Police, BCRP and undertake work concerning proxy purchases and counterfeit ID as part of the partnership support work with Community Safety and Trading Standards.

7.9 Trading standards have a programme of business support including training for local businesses to avoid under-age sales.

8 Integration of Strategies

- 8.1** The licensing authority shall secure the proper integration of this policy with local crime prevention, planning policy, transport, tourism and cultural strategies by:-
- Liaising and consulting with the Sussex Police, Community Safety Forum, Sustainability Commission representatives and following the guidance in community safety and crime and disorder strategy
 - Liaising and consulting with Public and Alcohol Programme Board
 - Liaising and consulting with the East Sussex Fire & Rescue Service
 - Liaising and consulting with the Local Strategic Partnership, Safety Advisory Group (Emergency Planning) and Equalities and Social Justice Consultation Forum
 - Liaising and consulting with the Planning authority
 - Liaising and consulting with the Highways authority
 - Liaising and consulting with local business and business associations. Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
 - Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice
- 8.2** In line with statutory requirements and the Council's Inclusion Policy, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and positive relations between persons of diverse backgrounds, for example communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.
- 8.3** This policy supports the aims of the tourism strategy, recognising the benefits for the tourism economy of creating a safer and more attractive city centre and improving competitiveness with other European cities. The Licensing Committee should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that it considers these matters.
- 8.4** The Licensing Committee should receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.
- 8.5** Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, use of the NightSafe radio system or accredited scheme, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.

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

8.7 Other regulatory regimes

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

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

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

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

Equality Act 2010/Race Relations: The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, obliges public authorities to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different racial groups. The local authority's race equality scheme produced under these obligations shall include reference to this statement of licensing policy.

Community relations: Integration of corporate strategies with licensing policy will include the Inclusive Council Policy which recognises the council's role, as a community leader, to promote community cohesion and good relations between diverse communities.

Measures to address prevention of crime and disorder recognise the need to improve well being and safety of all the communities in the City.

Licensing policy supports the Crime and Disorder Reduction Partnership's crime reduction strategy. In particular it seeks to confront and reduce racist,

homophobic, transphobic and religiously motivated crimes, incidents and anti-social behaviour.

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

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

Equality Act 2010/Disability Discrimination Act: Applications for new premises or for variations involving changes to the layout of premises, are reminded to have regard this legislation.

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

8.8 Enforcement

8.8.1 The enforcement of licensing law and the inspection of licensed premises is detailed in the Protocol between Sussex Police, the East Sussex Fire & Rescue Service and Brighton & Hove City Council. This protocol reflects the need for a more efficient deployment of Police and local authority staff commonly engaged in licensing enforcement and can be found at appendix F. In addition the Licensing Authority will have regard to its published Licensing Enforcement Policy in making enforcement decisions (Appendix D). In order to better target enforcement resources, inspections will also be undertaken outside of normal office hours and the sharing of information between all enforcement agencies will be encouraged through joint meetings or similar arrangements. Joint Intelligence Meetings are organised and include officers from responsible authorities.

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

- Community Safety & Crime Reduction Strategy

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

9 Reviews

9.1 Reviews represent a key protection for the community. Where the licensing authority considers action necessary under its statutory powers it will take necessary steps to support the licensing objectives. Action following review will be informed by licensing enforcement policy – appendix B.

9.2 Where style of operation of a premises leads to applications concerning likelihood of racist, religiously motivated, homophobic or transphobic crimes or incidents, the review process should also support the community safety policy. Action should be proportionate and licences would normally be suspended or revoked in these circumstances to deter further incidents.

10 Live Music, Dancing & Theatre

10.1 This policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues the potential for limited disturbance in neighbourhoods will always be carefully balanced with these wider benefits, particularly for children. The impact of licensing on regulated entertainment, particularly live music and dancing, will be monitored. Where indications are that such events are being deterred by licensing requirements, the policy will be revisited with a view to investigating how such situations might be reversed.

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

10.3 The licensing committee will support the cultural zones, outdoor eating areas, food led operations, community pubs, live entertainment and protect living conditions in mixed use areas.

11 Contact Details, Advice and Guidance

11.1 Guidance notes to accompany this policy and details about the licensing application process, including application forms, can be found:

- E-mail ehl.safety@brighton-hove.gov.uk
- Via www.brighton-hove.gov.uk (search under Licensing Act 2003 and follow the relevant links, for example to the Licensing Applications page for a weekly update of applications received)
- By contacting the Health & Safety and Licensing Team at:
Bartholomew House
Bartholomew Square
Brighton BN1 1JP
- By telephoning them on 01273 294429
- By faxing on 01273 292196

11.2 Advice and guidance to applicants may also be sought from:

The Police and Fire Authority by contacting them at:

Police

Licensing Unit
Police Station
John Street
Brighton
BN2 0LA
Tel:101

East Sussex Fire and Rescue Service

Brighton & Hove Fire Safety Office
Hove Fire Station
English Close
Hove
BN3 7EE
Tel: 01323 462130

Health & Safety

For non-council owned premises:
Environmental Health & Licensing
Bartholomew House
Bartholomew Square
Brighton BN1 1JP
Tel: 01273 294429

For council parks & other council-run premises:
Enforcement Liaison Officer, HSE
Phoenix House
23-25 Cantelupe Road
East Grinstead RH19 3BE
Tel: 01342 334200

Planning

Development Control
Hove Town Hall
Norton Road
Hove
BN3 1PT

Child Protection

Chair of Brighton & Hove ACPC
Children Families & Schools
Kings House,
Hove BN3 2SU

Tel: 01273 290000

Tel: 01273 290000

Environmental Health:

Environmental Protection Team
Bartholomew House
Bartholomew Square
Brighton, BN1 1JP
Tel: 01273 290000

Trading Standards:

Bartholomew House
Bartholomew Square
Brighton
BN1 1JP
Tel: 01273 292523

Director of Public Health

Kings House
Grand Avenue
Hove
BN3 2LS
Tel: 01273 296555

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

APPENDIX A – Licensing Best Practice Measures

Best Practice Measures to be included for consideration, in particular in SSA:

Matters that would normally be expected in operating schedules:

- § the adoption of a policy (e.g. Challenge 25) with acceptable proof of id as per existing Statement of Licensing Policy
- § all off sales to be made in sealed containers for consumption away from the premises
- § a smoking policy which includes an assessment of noise and litter created by premises users
- § the use of plastic or polycarbonate drinking vessels and containers, especially in outside areas or after specified hours
- § a policy in relation to searching customers and for drugs, weapons, seized or lost and found property
- § use of a refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated
- § the installation of a digital CCTV system by liaison with, and to a standard approved by, Sussex Police
- § policies for dispersal of customers which may include signage regarding taxi services' telephone numbers and advice to respect neighbours and minimize noise
- § systems to ensure any SIA doorstaff or Mobile Support Unit personnel display appropriate badges when on duty

Items to which positive consideration would be given:

- § membership of Brighton Crime Reduction Partnership, Pubwatch, Neighbourhood Watch or similar schemes
- § use of 'NightSafe' radio system or similar accredited scheme
- § regular training and reminders for staff in respect of licensing legislation, policies and procedures; records of which should be properly recorded and available for inspection
- § records of regular checks of all parts of the premises in relation to drug use
- § systems in place to ensure details of barred clients are exchanged with other operators
- § giving an agreed minimum notice of special events (screening of major sports events, birthday parties, adult entertainment, etc.) to relevant authorities and use of appropriate additional measures at such events

Recommend best practice for both on and off premises

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

APPENDIX B - LICENSING ENFORCEMENT POLICY

1.0 STATEMENT OF OBJECTIVES

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

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

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

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

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

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

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

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

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

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

2.0 SCOPE OF THE POLICY

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

3.0 TRAINING

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

4.0 MANAGEMENT SYSTEMS

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

5.0 ENFORCEMENT OPTIONS

- 5.1 The service recognises the importance of achieving and maintaining consistency in its approach to enforcement. Statutory Codes of Practice and guidance issued by government departments, other relevant enforcement agencies or professional bodies will therefore be considered and followed where appropriate.

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

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

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

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

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

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

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

- Failure to comply with an Enforcement Notice

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

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

6.0 INFORMAL WARNING

6.1 Informal action may be taken when:

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

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

- contain all the information necessary to understand what is required and why;
- indicate the regulations contravened, measures which will enable compliance with legal requirements and that other means of achieving the same effect may be chosen;
- clearly differentiate between legal requirements and recommendations of good practice. Such a differentiation will also be made when verbal advice is given.

7.0 SIMPLE CAUTIONS

7.1 A Simple Caution may be issued as an alternative to a prosecution. Cautions may be issued to:

- deal quickly and simply with less serious offences;
- divert less serious offences away from the courts;
- reduce the chances of repeat offences.

7.2 The following factors will be considered when deciding whether a caution is appropriate:-

- evidence of the suspect's guilt
- has a clear and reliable admission of the offence been made either verbally or in writing
- is it in the public interest to use a caution as the appropriate means of disposal when taking into account the public interest principles set out in the Code for Crown Prosecutors.
- the suspected offender must understand the significance of a simple caution and give an informed consent to being cautioned.

7.3 No pressure will be applied to a person to accept a Simple Caution.

7.4 The 'cautioning officer' will be the most appropriate officer from Service Director, Service Assistant Director, Head of Service Environmental Health Manager or Licensing Manager. The Cautioning Officer must not have taken an active part in investigating the case.

7.5 Should a person decline the offer of a simple caution a prosecution will be recommended.

8.0 PROSECUTION

8.1 The department recognises that the decision to prosecute is significant and could have far reaching consequences on the offender.

8.2 The decision to undertake a prosecution will be taken after proper consultation in accordance with the Scheme of Delegation for the council's functions. The decision to proceed with a prosecution will normally be taken following legal advice. The matters to be taken into account when deciding if the issue of proceedings is proportionate include:

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

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

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

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

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

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

9.0 Home Office and Government Advice: Problem premises on probation

9.1 The licensing authority supports the strategies of interventions and tough conditions to be assembled into packages released on 2008. The current version is appended (appendix A).

10. APPEALS

If any person is unhappy with the action taken, or information or advice given they will be given the opportunity of discussing the matter with the relevant team manager, Head of Service or Assistant Director.

Any such appeal does not preclude any aggrieved person from making a formal complaint about the service or any officers. Any such complaint will be dealt with in accordance with corporate procedures and guidance.

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

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

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

11. **SHARED ENFORCEMENT ROLES**

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

ANNEX A

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

The problem

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

Supporting enforcement agencies

5. The government will encourage enforcement agencies – mainly the police, trading standards officers and environmental health officers – to seek more reviews in the knowledge of the yellow card/red card system

described below. This will mean not giving formal warnings. It will mean that on identifying problem premises, the licensing authority will be engaged faster than it might have been in the past.

6. Enforcement agencies would be encouraged to seek reviews when local intelligence suggests that individual premises are selling to children or causing other crime problems or causing noise nuisance.
7. Under the law, the licensing authority must then hold a hearing so long as the application relates to one of the four licensing objectives and is made by a responsible authority or by other persons like a local resident or another local business.

First intervention

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

Second intervention

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

Implementation

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

ANNEX B

POSSIBLE TOUGH CONDITIONS TO BE ASSEMBLED INTO PACKAGES

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

GREATER CONTROL OVER SALE

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

TRAINING

8. All staff to read and sign a declaration that they understand the law every time they start a shift.
9. Train all staff engaged in selling alcohol in alcohol awareness (not just personal licence holders). All new staff to be trained within two weeks of commencing employment. Evidence of training to be retained in

writing and to be available for inspection by any authorised person and training standards officers. Impact on all licensing objectives.

ALCOHOL SALE BANNED AT CERTAIN HOURS

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

ALCOHOL DISPLAYS

12. No displays of alcohol or advertising of alcohol promotions that can be seen from outside the premises.
13. No alcohol stocks promoted alongside goods likely to appeal to children (eg confectionary, toys).

CUTTING DOWN ON SHOPLIFTING

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

NAMING AND SHAMING

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

OTHERS

18. Maintain a log of all under attempted purchases from those who appear to be under 18 or drunk.

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

APPENDIX C- Film classification

- 1.1 The British Board of Film Classification (BBFC) and the Licensing Authority are the classification bodies for films shown in the city, and as such has the right to issue film classifications to films that are shown in premises such as cinemas and film festivals. The Licensing Authority can be requested to classify a film that has not yet been classified by the BBFC. A typical example of this would be a locally made film, such as a student production, to be shown at a film festival in the borough.
- 1.2 Under the Licensing Act 2003 any premises that has permission to show films as part of their permitted licensable activity, such as a cinema, has mandatory conditions attached to the licence regarding the exhibition of films.
- 1.3 Any classification issued by the Licensing Authority only applies when the film is exhibited within the city, and does not effect the classification in other areas.
- 1.4 A decision will be made at an officer level regarding the classification to be issued. This decision will be based on the BBFC guidelines. In sensitive cases, officers would consult with the Chair or Deputy.

1.5 Classification Requirements when films are not viewed in advance

Requests for an 18 certificate classification requirements be determined on an officer basis subject to the conditions shown below.. An 18 certificate would be issued based only on the synopsis of the film and would be appropriate in the following cases:

- (a) A film festival
- (b) A one off screening of a film
- (c) A trailer for a film

- 1.6 Any request to classify a film will be considered by the licensing authority and must be accompanied by both the synopsis of the film and a full copy of the film in DVD or video format.
- 1.7 All requests must be made with a minimum of 7 days notice of the proposed screening or 28 days for multiple requests.

Mandatory Conditions - Licensing Act 2003

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

Exhibition of films

S 20; mandatory condition: exhibition of films

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

Additional Conditions Attached to Cinema Licences

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

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

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

APPENDIX D - LEAD AGENCY STATUS

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

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

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

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

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

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

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

Agenda Item 9

Brighton & Hove City Council

Reviews table June 2014 – June 2015

<u>NAME AND ADDRESS OF PREMISES</u>	<u>Date consideration of closure order received from Magistrates</u>	<u>DATE OF HEARING</u>	<u>DETERMINATION</u>
Local Star 105 Edward Street BN2 0BB	N/A	09.07.14	Licence suspended
Molly Malone 57 West St Brighton BN1 2RA	N/A	12.11.14	Agreement reached
West Beach Hotel 135 Kings Road Brighton BN1 2HX	N/A	02.09.14	Licence revoked
Harbour View 35 Wellington Road Portslade BN41 1UR	N/A	06.09.14	Licence revoked
Metrobet 56 Boundary Road, Hove	N/A	19.12.14	Conditions added
Regency Arcade Units 1-4 West Street	N/A	19.12.14	Conditions added
Regency Arcade Unit 2 West Street	N/A	19.12.14	Conditions added
Regency Arcade Unit 3 West Street	N/A	19.12.14	Conditions added
Regency Arcade Unit 4 West Street	N/A	19.12.14	Conditions added
Lewes Road Post Office 6 Lewes Road	N/A	13.02.15	Licence surrendered before hearing

Northern Lights 6 Little East Street Brighton BN1 1HT	N/A	27.01.15	Conditions added to licence and SRA hours reduced to 1am on weekends
Oxygen 75 West Street Brighton BN1 2RA	n/A	01.05.15	Revoked

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

Agenda Item 10

Brighton & Hove City Council

**Schedule of Licensing Appeals: Date of Meeting: 25th June
2015**

Premises	Appellant	PTR	Hearing	Outcome
West Beach Hotel	Premises Licence Holder		13 th April/12 th May 2015	Appeal dismissed decision to revoke the licence upheld. Costs awarded to the Council
Oxygen, 75 West Street, Brighton	Premises licence holder			

