





**Brighton & Hove
City Council**

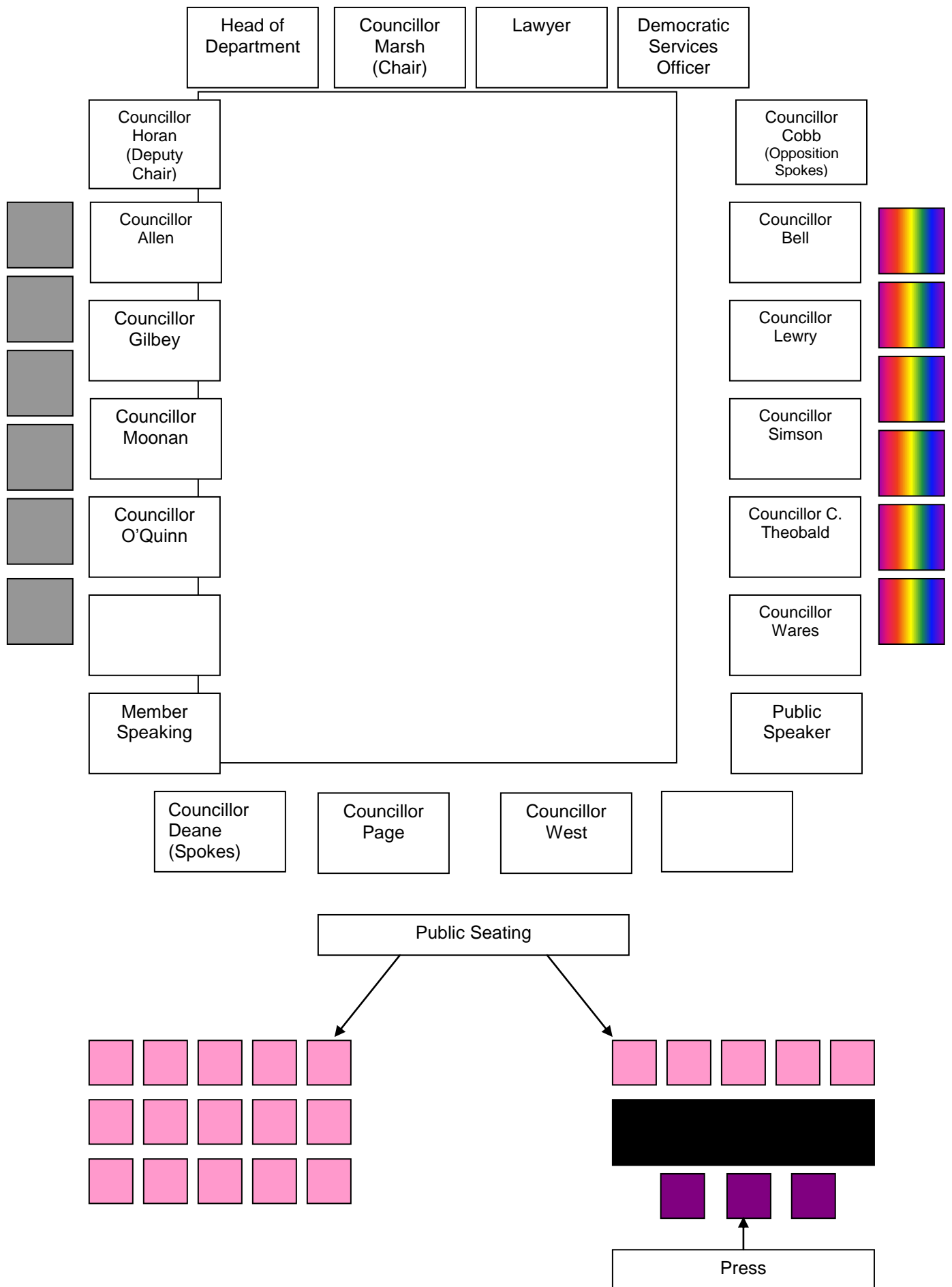
Licensing Committee

(Licensing Act 2003 Functions)

Title:	Licensing Committee (Licensing Act 2003 Functions)
Date:	3 March 2016
Time:	3.15pm (or conclusion of Non 2003 Committee)
Venue	Friends Meeting House, Ship Street, Brighton BN1 1AF
Members:	Councillors: Marsh (Chair), Horan (Deputy Chair), Cobb (Opposition Spokesperson), Deane (Group Spokesperson), Allen, Bell, Gilbey, Lewry, Moonan, O'Quinn, Page, Simson, C Theobald, Wares and West
Contact:	Penny Jennings Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk

	The Town Hall has facilities for wheelchair users, including lifts and toilets
	An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter and infra red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.
	<p>FIRE / EMERGENCY EVACUATION PROCEDURE</p> <p>If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:</p> <ul style="list-style-type: none"> You should proceed calmly; do not run and do not use the lifts; Do not stop to collect personal belongings; Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and Do not re-enter the building until told that it is safe to do so.

Democratic Services: Meeting Layout



AGENDA

22 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.

23 MINUTES OF THE PREVIOUS MEETING

1 - 10

Minutes of the meeting held on 19 November 2015 (copy attached)

24 CHAIR'S COMMUNICATIONS

25 PUBLIC INVOLVEMENT

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

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

- (a) **Petitions:** to receive any petitions presented to the full council or at the meeting itself;
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on the 23 February 2016;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 23 February 2016.

26 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

27 ANNUAL REPORT WORK OF THE LICENSING AUTHORITY 11 - 42

Report of the Director of Public Health (copy attached)

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

28 LATE NIGHT LEVY CONSULTATION 43 - 82

Report of the Director of Public Health (copy attached)

Contact Officer: *Jean Cranford* Tel: 01273 292550
Ward Affected: *All Wards*

29 GAMBLING POLICY 83 - 148

Report of the Director of Public Health (copy attached)

Contact Officer: *Jean Cranford* Tel: 01273 292550
Ward Affected: *All Wards*

30 STATEMENT OF LICENSING POLICY 149 - 236

Report of the Director of Public Health (copy attached)

Contact Officer: *Jean Cranford* Tel: 01273 292550
Ward Affected: *All Wards*

31 ITEMS TO GO FORWARD TO COUNCIL

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

To consider items to be submitted to the INSERT DATE 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.

Electronic agendas can also be accessed through our meetings app available through www.moderngov.co.uk

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, 24 February 2016

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

4.00PM 19 NOVEMBER 2015

**MAIN HALL, QUAKER MEETING HOUSE, SHIP STREET/PRINCE ALBERT STREET,
BRIGHTON**

MINUTES

Present: Councillors Marsh (Chair), Horan (Deputy Chair), Cobb (Opposition Spokesperson), Deane (Group Spokesperson), Allen, Bell, Gilbey, Lewry, Moonan, O'Quinn, Page, Simson, C Theobald, Wares and West

PART ONE

12 PROCEDURAL BUSINESS

12a Declaration of Substitutes

12.1 There were none.

12b Declarations of Interest

12.2 There were none.

12c Exclusion of the Press and Public

12.3 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).

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

13 MINUTES OF THE PREVIOUS MEETING

- 13.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 25 June 2015 be agreed and signed as a correct record.

14 CHAIR'S COMMUNICATIONS**Statement of Licensing Policy**

- 14.1 The Chair explained that consultation had commenced on 30 September 2015. The licensing authority had contacted all statutory consultees, placed information on the council's licensing pages and the council's consultation portal. Businesses had been advised via Brighton Business Forum.

The Key Changes

- 14.2 The key changes were as follows:

Review of overall structure and layout, removal of out of date and no longer relevant information to reflect changes in legislation.

Inclusion of an Executive Summary.

A new Section 2 "Public Health and Alcohol", Public Health section, incorporating the latest Public Health thinking and perspective, including that of The Alcohol Programme Board.

A proposed new section titled "Special Policies and Initiatives" (section 3) to include BHCC policies in relation to the CIZ, SSA, Matrix, TENs, Off licences/sensible on strength scheme, student and organised beer crawls, night-time economy safeguarding initiatives.

A Matrix review (section 3.3)

Addition of Café/bars category to table

Removal residential/mixed areas from the table

Inclusion of an "Other Areas" category with rationale in note 7 of matrix notes (referring to Public Health framework document for alcohol decisions).

Restaurants in the SSA – change from 2am to Midnight

Pubs – change of times from 11pm to No in CIZ category

Removal of HVVD (supper pub) category

Members Clubs - add 11pm for CIA and SSA

Inclusion of a definition of a restaurant condition in notes (paragraph 3.4)

Updated Police section 4.2

- 14.3 The following questions had been included and would be looked at as part of the consultation process:

Special Policy on Cumulative Impact.

Do you agree with including details of what may be considered exceptional circumstances within the special policy at paragraph 3.1.7?

What effect do you think this will have on the policy?

Do you have any general comments to make about the special policy and the CIZ?

Matrix approach.

Do you agree with the key changes proposed for the matrix, for example the area categories, the inclusion of café bars, and the exclusion of pubs in the CIZ?

Do you agree with the stated times for licensable activities in the different types of premises and different areas, for example restaurants, pubs and non- alcohol lead venues?

Do you have any comments to make on the 'notes' following the Matrix?

Section on Special policies and initiatives.

Do you have any comments to make about other special policies such as off-licences at 3.5, night-time safeguarding initiatives at 3.4, and street drinking at 3.6?

General comments about the policy

Please make any comments about any other aspects of the policy as a whole.

- 14.3 **RESOLVED** – That the position be noted.

15 PUBLIC INVOLVEMENT

15a Petitions

- 15.1 There were none.

15b Written Questions

15.2 There were none.

15c Deputations

15.3 There were none.

16 MEMBER INVOLVEMENT

16a Petitions

16.1 There were none.

16b Written Questions

16.2 There were none.

16c Letters

16.3 There were none.

16d Notices of Motion

16.4 There were none.

17 LATE NIGHT LEVY

17.1 The Committee considered a report of the Director of Public Health updating the Committee in respect of the proposed policy position of the licensing authority concerning the Late Night Levy (LNL).

17.2 It was noted that that expression of support for a levy had been received from the City Management Board (a letter had been sent from the Board to Committee Members), including directors of council departments, the PCC and local police. The Head of Regulatory Functions, Tim Nichols explained that Public Health England published local authority profiles and that in June 2015, Brighton & Hove had recognised the need to reduce harmful drinking as a priority area.

17.3 At the previous meeting of the Committee on 25 June, it had been agreed that officers investigate further on the possibility of consulting in respect proposals for a Late Night Levy (LNL) and that Officers report to the November meeting on consultation cost, design and methodology for the LNL in order for the Committee to decide whether or not to go ahead with the consultation. Officers had provided details of the potential costs of consultation in the report and it was noted that these figures did not include officer time and that consultations costs could be deducted from income collected before any split was made and that Sussex Police had indicated that they would be prepared to split the cost of consultation with the city council.

17.4 It was explained that officers had calculated that depending at what hour the levy was set, the LNL could apply to approx. 255 pubs, bars and nightclubs, 14 members clubs and commercial members/sports clubs, 56 convenience stores/off licences, 65

restaurants, 10 café bars, 2 large supermarkets, 2 late night refreshments with alcohol, 33 hotels/guest houses, 2 hotels/guest house with nightclubs, 13 hotels/guest houses with licences for guests and public, 3 SEVs, 2 Casinos, 6 cinema/theatres, 2 bingo halls, 2 large supermarkets and 16 “other” (which includes racecourses, entertainment venues etc). Data obtained from other authorities where a levy had been imposed were also included and it was recommended that the Committee instruct officers to proceed with formal consultation to raise a levy. In answer to questions it was explained that the amount at which the levy was set was based broadly on a premises’ rateable value, staff time involved in processing matters in relation to the levy and could come into operation at an agreed hour after midnight.

- 17.5 Superintendent Roy Apps was in attendance on behalf of the Police and addressed the Committee. Superintendent Apps explained that notwithstanding the financial pressures under which the Police had found themselves, there was a commitment to provide operations such as “Marble” over each weekend which responded to issues which arose across the city in relation to the Late Night economy. By consulting on and ultimately by imposing an LNL this would assist the Police in continuing to plan for provide such initiatives. Also, that in addition to its other benefits “Operation Marble” was valuable in providing preventative intervention for example by identifying those who were vulnerable due to intoxication and assisting them in leaving the city safely.
- 17.6 Councillor Marsh, the Chair stated that she was concerned that this process was not rushed and that the Committee were able to give all relevant matters their full consideration in a measured way, she was also unhappy at that Members of the Committee had been lobbied directly in the form of the letter sent by the City Management Board, which she did not consider appropriate. In order to do so she felt that they needed to have more information available to them than had currently been provided. She considered that the focus appeared to have shifted somewhat from the previous occasion on which this matter had been considered. Councillor Horan concurred in that view, considering that there were factors which were unique to operation of the night time economy in Brighton and Hove and that these needed to be considered fully.
- 17.7 In answer to questions the Head of Regulatory Services, Tim Nichols explained that generally there appeared to be a degree of support from premises themselves certainly from larger/medium sized establishments.
- 17.8 Councillor Simson stated that she was concerned that there appeared to be a lack of clarity around what would be funded, it was her understanding that the Levy was not intended to fund police operational measures and that given the city wide remit of an LNL it provided a blanket approach which could not be fine-tuned. Councillor Simson went on to state that she had recently attended a meeting at which the Police and Crime Commissioner had also been present and at which she had indicated that in her view many of the “benefits” achieved from the imposition of an LNL could also be achieved by entering into a Business Improvement District (BID). It would be worth pursuing this option further before going down the road of formal consultation as this could prove less unwieldy and could be applied as appropriate to different parts of the city in the same way that the existing CIZ and SSA areas applied. Whilst there were clear financial advantages for the Police in adopting a LNL, the Committee had to consider and weigh all relevant factors and in her view it was not appropriate to go to the expense of a

consultation exercise without considering whether the same results could be achieved by other means. Councillor Simson stated that she was very concerned that there seemed to be a premise that a LNL would be proceeded with and was of the view that to do so currently would be premature.

- 17.9 Councillor Cobb concurred in that view stating that she was also very concerned that the approach/focus being taken in considering this matter appeared to have changed, also and regarding the amount of lobbying which had taken place. It was important to ensure that any consultation set out clear questions and was broad based. Currently, information provided appeared to be confused and in some instances conflicting.
- 17.10 Councillor O'Quinn stated that she also had concerns about this whole process whilst large operators, particularly those who were part of large chains could afford to pay a levy it could have a very detrimental impact on small to medium sized ones. Many smaller premises relied on weekend trade as a mainstay of their business model. The need to cut back their hours in order to avoid paying a levy could render them financially unviable. It was important therefore to ensure for any consultation needed to be wide ranging and inclusive and designed in such fashion that it was not "leading" as this could of itself skew the feedback received and therefore the ultimate outcome of the process.
- 17.11 Councillor Deane considered it was regrettable that the Government had provided a blunt tool for dealing with the negative impacts which could arise from operation of the late night economy within city centres and Councillor West also concurred in that view.
- 17.12 Councillor Wares considered Councillor Deane's comments to be overtly political and unhelpful although he was in total agreement that further information/work was required before the Committee was in a position to decide whether or not to carry out a consultation exercise. He was in agreement with the views expressed Councillor Simson that it would not be appropriate for monies received from a levy to be used to back fill Police services, he was concerned that the services for which such funding could be used were becoming blurred.
- 17.13 Councillor Moonan was in agreement that it would be premature to agree to a consultation exercise at the present time considering that it was important to carry out a pre-consultation exercise to ascertain whether/what will existed for raising a LNL, alongside the other additional information requested and for this information to come to a future meeting of the Committee as soon as practicable in order to enable members to determine whether or not they wished to proceed to a formal consultation exercise.
- 17.14 Councillor Allen stated that as effectively no decision was being made at this stage, that the officer recommendation was to consult, he considered that he was minded to support it.
- 17.15 The Chair, Councillor Marsh sought advice on the issue following which she stated, that as the view of the Committee appeared to be that consideration of the report should be deferred, that she would put that to the vote.
- 17.16 On a vote of 14 with 1 abstention Members indicated that they wished to defer consideration of the report indicating that they wished to consider a further report including the additional information set out below prior to determining whether or not to

proceed with a formal consultation exercise in respect of raising a Late Night Levy (LNL) for the city.

- 17.17 **RESOLVED** – That consideration of the above report and consultation in respect of a Late Night Levy (LNL) to be deferred in order for a further report to be prepared for consideration at a future meeting of the Committee (as soon as practicable). No consultation except pre-consultation referred to below to be undertaken until the Committee has had the opportunity to consider a further report. The report to include the following information:

Details of pre-consultation undertaken with a representative range of stakeholders/premises operators, of various types, capacity, floor area and styles of operation;

Whether it would be appropriate/practicable to introduce Business Improvement District (BID) arrangements as an alternative to a Late Night Levy (LNL) including details of the differences between the two and how either would work in practice;

Precise details of how money raised by a LNL would be spent;

Up dated information/feedback in relation to how LNL's already introduced are operating; and

An assessment of factors which are unique to the city, conference trade, tourism, student population, residents and whether it would appropriate/how "bespoke" arrangements which reflected that mix could be implemented.

18 **GAMBLING ACT 2005 - REVISED POLICY**

- 18.1 The Committee considered a report of the Director of Public Health which explained that it was a requirement of the Gambling Act 2005 that every three years Licensing Authorities prepared a statement (also known as a Policy) of the principles which they would apply when exercising their functions. It was also a requirement that the Licensing Authority must publish this statement following the procedure set out in the Act, which included details of whom they should consult.
- 18.2 In line with the guidance given by the Gambling Commission, the council's current Statement of Gambling Policy had been sent to all statutory consultees, with the consultation period running for four weeks from 1 September, a copy of the document had also been made available on the council's website, Consultation had taken the form of an interim review and had included minor amendments including changing the date and removal of any out of date information.
- 18.3 Having evaluated the responses received (set out in appendix 1 to the report) it was not recommended that any substantive changes be made. It was therefore proposed to maintain the existing policy but to remove any information which was out of date. The proposed Statement as amended was set out in appendix 2 to the report.

18.4 A vote was taken and Members voted unanimously that the recommendations set out in the report be approved.

18.5 **RESOLVED:** That the Director of Public Health agrees to refer the final version of the Statement of Gambling Policy (appended to the report) to Full Council for adoption.

RESOLVED TO RECOMMEND: That the final Statement of Gambling Policy (as appended to the report) be presented to Full Council for approval and adoption.

19 SCHEDULE OF REVIEWS

19.1 **RESOLVED** – That the content of the schedule of reviews report be noted.

20 SCHEDULE OF APPEALS

20.1 **RESOLVED** – That the content of the schedule of appeals report be noted.

21 ITEMS TO GO FORWARD TO COUNCIL

21.1 It was agreed and noted that the Final version of Statement of Gambling Policy, Item 18, entitled“ Gambling Act 2005 - Revised Policy” needed to be presented to the scheduled meeting of Full Council on 17 December for approval and adoption.

21(B) VOTE OF THANKS – HEAD OF REGULATORY SERVICES, TIM NICHOLS

21.2 The Chair, Councillor Marsh, paid tribute to the Head of Regulatory Services, Tim Nichols who was due to be leaving the Council’s employment on 11 December, commending his knowledge, personability and consummate professionalism. The Chair stated that she wished to place on record her personal thanks for the information and support Tim had provided over the years and more recently during her role as Chair and was sure that the Committee also wished to add their thanks for his advice and service over a number of years and to send Tim their very best wishes for the future.

21.3 Members of the Committee who had known Tim for a number of years added personal tributes and good wishes. Councillor Simson, commended Tim’s breadth of knowledge and stated that his support during her period as Chair had helped her to increase her own knowledge and growth. Councillor Deane echoed all that had been said stating that this encapsulated all that she would have said and reflected her own experience, having received tremendous support during her period as Chair and since, he would be very much missed. Councillor Allen stated that in addition to his professionalism and contribution as a very high calibre officer he was aware of Tim’s contribution within the community where he lived, which was within his own ward. Tim had always kept those two roles separate and had been very modest about his achievements. Councillor C Theobald thanked Tim for his assistance to her and also her husband Councillor G Theobald over a number of years including her period in the Chair. Councillor West referred to the fact that during the years he had been a Councillor he had been provided

with support in his role as a Ward Councillor as well as in his role on Licensing Committee and when Chair of Environment, Sustainability and Transport Committee.

- 21.4 The Committee were unanimous in concurring with all that had been said and in wishing to place on record their thanks and Best Wishes to Tim Nichols, Head of Regulatory Services.
- 21.5 Tim Nichols, Head of Regulatory Services responded briefly in suitable terms thanking all for their good wishes and commending the time that he had spent with the Council.

The meeting concluded at 6.45pm

Signed

Chairman

Dated this

day of

Subject:	Annual Report of the Licensing Authority 2015		
Date of Meeting:	3 March 2016		
Report of:	Director of Public Health		
Contact Officer:	Name:	Jim Whitelegg	Tel: 01273 292438
	Email:	Jim.whitelegg@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1. This report sets out the licensing and gambling functions for Brighton & Hove Council carried out during 2015.
- 1.2. National matters: legislative changes and consultation (appendix 2).
- 1.3. Local licensing matters
 - Alcohol Programme Board
 - Street drinking/Sensible on Strength
 - Student Freshers/Pub Crawls
 - Sexual exploitation in the night-time economy
 - Events
 - Street Trading
- 1.4. Local/national gambling matters
 - Test purchase operations and subsequent reviews
 - Co-regulation and intelligence sharing between Licensing Authority, Gambling Commission and Police
 - Review Gambling Policy – impact on vulnerable?
 - Illegal poker – clubs and pubs
- 1.5. Local taxi matters
 - Revised 4th Edition of Blue Book
 - Child sexual exploitation
 - Enforcement
 - Uber Private Hire Operators Licence
 - Fees
 - Unmet demand survey
 - Brighton Station
- 1.6. Members are apprised of local and national issues.

2. RECOMMENDATIONS:

- 2.1. That the committee notes the contents of this report.

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

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1. Licensing Act 2003

3.1.1. Table 1 below shows the numbers of applications and hearings for the last three years, including those granted, refused and withdrawn.

3.1.2. The Licensing Authority dealt with 5 reviews in 2015. The full list can be seen in the Review table report. There were a number of challenging reviews, including Oxygen (revoked, appealed (decision substituted to police's original review application 3 mths suspension, amend conditions and reduction of hours)), Golden Grill (revoked and appeal due 29th March 2016) and the Bulldog (suspended from midnight for 1 month and conditions added, appeal due 8th March 2016). (see appendix 1).

Table 1: Licensing Act 2003 figures 2015/2014/2013

1st Jan - 31st December 2015		1st Jan - 31st December 2014	
Number of premises		Number of premises	
- Premises Licences	1363	- Premises Licences	1377
(surrendered)	19	(surrendered)	13
- Club Premises	31	- Club Premises	36
(surrendered)	1		0
New apps		New apps	
TOTAL	48	TOTAL	52
(granted)	42	(granted)	46
(refused)	3	(refused)	3
(withdrawn)	3	(withdrawn)	3
Variations		Variations	
TOTAL	21	TOTAL	29
(granted)	16	(granted)	25
(refused)	2	(refused)	3
(withdrawn)	3	(withdrawn)	1
Minor Variations		Minor Variations	
TOTAL	59	TOTAL	50
(granted)	59	(granted)	49
(refused)	0	(refused)	1
Panel hearings (apps)	13	Panel hearings (apps)	16
Reviews	5	Reviews	8
Appeals	3	Appeals	3
TENs hearings	5	TENs hearings	4
TOTAL	1075	TOTAL	903
(granted)	1053	(granted)	884
(refused)	17	(refused)	16
(withdrawn)	5	(withdrawn)	3

3.2. Gambling Act 2005 - Licensing Authority Functions

3.2.1. The functions of licensing authorities may be divided roughly into five: publication of Gambling Policy, regulation of premises, registration of small society lotteries, maintenance of registers and compliance.

3.2.2. Table 2 shows types and numbers of gambling licences issued by Licensing Authority currently compared to 2007 when the Gambling Act 2005 came into force.

Premises Licences	Current (31/12/2015)	2007
Casinos	4	4
Bingo Licences	3	8
Adult Gaming Centres (AGCs)	10	28
Family Entertainment Centres (FECs)	2 (plus 4 FEC permits)	8
Betting tracks	2	2
Betting Shops	39	51
Gaming Machines Total	191	222
Gaming Machine Permit (> 2 x Cat C&D)	24	
Gaming Machine Auto Entitlement (2 x C&D)	157	
Club Machine Permits	7	
Club Gaming Permits	3	

3.3. Press interest:

3.3.1. Licensing issues in Brighton and Hove have been at the forefront of the media between 1/1/15 – 31/12/15. Press interest includes:

- **Uber** Uber's application for a licence to operate in the city received extensive media coverage, BBC South East TV, ITV Meridian, BBC Sussex, The Argus, and Brighton & Hove Independent.
- **Late night levy** The Licensing Committee's decision to defer the decision on whether to consult on the late night levy for pubs and clubs in the city was covered in the media, including BBC Sussex, Brighton & Hove Independent and The Argus. **Licensing Panel** decisions and action against licensed premises in response to concerns and complaints, were covered in the Argus, Brighton & Hove Independent and other media
- **Prosecution of a taxi driver for smoking in his cab** was covered in the Argus
- **Review of the Statement of Licensing policy** was covered in the Morning Advertiser
- On 12 May 2015, at Brighton & Hove Magistrates' Court, the City Council successfully defended its decision to revoke the premises licence of the West Beach Hotel following licence review proceedings. The case highlighted the legal and practical difficulties of running more than one operation under a single premises licence. The Brighton-seafront hotel contained four separate operations consisting of a basement nightclub, restaurant, a public bar and the hotel itself. The licensable activities of all these operations were authorised under a single Premises Licence with a

single Designated Premises Supervisor. Although there is no legal bar to this type of set-up, real difficulties arose because the licence holder leased out the nightclub and bar elements to third parties over whom he had little or no practical control. The single DPS (later employed by the hotel) was unable to direct, for example, how many door supervisors the nightclub should employ or what hour the club should close. Under questioning, the DPS had to accept that he could not fulfil the role envisaged for a DPS (in the Secretary of State's section 182 Guidance) as the person who will "normally have been given day to day responsibility for running the premises", because his remit and powers were limited and did not extend to large parts of the "premises" including the basement nightclub. The effect of the unified licence, the licence holder conceded, meant that he had delegated his responsibilities under the Licensing Act 2003 to third parties over whom he could exercise little control. This lack of accountability was partly responsible for the significant and prolonged late night disturbances suffered by nearby residents that amounted to a public nuisance. The Court agreed with the Council's earlier decision to revoke the entire premises licence given that the unified licence had proven itself to be "unworkable" and the operations had undermined the public nuisance objective. In this case, the better approach was for each separate operation to be authorised under its own premises licence.

3.4. Local Licensing Issues

3.4.1. Alcohol Programme Board

The Alcohol Programme Board includes health commissioners and NHS/voluntary sector providers, the Council, University student reps, police, licensees, retailers and probation services, with Chair of Licensing invited. The work of the Alcohol Programme Board, domain group 2 (availability) developed an action plan which can be found at Appendix 3.

3.4.2. Street drinking/Sensible on Strength

The 'Sensible on Strength' (SOS) scheme was launched in November 2013 by the Licensing Authority following problems associated with street drinking 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. SOS aims 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 and receive an accreditation. 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.

The Sensible on Strength scheme has 131 members plus 23 stores (chains) who are not selling cheap super-strength beers and ciders. It is an ongoing scheme and the Licensing Team will continue to incorporate advice about the scheme when carrying out their risk based inspection programme and will sign up those who are interested and who qualify. The Licensing Team together

with the Police and Trading Standards will continue to respond to any complaints about hot spot areas and investigate accordingly (current intel suggests issues around St Andrew's Church, Church Road and Waitrose Western Road and New Road).

3.4.3. Statement of Licensing Policy

A major overhaul of the Statement of Licensing Policy has been carried out. The full report can be found at agenda item 30. A summary of the key changes can be found in appendix 4, page 26 and at page 120 of agenda 30.

3.4.4. Student and Organised Pub Crawls

The Licensing Team has worked again during 2015 with both universities to ensure that Freshers are promoted as social events where students can meet people (and not to encourage irresponsible drinking). Sussex University now has a great programme of non-alcohol events including a Brightonian Day tour of landmarks and quirky cafes. As well as the universities the Licensing team has worked with other Events/Promotional Companies to ensure that events within the City such as Bar Crawls have safety measures in place including: Stewarding, On Site Medics, Water Angels, Promoting the Four Licensing Objectives and making evenings "sociable" rather than "Alcohol fuelled".

Officers made contact with the Home Office in January 2016 to see if their accreditation scheme is to be rolled out to all universities and discuss different initiatives that have been achieved with Brighton and Sussex University.

3.4.5. Sexual Exploitation in the Night-Time Economy

The licensing authority supports safeguarding initiative's such as The Beach Patrol Quad bike which the Councillors saw the benefit of on their late night visit. The number of sexual assaults and injuries it has prevented is immeasurable. Following concerns raised post Rotherham, Rochdale, Oxford etc., officers are now working more closely with the Local Children Safeguarding Board (LCSB).

3.4.6. Events

The Licensing Team lead on behalf of Environmental Health & Licensing for the safety management and regulation of events in the city, including for 2015 Brighton Marathon, Brighton Festival & Fringe & The Great Escape, Paddle, Shakedown, Pride/GVP, Big Screen, Colour Run, Rugby World Cup and Freshers. The team focus on structure and crowd safety, welfare/WC provision, public nuisance, food safety and compliance with licensing (alcohol, underage, illegal traders, etc).

The event that impacts most within the city is Pride. Since Pride in the Park has been fenced the problems of underage drinking and low level anti-social behaviour has moved from inside the Park to the periphery and surrounding areas. Pre-Pride and during Pride licensing checks were carried out in all licensed premises associated with the event. Over the Pride weekend which includes the Parade, Pride in the Park and the Village Party (PVP), the Licensing

team were focused on identifying and stopping any instances of licensed premises selling to children and people who were clearly drunk.

1. **Pre-event work:** Multi agency pre event advice visits to premises around the Park, Parade route, and in the PVP were a good opportunity to engage early and provide reminders in relation to licensing, environmental health and trading standards duties and responsibilities. Good joint working with the PVP organisers including visits to premises, introduction of multi agency briefings for licence holders, before and during the event, helped ensure that organisers took responsibility and raised awareness of any current issues.
2. **Licensed premises** around Parade route, Park and PVP were generally good and compliant and had clearly responded to earlier pre event visits. No noise abatement notices, or warning notices were served for commercial or domestic premises.
3. **Mobile traders:** Vast majority of mobile traders (ice cream & burger vans) were trading on private or park land not highway so exempt from street trading consents.
4. **The bomb hoax** resulted in an hour and a half delay, the Parade being rerouted, and Police resources having to be redeployed. A shortage of scanning machines to scan e tickets at the Park and the PVP resulted in big queues and this was not assessed when Preston Road was reopened. Prior to the Parade moving through speakers were turned down and moved off the highway, BBQs and grills also moved off the highway.
5. **Underage drinkers:** Underage drinking was most evident outside the park adjacent to the bowling pavilion and in the Preston Park rose garden. Youths arriving earlier than last year. Youths did not really give an indication of where alcohol was coming from when asked, although RU OK bus and volunteers more of a nurturing approach than interrogation – viewed as a success. By 4pm a much higher police presence in the area which helped keep youth problem under control although still very busy, it also helped that there was such a big alcohol seizure by Police earlier on in the day. Spirits were the main alcohol being consumed. Expanding the fenced off area to include these two areas would help to manage this further. Resulted in a build up of broken glass.
6. **Park:** Inside Park no major issues. At approx. 5pm – For park and immediate surrounding area approx. 60 medical casualties but getting busier partly due to heat, only 3 hospital admissions (all medical). 4 Public Order arrests outside and 9 drug arrests inside park but nothing significant to report. In Park noise levels running higher than last year especially low frequencies, difficult to locate source with so many tents and difficulties with access in and out of site. No reported H&S incidents by 8pm.
7. **Pride Village Party:** St James's Street seemed less congested and the review of the access points to the PVP helped to spread the crowds onto Marine Parade. Noise zones appeared to work with active management by event organisers. Tipple Temple tents in New Steine not just acoustic entertainment much noisier and to be reviewed next year. There was a good

atmosphere, friendly in nature and certainly not aggressive as has been experienced during previous years. Little glass on St James Street showing the positive effect of the 'no glass' policy.

8. **Raves** No reported raves.

9. **Nitrous Oxide and Poppers.** A number of peddlers along the parade route, and outside the park were selling poppers, told not to and moved on. Most use of nitrous oxide was happening outside the park in the rose garden, by the bowling pavilion, on the green open spaces by St Peters and Victoria Gardens, and on the seafront. Feedback from all agencies that overall nitrous oxide less evident than last year.

10. **Noise Patrol.** Operated as normal 10pm to 3am, took 10 calls but only 2 required a visit, or could receive a visit. One was an ongoing case where a statutory nuisance was witnessed.

3.4.7. **Street Trading – Upper Gardner Street Market**

Licensing officer has worked hard to improve relationships with residents and traders. This led to increased communication and enforcement which resulted in some traders leaving the market. This has improved things and we now have:

- A new market supervisor on a Saturday (a trader whose family have had a stall there for as long as the market has been there 100 years)
- Better Relationships/ Less complaints = Less enforcement

The Licensing officer has also streamlined the administration process and so now we have under 10 people on the waiting list (before we had over 30).

3.5. **Gambling Local and National Issues**

3.5.1. **Underage Gambling Test Purchase Operation**

In early September 2015, BHCC licensing officers participated in the National Inspection Strategy, working with the Gambling Commission and Primary Authorities (Newham for Corals, Reading for Paddy Power and Milton Keynes for Ladbrokes), and conducted test purchasing in 6 betting premises within our area. 3 out of 6 premises failed the test purchase. This information has been passed to the relevant Primary Authority and Gambling Commission for any further action. A report will be generated which will be made available to all local authorities that participated in the national inspection plan 2015 and it will include the recommendations that we are making to the operators.

Officers also visited 3 premises where intel regarding a group of underage trying to gain access was received and all had good practices in place.

3.5.2. **Co-regulation and Intelligence Sharing between Licensing Authority, Gambling Commission and other agencies – Policy Review**

The Council are required to produce a Gambling Policy which sets out the authorities approach to gambling and how it will consider applications. The Policy must be reviewed at least every 3 years and interim review with some minor

amendments, including changing the date and removing out of date information (7.1 Statement regarding Casino Resolution).

Officers are also in the process of re-writing the Gambling Statement of Principles in light of the forthcoming changes to the Licensing Conditions and Code of Practice (LCCP) and Guidance for Local Authorities (GLA), to incorporate the new social responsibility requirements which come into force in April 2016 (see 3.6.3). Officers would like to develop the policy to take a public health approach to gambling. The Licensing Team are working with Public Health colleagues, Gambling Commission, outreach centres and other local authorities who have a high proportion of gambling premises. The purpose of this partnership working is to explore area vulnerability to gambling-related harm, to enable the authority to understand the impact that gambling has on health and wellbeing of local communities and to outline this approach in the Policy.

Officers continue to receive intelligence from the Gambling Commission and operators regarding illegal poker in pubs and clubs.

Poker can be played in a members' or commercial club providing that the conditions that apply to gaming clubs are followed, including limits on stakes and prizes. Clubs must be established and conducted wholly or mainly for purposes other than gaming. Stakes are limited to £10 per game with a maximum prize of £250, as opposed to a £5 stake and £100 prize for poker in pubs. A nominal participation fee of £1 or £3 can be charged in clubs, unlike pubs where no participation fee can be charged.

3.5.3. Nationally: Early in 2015 the Commission completed a consultation on revisions to the Licence Conditions and Codes of Practice with a lot of the changes relating to the social responsibility requirements and policies particularly connected to gambling management tools, responsible gambling information, customer interaction and self exclusion. Many of the changes came in to force on 8 May 2015 although a key change: "The drafting of a local risk assessment," does not come in to force until 6 April 2016. This is to allow operators to look at local policies and prepare appropriate risk assessments. The Gambling Commission are being very clear on local risk assessments in that it will not be sufficient for operators simply to write: "There are no risks or issues and therefore a risk assessment is not needed." The Commission argue that gambling risks are less visible than alcohol related harm (Article in the Journal of Licensing – November 2015) and that the risk assessments need to be related to the: "Probability of an event happening and the likely impact of that event." The revised LCCP, which contains a number of amendments, will come into force in April 2016.

3.6 Taxi Matters

3.6.1 4th Edition of Blue Book

This has now been printed and distributed to all Hackney Carriage and Private Hire Drivers, Proprietors and Operators. The 4th edition has been revised with a greater emphasis on protecting children and vulnerable adults, containing licensing objectives, code of conduct when working with vulnerable passengers, safeguarding children and vulnerable people, Human Trafficking and Child Sexual Exploitation. The Guidelines relating to relevance of Convictions have also been updated including immediate

suspensions for police bail and police recommendations. Changes also include the issue of Dual Hackney Carriage and Private Hire licences. It is planned that the Catstream Disability Awareness Training course will be fully in place by April 16.

3.6.2 Child sexual exploitation: guidance letter sent to operators and taxi forum

A number of issues concerning drivers have come to light during 2015 and has led to licences being suspended, revoked or refused. The new version of the Blue Book has been used to refuse a renewal application.

3.6.3 Enforcement

The team have had a number of challenging enforcement cases to deal with this year, resulting in revocations and non-renewals of drivers licences. Public safety is paramount and action has been taken against drivers for a number of matters including child sex offences, common assault, abusive and aggressive behaviour and driving without due care and attention. Many of the cases are on-going. These cases involve a multi-agency input and our decisions are based on the published criteria in the Blue Book.

3.6.4 Uber - Private Hire Operators Licence

This was issued on the 5th of November 2015 but Uber is not currently operating the licence. Anyone trying to book an Uber vehicle in the Brighton & Hove area will see a "coming soon" message on the phone app. This is to prevent Uber drivers licensed elsewhere working in Brighton & Hove.

3.6.5 Fees – issuing 3/5yrs licences or shorter where DBS or medical certificate required (3yr £300 shorter pro-rata)

Following the implementation of the Deregulation Act drivers are now issued 3 year licences unless a DBS check or a medical is required sooner. The cost of a 3year licence is £300 for a Hackney Carriage driver and £228 for a Private Hire Driver Licence. Shorter licences are charged pro-rata of these fees. Private Hire Operator Licences are issued for 5 years.

3.6.6 UMD – no significant unmet demand, release 5 plates per year

The Unmet Demand Survey carried out in 2015 found no significant unmet demand and Licensing Committee agreed to continue with managed growth of 5 new plates annually to wheelchair accessible vehicles. The % percentage of Hackney Carriage Wheelchair Accessible Vehicles has steadily grown over the year and is now 41%.

3.6.7 Brighton Station

There are continued issues with congestion around Surrey Street and Brighton Station. The decision for the proposed rank in Terminus Road has been postponed following pressure from the West Hill Residents Association. Station passes have increased to £750 following the change of contractor issuing Station passes. The Hackney Carriage office now checks drivers DVLA driver licence directly with the DVLA following the

discontinuation of the paper part of the driving licence. All Enforcement Officers have now passed the Btec in Vehicle Inspection.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1. Licensing Strategy Group, finance and legal services.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 The costs associated to activities allowable under the Licensing Act 2003 are funded by licence fee income; any variation between expenditure and income generated from licence fees is funded from existing revenue budgets.

Where fees are not set by central government, licence fees are set at a level that it is reasonably believed will cover the costs of providing the service and in accordance with the requirements of the legislation under which they are charged. Licence fees are approved annually at Licensing Committee.

Finance Officer Consulted: Michael Bentley *Date:* 17/02/16

Legal Implications:

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

Lawyer Consulted: Rebecca Sidell *Date:* 17/02/16

Equalities Implications:

5.3 There are no direct equalities implications.

Sustainability Implications:

5.4 There are no direct sustainability implications.

Crime & Disorder Implications:

5.5 Contained in the body of the report.

Risk and Opportunity Management Implications:

5.6 No implications

Public Health Implications:

5.7 Contained within report.

Corporate / Citywide Implications:

5.8 The local licensing delivers support improvement that help businesses comply with the law speedily, easily and economically.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

None – for information only.

7. REASONS FOR REPORT RECOMMENDATIONS

For information only.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix 1 – Reviews and appeals tables
2. Appendix 2 – Legislative changes & consultation
3. Appendix 3 - Alcohol Programme Board action plan
4. Appendix 4 – Key changes to Statement of Licensing Policy
5. Appendix 5 – Draft local area profile

Documents in Members' Rooms

1. None.

Background Documents

1. None.

Appendix 1

Reviews table

NAME AND ADDRESS OF PREMISES	Date consideration of closure order received from Magistrates	DATE OF HEARING	DETERMINATION
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
Golden Grill 5 Pool Valley Brighton BN1 1NJ	N/A	11.09.15	Revoked
The Bulldog 31 St James's Street Brighton BN2 1RF	N/A	21.09.15	Suspended from midnight for 1 month and conditions added

Schedule of Licensing Appeals

Premises	Appellant	PTR	Hearing	Outcome
Oxygen, 75 West Street, Brighton	Premises licence holder		13/14 th October	Decision to revoke substituted for decision to suspend the licence for 3 months, reduce hours and attach conditions
The Bulldog, 31 St James's Street, Brighton	Police and Licence holder	13.11.15	8/9 th March	
The Golden Grill, 5 Pool Valley, Brighton	Licence holder		29/30 th March	

National matters: legislative changes

Personal Licences – The requirement to renew personal licences has been abolished with effect from 1 April 2015.

The Deregulation Bill received Royal Assent on Thursday 26 March 2015 and brought in a number of important changes to the Licensing Act 2003. These are listed below with the date the changes applied from:

- the requirement to renew personal licences has been abolished with effect from 1 April 2015.
- the offence of selling liqueur confectionery to children under 16 was repealed with effect from 26 May 2015. After that date a person of any age can buy liqueur confectionery in England and Wales
- the requirement to report lost or stolen licenses to the police before applying for duplicates was abolished with effect from 26 May 2015
- the limit on the number of temporary events that can be held at single premises increased from 12 to 15 per year from 1 January 2016
- changes to regulated entertainment took effect from 6 April 2015 (see below).

As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.
- Boxing or wrestling entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.

Live music: no licence permission is required for: a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.

- a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
- a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not

exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.

- a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

Recorded Music: no licence permission is required for: any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

- any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for: any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;

- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
- any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

The deregulatory changes mean that, for example, an indoor sporting event that takes place between 07.00 and 23.30 on a particular day is licensable in respect of activities taking place between 07.00-08.00 and 23.00-23.30. Similarly, where the audience for a performance of dance fluctuates, those activities are licensable if, and for so long as, the number of people in the audience exceeds 500. If organisers are uncertain as to audience sizes or if audience migration is likely, it might be easier and more flexible to secure an appropriate authorisation. Examples of where a Temporary Event Notice (TEN) could still be required include if the activity is the playing of recorded music or the exhibition of a film that requires an authorisation; or if the entertainment is not authorised by an existing licence or certificate and its conditions.

Late Night Refreshment deregulation

The Government has published the Licensing Act 2003 (Late Night Refreshment) Regulations 2015, which provides a list of prescribed premises which a Licensing Authority may exempt from the requirement under the Licensing Act 2003 for the provision of late night refreshment. The list includes premises such as:

- Motorway service areas;
- Premises used for the retailing of petrol or diesel;

- Licensed Premises authorised to sell by retail alcohol for consumption on the premises between 23:00 and 05:00;
- School and Local Authority premises where no more than 500 people are present (non-domestic premises);
- Community premises and hospitals subject to certain requirements.

The regulations came into effect on 5th November 2015.

The Licensing Authority can also decide to exempt premises within a certain area from the requirement to licence late night refreshment, and also change the hours (normally 23:00 to 05:00) during which premises will require a licence, so as to relax those hours to a greater extent. These matters however are for the Licensing Authority's discretion rather than to be prescribed in any Regulations.

BHCC Licensing Officers consider Late Night Refreshment premises can contribute towards disorder in the night time economy so have not suggested any exemptions.

Hackney carriage and private hire licensing changes from 1 October 2015

- Standard three year driver licences for hackney carriage and private hire drivers and five year private hire operator licences.

Private hire operator sub contracts

- The deregulation allows private hire operators to sub-contract bookings to other operators who are licensed with other councils. Previously, sub-contracting could only take place between firms licensed in the same district.

Gambling Act 2005

Statement of Principles (Gambling Policy) Renew Jan 2016 – include local area profile and issues to reflect changes to social responsibility in LCCP & GLA.

Licensing Conditions and Codes of Practice – has been revised to improve social responsibility, reduce gambling related harm and give greater control to customers. The key change took effect on the 8th May 2015 but the requirement for operators to produce a local risk assessment taking into account relevant matters identified in the licensing authority's statement of licensing policy (LA's own local area profile and the new Statement) comes into effect on 6 April 2016..

Guidance for Local Authorities – GC are about to go out to consultation. The vast majority of the next version of the GLA will be unchanged in substance (save for some relatively minor tidying up to remove some duplication and improve ease of use).

Beyond that, the main changes will be in the following areas:

- A new "general guidance" section at the beginning of the document intended to make clear the breadth of discretion available to LAs in exercising their powers, the underpinning statutory "aim to permit gambling subject to being reasonably consistent with the licensing objectives" and the importance of the statement of licensing policy as a regulatory tool
- Changes to reflect completed consultation on improving social responsibility controls, particularly around "local risk assessments"
- Relatively minor changes to reflect the coming into force of new arrangements for regulating online gambling

**Alcohol Programme Board
SDG 2 : Availability**

Appendix 3

Activity Area	Impact	Current Activity	Time Frame	Cost Impact	Leads	Identified KPIs and Progress
I. Reducing Alcohol Sales						
Statement of Licensing Policy	Cumulative Impact Zone Special policies Special Stress Area Matrix	Reports to Licensing Committee following Scrutiny exercise on alcohol. New Public Health Alcohol Licensing Framework	5 March 2015 25 June 2015 Consultation Further Committee and Full Council report	Existing budget	Jim Whitelegg, Public Health Licensing Manager Jean Cranford, Quality & Projects Manager	Revision of SoLP.
Late Night Levy	Raise funds for taxi marshalling, noise services, pastors, safe space, beach patrols, policing	Reports to Licensing Committee (latest 25.6.15) Committee request further report (costs and consultation)	Report to Licensing Committee March/June 2016	Consultation costs Income not exceeding £450k	Jean Cranford, Quality & Projects Manager	Determination of LNL consultation

Activity Area	Impact	Current Activity	Time Frame	Cost Impact	Leads	Identified KPIs and Progress
High ABV beer and cider SOS	Reduce strength of larger and cider and street drinking	Sensible on Strength accredited off licence scheme, remove super strength (>6% ABV) Challenges, refusals, policy and CCTV. Current focus: Elm Grove, Seven Dials, Church Road, Sackville Road, Hangleton	Ongoing	Within existing budget	Becky Pratley, Licensing Officer Donna Lynsdale, Fair Trading Officer	Membership = 131 SOS website Further 23 stopped selling but not joined scheme.
Work with students	Freshers (liaison) Advice Safe Space (YMCA)	Work finished for this academic year. Will commence again in September, when further update will be given.			Sarah-Jane McNaught, Licensing Officer Jim Whitelegg, Public Health Licensing Manager	Water heroes

Activity Area	Impact	Current Activity	Time Frame	Cost Impact	Leads	Identified KPIs and Progress
2. Inclusion and engagement						
Licensing Strategy Group	Developing licensing policy	Meeting of LATs, residents associations, licensees, licensees association, Police, BCRP, Fire Service, legal services.	Every three months. Next meeting 18 Jan 2016.	Existing budget	Jo Player, Joint Acting Head of Regulatory Services	None
Meeting and LATs	Developing licensing policy. Addressing alcohol offending and nuisance.	Meeting on request	On request	Existing budget	Jo Player, Joint Acting Head of Regulatory Services Jim Whitelegg, Public Health Licensing Manager	LATs: Chairs, Moulsecomb, FBRA, BARG, Central Hove, London Road, NLCA, West Hill Community Association, St James's Street, NLCA and others
Public Register	Searchable Register	Weekly list to Councillors and key officers.	Weekly Ongoing and updated.	Existing budget	Licensing Technical Support. Jean Cranford, Quality & Projects Manager	

Activity Area	Impact	Current Activity	Time Frame	Cost Impact	Leads	Identified KPIs and Progress
3. Responsibility Deal/Existing Licensing Enforcement						
Risk based inspection programme	Compliance (Licensing Act 2003)	Prioritised inspections focussed on key issues (e.g. irresponsible promotions and age restricted sales.	Ongoing	Existing budget	Jim Whitelegg, Public Health & Licensing Manager	Inspection numbers 2014/15 870 investigations; 130 out of hours inspections
Permitted price enforcement	Price > duty + VAT	Within inspection programme	Ongoing	Existing budget	Licensing team	As above
Test purchase operations	Reduced underage sales	Police led	Ongoing	Police budget	Sussex Police Jo Player, Trading Standards Manager	24 tested 8 failed
Activity Area	Impact	Current Activity	Time Frame	Cost Impact	Leads	Identified KPIs and Progress
Business support (training)	Reduced underage sales	Training programmes	Ongoing	Existing budget	Donna Lynsdale, Fair Trading	120 premises 384 trained 436 visits

					Officer Jo Player, Trading Standards Manager	
4. National Licensing Changes						
Alcohol marketing	Health & Enforcement Action Forum Alcohol brands - Young people in treatment - Alcohol sports sponsorship -	Limit exposure of young people. Controls on contact.	Ongoing - looking out for any changes.	National	Dept of Health	
Community Alcohol Partnership (CAP)	Public Health as a licensing objective	Locally a Community Alcohol Partnership is being explored. St Peters – high rank in Public Health Alcohol Licensing Framework		Public Health funded co-ordinator post	Jo Player, Trading Standards Manager and new Public Health Project Officer to co-ordinate	Likely to be put on hold until Regulatory Services restructure issues resolved.
Activity Area	Impact	Current Activity	Time Frame	Cost Impact	Leads	Identified KPIs and Progress
Scottish Parliament	Minimum Unit Pricing	European Court of Justice heard legal arguments (6 May	EU Advocates Further delay – returned to			

		2015)	European Court because of concern re infringement of rules on free trade. Final ruling expected April 2016.			
Licensing Act		Changes to legislation.				

The Key Changes to Statement of Licensing Policy

- Review of overall structure and layout, remove out of date and no longer relevant information to reflect changes in legislation.
- Include Executive Summary.
- New section 2 “Public Health and Alcohol”, Public Health section, incorporating latest Public Health thinking and perspective, include Alcohol Programme Board.
- Proposed new section titled ‘Special Policies and Initiatives’ (section 3) to include BHCC policies CIZ, SSA, Matrix, TENs, Off licences/sensible on strength scheme, student and organised beer crawls, night-time economy safeguarding initiatives.
- Matrix review (section 3.3)
 - Add Café/bars category to table
 - Removal residential/mixed areas from table
 - Include Other Areas category with rationale in note 7 of matrix notes (referring to Public Health framework document for alcohol decisions)
 - Restaurant in SSA – change from 2am to midnight
 - Pub - change times from 11pm to No in CIZ category
 - Remove HVVD (super pub) category
 - Members Clubs – add 11pm for CIA and SSA
 - Include definition of restaurant condition in notes (paragraph 3.4)
- Updated Police section 4.2

Appendix 5

Proposed Approach to Creating a Local Area Profile for Assessing Gambling Related Harm - *briefing*

8th February 2016

Contents

Contents

1. Purpose.....	3
2. Approach.....	3
3. Groups Vulnerable to Gambling Related Harm.....	4
4. Data Considerations	4
5. Web-based Local Area profile Spreadsheet	6
6. Summary	7

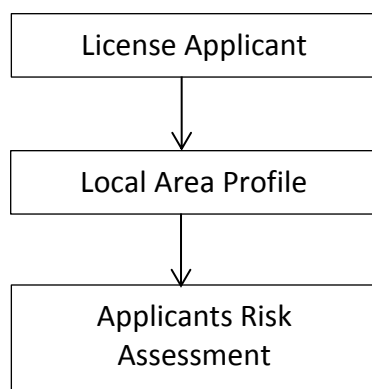
1. Purpose

- 1.1 The Local Area Profile provides analysis of vulnerable populations by geography but also vulnerable geographies for example by proximity to certain locations for example schools.
- 1.2 To develop local area based profiles that identify vulnerability to gambling related harm. The profile will be accessible via the internet and be in the form of a spreadsheet. Applicants will be able to input the postcode of their proposed premises into the spreadsheet which will then display information related to the demographic, health and wellbeing characteristic of the local ward population. The spreadsheet will also include maps of relevant facilities that might also indicate at risk populations.
- 1.3 This approach will aid Local Authority Licensing and industry decision making about the location of gambling venues.

2. Approach

- 2.1 Geofutures¹ identified population groups and characteristics that make individuals vulnerable to gambling harm. Some of these populations and characteristics can be measured at a local level. Local Area Profile can then be used by an applicant for a License to inform completion of their Risk Assessment which became an obligation following revisions to Licence conditions and codes of practice (LCCP)².

Diagram 1 Relationship Between Local Area Profile and Applicants Risk Assessment³



¹ Exploring Area-Based Vulnerability to Gambling-Related Harm: Who Is Vulnerable? Heather Wardle, Gambling and Places Research Hub, Geofutures, 13th July 2015

² Guidance to Local Authorities, special bulletin, Gambling Commission, April 2015

³ Based on the approach employed by Leeds City Council Statement of Licensing Policy 2016 – 2018 Gambling Act 2005

3. Groups Vulnerable to Gambling Related Harm

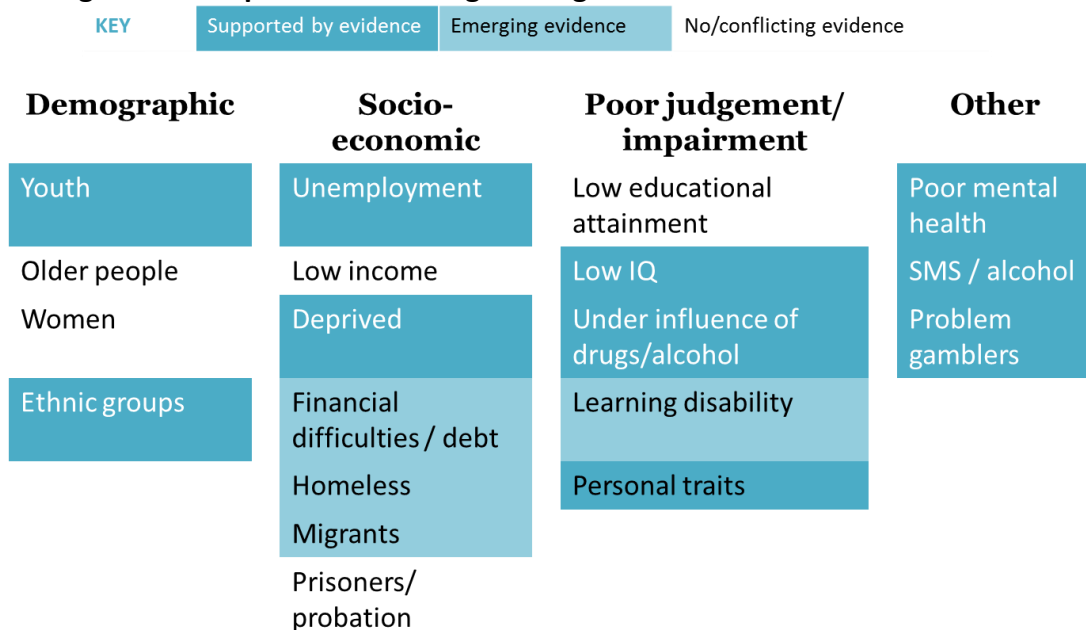
3.1 Three thematic groups were identified by Geofutures:

- Those constrained by social and economic circumstances: deprivation, unemployed, low income, social isolation, homeless populations, offenders and migrants
- Those with certain demographic characteristics: young, gender and ethnicity, older people (possibly related to social isolation).
- Those with poorer judgment: people with certain mental health conditions, learning disabilities or low educational attainment, temporary impairment or longer term difficulties such as substance abuse.

3.2 Those that may be vulnerable will change over time a reflection of wider socio-political and economic factors and need to be seen as dynamic. These factors contribute to the need to provide a local perspective to understanding risk of harm.

3.3 Geofutures research concluded in July 2015. Figure 1 shows the factors from the research which were proposed as relevant factors by stakeholders (all those listed), those which were supported by the evidence (darkest colour) and those where there is emerging evidence (lighter colour). Certain characteristics may have elevated risk of harm as opposed to will experience harm.

- **Figure 1: Groups vulnerable to gambling related-harm**



3.4 Some of these communities experience a harm paradox with lower over all levels of gambling when compared with other groups but with those who do gamble being at greater risk of gambling harm.

4. Data Considerations

4.1 Some data relating to the vulnerable groups identified for inclusion in the Local Area Profile is more readily available than others. For example the may be little information in relation to personality traits though this may be a significant factor affecting an individuals relative risk.

4.2 Table 1 details the proposed categories of data for inclusion in the LAP.

- **Table 1: Groups vulnerable to gambling related-harm included in the Local Area Profile**

Category	Included in Local Area Profile	Data Sources
Young Person	<ul style="list-style-type: none"> • 16-24 Years • Males aged 16-24 years Sub-group: Full-time students	2011 Ward Population Estimates for England and Wales, mid-2011 (experimental statistics); based on the results of the 2011 Census
Poor Mental Health	<ul style="list-style-type: none"> • Indices Of Multiple Deprivation (Mood And Anxiety) Domain 	Indexes of Multiple Deprivation Mood and Anxiety 2015
Substance Misusers	<ul style="list-style-type: none"> • In treatment for substance misuse 	Brighton & Hove Substance Misuse Case Management System
Low Educational Attainment	<ul style="list-style-type: none"> • No qualifications 	Office of National Statistics - Nomis January 2016
Migrants – first generation	<ul style="list-style-type: none"> • Migrants 	Census 2011
Ethnic Groups	<ul style="list-style-type: none"> • Black & Minority Ethnic Community (Broad Definition) 	Census 2011
Constrained Economic Circumstances – low income	<ul style="list-style-type: none"> • Indices of Multiple Deprivation 	Indexes of Multiple Deprivation Low Income 2015
Unemployment	<ul style="list-style-type: none"> • Job Seekers Allowance Average over 12 months 	Jobseeker's Allowance Nomis December 2015
Social isolation	<ul style="list-style-type: none"> • Social Isolation 	Health Counts Survey 2012

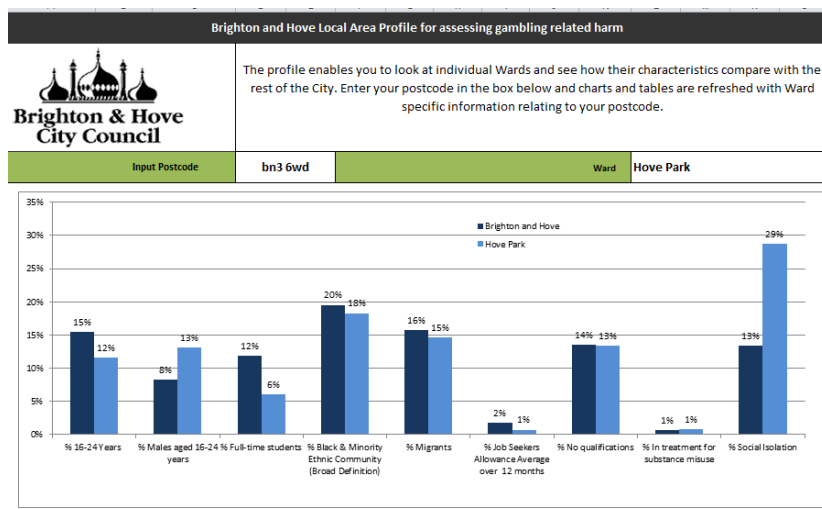
Proposed Maps

1. Licensed gambling premises
2. Licensed premises alcohol (all licenses on and off sales)
3. Hostels, Mental Health services and Drug and alcohol Services
4. Schools, leisure centres and parks
5. Crime and disorder heat map

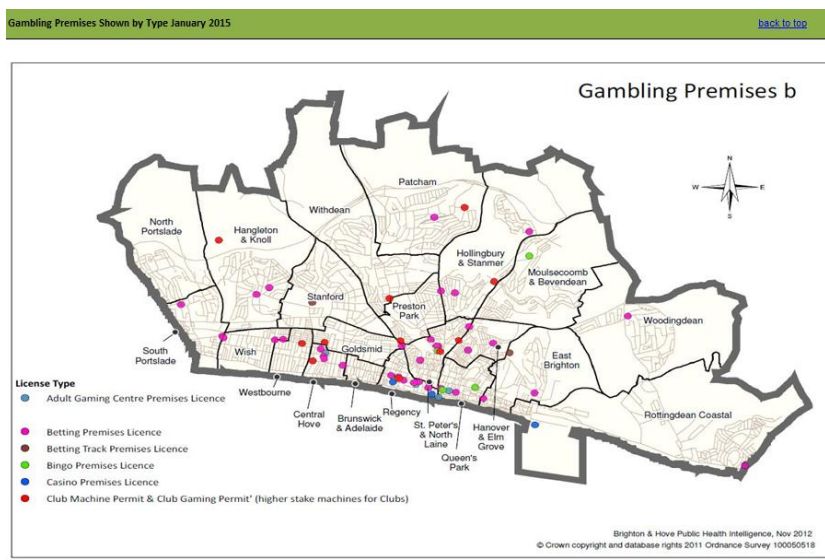
5. Web-based Local Area profile Spreadsheet

5.1 Applicants enter the postcode of the proposed premises into the spreadsheet. Data for the ward in which the premises is located automatically appears in the form of a chart comparing the Ward with that of the City as a whole.

- **Figure 2: Postcode, ward and ward based risk factors - chart**



- **Figure 3: Example Map showing location of gambling premises**



- **Figure 4: Ward based risk factors - tabular**

Population			
Source: ONS Mid Year Estimates 2013	Number by Ward	% of all Resident Ward Population	Rank Compared with other (21) Wards
16-24 Years	622	11.6%	10
Males aged 16-24 years	701	13.1%	10
Full-time students	641	6.0%	11
Black & Minority Ethnic Community (Broad Definition)	1,935	18.3%	13
Migrants	1,545	14.6%	11
No qualifications	1,121	13.4%	13
In treatment for substance misuse	11	0.7%	20
Social Isolation	25	28.7%	14
			Average for the City
Job Seekers Allowance Average over 12 months	49	0.7%	1.7%
	Number of LSOAs in this Ward that sit within the 10% most deprived	Number of LSOAs in this Ward that sit within the 20% most deprived	
Indices Of Multiple Deprivation	None of 7	None of 7	
Indices Of Multiple Deprivation (Mood And Anxiety) Domain	Lower Level of Deprivation (Mood and Anxiety) than City Average		

- **Figure 5: Index of data sources**

Index	Source	Modelled
16-24 Years	2011 Ward Population Estimates for England and Wales, mid-2011 (experimental statistics); based on the results of the 2011 Census	Data available in 5 year age bands this data apportioned to 16-24 year age groups
Males aged 16-24 years	2011 Ward Population Estimates for England and Wales, mid-2011 (experimental statistics); based on the results of the 2011 Census	Data available in 5 year age bands this data apportioned to 16-24 year age groups for males.
Full-time students	Census 2011	Full-time students All full-time students aged 16 to 74
Black & Minority Ethnic Community (Broad Definition)	Census 2011	All residents bar those defined as White; English/Welsh/Scottish/Northern Irish/British
Migrants	Census 2011	All residents bar those born in the United Kingdom
No qualifications	ONS Crown Copyright Reserved (from Nomis on 19 January 2016) Brighton & Hove Substance Misuse Case Management System	Individuals recorded as having no qualifications.
In treatment for substance misuse	Misuse Case Management System	All clients in treatment for drug and/or alcohol use as at 16th December 2015
Social Isolation	Health Counts Survey 2012	Respondents who speak to their neighbours once or twice a month or less
Job Seekers Allowance Average over 12 months	Jobseeker's Allowance (from Nomis on 9 December 2015)	Job Seekers Allowance Claimants as proportion of the working age population
Indices Of Multiple Deprivation (IMD) 10%	2015	Number of Lower Super Output Areas (LSOAs) [Income Decile] falling in the 10% most deprived in England. Where 1 is most deprived.
Indices Of Multiple Deprivation (IMD) 20%	2015	Number of Lower Super Output Areas (LSOAs) [Income Decile] falling in the 20% most deprived in England. Where 1 is most deprived.
Indexes of Multiple Deprivation Mood and Anxiety	2015	Health and Social Care Information Centre, Department for Work and Pensions, Office for National Statistics The mood and anxiety disorders indicator is a broad measure of levels of mental ill health in the local population. The definition used for this indicator includes mood (affective), neurotic, stress-related and somatoform disorders. A higher score for the indicator represents a higher level of deprivation. Shrinkage has been applied to this indicator. Part of this indicator contains public sector information licensed under the Open Government Licence v3.0. Part of this indicator uses Hospital Episodes Statistics. Hospital Episode Statistics Copyright © 2015, re-used with the permission of The Health & Social Care Information Centre. All rights reserved. Ward Average (based on LSOA) compared with the Average for the City.

6. Summary

6.1 The Local Area Profile is based on risk factors evidenced through research compiled by Geofutures. Risk factors have been matched with ward based data in the form of an interactive web-based spreadsheet. The spreadsheet also includes maps of locations identified as potential risk.

6.2 Data will be updated annually and additional risks included within the data set as these emerge.

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

Agenda Item 28

Brighton & Hove City Council

Subject:	Late Night Levy		
Date of Meeting:	3 March 2016		
Report of:	Director of Public Health		
Contact Officer:	Name:	Jean Cranford	Tel: 29-2550
	Email:	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 update the Licensing Committee on questions raised concerning the Late Night Levy (LNL) at licensing committee on 19 November 2015.

2. RECOMMENDATIONS:

- 2.1 That the committee decide whether to instruct officers to proceed with the formal consultation to raise the levy.
- 2.2 If it is decided to proceed to consultation, the matters set out in 3.9 should be determined.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 On 19 November 2015, licensing committee resolved:
That consideration of the above report and consultation in respect of a Late Night Levy (LNL) to be deferred in order for a further report to be prepared for consideration at a future meeting of the Committee (as soon as practicable). No consultation except pre-consultation referred to below to be undertaken until the Committee has had the opportunity to consider a further report. The report to include the following information:

Details of pre-consultation undertaken with a representative range of stakeholders/premises operators, of various types, capacity, floor area and styles of operation; (see 3.2)

Whether it would be appropriate/practicable to introduce Business Improvement District (BID) arrangements as an alternative to a Late Night Levy (LNL) including details of the differences between the two and how either would work in practice; (see 3.3)

Precise details of how money raised by a LNL would be spent; (see 3.4)

Up dated information/feedback in relation to how LNL's already introduced are operating; (see 3.5) and

An assessment of factors which are unique to the city, conference trade, tourism, student population, residents and whether it would appropriate/how "bespoke" arrangements which reflected that mix could be implemented. (see 3.6)

- 3.2 Pre-consultation. The Late Night Levy was discussed at the Licensing Strategy Group (LSG) meeting on 18 January 2016 which is attended by council officers, responsible authorities, business representatives and residents associations.

Should a decision be made to proceed with a LNL consultation, officers propose to take to the next LSG meeting on 25 April 2016 more information on what has happened in other local authority areas regarding the Late Night Levy, including the use of funds raised, and the proposed LNL consultation in order to finalise the formal consultation questionnaire.

- 3.3 Business Improvement District (BID). The current BID covers the mainly retail areas of Western Road as far as Waitrose, Clock Tower and Quadrant areas, North Street, Bond Street, the Lanes and East Street to the Sea (but doesn't cover the seafront or "lower" prom). The BID area is set by consultation; a consultation has recently concluded and it has been confirmed that West Street, the seafront and the "lower" prom will not be included in the BID area. There are 36 BID businesses within the scope of the LNL; under the LNL, BID membership can exempt businesses from paying the LNL fee which could mean a reduction of £37,295 from the expected LNL income. Exemption is expected to be carefully considered if the BID operates in the late night economy with a satisfactory crime and disorder focus. It is for the licensing authority to determine if the BID is eligible. A reduction of 30% for a BID is possible if not covered by an exemption.

Members of the Business Crime Reduction Partnership (BCRP) could receive a 30% reduction from the amount of LNL fees they pay; there are currently 188 BCRP members within the scope of the LNL and this could mean a reduction of £58,404.90 from the expected LNL income.

- 3.4 Use of funds raised by the LNL. Any funds collected would be spent in the Night Time Economy in Brighton & Hove as agreed by a joint 'Late Night Levy Advisory Panel, made up of Council officers, Police, Councillors, BCRP, etc, The local police commander has made a commitment that LNL funds will not be spent on statutory police duties.

The activities that could be funded by the LNL include Taxi Marshalls, Street Pastors and Water Hero schemes, training for door staff and staff of other premises (hotels) and taxi drivers on issues such as safeguarding and child sexual exploitation. Evidence based awareness campaigns on safety, drinking and drowning etc. Safety measures such as mobile CTV cameras, ID Scanners for selected venues, Safe Haven phone application. Crime and safety initiatives such as the beach quad bike patrol and Safe Space.

- 3.5 Updated information/feedback in relation to how LNL's already introduced are operating can be found at appendix 1.

- 3.6 An assessment of factors which are unique to the city, conference trade, tourism, student population, residents and whether it would appropriate/how “bespoke” arrangements which reflected that mix could be implemented. Brighton & Hove is an English seaside resort also known for its nightlife, arts scene, shopping and festivals. The local visitor economy is characterised by three sectors: conferences, leisure and English language education. The city receives 10 million tourism day trips and 1.4 million staying visitors per year. 27% of staying visitors originate from overseas. Tourism generates £839m of direct income for local businesses and supports 21,682 jobs. 18% of the total Brighton & Hove labour force is employed in jobs supported by tourism expenditure. The Brighton Festival is the second largest in Great Britain. The city has 2 racetracks, the Brighton Pier and the I360 which will open in the summer. There are 2 universities and numerous language schools in the city. Officers could include some of the visitor attractions and language schools/universities in the consultation.
- 3.7 Appendix 2 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 and the split of premises across different areas of the City.
- 3.8 Appendix 3 shows a draft design for consultation.
- 3.9 The notice of the proposal for consultation must set out the date on which the levy requirement is first to apply, the late night supply period, the permitted exemption categories (if any) which are to apply, the permitted reduction categories (if any) which are to apply and the specified portion.
- 3.10 BHCC Notice of Motion and LGA response: Following on from Full Council in December 2015, the Chief Executive, in response to a Notice of Motion, “Boosting alcohol-related policing and prevention” wrote to the Home Office and the Local Government Association (LGA) on 11 January 2016, a response was received from LGA on 9 February 2016 and passed to officers on 15 February (see appendix 5). Officers approached the Home Office and the LGA on 16 February (see appendix 6 for responses from LGA and Home Office).

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.

6. CONCLUSION

If the committee was minded to agree to go out for consultation on whether or not to implement the Late Night Levy, the timeline for reporting could be as follows: 3 months consultation, say July – September, report back consultation results to licensing committee at November committee. If agreed, the report would then proceed to Full Council for adoption within 3 months. Within that time, premises would have a 2 month period in which they could apply for a free minor variation.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 A Late Night Levy may generate some additional income. 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 2 sets out the estimated annual gross income from introducing the levy at various start times (taking account of any exemptions). A number of free Minor Variation Applications would have to be dealt with and the introduction of LNL will possibly require more staff.

The financial implications arising from the introduction of a levy should be clearly set out 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.

Finance Officer Consulted: Name Mike Bentley Date: 18/02/16

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: 19/02/16

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. Calculation sheets.
3. Draft design for consultation.
4. Letter from Sussex Police re funding.
5. BHCC Notice of Motion and LGA response.
6. Responses from LGA and Home Office

Documents in Members' Rooms

None

Background Documents

None

Late night levy development around England & Wales updated January 2016:

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. 17/11 Tameside consists 8 different small towns in the Greater Manchester area. Due to the downturn in the economy and the fact that you are unable to zone with LNL, they decided not to implement the levy. They would only generate about £100k income which PCC confirmed would be in one pot, overseen by a board. If economy picks up, they may revisit.
- **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. 18/11 confirmation that still not progressing with LNL and no plans to do so.
- **Woking:** Rejected Oct 13 – potential revenue would be insufficient to provide any real benefit to the town. 18/11 confirmation that still no intention to progressing with LNL and no plans to do so.
- **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. It has been agreed that the introduction of a BID in the city centre would be better than the introduction of a LNL. There were discussions with both the Chief Police Officer and the Police & Crime Commissioner (PCC) to decide whether in the first instance it would be appropriate to introduce a LNL and the advice given was that it was not appropriate to introduce it. There are therefore no current plans for introducing a LNL. The general view taken is that a BID is a much better tool for directly involving local businesses and overcomes the financial implications of a LNL; to help decide how the money collected is spent and to allow the business community and the Council to work together to improve the local trading environment.
- **Portsmouth:** did some preliminary work with the Police on the likely revenue to be received if the late night levy were to be brought in and they were not satisfied that the actual revenue would justify bringing in such a scheme and could have a detrimental effect on their working relationship with licensed premises in terms of their support of various initiatives within the city on a voluntary basis (such as taxi marshalls, use of scan net systems). The matter was not considered formally by the Licensing Committee as members have not expressed a particular interest in bringing the levy into force so the decision whether to go further or not has only been formulated on an officer level.

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 Government's intention to review the LA03. On 3 November, Plymouth started consultation which will finish on 4 December. The proposed Late Night Levy will apply to premises that are authorised to sell alcohol at any time between 01:00 and 06:00. The proposed exemptions are for premises with overnight accommodation, theatre and cinemas, bingo halls, amateur sports clubs, community premises, country village pubs, premises contributing to the BID and premises authorised to supply alcohol for consumption on the premises between midnight and 06:00hrs only on New Year's Eve/Day every year. There would also be a reduction for members of the business led Best Practice Scheme.
- **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. **18/11 Confirmed that still no political interest but are currently setting up 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 18 Nov 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 September 15 to November 15. **18/11 Consultation closes 20 November. Officers meeting with consultant next week. Responses so far appear to be 50/50 so officer feels it is unlikely to be midnight – 0600 which was original recommendation; committee will decide.**

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 3. 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. Approximately 18% of venues who would have been liable to pay the night time levy applied for a minor variation prior to implementation.
- **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. 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. Levy funds have been used to set up a removable structure (triage/safe space) in the town centre and they are also thinking of offering borough wide training to staff, DPS, door staff etc working in the late night economy.

- **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. Officers from Southampton report that some premises have varied sale of alcohol to midnight but kept other licensable activities at later hours and so the premises remain open and are still causing problems.
- **Nottingham City Council:** Took effect from 1st November 2014 (time: midnight – 6am). No mention of reductions. Approximately 30% of premises

who would have been liable to pay the late night levy chose to make a minor variation prior to implementation.

- **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.
- **Camden:** Consulting on the LNL Feb 15 to May 15. Camden will restart their consultation on 12 October 2015. 18/11 consultation closed 9 November and will report to committee 7 December. 26/1/16 Full Council ratified the decision 25th January 2016 with the introduction of the Levy on the 25th April 2016. The only exemption which the Committee agreed is for premises which are only permitted to sell alcohol after midnight on New Year's Eve. They have also given a 30% discount to premises within the BID area and premises with a non-domestic rateable value of £12,000 or less.

Currently in LNL scheme but proposing to leave

- **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.

A report in the Publican Morning Advertiser 1/2/16 reported that Cheltenham's late night levy is set to be scrapped after the scheme failed to raise the funds expected.

The city council introduced a levy in 2014 which required licensed premises operating between midnight and 6am to contribute towards improving and policing the late night economy but the scheme looks set to be replaced by a business improvement district (BID).

The council originally hoped 218 licensed premises would pay the levy but it only affected 123 due to venues changing hours and operators handing in their licences. As a result the council collected £76,889 in its first year which was less than half of the expected £199,000.

If the change is approved at a vote in April, the scheme would begin in August. In the first year, the sum paid in late night levies would be deducted from their BID charge. The levy would then be scrapped altogether from April 2017.

Date: 13.1.16
Subject: Report on Local Authorities that have approved the Late Night Levy.
Name: Graham Stevens

1 According to solicitors Poppleston Allen, who are monitoring implementation, the current eight authorities administering a LNL are Chelmsford, Cheltenham, Camden, City of London, Islington, Newcastle, Nottingham City and Southampton. Camden Borough Council is the most recent adopter and is scheduled to approve a LNL on 25.1.16 with a view to implementation on 28.4.16 [following the statutory three months' notification to all relevant persons].

2 Responses to the first three questions below have been received from seven of the authorities and to question four from six of the authorities.

3 Responses to question two, regarding the formal consultation, are listed below. The Southampton consultation replicated that of Newcastle and is not detailed separately.

4 The responses demonstrate a range of approaches to question one, pre-formal consultation, with more uniformity in respect of questions two-four.

Some respondents stressed the importance - in order to attract cross sector support - of ensuring that the revenue expenditure plans were explicit from the outset, and that all of the revenue should be invested directly in improving the night time economy and not, for example, to cover the costs of administration.

Late Night Levy: Report on Local Authorities that have approved the LNL

QUESTIONS

- 1 What process, if any – for example, meetings with businesses, focus groups – was conducted in advance of the formal consultation?
- 2 What questions were put in the formal consultation?
- 3 Is there a local agreement on how the LNL income is allocated and, if so, what is the distribution?
- 4 Are there restrictions on morning opening hours [EMROs] – for example, cafés that sell alcohol? If so, provide details.

Local Authority	Key points	Source and contact details
1: Chelmsford	<p>Q1: Pre-Consultation</p> <ul style="list-style-type: none"> - mainly Community Safety Partnership membership, led by Community Safety manager. - floated with Publink [radio based network: LA, Police, door staff of pubs and clubs] and Pub Watch. - overseen by One Chelmsford Board [overarching strategic partnership]. - an alternative voluntary agreement option was explored with the licensed trade, with an offer of a £500 per business voluntary donation [less than the average £768 subsequently applied under the LNL], but this was rejected. [There were no reductions in the levy from business-led best practice schemes]. <p>Q2: Consultation</p> <ul style="list-style-type: none"> - 12 questions. See Appendix 1. <p>Q3: Income allocation</p> <ul style="list-style-type: none"> - the PCC agreed to the LA receiving 100% of the income. <p>Q4: Early Morning Restriction Orders</p> <ul style="list-style-type: none"> - none. - "Chelmsford does not place restrictions on the opening hours of premises as standard practice under the licensing regime" 	<p>Matt Evans, Licensing Lead Officer.</p> <p>01245 606512</p> <p>matthew.evans@ chelmsford.gov.uk</p>
2: Cheltenham	<p>Q1: Pre-Consultation</p> <ul style="list-style-type: none"> - initial views sought from the PCC and Chief Constable. - members of the Night Safe Scheme were "fully engaged on the progress of the levy". <p>Q2: Consultation</p> <ul style="list-style-type: none"> - 13 questions. See Appendix 1. <p>Q3: Income allocation</p> <ul style="list-style-type: none"> - Memorandum of Understanding between Cheltenham Borough Council and the PCC i.e. no contractual relationship, with outcomes promoted: "through a partnership approach to the spending of revenue raised". A Late Night Levy Advisory Group was established for the purpose of making recommendations to the PCC and relevant Cabinet Member to inform the spending, to be focused on services aimed at reducing demand on policing and management of the night time economy. <p>Q4: Early Morning Restriction Orders</p> <ul style="list-style-type: none"> - [Response awaited]. 	<p>Louis Krog Licensing Team Leader.</p> <p>01242 264217</p> <p>louis.krog@ cheltenham.gcsx. gov.uk</p>

<p>3 London, Camden</p>	<p>Q1: Pre-Consultation - none</p> <p>Q2: Consultation - non-statutory consultation. 16 Questions. 182 responses. See Appendix 1. - statutory consultation. 19 Questions. 71 responses</p> <p>Q3: Income allocation - pending a final full Council decision on the LNL to be taken on 25.1.16 [for implementation on or after 25.4.16]. If approved, the LA will draft a local agreement with the Mayor's office for Policing and Crime [MOPAC] with a view to paying 100% of the net revenue to the police, on the understanding that it is retained for use in Camden. It is proposed that additional activities and services will be decided by the Community Safety Partnership Board, who will also allocate the funds.</p> <p>Q4: Early Morning Restriction Orders - none.</p>	<p>David Curtis, Senior Licensing Officer.</p> <p>0207 974 2744</p> <p>david.curtis@ camden.gov.uk</p>
<p>4 London, City of</p>	<p>Q1: Pre-Consultation - [Response awaited].</p> <p>Q2: Consultation - 10 questions. See Appendix 1.</p> <p>Q3: Income allocation - [Response awaited].</p> <p>Q4: Early Morning Restriction Orders - [Response awaited].</p>	<p>Peter Davenport, Licensing Manager.</p> <p>0207 606 3030</p> <p>peter.davenport@ cityoflondon.gov.uk</p>
<p>5 London, Islington</p>	<p>Q1: Pre-Consultation - built on previous Licensing Policy consultations and history of engagement with the licensed trade. - utilisation of an extensive Pubwatch network</p> <p>Q2: consultation - 10 questions. See Appendix 1. - based on Cheltenham and Newcastle.</p> <p>Q3: Income allocation - pooled LA and Police revenue agreed from outset. - revenue to fund additional uniformed patrols. - financial oversight via a Late Night Levy Board [LA, police and Licensed Trade].</p>	<p>Janice Gibbons, Service Manager.</p> <p>0207 527 3212</p> <p>janice.gibbons@ islington.gov.uk</p>

	<p>Q4: Early Morning Restriction Orders</p> <ul style="list-style-type: none"> - no restrictions on opening hours, but they may be included in the next Licensing Policy in 2017-18 - “currently deal with opening hours on a case by case basis, with the Licensing Authority taking a proactive approach in Cumulative Impact Policy areas, which cover all main roads and shopping areas, with a particularly robust approach to off licences and restaurants/cafes in the late night economy areas”. 	
6. Newcastle	<p>Q1: Pre-Consultation</p> <ul style="list-style-type: none"> - a Licensing Advisory Panel was set up to oversee the process. Membership of the Panel comprised: Business Improvement District leads; LA senior officers and legal advisor; licensed trade representatives; and project officer. <p>Q2: Consultation</p> <ul style="list-style-type: none"> - 21 questions. See Appendix 1. <p>Q3: Income allocation</p> <ul style="list-style-type: none"> - the Licensing Advisory Panel agreed on a PCC 70% and 30% LA allocation. - there has been no subsequent consultation on amending this allocation. <p>Q4: Early Morning Restriction Orders</p> <ul style="list-style-type: none"> - “there are no restrictions on opening hours as they are not required by the Licensing Act. There are some venues which open at 700a.m. for breakfasts etc., but they do not start licensable activities until the time stipulated on the licence...for the sale of alcohol”. 	<p>Christine Knox, Community Safety Officer.</p> <p>0191 227 7831</p> <p>christine.knox@ newcastle.gov.uk</p>
7 Nottingham City	<p>Q1: Pre-Consultation</p> <ul style="list-style-type: none"> - Once the consultation had been published, road shows, including local presentations to the licensing trade, Councillors and other interested parties. <p>Q2: Consultation</p> <ul style="list-style-type: none"> - 11 questions. See Appendix 1. <p>Q3: Income allocation</p> <ul style="list-style-type: none"> - The revenue, net of the administration costs incurred by the Licensing Authority, to be allocated 30/70 between the Licensing Authority and the Police. - The Licensing Authority’s portion of the funding to be used throughout the City to support the prevention of crime and disorder caused by the night time economy during the hours of the levy. This will be achieved through the establishment of two night time Community Protection Officer posts. - there has been no subsequent consultation on amending this allocation. <p>Q4: Early Morning Restriction Orders</p> <ul style="list-style-type: none"> - none 	<p>Angela Rawson, Licensing Manager.</p> <p>0115 915 6571</p> <p>angela.rawson@ nottinghamcity.gov. uk</p>

<p>8 Southampton</p>	<p>Q1: Pre-Consultation - a meeting between a senior member of the office of the PCC, a local Police Superintendent and the Head of Legal Services at Southampton CC agreed a LNL should be considered.</p> <p>Q2: Consultation - 21 questions [as for Newcastle]. See Appendix 1.</p> <p>Q3: Income allocation - PCC agreement that 100% of the revenue be invested in the night time economy. - a Late Night Levy Board [including licensed trade representatives] recommends funding allocations. Ultimate approval is via the LA, PCC and Police.</p> <p>Q4: Early Morning Restriction Orders - none - Licensing Manager: "suggest it would be unlawful to have such a blanket policy. Each application needs to be considered on its own merits. It is not mentioned in the Statement of Licensing Policy"</p>	<p>Phil Bates, Licensing Manager.</p> <p>0238 083 3523</p> <p>phil.bates@ southampton.gov.uk</p>
--------------------------	---	--

LNL Formal Consultation Questions

1 Chelmsford CC

- 1 In what capacity are you responding?
- 2 What are the key issues you feel the Council and its partners should be addressing to improve the late night economy for everyone in the city?
- 3 If you are responding as a Chelmsford resident, do you currently use the city centre in the evening/at night?
- 4 As a Chelmsford resident, do you use licensed premises outside of the city centre, but still within Chelmsford, that are open after midnight?
- 5 Would you support the introduction of a late night levy in Chelmsford where the income generated is focused on addressing the impact of alcohol on the late night economy?
- 6 The late night supply period proposed by the Council is between 1.00a.m and 6.00a.m. Do you think this is the right period to address issues in the city?
 - a. If no, what do you believe the late night supply period should be?
 - b. What are your reasons for preferring the option you selected?
- 7 A number of premises types would be exempt from paying the levy. Do you agree with these categories? What are your reasons?
- 8 The Council has not proposed to introduce any reductions from business-led best practice schemes. Do you agree with this proposal?
 - a. Do you have any ideas which would help us implement best practice across the sector?
- 9 The Council has not proposed to introduce any reductions for premises in receipt of small business rate relief. Do you agree with this proposal? What are your reasons?
- 10 If you are a premises licence or club certificate holder are you likely to be subject to the levy?
- 11 The amount of the levy has been set nationally and the majority of licensed premises in Chelmsford would be classed as Band B. This would be a charge of £15 per week. Do you feel this is a reasonable amount?

12 If a levy is introduced how do you think it could best be spent?

2 Cheltenham BC

1 Are you in support of the Late Night Levy being introduced in Cheltenham?

2 Do you agree that the late night supply period should be set between 00.01 and 08.00?

3 The Council has proposed not to exempt any premises from liability to pay the levy. Do you agree that the Council should not exempt any premises?

4 It is proposed that premises actively participating in the local Nightsafe and Best Bar None schemes be eligible for the prescribed 30% reduction. Do you agree that the two previously mentioned schemes should be eligible for a reduction in the levy?

5 It is not proposed that businesses in receipt of small business rate relief be eligible for a reduction of the levy. Do you agree with this?

6 Are there any other qualifying business-led best practice schemes that should be in receipt of the 30% reduction?

7 It is proposed that in order to use the levy in the most efficient and cost-effective manner, rather than see the levy revenue split between two separate programmes, that agreement be reached with the Police and Crime Commissioner to develop a single programme delivered in partnership between the Council and the Police in line with guidance. Do you support this?

8 Do you agree that income from the levy be split 30:70 between the local authority and PCC?

9 Do you think the PCC should receive a larger split than 70% of levy revenue?

10 The Council is proposing to develop a range of activities on which to spend its portion of the levy income which will be provided. Do you have any comments on the above range of activities?

11 Do you have any suggestions on how the Council could spend its portion of the levy?

12 Do you agree that the Council should seek to implement the levy on the 1st April 2014?

13 Do you have any other comments to make regarding the proposed levy?

3 LB Camden

1 Would you support the introduction of a late night levy in Camden where the income generated is focused on reducing and preventing crime, anti-social behaviour and nuisance related to the late night supply of alcohol?

2 Camden will work in partnership with the Police to find the best ways to invest the levy receipts in solutions for managing the Camden night time economy. Please tell us here about your preferences or recommendations for how the police and council should spend the levy.

3 If you answered no to Question 1 (if you do not support the introduction of a late night levy), what do you think is the best way to pay for the work to tackle alcohol-related crime and anti-social behaviour?

4 What are the key issues you feel the council and its partners should be addressing to improve the late night economy for Camden?

5 Do you have any comments on the potential income that the levy may raise?

6 We are proposing to introduce the late night levy for premises that supply alcohol between midnight and 6am. Do you think that this is the right time period for us to focus on?

7 If you think midnight to 6am is not the right time period for us to focus on, which of these do you prefer?

8 Certain licences can be exempted from paying the levy. We are not proposing to make any exemptions, with one exception: an exemption is proposed to apply if the only time that a licence authorises alcohol sales for consumption on the premises is between midnight and 6am on New Year's Day each year. Do you agree?

9 Do you think there should be exemptions for particular types of premises?

10 The council has not proposed to introduce any reductions in the late night levy contributions for business which have signed up for best practice schemes. Do you agree?

11 The council has not proposed to introduce any reductions for premises in receipt of small business rate relief. Do you agree with this proposal?

12 Do you support the proposal for the police and council to deliver a single programme for how the levy should be spent?

13 If you answered no to Question 12, how would you prefer the police and council to spend their portions of the levy?

14 If you are a business licensed for the supply of alcohol after midnight, are you likely to reduce your licensed hours so that you are not liable for the levy?

15 Have you any other comments regarding the introduction of the levy, or about the indicative commencement between autumn 2015 and spring 2016?

16 We want to get as many views as possible so please let us know in what capacity you are responding.

4 City of London

1 a) Do you agree that a late night levy should be introduced in the City of London? (b) If not, please give your reasons.

2 It is proposed that the Levy should be introduced for those premises who supply alcohol between the hours of midnight and 6 a.m.

a) Do you agree that if a levy was to be introduced it should operate between these times?

b) If not, during what time period do you think the levy should operate and why?

3 It is proposed that no premises should be exempted from paying the Levy.

a) Do you agree that there should be no exemptions?

b) If not, which of the following types of premises do you think should be exempted? Please give your reasons.

4 It is proposed that premises meeting the necessary 'small business rate relief' criteria should not be entitled to a reduction in Levy.

a) Do you agree that such premises should not receive a reduction? (b) If not, please give your reasons.

5 It is proposed that those premises meeting the requirements of the Safety Thirst Award Scheme should be entitled to a 30% reduction in their Levy payment.

a) Do you agree that such premises should receive a 30% reduction? (b) Please give your reasons.

6 It is proposed that the income raised from the Levy should be divided between the Local Authority and the City of London Police with 30% going to the Local Authority and 70% to the Police.

a) Do you agree that the net revenue from the levy should be split in this way? (b) If not, please give your reasons for this and the split you feel would be more appropriate (Please remember that the Police cannot receive less than 70%).

7 It is proposed that that income from the Levy received by the Local Authority will be spent in accordance with paragraphs 5.10 and 5.11 of this document.

a) Do you agree with the way in which the Local Authority will spend their portion of the levy?

b) If not, please give your reasons below and any suggestions you have for ways in which the money can be spent (please remember that the money can only be spent on those areas described in paragraph 5.3 of this document).

8 a) Do you agree with the way in which the Police will spend their portion of the Levy?

b) If not, please give your reasons, giving examples where possible of how you think the money would be better spent.

9 Have you any other comments to make regarding the introduction of a Late Night Levy?

10 Could you please indicate below the capacity in which you are making your comments?

5 LB Islington

- 1 What are the key issues you feel the council and its partners should be addressing to improve the late night economy for Islington?
- 2 If you are an Islington resident do you currently use licensed premises in the evening/at night?
- 3 Would you support the introduction of a late night levy in Islington where the income generated is focused on reducing and preventing crime, anti-social behaviour and nuisance related to the late night supply of alcohol?
 - a. If you answered no, what do you think is the best way to pay for the work to tackle alcohol-related crime and anti-social behaviour?
- 4 We are proposing to introduce the late night levy for premises that supply alcohol between midnight to 6am. Do you think that this is the right time period for us to focus on? If no, which times do you prefer?
- 5 Certain types of premises can be exempted from paying the levy. We are proposing to exempt premises if the only time that they are licensed to sell alcohol to be consumed on their premises is between midnight and 6am on New Year's Day each year. Do you agree?
 - a. Please select any other premises that you think should be exempt below, or indicate if you support no further exemptions.
- 6 The council has not proposed to introduce any reductions in the late night levy contributions for business which have signed up for best practice schemes such as Purple Flag and Best Bar None. Do you agree?
 - a. If no, what percentage reduction should we give (to a maximum of 30%)?
- 7 Do you agree with the way in which the police and council intend to spend the levy?
 - a. If no, how would you prefer the money to be spent?
- 8 Do you support the proposal for the police and council to deliver a single programme for how the levy should be spent?
 - a. If no, how would you prefer the police and council to spend their portions of the levy?
- 9 If you are a business, are you likely to reduce your licensed hours so that you are not liable for the levy?
- 10 Have you any other comments to make regarding the introduction of the levy?

6 Newcastle CC

1 Costs

- (a) Do you agree that the costs of policing and other arrangements for the reduction or prevention of crime and disorder in connection with the late-night supply of alcohol are a fair assessment?
- (b) Do you think that any of the costs ought not to be taken into account?
- (c) Do you think that there are other costs that should be taken into account?

2 Crime and Disorder

- (a) Do you agree with the assessment of crime and disorder in connection with the late-night supply of alcohol?
- (b) Do you think anything has been left out?
- (c) Do you think that anything mentioned should not be taken into account?

3 Benefits of a Night Time Economy

- (a) Do you agree with the assessment of the benefits of the Night Time Economy in the City?
- (b) Do you think there are any other benefits?
- (c) Do you think that any benefits mentioned are not relevant?

4 Income from the Late Night Levy

- (a) Do you have any comments on the potential income that the levy may raise?

5 Need to raise revenue

- (a) Do you agree that there is a need to raise the revenue that a levy may produce?
- (b) Are there any other issues that you would like the Council to consider?

6 Desirability of the late Night Levy

- (a) Do you agree that it is desirable to raise the revenue through a levy to be used by the police and the Council?
- (b) Have you any comments on the considerations expressed in section 4?
- (c) Are there any other matters which you think that the Council should take into account in deciding whether it is desirable to introduce a levy?

7 Late night supply period

- (a) Do you agree that the Late Night Supply Period should be a period that begins at midnight and ends at 6am? What are your reasons for this?
- (b) If you think that the Late Night Supply Period should be for a different period, what should be the hours? What are your reasons for this?

8 Exemptions: overnight accommodation

- (a) Do you agree that prescribed premises providing overnight accommodation should be exempt? Please explain your views.

9 Exemptions: theatres

- (a) Do you agree that prescribed theatres should be exempt? Please explain your views.

10 Exemptions: cinemas

- (a) Do you agree that prescribed cinemas should be exempt? Please explain your views.

11 Exemptions: Bingo Halls

- (a) Do you agree that prescribed bingo halls should be exempt? Please explain your views.

12 Exemptions: Community Amateur Sports Clubs

- (a) Do you agree that prescribed Community Amateur Sports Clubs should be exempt? Please explain your views.

13 Exemptions: Community Premises

- (a) Do you agree that prescribed Community Premises should be exempt? Please explain your views.

14 Exemptions: Country Village Pubs

- (a) Do you agree that prescribed Country Village Pubs should NOT be exempt? Please explain your views.

15 Exemptions: Business Improvement Districts

- (a) Do you agree that prescribed BID premises should NOT be exempt? Please explain your views

16 Exemptions: New Years' Day

Do you agree that premises that only operate on New Year's Day between midnight and 6am should be exempt? Please explain your views.

17 Reductions: Small Business Rate Relief

Do you agree that prescribed premises that receive Small Business Rate Relief should NOT be entitled to a reduction in the levy? Please explain your views.

18 Reductions: Business-led Best Practice Schemes.

- (a) Do you agree that at this time members of Business-Led Best Practice Schemes should NOT be entitled to a reduction? Please explain your views.
- (b) Do you agree that such a scheme should be developed? If so, what should be the details? How can it be developed? How will it be led?
- (c) If such a scheme were to be developed, do you agree that members should be entitled to a discount?

19 Split Levy between Police and Council

Do you agree that the net revenue from the levy should be split 70:30 between the Northumbria Police and Crime Commissioner and the Council? Please explain your views.

- (b) If you think that the Northumbria Police and Crime Commissioner should receive a larger (than 70%) proportion of the net revenue, please state what percentage you propose? [NB. It is not possible to reduce the proportion to below 70%.] Please explain your views.

20. Use of the revenue.

(a) Do you have any comments on the range of activities which the Council would wish to develop using its share of the levy revenue? Is there anything else that you would like to see? Please explain your views.

(b) Would you support developing a single programme delivered in partnership between the Council and the Police? What would you like it to cover? Please explain your views.

21 Implementation date and Timetable.

(a) Do you agree that the Council should seek to implement the LNL on 1st November 2013? Please explain your views.

(b) If you think that the LNL should be implemented on a different date, what date do you propose? Please explain your views.

(c) Have you any other comments on the proposed timetable? Please explain your views.

7 Nottingham CC

1 In what role are you responding to this consultation?

2 If you are not responding as an individual, what is the name of the business or organisation you are representing?

3 Do you think that crime and disorder linked to late-night alcohol sales is a problem in Nottingham?

4 The Council has the power to introduce a charge to all licence holders authorised to sell alcohol late at night (known as a Late Night Levy), to raise a contribution towards the costs of late night policing, and is proposing to use this power.

Do you agree or disagree that Nottingham City Council should introduce a Late Night Levy? Please explain your answer.

5 The Council is proposing that the Late Night Levy should apply to premises licensed to sell alcohol between one minute past midnight and 6am. Do you agree or disagree with this proposal? Why do you agree or disagree? If you disagree, what alternative suggestions do you have?

6 The Council is able to exempt some types of premises from paying a Late Night Levy. Which of the following, if any, do you think should be exempt?

7 Legislation also allows the Council to offer two types of premises a 30% discount on the levy. Do you think that either or both of the following should receive a discount?

a) Small premises who are eligible for business rate relief. (b) Premises who are active members of a best practice scheme working to reduce alcohol related crime and disorder. (The Council has proposed the Business Improvement District is a suitable best practice scheme).

8 The Council is proposing that the amount raised from the Late Night Levy should be split so 70% goes to the Police and 30% to the Council. Do you agree or disagree with this proposal?

9 If you think the Police should receive more than 70% of the amount raised, what percentage do you think they should receive and why? (It is not possible to reduce the Police's share below 70%)

10 The Council is proposing to use its share of funds raised from the Late Night Levy to employ additional Community Protection Officers (CPOs). These CPOs will work across Nottingham to support the prevention of late night crime and disorder. Do you agree or disagree with this proposal? Why do you agree or disagree? If you disagree, what alternative suggestions do you have?

11 Do you have any other comments about the Late Night Levy proposals?

8 Southampton CC

Identical to Newcastle CC

Brighton & Hove Licensing Authority predicted calculations and notes:

Latest hour	Number of Premises
1am	140
2am	162
3am	62
4am	18
5am	19
6am	15
24 hour	78
Total	494

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

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

- If the terminal hour was set at 00:01, the amount collected could be in the region of £479,136.00 (everyone selling alcohol after 00:01 inc. 24 hour premises).
 If BID members were exempt this would be reduced by £37,295.
 If BCRP members were offered a 30% reduction, this would be reduced by £58,404.90. (Net £383,436.10)
 Research from other areas suggests that between 18% and 30% of businesses may apply for a free minor variation.
 If 18% of premises applied for a free minor variation, this would reduce the total by £86,244.48.
 If 30% of premises applied for a free minor variation, this would reduce the total by £143,740.80
- If the terminal hour was set at 01:01, the amount collected could be in the region of £350,021.00 (everyone selling alcohol after 01:01 inc. 24 hour premises)
 If BID members were exempt this would be reduced by £37,295.
 If BCRP members were offered a 30% reduction, this would be reduced by £58,404.90. (Net £254,321.10)
 If 18% of premises applied for a free minor variation, this would reduce the total by £63,003.78.
 If 30% of premises applied for a free minor variation, this would reduce the total by £105,006.30
- If the terminal hour was set at 02:01, the amount collected could be in the region of £200,934.00 (everyone selling alcohol after 02:01 inc. 24 hour premises)
 If BID members were exempt this would be reduced by £37,295.
 If BCRP members were offered a 30% reduction, this would be reduced by £58,404.90. (Net £105,234.10)

If 18% of premises applied for a free minor variation, this would reduce the total by £36,168.12.

If 30% of premises applied for a free minor variation, this would reduce the total by £60,280.20

- If the terminal hour was set at 03:01, the amount collected could be in the region of £131,336.00 (everyone selling alcohol after 03:01 inc. 24 hour premises)
If BID members were exempt this would be reduced by £37,295.
If BCRP members were offered a 30% reduction, this would be reduced by £58,404.90. (Net £35,636.10)
If 18% of premises applied for a free minor variation, this would reduce the total by £23,640.48.
If 30% of premises applied for a free minor variation, this would reduce the total by £39,400.80
- If the terminal hour was set at 04:01, the amount collected could be in the region of £114,801.00 (everyone selling alcohol after 04:01 inc. 24 hour premises)
If BID members were exempt this would be reduced by £37,295.
If BCRP members were offered a 30% reduction, this would be reduced by £58,404.90. (Net £19,101.10)
If 18% of premises applied for a free minor variation, this would reduce the total by £20,664.18.
If 30% of premises applied for a free minor variation, this would reduce the total by £34,440.30
- If the terminal hour was set at 05:01, the amount collected could be in the region of £95,450.00 (everyone selling alcohol after 05:01 inc. 24 hour premises)
If BID members were exempt this would be reduced by £37,295.
If BCRP members were offered a 30% reduction, this would be reduced by £58,404.90. (Net -£249.90)
If 18% of premises applied for a free minor variation, this would reduce the total by £17,181.00.
If 30% of premises applied for a free minor variation, this would reduce the total by £28,635.00

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 who serve alcohol to members of the public who are not staying overnight at the premises such as a bar which can be accessed by the general public. Officers suggest that an exemption is NOT offered. Hotels that serve alcohol to members of the public who are not staying at the premises will contribute towards the problems in the night time economy. Need to check that all 24 hours hotels are to public as well as guests, not just guests.
- Theatres and cinemas – there are 5 in B&H

- Bingo halls: 2 x 1.00 Band E in B&H = 2986.00
- Community Amateur Sports Clubs (CASCs): none
- Community premises none in B&H within midnight - 0600
- Country village pubs: none
- Business Improvement Districts (BIDs): 38 Premises in the current BID area could be exempted £37,295 to be deducted from calculated income
- New Year's Eve: Licensing authorities can offer an exemption from the levy for holders in relation to premises which have a late night authorisation by virtue of their being permitted to supply alcohol for consumption on the premises on 1st January in every year. Officers suggest that an exemption IS offered to premises which only have a late night authorisation for New Years Eve. Calculations have not been made for any premises authorised for New Years Eve only.

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% reduction from the levy. 188 premises are currently BCRP members and eligible to be included in the LNL. They could be given a reduction in levy costs of up to 30% which would mean £58404.90 would be deducted from expected income.

Terminal Hour	Amount	BID	BCRP	Sub total	18% MV	30% MV
00.01	479,136.00	37,295.00	58,404.90	383,436.10	86,244.48	143,740.80
01.01	350,021.00	37,295.00	58,404.90	254,321.10	63,003.78	105,006.30
02.01	200,934.00	37,295.00	58,404.90	105,234.10	36,168.12	60,280.20
03.01	131,336.00	37,295.00	58,404.90	35,636.10	23,640.48	39,400.80
04.01	114,801.00	37,295.00	58,404.90	19,101.10	20,664.18	34,440.30
05.01	95,450.00	37,295.00	58,404.90	N/A	N/A	N/A

Terminal hour	No. of premises	Levy fee	Total	Total A-E
<i>01.00</i>				
A (rateable value)	2	A 299	£598.00	
B (rateable value)	97	B 768	£74,496.00	
C (rateable value)	28	C1259	£35,252.00	
D (rateable value)	5	D1365	£6,825.00	
E (rateable value)	8	E 1493	£11,944.00	
E + Multiplier	0	E+ 4440		
	Total: 140			£129,115.00
<i>02.00</i>				
A (rateable value)	9	A 299	£2,691.00	
B (rateable value)	101	B 768	£77,568.00	
C (rateable value)	36	C 1259	£45,324.00	
D (rateable value)	3	D 1365	£4,095.00	
E (rateable value)	13	E 1493	£19,409.00	
E+ Multiplier	0	E+ 4440	-	
	Total: 162			£149,087.00
<i>03.00</i>				
A (rateable value)	1	A 299	£299.00	
B (rateable value)	32	B 768	£24,576.00	
C (rateable value)	18	C 1259	£22,662.00	
D (rateable value)	2	D 1365	£2,730.00	
E (rateable value)	7	E 1493	£10,451.00	
E + Multiplier	2	E+ 4440	£8,880.00	
	Total: 62			£69,598.00
<i>04.00</i>				
A (rateable value)	1	A 299	£299.00	
B (rateable value)	11	B 768	£8,448.00	
C (rateable value)	5	C 1259	£6,295.00	
D (rateable value)	0	D 1365	-	
E (rateable value)	1	E 1493	£1,493.00	
E + Multiplier	0	E+ 4440	-	
	Total: 18			£16,535.00
<i>05.00</i>				
A (rateable value)	0	A 299	-	
B (rateable value)	10	B 768	£7,680.00	
C (rateable value)	7	C 1259	£8,813.00	
D (rateable value)	1	D 1365	£1,365.00	
E (rateable value)	1	E 1493	£1,493.00	
E + Multiplier	0	E+ 4440	-	
	Total: 19			£19,351.00
<i>06.00</i>				
A (rateable value)	0	A 299	-	
B (rateable value)	3	B 768	£2,304.00	
C (rateable value)	9	C 1259	£11,331.00	
D (rateable value)	0	D 1365	-	
E (rateable value)	3	E 1493	£4,479.00	
E + Multiplier	0	E+ 4440	-	
	Total: 15			£18,114.00

24 hour				
A (rateable value)	2	A 299	£598.00	
B (rateable value)	44	B 768	£33,792.00	
C (rateable value)	19	C 1259	£23,921.00	
D (rateable value)	3	D 1365	£4,095.00	
E (rateable value)	10	E 1493	£14,930.00	
E + Multiplier	0	E+ 4440	-	
	Total: 78			£77,336.00

Breakdown of types of premises across Brighton & Hove open after 00.01am

Café bar	11
Members club	4
Commercial members club/sports clubs	10
Pub/Bar/Nightclub	265
Restaurant	57
Convenience Store	64
Large supermarket	3
Hotel/Guest House with guests/public	52
LNR with alcohol	2
SEV	3
Casino	2
Bingo	2
Cinema/theatre	5
Racecourse	2
Other (including venues, petrol station, community centre, land, race courses, sauna, university/college, recording studio and golf simulator)	12
	494

Premises split by areas across Brighton & Hove and rateable value bands

LNL area	A	B	C	D	E	E+	
Portslade		6	1				
Rottingdean	1	3	1				
Patcham		1			2		
Mill Road					1		
Saltdean	1	1					
Stanmer			1				
Marina		1	5		5		
Hove not in CIZ 1am		16	4	2	1		
Hove not in CIZ 2am	1	17	9		2		
Hove not in CIZ 3am		4				1	
Hove not in CIZ 4am		2	1				
Hove not in CIZ 5am			1				
Hove not in CIZ 6am							
CIZ 1am	2	29	14	2	1		
CIZ 2am	3	53	15	3	10		

CIZ 3am		23	16	2	5	1	
CIZ 4am		6	3		1		
CIZ 5am		7	6	1	1		
CIZ 6am		2	6		2		
CIZ 24 hour	1	29	17	3	4		
SSA 1am		30	3	1	2		
SSA 2am	3	10	6		3		
SSA 3am		5	1				
SSA 4am	1	1					
SSA 5am		2					
SSA 6am			2				
SSA 24 hour		1	1				
Other Brighton	1	28	6		1		
Non CIZ 24 hour		8	5		4		
Lewes Road		7	1				
Universities					2		
Sub totals	14	292	125	14	47	2	494

340 premises are within the CIZ/SSA
154 premises are outside of the CIZ/SSA

Brighton & Hove City Council:
Draft design of consultation for Late Night Levy.

What is a Late Night Levy (LNL)?

A Late Night Levy is an additional fee charged to premises licensed to sell alcohol during the 'supply' period. The supply period must begin at some time at or after midnight and end at or before 6 am. For example, if the supply period was set between 00.01am and 6am then every premises licensed to sell alcohol within Brighton & Hove, at any time during that period, would be subject to the levy.

If implemented, the LNL funding would be used to manage the night-time economy better. The measures to be funded would be decided by a joint Funding Panel with representation from the council, the police, trade and the community. Examples and costs *could* include: Taxi Marshalls (est. cost £22K p.a.), Street Pastors and Water Hero schemes, training for door staff, staff of other premises (hotels) and taxi drivers on issues such as safeguarding and child sexual exploitation. Awareness-raising campaigns on safety, such as drinking and drowning etc. Safety measures such as mobile CTV cameras, ID Scanners for selected venues, Safe Haven phone application. Crime reduction and safety initiatives such as the Beach Quad Bike Patrol (Est. £24K p.a.) and Safe Space. Other interventions could be explored by the Funding Panel such as include additional noise patrol services, cleaning kits for taxis, and temporary urinals.

Question 1

Do you think a Late Night Levy should be introduced in Brighton & Hove in order to assist in the funding of the reduction and prevention of crime and disorder in connection with the late night supply of alcohol?

- a) Yes No
- b) Please give your reasons why

(Note: If you answer 'No' to this question, any further answers will only be taken into consideration if a Levy is introduced. Your opposition to the introduction of a Levy will still be noted and be of prime consideration in any decision made).

Question 2

If a Late Night Levy was introduced in Brighton & Hove, licensees would be entitled to amend their hours to avoid payment of the levy by means of a free Minor Variation. If you are a licensee, would you amend your hours?

- a) Yes No Not applicable
- b) What are your current hours and if you were minded amend your hours, please state to what time?

Question 3

The consultation proposal is that should the Levy be introduced it would apply to those premises that sell or supply alcohol between the hours of 00.01 and 06.00 a.m. Do you agree that if a levy was to be introduced it should operate between these times?

a) Yes No

b) If you disagree with this time-period, please state at what hours you think the Levy should operate and why.

1am – 6am 2am – 6am 3am - 6am 4am - 6am 5am - 6am
No time-period

Any other time span (please state which time span) _____
Please state your reasons for your choice of time period:

Question 4

The consultation proposal is that the following premises and times would be exempt from the Levy. Please state which exemptions you agree with and which you do not.

	<u>Agree</u>	<u>Disagree</u>
New Years Eve - all premises exempt	<input type="checkbox"/>	<input type="checkbox"/>
Overnight Accommodation	<input type="checkbox"/>	<input type="checkbox"/>
Theatres & Cinemas	<input type="checkbox"/>	<input type="checkbox"/>
Bingo Halls	<input type="checkbox"/>	<input type="checkbox"/>
Community Amateur Sports Clubs	<input type="checkbox"/>	<input type="checkbox"/>
Community Premises	<input type="checkbox"/>	<input type="checkbox"/>
Premises in Business Improvement Districts	<input type="checkbox"/>	<input type="checkbox"/>

Please state if you think there should be no exemptions No Exemptions

Question 5

The consultation proposal is that premises meeting the necessary ‘small business rate relief’ criteria would not be entitled to a reduction in Levy. Do you think that such premises should receive a reduction?

a) Yes No

b) Please give your reasons below.

Question 6

The consultation proposal that premises participating in a best practice scheme (Business Crime Reduction Partnership) should be entitled to a reduction in Levy. Do you agree that such premises should receive a reduction?

a) Yes No

b) Please give your reasons below.

Question 7

The use of any funds from the Levy to manage the Night Time Economy better would be decided by a Funding Panel with representation from the council, the Police, the Trade and residents.

Examples to which funding could be allocated include: the Safe Space project, Taxi Marshalls; the Water Angel scheme; Training for door staff, other premises (hotels) and taxi drivers on safeguarding and child sexual exploitation; Bystander interventions, awareness raising campaigns; safety measures such as mobile CTV cameras; ID Scanners for selected venues; Safe Haven phone applications; and Crime Prevention initiatives such as the Beach Quad Bike Patrol.

Do you agree that this is an appropriate way to allocate any funds gathered from a Levy?

a) Yes No

b) Please give your reasons below.

Question 8

Please add any other comments you wish to make regarding the consultation on introduction of a Late Night Levy?

Thank you for completing this questionnaire. Could you please indicate below the capacity in which you are making your comments?

We are happy to accept the consultation questionnaire anonymously but if you would like to tell us who you are then please complete your details below:

Name:

Organisation you represent (if relevant):

- Licensed Premises (with licence to sell alcohol after midnight)
- Licensed Premises (with licence to sell alcohol no later than midnight)
- Non-Licensed Business (no licence to sell alcohol)
- Resident
- Councillor
- Other (please state)



Cllr M Marsh
Chairman
Licensing Committee
Brighton & Hove City Council
(via email)

29 January 2016

Dear Cllr Marsh

Late Night Levy

I am writing ahead of the next meeting of the Brighton and Hove Licensing Committee, in which I understand you will be discussing the implementation of the Late Night Levy in the City.

I wanted to provide some assurances to how the money raised from the levy will be spent, as I understand there are concerns from the Committee that funds might be lost within the larger police budget or used exclusively for policing purposes.

My position is that any monies raised by the Late Night Levy will be allocated specifically for spend within Brighton & Hove, in the area it was collected for and for the benefit of the night time economy. I have agreed with both the Council's Chief Executive Geoff Raw and the Chief Constable Giles York that all spending decisions should be subject to the agreement and scrutiny of an Independent Advisory Panel, comprising representatives of the council, police, licensees and Brighton Business Crime Reduction Partnership. This is a best practice that other Late Night Levy cities such as Newcastle have adopted and proved very effective.

Whilst this is an advisory board, legislation requires the final recommendations to be approved by myself as Police & Crime Commissioner.

I hope that this letter provides helpful context and assurances for the Committee but please do not hesitate to contact my office if you would like to discuss this further.

Kind regards
Katy Bourne

Katy Bourne
Sussex Police & Crime Commissioner

Appendix 5

Local Government Association
Local Government House
Smith Square
London
SW1P 3HZ

Date: 11 January 2016

Phone: 01273291132

e-mail: geoff.raw@brighton-hove.gcsx.gov.uk

Our ref: MW/GR

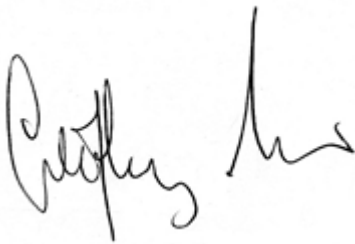
Dear Sir/ Madam

NOTICE OF MOTION

Please find enclosed a notice of motion entitled "Boosting alcohol-related policing and prevention" which was passed at the last meeting of Brighton & Hove City Council on 17 December 2015.

I would be most grateful if you could give these matters your serious consideration and respond to me at your earliest convenience.

Yours sincerely



Geoff Raw,
Chief Executive.

Appendix 5 NOTICE OF MOTION

BOOSTING ALCOHOL-RELATED POLICING AND PREVENTION

This council notes the proposal before the Licensing Committee to consult on introducing a Late Night Levy for the city, and the practical difficulties and costs associated with the Levy and its collection at a local level.

Therefore, the Council requests that:

The Chief Executive write to the Home Office Minister of State (Minister for Policing, Crime and Criminal Justice and Victims) and the Local Government Association requesting that, in the spirit of devolution, a proportion of revenue raised from alcohol taxation should be granted directly to local Police and Crime Commissioners and Directors of Public Health, to contribute towards the extra costs of policing and targeted support services in the night-time economy, and other preventive programmes for tackling alcohol-related harm.

Supplementary information:

A proposal was put before licensing committee on 19.11.15 to consult on introducing a Late Night Levy. Concerns were expressed by business owners regarding the impact of an additional levy on the night-time economy. A decision was deferred to gather more information regarding use of the levy in other areas.

There is a clear need for additional work to tackle harmful drinking. In June 2015, the Brighton & Hove Health Profile recognised reducing harmful drinking as a priority area. The city performs significantly worse than other local authority areas in terms of the following indicators:

- Alcohol specific hospital admissions for under 18's
- Admission episodes for alcohol-related mental and behavioural disorders due to alcohol use
- Admission for alcohol related intentional self-poisoning.
- Alcohol-related reported crime and violent crime, with the city among the worst performing 10% of CCGs for alcohol related violent crime

The impact of alcohol on public services is not exclusive to the night-time economy. Many patrons "pre-load" on cheap alcohol from supermarkets before visiting late-night pubs and clubs. Therefore it is important that any contributions to policing the night-time economy and reducing alcohol related harm are funded in a fair and proportionate manner, and that this allows for a holistic approach to addressing alcohol-related problems in the city.

Geoff Raw,
Chief Executive,
King's House,
Grand Avenue,
Hove,
BN3 2SU

9 February 2016

Dear Geoff,

NOTICE OF MOTION

Thank you for notifying us of your council's motion entitled "Boosting alcohol-related policing and prevention".

The late-night levy has seen some success in a few areas, but there are undoubted challenges to introducing it. The Home Office is expected to very shortly announce some measures to simplify this process, in response to campaigning from the LGA, which may or may not make it more suitable for Brighton and Hove. If there is anything the LGA can do to help inform your decision on adopting a levy, then please contact Ian Leete, who is our licensing lead, on ian.leete@local.gov.uk.

Your alternative proposal for reinvesting taxation is one that the LGA supports. We agree that a proportion of revenue raised from alcohol taxation should be granted *directly* to local councils to invest in preventative measures, which could include approaches to managing the night-time economy that are not already funded through the licensing regime.

We included proposals to this effect in our pre-election manifesto – *Investing in our nation's future* – and continue to make this point in our discussions with Government. It is helpful to have our member's support for this position reconfirmed by your motion.

The LGA Safer and Stronger Communities Board will be discussing concerns relating to alcohol harm, including pre-loading and cheap alcohol, at its next meeting later this month. I will ensure that your council's concerns are fed into the discussion.

Any actions on alcohol arising from the meeting will be in addition to the LGA's existing commitments to:

- lobby for a health objective in the Licensing Act;
- localise fee-setting under the Licensing Act;
- share best practice through the annual licensing conference on 23rd February, and through the Alcohol, Entertainment and Events forum on www.khub.net; and
- make the financial case for investing further in preventative drugs and alcohol programmes.

The LGA is currently surveying councils on their costs under the Licensing Act 2003 and I hope we can count on Brighton and Hove to respond, so that we can present the Home Office with robust evidence of the need to achieve full-cost recovery in the licensing process. The survey has been sent direct to your Chief Finance Officer.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tony Page'. The signature is written in a cursive style with a large, stylized 'P'.

Cllr Tony Page
LGA Licensing Champion

Appendix 6

Following on from Full Council in December 2015 the Chief Executive, in response to a Notice of Motion “Boosting alcohol-related policing and prevention”, wrote to the Local Government Association (LGA) on 11 January 2016, a response was received on 9 February 2016 and passed to officers on 15 February. Officers approached the Home Office and the LGA on 16 February for further clarification.

The Home Office consulted on the LNL in the summer 2015, with a view to improving the Levy by making it more flexible and targeted, in particular looking at the following possible changes:

- Permitting the levy to be targeted at a specific location, rather than across the whole council area.
- Extending it to include late-night refreshment premises, if so desired.
- Rebalancing the share of income between the PCC and council. It has been suggested that a 50/50 split between the LA and PCC is appropriate and we understand that the PCC group representing PCCs are happy with this proposal.
- Requiring the PCC to spend the money raised on the area in which it was raised and specifically on the night-time economy.
- Giving the PCC the right to request the council considers introducing it (but not forcing them to introduce it).

The Home Office are developing proposals on the Levy as part of its work on the Modern Crime Prevention Strategy, due for publication in Spring 2016. The Home Office have advised that any changes that Ministers choose to make that require primary legislation could not take effect until approximately April 2017 at the earliest (and subject to Parliamentary approval).

Subject:	Draft Gambling Policy 2016-2018		
Date of Meeting:	3 March 2016		
Report of:	Director of Public Health		
Contact Officer:	Name:	Jim Whitelegg	Tel: 29-2438
	Email:	Jim.whitelegg@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The Gambling Act 2005 requires Licensing Authorities to prepare, every three years, a statement (also known as a Policy) of the principles which they propose to apply when exercising their functions, and they must publish the statement following the procedure set out in the Act, including whom they should consult.

2. RECOMMENDATIONS:

- 2.1 That committee instruct officers to carry out a consultation on the draft policy (attached at appendix 1).

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Licensing officers, in conjunction with colleagues from the Public Health analyst team have been re-writing the Gambling Statement of Principles in light of the forthcoming changes to the Licensing Conditions and Code of Practice (LCCP) and Guidance for Local Authorities (GLA), to incorporate the new social responsibility requirements which come into force in April 2016. A document outlining the key changes can be found at appendix 2.
- 3.2 Officers propose carrying out a full consultation which will last for 3 months. Following analysis of that consultation, officers will report back to committee with a proposed Gambling Policy which, if approved, will progress to Full Council for approval.
- 3.3 Members will recall that officers made a report to November committee when the Gambling Policy was refreshed. This was an interim review with some minor amendments, including changing the date and removing out of date information.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 None.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Consultation will last 3 months. The existing statement of gambling policy will be sent to consultees and is available on the council's website.
- 5.2 Before publishing the Statement, the local authority is required to publish a notice of its intention to publish a statement. This must be done no less than two weeks before the statement is published. The notice must
- a) Specify the date on which the statement is to be published
 - b) Specify the date on which the statement will come into effect
 - c) Specify the internet address where the statement will be published and the address of the premises at which it may be inspected and
 - d) Be published on the authority's website and in or on one or more of the following places
 - A local newspaper circulating in the area covered by the statement
 - A local newsletter, circular or similar document circulating in the area covered by the statement
 - A public notice board on or near the principal office of the authority's public notice board on the premises of public libraries in the area covered by the statement.
- The statement must be published at least one month before it takes effect.

4.4 Timetable:

- Licensing Committee 3 March 2016.
- Licensing Committee November 2016.
- Full Council November/December 2016.
- Advertise and publish during December 2016/January 2017.
- January 2017 Revised Statement comes into effect.

6. CONCLUSION

- 6.1 The Licensing Authority has a duty to prepare and publish a Gambling Policy.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no financial implications arising from the production of this statement, as licensing fees are set at a level that will be cost neutral to the licensing authority.

Finance Officer Consulted: Michael Bentley

Date: 20/01/16

Legal Implications:

- 7.2 Local authority responsibilities include: upholding licensing objectives, publishing a three year licensing policy, determining applications for premises licences and regulating members clubs – club gaming and machine permits. The Licensing Committee established under section 6 of the Licensing Act 2003 has authority to exercise functions under the Gambling Act 2005 with the exception of: a resolution not to issue casino licences, the three year licensing policy (full council) and setting fees.

Lawyer Consulted:

Rebecca Sidell

Date: 19/02/16

Equalities Implications:

- 7.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling is one of the licensing objectives. The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. "Vulnerable persons" will not be defined but for regulatory purposes the assumption is that this group includes people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs. Operators should encourage where appropriate, strategies for self help and provide information on organisations where advice and help can be sought.

With limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult-only environments.

Sustainability Implications:

- 7.4 None.

Any Other Significant Implications:

- 7.5 Gambling licensing objectives are:
- (a) Preventing gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime
 - (b) Ensuring gambling is conducted in a fair and open way
 - (c) Protection children and other vulnerable persons from being harmed or exploited by gambling

SUPPORTING DOCUMENTATION

Appendices:

1. Draft Gambling Statement
2. Key changes document.
3. Local area profile prototype.

Documents in Members' Rooms

1. None.

Background Documents

1. None.

Gambling Policy (Statement of Principles) 2016 – 2018

Gambling Act 2005

DRAFT

Further copies of this document can be obtained from:

Licensing Team
Brighton & Hove City Council
Bartholomews House
Bartholomews Square
Brighton
BN1 1JP

Tel: 01273 294429

Email: Ehl.safety@brighton-hove.gov.uk

Web: <http://www.brighton-hove.gov.uk/content/business-and-trade/licensing-and-gambling>

DRAFT

Contents		Page
Executive Summary		5
Part A	The Gambling Act 2005	
1.	The licensing objectives	6
2.	Brighton & Hove	7
3.	The purpose of the Gambling Act 2005 – Statement of Licensing Policy	7
4.	The licensing framework	10
5.	Declaration	10
6.	Responsible authorities	10
7.	Interested parties	11
8.	Exchange of information	12
9.	Licensing authority functions	12
Part B	Promotion of the licensing objectives	
10.	Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime	15
11.	Ensuring that gambling is conducted in a fair and open way	15
12.	Protecting children and other vulnerable persons from being harmed or exploited by gambling	15
Part C	Premises licences	
13.	Introduction to premises licensing	19
	• Definition of a premises licence	16
	• Location	20
	• Local Risk Assessment	22
	• Local Area Profile	21
	• Conditions	22
	• Door supervision	23
14.	Adult gaming centres	23
15.	Licensed family entertainment centres	24

16.	Casinos	25
17.	Bingo premises	25
18.	Betting premises	26
19.	Tracks	27
20.	Travelling fairs	29
Part D Permits, notices and lottery registrations		
22.	Unlicensed family entertainment centre gaming machine permits	31
23.	Gaming machine permits in premises licensed for the sale of alcohol	33
24.	Prize gaming permits	34
25.	Club gaming and club machines permits	36
26.	Temporary use notices	37
27.	Occasional use notices (for tracks)	37
28.	Small society lottery registrations	38
Part E Enforcement		
29.	Enforcement principles	40
30.	Reviews	41
31.	Test Purchases	41
Appendices		
Appendix 1	Glossary of terms	36
Appendix 2	Gaming Machines	39
Appendix 3	Summary of gaming entitlements for clubs and pubs	43

Executive Summary

The Gambling Act 2005 obtained Royal Assent in 2005 and came into effect in 2007.

Under Section 349 of the Gambling Act 2005 the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act. This process is to be repeated every three years from 31st January 2007.

The consultation process is laid out clearly in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission (www.gamblingcommission.gov.uk).

The purpose of the Statement of Licensing Policy is to set out the principles that the Council propose to apply when determining licences, permits and registrations under the Gambling Act 2005.

Any decision taken by the Council in regard to determination of licences, permits and registrations should aim to permit the use of premises for gambling in so far as it is reasonably consistent with the licensing objectives which are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

The principles to be applied specifically to the determination of premises licence applications include definition of premises, location, duplication with other regulatory regimes, conditions, door supervision, layout of the premises and supervision of gaming facilities. The policy also specifically mentions adult gaming centres, family entertainment centres, casinos, bingo premises, betting premises, tracks and travelling fairs.

The Council has the ability to issue permits for prize gaming and unlicensed family entertainment centres. The Council is able to specify the information it requires as part of the application process which will aid determination and this information is described in this Policy.

Club gaming and club machine permits are also issued by the Council. The process for this is described, along with other processes specified in the legislation for example temporary use notices, occasional use notices and small society lotteries.

Enforcement of the legislation is a requirement of the Act that is undertaken by the Council in conjunction with the Gambling Commission. The policy describes the Council's enforcement principles and the principles underpinning the right of review.

The policy has three appendices, describing the stakes and prizes which determine the category of a gaming machine, a glossary of terms and exempt gaming in pubs and clubs.

Part A The Gambling Act 2005

1. The licensing objectives

- 1.1 Under the Gambling Act 2005 (the Act) Brighton and Hove Council is the licensing authority responsible for licensing premises for gambling activities as well as granting various other gambling permits. In this document, unless otherwise stated, any references to the Council are to the Brighton and Hove Licensing Authority.
- 1.2 The Council will carry out its functions under the Act with a view to aiming to permit the use of premises for gambling in so far as it is reasonably consistent with the three licensing objectives set out at Section 1 of the Act. The licensing objectives are:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - ensuring that gambling is conducted in a fair and open way
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.3 More information can be found about how the Council will achieve this in Part B and C of this document.
- 1.4 The Council will follow any regulations and statutory guidance issued in accordance with the Act and will have regard to any codes of practice issued by the national gambling regulator, the Gambling Commission.
- 1.5 The Council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:
- in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives and
 - in accordance with this document.
- 1.6 The Gambling Commission's Licence Conditions and Code of Practice (LCCP) require gambling premises to undertake a risk assessment taking into consideration local information. Specific information about localities is provided in this policy at Part C.

2. Brighton & Hove

2.1 Local features

2.1 The population of Brighton & Hove is approximately 275,000, but this number increases significantly in the summer months with the influx of tourists. The local visitor economy is characterised by three sectors: conferences, leisure and English language education. The city receives 10 million tourism day trips and 1.4 million staying visitors per year. 27% of staying visitors originate from overseas. Tourism generates £829m of direct income for local businesses and supports 21,682 jobs. 18% of the total Brighton & Hove labour force is employed in jobs supported by tourism expenditure.

2.2 Brighton Marina is one of the largest in Europe, and the City is a major centre for heritage and culture, hosting the largest annual international arts festival in England every May. There are also two Universities, a City College and a large number of language schools, which together make the City very popular with students from many parts of the world. Thirty five percent of the population is aged 20-39, which is much higher than the national average. This is quite different from the large retirement age population associated with many coastal cities and reflects the City's reputation among young people as an attractive place to live.

2.3 Culture and Tourism

2.4 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. VisitBrighton, the Council's tourism unit, has developed and implemented a full brand strategy and guidelines for the city's tourism offering.

2.5 The City of Brighton & Hove already provides many gambling facilities. There are two racetracks. Brighton Racecourse on Whitehawk Down has been a site of organised public racing since the late eighteenth century and Coral Greyhound Racing Stadium in Hove. Brighton and Hove were two of the 53 permitted areas in Great Britain with four casinos under the 1968 Act. There are numerous bingo and betting premises. As a seaside resort, there is a history of amusement arcades, known as family entertainment centres or adult gaming centres.

3. The purpose of the Gambling Act 2005 – Statement of Licensing Policy

3.1 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions under the Act. This document fulfils this requirement. Such statement must be published at least every three years. The statement can also be reviewed from "time to time" and any amendments must be consulted upon. The statement must then be re-published.

3.2 Consultation was undertaken with the following:-

- the chief officer of police for the authority's area; and HM Revenue & Customs
- persons representing the interests of persons carrying on gambling businesses in the authority's area – including existing casino operators, the British Casino Association, betting shops and the Association of British Bookmakers, bingo premises, operators of amusement facilities in the area, the Racecourse Association, Brighton Business Forum;
- persons who represent the interests of persons who are likely to be affected by the Act including faith groups, local residents and tenants associations, voluntary and community organisations working with children and young people, operators of small lotteries, organisations working with people who are problem gamblers, medical practices, and advocacy organisations such as Citizens Advice Bureau, The Money Advice Trust and National Debtline, GamCare, Members and trade unions, and others via the Council's consultation portal.

3.3 The consultation took place between xxxxxx and xxxxx and followed the Council's Office's Code of Practice on Consultation. The consultation elicited xxxx responses which are available on request. The policy was approved at a meeting of the Full Council on xxxx.

4. The licensing framework

- 4.1 The Gambling Act 2005 brought about changes to the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with central government and local authorities to regulate gambling activity.
- 4.2 The Gambling Commission issues operators licences and personal licences. Any operator wishing to provide gambling at a certain premises must have applied for the requisite personal licence and operator licence before they can approach the Council for a premises licence. In this way the Gambling Commission is able to screen applicants and organisations to ensure they have the correct credentials to operate gambling premises. The Council's role is to ensure premises are suitable for providing gambling in line with the three licensing objectives and any codes of practice issued by the Gambling Commission. The Council also issues various permits and notices to regulate smaller scale and or ad hoc gambling in various other locations such as pubs, clubs and hotels.
- 4.3 The Council does not licence large society lotteries or remote gambling through websites. These areas fall to the Gambling Commission. The National Lottery is not licensed by the Gambling Act 2005 and is regulated by the Gambling Commission under the National Lottery Act 1993.

5. Declaration

- 5.1 This statement of licensing policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.
- 5.2 In producing this document, the Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy statement.

6. Responsible authorities

- 6.1 The Act empowers certain agencies to act as responsible authorities so that they can employ their particular area of expertise to help promote the licensing objectives. Responsible authorities are able to make representations about licence applications, or apply for a review of an existing licence. Responsible authorities will also offer advice and guidance to applicants.
- 6.2 The Council is required by regulations to state the principles it will apply to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.

- 6.3 In accordance with the regulations the Council designates the Local Safeguarding Children Board for this purpose. The Local Safeguarding Children Board has specific Safeguarding & Child Protection procedures which can be found at <https://sussexchildprotection.procedures.org.uk/> Applicants may find these procedures useful as a point of reference, a guide for good practice and the mechanism by which to make a referral to Children’s social work, when producing their own policies and procedures in relation to the objective of protection of children and vulnerable people.
- 6.4 The contact details of all the responsible authorities under the Gambling Act 2005 are available on the Council’s website within the guidance documents at www.xxxxxxxxxxxxxxxxxx

7. Interested parties

- 7.1 Interested parties are certain types of people or organisations that have the right to make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)”

- 7.2 The Council is required by regulations to state the principles it will apply to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. The Council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance to local authorities.
- Within this framework the Council will accept representations made on behalf of residents and tenants associations.
- In order to determine if an interested party lives or has business interests, sufficiently close to the premises to be likely to be affected by the gambling activities, the Council will consider factors such as the size of the premises and the nature of the activities taking place.

8. Exchange of information

- 8.1 Licensing authorities are required to include in their policy statement the principles to be applied by the authority with regards to the exchange of information between it and the Gambling Commission, as well as other persons listed in Schedule 6 to the Act.
- 8.2 The principle that the Council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Council will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 8.3 **Please note:** *names and addresses of those making representations will usually be disclosed to applicants.*
- 8.4 The gambling authority shall secure the proper integration of this policy with local crime prevention, planning, tourism and cultural strategies by:-
- Liaising and consulting with the Sussex Police, HM Revenue & Customs and the Community Safety Strategy representatives and following the guidance in community safety and crime and disorder strategy,
 - Liaising and consulting with the planning authority,
 - Liaising and consulting with tourism, stakeholder groups, business groups such as the City Centre Business Forum and the economic development functions for the Council.
 - Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols

9. Licensing authority functions

- 9.1 Licensing authorities are responsible under the Act for:
- licensing premises where gambling activities are to take place by issuing premises licences
 - issuing provisional statements
 - regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
 - issuing Club Machine Permits to commercial clubs
 - granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres
 - receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines
 - granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
 - registering small society lotteries below prescribed thresholds
 - issuing Prize Gaming Permits
 - receiving and endorsing Temporary Use Notices

- receiving Occasional Use Notices (for tracks)
- providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information')
- maintaining registers of the permits and licences that are issued under these functions.

9.2 Family Entertainment Centres Applicants for permits for family entertainment centres will be required to submit enhanced criminal records bureau certificate and declaration from an applicant that he or she has not been convicted of a relevant offence.

9.3 The functions of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority. Delegated powers shall be in accordance with the table below.

Matter to be dealt with	Full Council	Sub-Committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licence		If a representation made	If no representation made
Application for a variation to a licence		If a representation made	If no representation made
Application for a transfer of a licence		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Review of a premises licence		X	
Application for club gaming/club machine permits		If a representation made	If no representation made
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

9.4 At the time (UPDATE) of adopting this Policy the Licensing Authority was responsible for the following number of premises licences and permits:

Number of Gambling Authorisations - Current Figures (December 2014) 2012	
Betting Premises Licences	42
Bingo Premises Licences	4
Adult Gaming Centre Premises Licences	10
Family Entertainment Centre Premises Licences	2
Family Entertainment Centre Permits	4
Alcohol licensed premises providing two or less gaming machines	158

Alcohol licensed premises providing three or more gaming machines	24
Club Gaming Permits	3
Club Machine Permits	8
Casinos	4

DRAFT

Part B Promotion of the licensing objectives

10. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

- 10.1 Applicants for premises licences will have to hold an operating licence from the Gambling Commission before the premises licence can be issued. The licensing authority will not need to investigate the suitability of an applicant since the Commission will have already done so for both operating and personal licences.
- 10.2 If, during the course of considering a premises licence application, or at any other time, the licensing authority receives information that causes it to question the suitability of the applicant to hold an operating licence, these concerns should be brought to the attention of the Commission without delay.
- 10.3 Licensing authorities will need to consider the location of premises in the context of this objective. If an application for a licence or permit is received in relation to premises that are in an area noted for particular problems e.g. with organised crime, the authority should think about what controls might be appropriate to prevent those premises becoming a source of crime. These might include conditions being put on the licence. Section 169 of the Act allows the authority to impose conditions to prevent disorder.
- 10.4 Consideration may be given to imposition of conditions concerning:
- Security and door supervision – guarding premises against unauthorised access or occupation, or against outbreaks of disorder or against damage may only be undertaken by Security Industry Authority licensed personnel.
 - As set by regulation.
- 10.5 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

11. Ensuring that gambling is conducted in a fair and open way

- 11.1 Generally the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter dealt with under the operating licence or personal licence.
- 11.2 In relation to the licensing of tracks, the licensing authority's role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable. Off-course operators with on-course facilities may be required to hold a separate betting premises licence for this area but this will not be a mandatory requirement and will be at the discretion of the racecourse and the betting operator.

12. Protecting children and other vulnerable persons from being harmed or exploited by gambling

12.1 The Act provides the following definition for child and young adult in Section 45:

Meaning of “child” and “young person”

- (1) In this Act “child” means an individual who is less than 16 years old.
- (2) In this Act “young person” means an individual who is not a child but who is less than 18 years old.

For the purpose of this section protection of children will encompass both child and young person as defined by the Act.

12.2 The Council will pay particular attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.

12.3 Examples of the specific steps the Council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

12.4 In the case of premises licences the Council is aware of the extensive requirements set out for operators in the Gambling Commissions Code of Practice. In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:

- Combating problem gambling
- Access to gambling by children and young persons
- Information on how to gamble responsibly and help for problem gamblers
- Customer interaction
- Self exclusion
- Employment of children and young persons

12.5 All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. The Council will communicate any concerns to the Gambling Commission about any absence of this required information.

12.6 Applicants may also like to make reference to xxxxxxxx Safeguarding Adults Partnership document entitled “xxxxxx Multi Agency Safeguarding Adults Policies and Procedures” which provides extensive guidance on identifying vulnerable people and what can be done to reduce risk for this group. This document can be accessed via [wwwxxxxx](#)

12.7 The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition for the term “vulnerable people” but will, for regulatory purposes assume that this group includes people:

“who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs.”

Operators should make information publicly available via leaflets etc about organisations that can provide advice and support, both in relation to gambling itself and to debt e.g. GamCare, Gamblers Anonymous, Gordon House Association, National Debtline, local Citizens Advice Bureaux and independent advice agencies.

12.8 Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:

- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets
- training for staff members which focuses on building an employee’s ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable (see 12.4.1).
- trained personnel for the purpose of identifying and providing support to vulnerable persons
- self exclusion schemes
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- posters with GamCare Helpline and website in prominent locations
- windows, entrances and advertisements to be positioned or designed not to entice passers-by.

12.9 It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.

12.10 The Council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.

12.11 With limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises that are adult-only environments. Children must be protected from being “harmed or exploited by gambling” which in practice means preventing them from taking part in or being in close proximity to gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

12.12 Specific measures to prevent this may include:-

- a) Supervision of entrances
- b) Segregation of gambling from areas frequented by children
- c) Supervision of gaming machines in non-adult gambling specific premises

- d) Gaming machines in betting shops should not be visible from outside the premises
- e) Enhanced CRB checks may be required for all applicants in relation to Family Entertainment Centres and declaration from an applicant that he or she has not been convicted of a relevant offence

These considerations will be particularly relevant on tracks (where children will be permitted in the betting areas on race-days).

- 12.13 Consideration must be given, in relation to particular premises, whether any special considerations apply in relation to the protection of vulnerable persons. Any such considerations will need to be balanced against the authority's objective to aim to permit the use of premises for gambling.
- 12.14 The licensing authority recognises Brighton & Hove Children's Services as being competent to advise on matters relating to the protection of children from harm. Applicants shall copy their applications to: Head of Safeguarding, Brighton & Hove City Council, Children's Services, Moulsecoomb Hub North, Hodshrove Lane, Brighton BN2 4SE in its capacity as the responsible authority.
- 12.15 Children are permitted to enter family entertainment centres and may play category D machines.

Part C Premises licences

- 13.1 The Council will issue premises licences to allow those premises to be used for certain types of gambling. For example premises licences will be issued to amusement arcades, bingo halls, bookmakers and casinos.
- 13.2 Premises licences are subject to the permissions/restrictions set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach other conditions, where it is believed to be necessary and proportionate.
- 13.3 Applicants should also be aware that the Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The Council will also have regard to these Codes of Practice.

Definition of “premises”

- 13.4 Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances.
- 13.5 The Council will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the Council will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.
- 13.6 The Council will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the Council will consider before granting such applications include whether children can gain access, compatibility of the two establishments; and the ability to comply with the requirements of the Act. In addition an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
- 13.7 An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates.

Location

- 13.8 The Council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 13.9 With regards to these objectives it is the Council's policy, upon receipt of any relevant representations to look at specific location issues including:
- the possible impact a gambling premises may have on any premises that provide services to children or young people, i.e. a school, or vulnerable adult centres in the area
 - the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children
 - the size of the premises and the nature of the activities taking place
 - any levels of organised crime in the area.
- 13.10 In order for location to be considered, the Council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives.

Local Risk Assessment

- 13.11 From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.
- 13.12 The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:
- a. to take account of significant changes in local circumstance, including those identified in this policy;
 - b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - c. when applying for a variation of a premises licence; and
 - d. in any case, undertake a local risk assessment when applying for a new premises licence.
- 13.13 The Council will expect the local risk assessment to consider as a minimum:
- whether the premises is in an area of deprivation
 - whether the premises is in an area subject to high levels of crime and/or disorder
 - the demographics of the area in relation to vulnerable groups
 - the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather

- significant presence of young children, both residents and visitors
- high unemployment area
- nearby homeless hostels
- nearby gambling, alcohol, drug or mental health support facility
- the area has a high number of rough sleepers/homeless people
- the area has a specific ethnic population
- pawn broker/pay day loan businesses in the vicinity
- other gambling premises in the vicinity

Information around these groups is available in the Local Area Profile (LAP) in section 13.18.

13.14 In any case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.

13.15 Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

13.16 Such information may be used to inform the decision the Council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

13.17 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

Local Area Profile

13.18 Each locality has its own character and challenges. In order to assist applicants, where

there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the Council has published a local area profile. This profile, compiled in conjunction with the Public Health Intelligence Team and can be obtained from [www webpage](#).

- 13.19 The local area profile should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profile will be presented to any subsequent licensing subcommittee when they determine an application that has received representations.
- 13.20 The Council recognises that it cannot insist on applicants using the local area profile when completing their risk assessments. However an applicant who decides to disregard the profile may face additional representations and the expense of a hearing as a result.

Conditions

- 13.21 The Council is aware that the Secretary of State has set mandatory conditions and default conditions and the Gambling Commission has set Licence Conditions and Codes of Practice which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the Council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with.
- 13.22 Where there are specific risks or problems associated with a particular locality, or specific premises, or class of premises, the Council will attach individual conditions to address this.
- 13.23 Any conditions attached to a licence issued by the Council will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility
 - directly related to the premises and the type of licence applied for, and/or related to the area where the premises is based
 - fairly and reasonably related to the scale, type and location of premises
 - consistent with the licensing objectives, and
 - reasonable in all other respects.
- 13.24 Decisions about individual conditions will be made on a case by case basis, although there will be a number of control measures the Council will consider using, such as supervision of entrances, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types in this policy. The Council will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.
- 13.25 Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the Council may consider licence conditions to cover issues such as:
- proof of age schemes
 - CCTV

- supervision of entrances
- supervision of machine areas
- a reduction in the number of betting machines (betting premises)
- the staffing of premises
- physical separation of areas
- location of entrance points
- notices / signage
- specific opening hours
- a requirement that children must be accompanied by an adult
- enhanced CRB checks of the applicant and/or staff
- support to persons with gambling addiction
- policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours, and school holidays
- policies to address the problems associated with truant children who may attempt to gain access to premises and gamble
- any one or a combination of the measures as set out in this policy.

13.26 This list is not mandatory or exhaustive and is merely indicative of examples of certain measures which may satisfy the requirements of the licensing authority and the responsible authorities, depending on the nature and location of the premises and the gambling facilities to be provided.

13.27 There are conditions which the Council cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible for the applicant to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- conditions in relation to stakes, fees, winnings or prizes.

Door supervision

13.28 The Council will consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the Gambling Act 2005 has amended the Private Security Industry Act 2001 and that door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority. Where door supervisors are provided at these premises the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a DBS (Disclosure and Barring Service) check on potential staff and for such personnel to have attended industry recognised training.

14. Adult gaming centres

- 14.1 Under the Act a premises holding an adult gaming centre licence will be able to make category B, C and D gaming machines available and no one under 18 will be permitted to enter such premises (see Appendix 2).
- 14.2 As no one under the age of 18 is permitted to enter an Adult Gaming Centre, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to consider their own measures to meet the Licensing Objectives and comply with all mandatory conditions and Gambling Commission Codes of Practice. However, appropriate measures may cover issues such as:
- CCTV
 - Minimum staffing levels
 - Induction training for new staff and refresher training for existing staff
 - Refusals register
 - Proof of age schemes (e.g. Think 21)
 - Third party test purchasing
 - Location of entry to premises
 - Infra Red Beam positioned across the entrance to the premises

The list, however, is not mandatory, nor exhaustive and applicants are recommended to consider this Licensing Objective very carefully when applying for an Adult Gaming Centre Premises Licence.

Where the Adult Gaming Centre is situated in a complex, the Licensing Authority will pay particular attention to the location of entry so as to minimise opportunities for children gaining access. In particular the Licensing Authority will not look favourably on situations where child orientated machines or facilities are sited close to the entrance to an Adult Gaming Centre.

15. Licensed family entertainment centres (FECs)

- 15.1 Licensed family entertainment centres are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes.
- 15.2 Licensed family entertainment centres will be able to make available unlimited category C and D machines where there is clear segregation in place so children do not access the areas where the category C machines are located (see Appendix 1).
- 15.3 Where category C or above machines are available in premises to which children are admitted then the Council will ensure that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the Council may insist on a permanent barrier of at least 1 meter high
 - only adults are admitted to the area where the machines (category C) are located
 - access to the area where the machines are located is supervised at all times

- the area where the machines are located is arranged so that it can be observed by staff; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

15.4 The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

15.5 Children and young persons may enter Licensed FECs but are not permitted to play Category C machines. The Licensing Authority will expect the applicant to ensure that there will be sufficient measures to prevent under 18 year olds having access to the adult only gaming machine areas. The Licensing Authority will expect applicants to meet the Licensing Objectives and comply with all mandatory conditions and Codes of Practice issued by the Gambling Commission. However, appropriate measures may cover issues such as:

- CCTV, specifically sited where the adult machines are likely to be situated
- Controlled supervision of entrance and machine areas
- Physical segregation of machines and areas
- Provision of information leaflets/helpline numbers for organisations such as Gamcare
- Minimum staffing levels
- Induction training for new staff and refresher training for existing staff
- Refusals register
- Proof of age schemes (e.g. Think 21)
- Third party test purchasing
- Location of entry to premises
- Infra Red Beam positioned across the entrance to the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

With regard to vulnerable persons, the Licensing Authority will consider measures such as the use of self barring schemes, provision of information leaflets / help line numbers for organisations such as GamCare as appropriate measures.

15.6 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be DBS checked.

16. Casinos

16.1 There are four current casino licences in Brighton & Hove, three of which are currently operating, Mint Casino in Preston St, Grosvenor Seafront Casino in Grand Junction Road and Rendezvous Casino in the Marina which were licensed under the Gaming Act 1968, which have been subsequently converted into Gambling Act 2005 Converted Casino Premises Licences. What was the Grosvenor 4th Avenue Hove Casino licence is current but they are not operating.

16.2 Statement regarding casino resolution - The licensing authority has taken a decision to

pass a resolution not to issue new casino licences in Brighton & Hove.

17. Bingo premises

- 17.1 There is no official definition for bingo in the Gambling Act 2005 however from a licensing point of view there is a category of premises licence specifically for bingo premises which is used by traditional commercial bingo halls for both cash and prize bingo. In addition this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act (see Appendix 1).
- 17.2 The Council is aware that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted then the Council will ensure that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the Council may insist on a permanent barrier of at least one meter high
 - only adults are admitted to the area where the machines are located
 - access to the area where the machines are located is supervised at all times
 - the area where the machines are located is arranged so that it can be observed by staff
 - at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18
 - children will not be admitted to bingo premises unless accompanied by an adult.
- 17.3 The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The Council will take this into consideration when determining licence applications for bingo premises.
- 17.4 Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission Code of Practice or the applicant, the Council may consider licence conditions to address such issues.
- 17.5 The Gambling Commission has issued Codes of Practice relating to Bingo premises and the Licensing Authority expects all applicants to comply with these codes. The Licensing Authority will not look favourably upon an application where an applicant seeks a Bingo Premises Licence with the sole intention of placing Category B2 Gaming Machines only in the premises with no provision for facilities for bingo, as this is not considered to be in the spirit of the Act. This is referred to in more detail in the Gaming Machines section of this Policy Statement. Applicants and premises licence holders are reminded of the Gambling Commission's operator licence conditions requiring that bingo is provided as the primary activity in any premises that hold or apply for a bingo premises licence.
- 17.6 Where bingo is permitted in alcohol-licensed premises, this must be low turnover bingo only and applicants are expected to comply with any Codes of Practice and advice issued by the Gambling Commission. High turnover bingo will require a Bingo Operating

Licence. Definitions of low and high turnover bingo are available by contacting the Licensing Team or by referring to the Gambling Commission's website.

18. Betting premises

- 18.1 The Licensing Authority is responsible for issuing and monitoring Premises Licences for all betting premises and children will not be permitted entry to a premises with a Betting Premises Licence. They may, however, be permitted entry to tracks and special rules will apply. In addition, the Licensing Authority recommends that an applicant for gaming machines in such premises consider carefully the location of betting machines to ensure that they are not in sight of the entrance to the premises.

Betting machines

- 18.2 While the Licensing Authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. The Licensing Authority will consider limiting the number of machines only where there is clear evidence that such machines have been, or are likely to be, used in breach of the Licensing Objectives. Where there is such evidence, the Licensing Authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter. When considering whether or not to impose such a condition the Licensing Authority will take into account the following:

- The size of the premises;
- The number of counter positions available for person to person transactions; and
- The ability of staff to monitor the use of the machines by children and young or vulnerable persons.

- 18.3 The Licensing Authority will expect applicants to meet the Licensing Objectives and comply with all mandatory conditions and Codes of Practice issued by the Gambling Commission. In determining whether an application meets the aforementioned criteria the Licensing Authority may give consideration as to whether appropriate measures are or will be in place to address the matters listed below:

- Minimum staffing levels
- Induction training for new staff and refresher training for existing staff
- Refusals register
- Proof of age schemes (e.g. Think 21)
- Provision of CCTV
- Entry control system
- Supervision of entrances/ machine areas
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

- 18.4 This list is not exhaustive and is merely indicative of examples measures. The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives.

- 18.5 With regard to vulnerable persons, the Licensing Authority will consider measures such as the use of self barring schemes, provision of information leaflets / help line numbers for organisations such as GamCare as appropriate measures.

19. Tracks

- 19.1 Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. The Licensing Authority recognise that tracks are different from other premises in that there may be more than one Premises Licence in effect and that the track operator may not be required to hold an Operators Licence as there may be several premises licence holders at the track who will need to hold their own operator licences. As children and young persons will be permitted to enter track areas where facilities for betting are provided (e.g. dog racing and/or horse racing), the Licensing Authority will expect premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. The Licensing Authority will expect applicants to consider their own measures to meet the Licensing Objectives, however, appropriate measures may cover issues such as:

- Proof of Age schemes
- CCTV
- Door supervisors
- Supervision of entrances/exits/machine areas
- Physical separation of areas
- Notices / signage
- Specific Opening Hours
- Location of entry and gaming machines
- Provision of information leaflets/helpline numbers for organisations such as Gamcare.

This list is not mandatory, nor exhaustive and is merely indicative of example measures.

- 19.2 Where appropriate, in order for the Licensing Authority to gain a proper understanding of what it is being asked to licence, applicants will be required to:
- Provide a detailed plan of the grounds indicating where the betting is to take place and the location of the race track;
 - In the case of dog tracks and horse racecourses, indicate the location of any fixed and mobile pool betting facilities operated by the Tote or track operator as well as any other proposed gambling facilities;
 - Evidence measures taken to ensure the third Licensing Objective will be complied with;
 - Indicate what arrangements are being proposed for the administration of the betting; the Gambling Commission and Licensing Authority recommend that betting takes place in areas reserved for, and identified as being for, that purpose.
 - Define the areas of the track that will be used by on course operators visiting the track on race days.
 - Define any temporary structures erected on the track for providing facilities for betting.
 - Define the location of any gaming machines (if any).

- 19.3 With regard to gaming machines on tracks, the Licensing Authority will consider carefully the location of any adult gaming machines at tracks to ensure that these machines are in areas which children are excluded, though it is recognised that children and young persons are not prohibited from playing Category D machines on a track.
- 19.4 Betting and Gaming Machines on Tracks - The Licensing Authority recognises the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines. It is the responsibility of the track operator to ensure compliance with the law in preventing children from using these machines. It is for this reason the Licensing Authority may consider restricting the number and location of machines, however, each application will be considered on its own merit.
- 19.5 Self contained betting offices on Tracks - In general, the rules that apply to betting premises away from tracks will apply to self contained betting premises on tracks and the Licensing Authority will consider future guidance from the Gambling Commission about how such premises should be delineated, both to make it clear to the public that they are entering a 'betting office' and to prevent the entry of children and young persons. Applicants are recommended to consider the Gambling Commission's view that it would be preferable for all self-contained premises operated by off course betting operators on track to be the subjects of separate premises licences. This would thus ensure that there was clarity between the respective responsibilities of the track operator and the off course-betting operator running a self-contained unit on the premises.
- 19.6 On advice from the Gambling Commission, the Licensing Authority may attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race card or made available in leaflet form from the track office. The Licensing Authority would welcome other suitable methods.

20. Travelling fairs

- 20.1 Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit provided that certain conditions are met and this provision continues in similar fashion under the Act.
- 20.2 Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair (see Appendix 1).
- 20.3 The Council will consider whether any fairs which take up the above entitlement fall within the statutory definition of a travelling fair.
- 20.4 The Council is aware that the 27 day statutory maximum for the land being used as a fair is per calendar year and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Council will work with its neighbouring authorities to ensure that land which crosses the Council boundary is monitored so that the statutory limits are not exceeded.

21. Gaming Machines

- 21.1 Where the Licensing Authority is uncertain of whether or not a machine is a gaming machine as defined under the Act, it will seek the advice of the Gambling Commission.
- 21.2 Where the Licensing Authority has concerns about the manufacture, supply or repair of a gaming machine it will bring this to the attention of the Gambling Commission.
- 21.3 The Licensing Authority will expect the holder of a Permit or Premises Licence to comply with the Codes of Practice issued by the Commission on the location of, and access to, Category D machines by children and young persons and their separation from Category C and B machines where those are also located on the same premises.
- 21.4 The Licensing Authority seeks to discourage applications for Premises Licences for the sole purpose of obtaining the ancillary provision of additional gaming machines where the principal activity either does not take place or is minimal. The Licensing Authority believes that the Gambling Act 2005 intended to set restrictions on the number of gaming machines for certain premises and considers that the fact that the licence authorised the holder to provide facilities for betting or bingo means that the operator must provide those facilities to qualify for the ancillary entitlement to gaming machines. Whilst this has not yet been legally contested, the Licensing Authority fully supports this view. The Licensing Authority is aware that the Gambling Commission has amended its operator licence conditions to address the issue of the primary gambling activity.
- 21.5 Brighton & Hove have a long history of providing family type gaming machines, such as penny falls and cranes. Such machines are primarily aimed at children and family type gaming. We recognise that, on the whole, such machines provide a low risk in relation to the licensing objectives. However, as with all gaming machines, such machines must be operated in a fair and open manner and in line with the protection of children from harm licensing objective.
- 21.6 Any non-monetary prizes within such machines must comply with the maximum prize limits laid down in the regulations prescribing gaming machine categories and entitlements. If items such as toy mobile phones (or other similar novelty items) are offered as prizes then this Authority will expect to see clear signage (displayed on or near the machine in question) indicating that such items are toys / novelty items.
- 21.7 This Authority will bring to the attention of specific machine operators any examples of prizes which it feels are inappropriate or require clarification to prospective machine users. In addition, where it is able to do so this Authority will undertake appropriate compliance action when it feels that prizes within penny falls, cranes and other similar machines are outside the scope of the open and fair and protection of children licensing objectives.

Part D Permits, notices and lottery registrations

Permits / Temporary & Occasional Use Notice

Note for information: The Gambling Act 2005 introduced a range of permits for gambling. Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises. The Licensing Authority may only grant or reject an application for a permit and cannot impose or attach any conditions. There are different considerations to be taken into account when considering the different types of permit applications. Where a Permit is granted, the Licensing Authority will issue the Permit as soon as is reasonably practicable.

22. Unlicensed Family Entertainment Centre (uFEC) Gaming Machine Permits

- 22.1 The term ‘unlicensed family entertainment centre’ is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premises is ‘unlicensed’ in that it does not require a premises licence but does require a permit to be able to provide category D machines. It should not be confused with a ‘licensed family entertainment centre’ which requires a premises licence because it contains both category C and D gaming machines.
- 22.2 The Licensing Authority must be satisfied that the premises will be used as an unlicensed Family Entertainment Centre and Sussex Police must be consulted on all applications.
- 22.3 When determining a permit, the Licensing Authority will have regard to the Gambling Commission’s Guidance to Licensing Authorities and although not required to, will have regard to the three Licensing Objectives.
- 22.4 As these premises particularly appeal to children and young persons, the Licensing Authority will give weight to child protection issues. An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and the Licensing Authority will expect applicants to demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling, which is permissible in unlicensed FECs.
 - That staff are trained to have a full understanding of the maximum stakes and prizes.
 - The applicant’s previous history and experience of running similar premises.
 - Applicants must produce a Basic Criminal Records Bureau (CRB) check dated within one calendar month of the date of the application being submitted to the Licensing Authority. The Disclosure will reveal the existence and content of any criminal record (not spent under the terms of the Rehabilitation of Offenders Act) held in the name of the applicant.
- 22.5 Where an applicant provides evidence that he has an Operating Licence and has as a result undergone rigorous checks by the Gambling Commission, then a CRB check will not

normally be required.

- 22.6 When considering any convictions revealed in an application the Licensing Authority will consider the nature and relevance of the offence, how long ago the offence took place and any other factors that may be relevant. The application will be subject to the terms of the Rehabilitation of Offenders Act and 'spent' convictions may not be referred to when considering the permit application. The application process will make specific reference to the Relevant Offences listed in Schedule 8 to the Gambling Act 2005.
- 22.7 Statement of Principles for Unlicensed Family Entertainment Centres - As these premises are open to children and young persons, the Licensing Authority will require additional information when an applicant applies for this Permit, as follows:
- A scaled plan of the premises indicating the location of Category D machines, Automated Teller Machines and any appropriate notices that are to be displayed;
 - The approximate number of Category D machines that will be provided;
 - Evidence that applicants have a full understanding of the maximum stakes and prizes that are permissible;
 - Evidence that staff are trained to have a full understanding of the maximum stakes and prizes that are permissible;
 - A basic DBS check dated within one calendar month of the date of the application being submitted to the Licensing Authority (unless the applicant holds a current Operator's Licence issued by the Gambling Commission);
 - Evidence of staff training by way of a Premises Log Book which should be signed and dated by staff to prove that training has been undertaken and understood;
 - Training for staff as regards dealing with suspected truant school children on the premises;
 - Policies and procedures in place to protect children from harm. Harm in this case is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures such as training, covering how staff would deal with unsupervised very young children being on the premises or children causing perceived problems on or around the premises;
 - The amount of space around gaming machines to prevent jostling of players or intimidation;
 - Details of opening hours;
 - Approximate numbers of staff employed.
- 22.8 Where an applicant fails to comply with the above requirements, the Licensing Authority may refuse the application. Where there is reason for such a refusal, the Licensing Authority will notify the applicant of its intention to refuse and the reasons for the refusal. The applicant will then have an opportunity to make representations orally, in writing or both and will have a right of appeal against any decision made.
- 22.9 With regard to renewal applications, the Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the Licensing Objectives.

22.10 Where the Permit has been granted the Licensing Authority will issue the permit as soon as is reasonably practicable and in any event in line with the Regulations issued by the Secretary of State. The permit will then remain in effect for 10 years unless surrendered or lapsed.

22.11 The Licensing Authority recommends that applicants for unlicensed FEC Permits consider adopting BACTA's voluntary Code of Practice for Amusement with Prizes Machines in Family Entertainment Centres. This Code of Practice promotes awareness of social responsibility and acknowledges that proactive specific and appropriate commitment will be given to educating children and young persons, thereby minimising the potential for harm.

23. Gaming machine permits in premises licensed for the sale of alcohol

23.1 With regard to gaming machines on premises that sell alcohol, the applicant is entitled to up to 2 gaming machines of Category C or D machines, subject to the applicant notifying the Licensing Authority, paying the prescribed fee and complying with any relevant Codes of Practice issued by the Gambling Commission.

23.2 The Licensing Authority may remove the automatic authorisation if:

- Provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives;
- Provision of the machines is not compliant with the mandatory conditions relating to location and operation of machines;
- Gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act;
- An offence under the Gambling Act has been committed on the premises; or
- The premises are mainly used for gaming

23.3 The Licensing Authority will expect the applicant to comply with any Codes of Practice issued by the Gambling Commission and consider such measures to ensure that under 18s do not have access to the adult only gaming machines. The Licensing Authority recommends considering such measures as:

- The adult machines being sited close to the bar;
- The adult machines being sited where staff can monitor them;
- Appropriate notices and signage;
- Provision of information leaflets/help line numbers for organisations such as GamCare.

23.4 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "such matters as they think relevant." This Licensing Authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult

only gaming machines. Measures which will satisfy the Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

- 23.5 There is no statutory limit on the number of machines, which may be applied for. However it is the Licensing Authority's policy that a licensing hearing must consider any application for three or more machines where Officers are of the opinion that the premises is not suitable for the number of machines applied for. It is important to note that the hearing is unlikely to grant a permit for more than six machines and even then six machines will normally only be granted to exceptionally large premises.
- 23.6 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of machines.
- 23.7 It is recognised that some alcohol-licensed premises may apply for a premises licence or an uFEC permit for their non- alcohol licensed areas. For the room in question to obtain a permit its predominant use must be that of an amusement arcade. There must also be some form of acceptable delineation, which indicates that the alcohol area and family entertainment centre are two separate premises.
- 23.8 Gaming in alcohol-licensed premises - The Licensing Authority recognises that low level gaming may take place in alcohol-licensed premises. Exempt gaming being equal chance gaming that should be ancillary to the purposes of the premises. This gaming, however, is subject to statutory stakes and prize limits determined by the Secretary of State. A nominated gaming supervisor should therefore supervise gaming in alcohol-licensed premises, (i.e. the Designated Premises Supervisor (DPS)) and all gaming should comply with the Codes of Practice issued by the Gambling Commission. As there is likely to be limited regulatory scrutiny of gaming provided in these premises, the Licensing Authority expects the applicant to be aware of and adopt these Codes of Practice and to ensure that all gaming in such premises is suitably managed.

24. Prize Gaming Permits

- 24.1 Prize Gaming Permits must be obtained where a Casino or Bingo Operating Licence is not in effect. However, a casino is not entitled to provide bingo without a Prize Gaming Permit. As children and young persons may participate in equal chance prize gaming, and given that the premises will particularly appeal to children and young persons, the Licensing Authority has prepared a Statement of Principles that it proposes to apply in exercising its functions which specifies matters that the Licensing Authority propose to consider in determining the suitability of an applicant for a Prize Gaming Permit.

- 24.2 The Licensing Authority will require detailed information when an applicant applies for this Permit, as follows:
- A scaled plan of the premises indicating the location of the machines, other prize gaming facilities, etc., and any appropriate notices that are to be displayed;
 - Evidence that applicants have a full understanding of the maximum stakes and prizes that are permissible;
 - Evidence that staff are trained to have a full understanding of the maximum stakes and prizes that are permissible;
 - A basic DBS check dated within one calendar month of the date of the application being submitted to the Licensing Authority (unless the applicant holds a current Operator's Licence issued by the Gambling Commission);
 - Evidence of staff training by way of a Premises Log Book which should be signed and dated by staff to prove that training has been undertaken and understood;
 - Policies and procedures in place to protect children from harm. Harm in this case is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures such as training, covering how staff would deal with unsupervised very young children being on the premises or children causing perceived problems on or around the premises;
 - The amount of space around gaming machines to prevent jostling of players or intimidation;
 - Details of opening hours;
 - Approximate numbers of staff employed.
- 24.3 Where an applicant provides evidence that he has an Operating Licence and has as a result undergone rigorous checks by the Gambling Commission, then a DBS check will not normally be required.
- 24.4 When considering any convictions revealed in an application the Licensing Authority will consider the nature and relevance of the offence, how long ago the offence took place and any other factors, which may be relevant. The application will be subject to the terms of the Rehabilitation of Offenders Act and 'spent' convictions may not be referred to when considering the permit application. The application process will make specific reference to the Relevant Offences listed in Schedule 8 to the Gambling Act 2005.
- 24.5 In making its decision on an application for this permit, the Licensing Authority does not need to have regard to the Licensing Objectives and will take into account, after consultation, any objections that the Police may wish to make whether relevant to the Licensing Objectives. The grounds for decision making as regards renewals are the same as for initial applications.
- 24.6 Where the Licensing Authority intends to refuse the application for a permit, it will notify the applicant of its intention to refuse it stating the reasons and offering the applicant an opportunity to make representations orally or in writing or both.
- 24.7 Where an application is granted the Licensing Authority will issue it as soon as is reasonably practicable.

24.8 The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

25. Club gaming and club machine permits

25.1 Members clubs and miners' welfare institutes may apply for a 'club gaming permit' or a 'club machine permit'. The 'club gaming permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D), equal chance gaming. i.e. poker, bingo etc. A 'club machine permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D). Commercial clubs may apply for a 'club machine permit' only.

25.2 To qualify for these special club permits a members club must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

25.3 Clubs must have regard to the protection of children and vulnerable persons from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines. These measures may include:

- the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised
- notices and signage
- the provision of information leaflets / helpline numbers for organisations such as GamCare.

25.4 Before granting the permit the Council will need to satisfy itself that the premises meets the requirements of a members' club and that the majority of members are over 18.

25.5 The Council may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which they have applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

25.6 There is also a 'fast-track' procedure available for premises which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no

opportunity for objections to be made by the Commission or the police, and the ground upon which the Council can refuse a permit is reduced. The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming,
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

26. Temporary use notices

- 26.1 Temporary use notices allow the use of premises on not more than 21 days in any 12 month period for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be useful for a temporary use notice would include hotels, conference centres and sporting venues.
- 26.2 Temporary Use Notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.
- 26.3 Only persons or companies holding a relevant operating licence can apply for a temporary use notice to authorise the particular class of gambling permitted by their operating licence.
- 26.4 A temporary use notice must be lodged with the licensing authority not less than three months and one day before the day on which the gambling is due to take place. Detailed information about how to serve a temporary use notice will be available in a separate guidance note.
- 26.5 The Act makes a special reference, in the context of temporary use notices, to a “set of premises” to try and ensure that large premises which cannot reasonably be viewed as separate are not used for more temporary use notices than permitted under the Act. The Council considers that the determination of what constitutes “a set of premises” will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a “set of premises”, the Council will look at, amongst other things, the ownership/occupation and control of the premises. The Council will be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

27. Occasional use notices (for tracks)

- 27.1 There is a special provision in the Act which provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a temporary use notice. The application may be made in writing, to the

Council by the person responsible for the administration of the events on a track or by an occupier of the track.

- 27.2 The Council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Council will however consider the definition of a 'track' and whether the applicant is entitled to benefit from such notice.

28. Small society lottery registrations

- 28.1 A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.

- 28.2 The Act creates two principal classes of lotteries: Licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries there are four sub classes, one of which is small society lotteries.

- 28.3 A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the Council for small societies who have a principal office in Brighton & Hove and want to run such lottery.

- 28.4 A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.

- 28.5 To be 'non-commercial' a society must be established and conducted:

- for charitable purposes,
- for the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or
- for any other non-commercial purpose other than that of private gain.

- 28.6 The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries'. If you require guidance on the different categories of lotteries please contact the Council's Licensing Team.

- 28.7 The National lottery is not licensed by the Gambling Act 2005 and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.

- 28.8 Small Society Lotteries

- 28.9 The Licensing Authority registers and deals with small society lotteries. Promoting or facilitating a lottery falls within one of the following categories:

- Licensed Lotteries (requiring an Operating Licence from the Gambling Commission);
- Small Society Lotteries (registered with the Licensing Authority); and
- Exempt Lotteries

- 28.10 Lotteries permitted to be conducted without a licence from the Gambling Commission and these are:
- Small Society Lotteries (registered with the Licensing Authority);
 - Incidental Non-Commercial Lotteries;
 - Private Lotteries: (Private Society Lottery, Work Lottery, Residents' Lottery);
 - Customer Lotteries
- 28.11 Societies may organise lotteries if they are licensed by the Gambling Commission, registered with the Licensing Authority or fall within the exempt category. The Licensing Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within. However, guidance notes with regard to all lotteries, limits placed on small society lotteries and information setting out financial limits are available by contacting the Licensing Team.
- 28.12 Applicants for lottery licences must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area it will inform the Society as soon as possible and where possible, will inform the other Licensing Authority.
- 28.13 The Licensing Authority will keep a Public Register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the Register is completed, the Licensing Authority will notify the applicant of registration.
- 28.14 The Licensing Authority will ask applicants to set out the purposes for which the Society is established and will ask the Society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may, however, seek further information from the Society and in particular may require a copy of the society's constitution.
- 28.15 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion.
- 28.16 The Licensing Authority may revoke the registered status of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.
- 28.17 With regards to where small society lottery tickets may be sold, the Licensing Authority applies the following guidance criteria to all small society lotteries it registers:

- tickets should not be sold in a street - street includes any bridge, road, lane, footway, subway, square, court or passage (including passages through enclosed premises such as shopping malls); and
- tickets may be sold from a kiosk, in a shop or door-to-door.

This approach is consistent with the operating licence conditions imposed by the Gambling Commission upon operators of large lotteries.

DRAFT

Part E Enforcement

29. Enforcement principles

29.1 The Council will work closely with the responsible authorities in accordance with a locally established joint enforcement protocol and will aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation.

29.2 In carrying out its enforcement duties with regards to the inspection of premises; and the powers to institute criminal proceedings in respect of certain offences under the Act the Council will endeavour to be:

- proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- consistent:** rules and standards must be joined up and implemented fairly;
- transparent:** regulators should be open, and keep regulations simple and user friendly; and
- targeted:** regulation should be focused on the problem, and minimise side effects.

29.3 The Council will endeavour to avoid duplication with other regulatory regimes so far as possible.

29.4 Where there is a Primary Authority scheme in place, the Council will seek guidance from the Primary Authority before taking any enforcement action. At the time of the publication of this policy there were four Primary Authority arrangements with host local authorities:

Coral	London Borough of Newham
William Hill	City of Westminster
Ladbrokes	Milton Keynes
Paddy Power	Reading

29.5 Further information, including an index of all Primary Authority arrangements can be found at <https://primaryauthorityregister.info/par/index.php/home>

29.4 The Council will also adopt a risk-based inspection programme in line with government recommendations around better regulation and the principles of the Hampton Review.

- 29.5 The main enforcement and compliance role for the Council in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences. Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the Council but will be notified to the Gambling Commission. In circumstances where the Council believes a premises requires a premises licence for gambling activities and no such licence is in force, the Council will alert the Gambling Commission.
- 29.6 The Council will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 29.7 The Council's enforcement/compliance protocols/written agreements will be available upon request.

30. Reviews

- 30.1 A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing Committee with the possibility that the licence may be revoked, suspended or that conditions may amended or new conditions added.
- 30.2 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the Council to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is:
- i) in accordance with any relevant code of practice issued by the Gambling Commission
 - ii) in accordance with any relevant guidance issued by the Gambling Commission
 - iii) reasonably consistent with the licensing objectives and
 - iv) in accordance with this authority's Gambling Act 2005 – Statement of Licensing Policy.

In addition the Council may also reject the application on the grounds that the request is frivolous, vexatious, will certainly not cause this authority to wish to alter, revoke or suspend the licence, or is substantially the same as previous representations or requests for review.

- 30.3 The Council can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

31. Test Purchasing

- 31.1 This Authority will undertake covert test purchasing exercises in order to check compliance with the requirement that under 18s do not access 'adult only' gambling facilities. This exercise is in response to concerns about underage gambling vulnerabilities in particular sub-sectors of the gambling industry. Under the terms of the Gambling Commission's Licence Conditions and Codes of Practice operators must

monitor the effectiveness of their policies and procedures for preventing underage access to gambling premises and products. At the time of the drafting of this policy certain sub-sectors of the gambling industry had not provided the Gambling Commission with any assurances that this was happening. Those sub-sectors are, broadly, the small and medium-sized Betting Premises, Adult Gaming Centres and Family Entertainment Centres

- 31.2 Both this Authority and the Gambling Commission have particular concerns with regards to access to adult only gaming machines, which may be accessible without any interaction between the player and a member of staff. With this in mind, this Authority will continue with its policy of targeted test purchasing exercises.
- 31.3 Those premises that fail a test purchase will be asked to address the weaknesses in their underage gambling procedures shown by this test and submit improvement plans, and in appropriate cases enforcement action will be taken. There are number of steps which this Authority would recommend to operators in order to prevent underage access and monitor the effectiveness of their policies, including:
- a) Re-positioning of machines and change of layout
 - b) Infra red security beam to alert staff to presence of staff in age-restricted areas and maglocks to restrict access
 - c) Maintaining of a Refusal Register
 - d) Independent test purchasing
 - e) Upgrade CCTV
 - f) Induction and refresher training for staff
 - g) Challenge 25
 - h) Signage and Prominent Gam Care Documentation
 - i) Minimum levels of supervision

Contact Details, Advice and Guidance

Further details for applicants about the gambling and application process, including application forms, can be found:

- 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 292169
- E-mail ehl.safety@brighton-hove.gov.uk
- Via www.brighton-hove.gov.uk (search under Licensing Act 2003 and follow the gambling links)
- Via Customer Services Contact Centre
- Gambling Commission, Victoria Square House, Victoria Square, Birmingham B2 4BP
- Police Licensing Unit, Police Station, John Street, Brighton BN2 2LA Tel: 01273 665523
- Fire Authority East Sussex Fire and Rescue Service, Brighton & Hove Fire Safety, Office, Hove Fire Station, English Close, Hove, BN3 7EE, Tel: 01323 462130
- Planning, Development Control, Hove Town Hall, Norton Road, Hove, BN3 1PT, Tel: 01273 290000
- Environmental Health, Pollution Team, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP, Tel: 01273 290000
- Child protection - Children and Young People's Trust, Assistant Director, (Children's Social Care), King's House, Hove, BN3 2LS
- HMRC, National Registration Unit, Betting and Gaming, Portcullis House, 21 India Street, Glasgow, G2 4PZ. Tel: 0845 010 9000

Appendix 1 Glossary of terms

Term	Description
ATM	Auto teller machine or cash machine.
Betting	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition).
Betting Machines / Bet Receipt Terminal	Betting machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter.
Bingo	There are essentially two types of bingo: cash bingo, where the stakes paid make up the cash prizes that can be won and prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.
Book	Running a 'book' is the act of quoting odds and accepting bets on an event. Hence the term 'Bookmaker'.
Casino games	A game of chance, which is not equal chance gaming. Casino games includes Roulette and black jack etc.
Chip	Casinos in the U.K require you to use chips to denote money. They are usually purchased and exchanged at a cashier's booth.
Coin pusher or penny falls machine	A machine of the kind which is neither a money prize machine nor a non-money prize machine
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default condition	These are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the Council.
Equal Chance Gaming	Gaming which does not involve playing or staking against a bank.
Fixed odds betting	If a gambler is able to establish what the return on a bet will be when it is placed, (and the activity is not 'gaming' see below), then it is likely to be betting at fixed odds.
Fixed Odds betting terminals (FOBTs)	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.
Gaming	Gaming can be defined as 'the playing of a game of chance for winnings in money or monies worth, whether any person playing the game is at risk of losing any money or monies worth or not'.

Term	Description
Gaming Machine	Any type of machine allowing any sort of gambling activity including betting on virtual events but not including home computers even though users can access online gaming websites.
Licensing Objectives	<p>The licensing objectives are three principal goals which form the basis of the Act. Stakeholders who have an interest in the Act need to try and promote these objectives: The licensing objectives are:</p> <ul style="list-style-type: none"> • preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime • ensuring that gambling is conducted in a fair and open way • protecting children and other vulnerable persons from being harmed or exploited by gambling.
Lottery	<p>A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery. A simple lottery is one where persons are required to pay to participate and one or more prizes are allocated to one or more members of a class and the prizes are allocated by a process which relies wholly on chance. A complex lottery is where persons are required to pay to participate and one or more members of a class and the prizes are allocated by a series of processes where the first of those processes relies wholly on chance. Prize means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the National Lottery Commission).</p>
Mandatory condition	<p>A condition which will be set by the Secretary of State (some set out in the Act and some to be prescribed by regulations) which will be automatically attached to a specific type of premises licence. The Council will have no discretion to alter or remove these conditions.</p>
Money prize machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a money prize.</p>
Non-money prize machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by:</p> <p>(i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or</p> <p>(ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.</p>

Term	Description
Odds	The ratio to which a bet will be paid if the bet wins. e.g. 3-1 means for every £1 bet, a person would receive £3 of winnings.
Off-course betting operator	Off-course betting operators may, in addition to premises away from the track, operate self contained betting premises within a track premises. Such self contained premises will provide facilities for betting on both events taking place at the track (on-course betting), as well as other sporting events taking place away from the track (off-course betting). In essence such premises operate like a traditional high street bookmakers. They will however only normally operate on race days.
On-course betting operator	The on-course betting operator is one who comes onto on a track, temporarily, while races are taking place, and operates at the track side. On-course betting operators tend to offer betting only on the events taking place on the track that day (on-course betting).
Pool Betting	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: 1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the persons betting 2) Shall be divided among the winners or 3) Shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.
Regulations or Statutory instruments	Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific persons or things. However, regulations are not made by Parliament. Rather, they are made by persons or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.
Representations	In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, e.g. during a designated notice period.
Responsible authority (authorities)	Responsible authorities (RAs) are agencies which have been appointed by the Gambling Act or regulations to fulfil a designated role during the licensing process. RAs must be sent copies of all licensing applications and have the power to make representations about such applications. RAs also have the power to ask for licences to be reviewed.

Term	Description
Skill machine / Skill with prizes machine	The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Spread betting	A form of investing which is more akin to betting, and can be applied either to sporting events or to the financial markets. Spread betting is regulated by the Financial Services Authority.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house where the house could be a gaming machine.
Statement of principles document	A document prepared by the Council which outlines the areas that applicants need to consider before applying for gaming permits.
Table gaming	Card games played in casinos.
Tote	"Tote" is short for Totaliser, a system introduced to Britain in 1929 to offer pool betting on racecourses.
Track	Tracks are sites (including horse tracks and dog tracks) where races or other sporting events take place.

Appendix 2 Gaming machines

This appendix describes the categories of gaming machine as set out in the Act (and in regulations) and the number of such machines that may be permitted in each type of gambling premises.

- Table 1 below sets out the current proposals for the different categories with the maximum stakes and prizes that will apply. This table will be updated as soon as the proposals are confirmed.
- Table 2 overleaf shows the maximum number of machines permitted and in the case of casinos the ratios between tables and machines.

Table 1

Category of machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£5	£10,000 (with the option of a max £20,000 linked progressive jackpot on a premises basis only)
¹ B2	£100	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D – money prize	10p	£5
D – non-money prize (other than a crane grab machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	20p	£15 (of which no more than £8 may be a money prize)

¹ The category B2 is not actually a traditional slot machine. It refers to a type of gaming machine known as a fixed odds betting terminal (FOBTs). These are a new type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.

Table 2

Premises Type	Machine category						
	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act Casinos (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks operated by pool betting			Maximum of 4 machines categories B2 to D (except B3A machines)				
Bingo Premises ¹				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4*		No limit C or D machines	
Adult gaming centre ²				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4*		No limit C or D machines	
Licensed family entertainment centre ³						No limit C or D machines	
Family entertainment centre (with permit)							No limit on category D machines
Clubs or miners' welfare institutes with permits ⁴					Maximum of 3 machines in categories B3A or B4 to D*		
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises with licensed premises gaming machine permit						Number of category C-D machines as specified on permit	
Travelling fair							No limit on category D machines
	A	B1	B2	B3	B4	C	D

1. Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.

2 Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub- category B3 and B4 machines, but not B3A machines.

3. Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FECs and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. there is no power for the licensing authority to set a limit on the number of machines under the FEC permit.

4. Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.

5. Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

Appendix 3 Summary of gaming entitlements for clubs and pubs

	Members' club or MW institute with club gaming permit	Bridge or whist club	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit	Pubs and other alcohol-licensed premises
Equal chance gaming	Yes	Bridge and/or whist only	Yes	Yes	Yes
Limits on stakes	No limit	No limit	<u>Poker</u> £1000 per week £250 per day £10 per person per game <u>Other gaming</u> No limit	<u>Poker</u> £1000 per week £250 per day £10 per person per game <u>Other gaming</u> No limit	<u>Cribbage & dominoes</u> No limit <u>Poker</u> £100 per premises per day <u>Other gaming</u> £5 per person per game
Limits on prizes	No limit	No limit	<u>Poker</u> £250 per game <u>Other gaming</u> No limit	<u>Poker</u> £250 per game <u>Other gaming</u> No limit	<u>Poker</u> £100 per game <u>Other gaming</u> No limit
Maximum participation fees – per person per day	<u>Bridge and/or whist*</u> £20 <u>Other gaming</u> £3	£18 (without club gaming permit) £20 (with club gaming permit)	<u>Bridge and/or whist*</u> £18 <u>Other gaming</u> £3 (commercial club) £1 (members club)	<u>Bridge and/or whist*</u> £18 <u>Other gaming</u> £1	None permitted
Bankers or unequal chance gaming	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
Limits on bingo	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.

* On a day when no other facilities for gaming are provided

Produced by

Licensing Team
Brighton & Hove City Council
Bartholomews House
Bartholomews Square
Brighton
BN1 1JP

Tel: 01273 294429

Email: Ehl.safety@brighton-hove.gov.uk

Web: <http://www.brighton-hove.gov.uk/content/business-and-trade/licensing-and-gambling>

DRAFT

Please note: members agreed a recent policy review (Licensing Committee 19/11/2015). This is was an interim measure to comply with the requirement to review the policy by the end of Jan 2016. In the meantime, officers have been working on a comprehensive review to incorporate wider social responsibility changes that come into force later this year.

In 2015 the Gambling Commission revised the Guidance for Local Authorities and their Licensing Conditions and Code of Practice to increase social responsibility for operators and give greater control and protection to customers. The key changes were around social responsibility, gambling monitoring tools and customer self exclusion, and included making test purchasing mandatory for larger operators, providing information to players, improved customer interaction, self exclusion and training.

Key points of interest for Local authorities where around social responsibility; improving visibility and supervision of customers including layout access to gambling by children and young persons and the introduction of a requirement for operators to carry out a local risk assessment, assessing the local risks to the licensing objectives posed by the provision of gambling facilities at each premises, and have policies, procedures and control measures to mitigate those risks.

When the Gambling Act 2005 was introduced local authorities tended to adopt a national template for their Gambling Policy and the Commission are keen for local authorities to move away from the national template and towards a document that is more focused on local risks and issues and incorporate the changes introduced in the revised guidance. The requirement for operators to undertake local risk assessment should be informed by the Gambling Policy and a local area profile.

The revised Policy is a more comprehensive and detailed document and has been updated to include:

- A section on Local Risk Assessment and Local Area profile (Part C para 13).
- Details for each type of premises licence issued including a list of good practice control measures/conditions to promote licensing objectives (Part C).
- Updated enforcement section to reflect work done by the licensing team, including test purchasing.

In Part C paragraph 13 the policy sets out matters to consider in carrying out a local risk assessment and also refers to the Local Area Profile (LAP). The LAP is currently being developed in conjunction with the Public Health Intelligence team and is intended to be completed by end of March 2016. The document will be accessed via the Council's website and a link provided in the Policy. It will contain a series of maps and charts detailing at risk groups and risk factors on a ward by ward basis. A prototype is included for your information (Appendix 3).

Appendix 3

Proposed Approach to Creating a Local Area Profile for Assessing Gambling Related Harm - *briefing*

8th February 2016

Contents

Contents

1. Purpose.....	3
2. Approach.....	3
3. Groups Vulnerable to Gambling Related Harm.....	4
4. Data Considerations	4
5. Web-based Local Area profile Spreadsheet	6
6. Summary.....	7

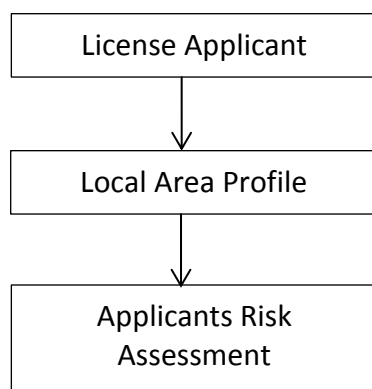
1. Purpose

- 1.1 The Local Area Profile provides analysis of vulnerable populations by geography but also vulnerable geographies for example by proximity to certain locations for example schools.
- 1.2 To develop local area based profiles that identify vulnerability to gambling related harm. The profile will be accessible via the internet and be in the form of a spreadsheet. Applicants will be able to input the postcode of their proposed premises into the spreadsheet which will then display information related to the demographic, health and wellbeing characteristic of the local ward population. The spreadsheet will also include maps of relevant facilities that might also indicate at risk populations.
- 1.3 This approach will aid Local Authority Licensing and industry decision making about the location of gambling venues.

2. Approach

- 2.1 Geofutures¹ identified population groups and characteristics that make individuals vulnerable to gambling harm. Some of these populations and characteristics can be measured at a local level. Local Area Profile can then be used by an applicant for a License to inform completion of their Risk Assessment which became an obligation following revisions to Licence conditions and codes of practice (LCCP)².

Diagram 1 Relationship Between Local Area Profile and Applicants Risk Assessment³



¹ Exploring Area-Based Vulnerability to Gambling-Related Harm: Who Is Vulnerable? Heather Wardle, Gambling and Places Research Hub, Geofutures, 13th July 2015

² Guidance to Local Authorities, special bulletin, Gambling Commission, April 2015

³ Based on the approach employed by Leeds City Council Statement of Licensing Policy 2016 – 2018 Gambling Act 2005

3. Groups Vulnerable to Gambling Related Harm

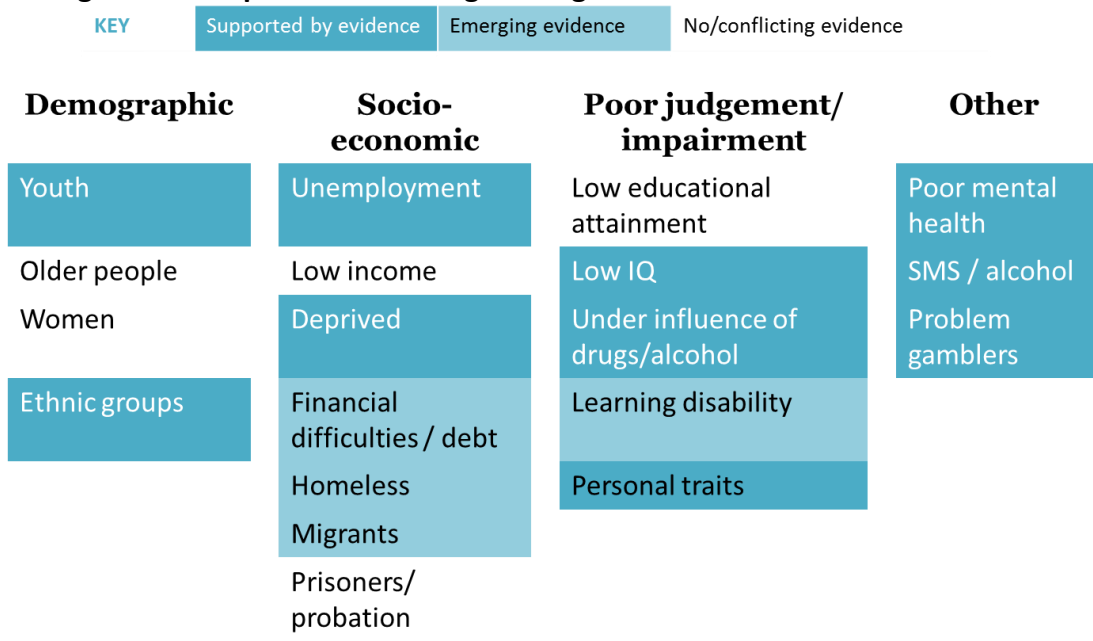
3.1 Three thematic groups were identified by Geofutures:

- Those constrained by social and economic circumstances: deprivation, unemployed, low income, social isolation, homeless populations, offenders and migrants
- Those with certain demographic characteristics: young, gender and ethnicity, older people (possibly related to social isolation).
- Those with poorer judgment: people with certain mental health conditions, learning disabilities or low educational attainment, temporary impairment or longer term difficulties such as substance abuse.

3.2 Those that may be vulnerable will change over time a reflection of wider socio-political and economic factors and need to be seen as dynamic. These factors contribute to the need to provide a local perspective to understanding risk of harm.

3.3 Geofutures research concluded in July 2015. Figure 1 shows the factors from the research which were proposed as relevant factors by stakeholders (all those listed), those which were supported by the evidence (darkest colour) and those where there is emerging evidence (lighter colour). Certain characteristics may have elevated risk of harm as opposed to will experience harm.

- **Figure 1: Groups vulnerable to gambling related-harm**



3.4 Some of these communities experience a harm paradox with lower over all levels of gambling when compared with other groups but with those who do gamble being at greater risk of gambling harm.

4. Data Considerations

4.1 Some data relating to the vulnerable groups identified for inclusion in the Local Area Profile is more readily available than others. For example the may be little information in relation to personality traits though this may be a significant factor affecting an individuals relative risk.

4.2 Table 1 details the proposed categories of data for inclusion in the LAP.

- **Table 1: Groups vulnerable to gambling related-harm included in the Local Area Profile**

Category	Included in Local Area Profile	Data Sources
Young Person	<ul style="list-style-type: none"> • 16-24 Years • Males aged 16-24 years Sub-group: Full-time students	2011 Ward Population Estimates for England and Wales, mid-2011 (experimental statistics); based on the results of the 2011 Census
Poor Mental Health	<ul style="list-style-type: none"> • Indices Of Multiple Deprivation (Mood And Anxiety) Domain 	Indexes of Multiple Deprivation Mood and Anxiety 2015
Substance Misusers	<ul style="list-style-type: none"> • In treatment for substance misuse 	Brighton & Hove Substance Misuse Case Management System
Low Educational Attainment	<ul style="list-style-type: none"> • No qualifications 	Office of National Statistics - Nomis January 2016
Migrants – first generation	<ul style="list-style-type: none"> • Migrants 	Census 2011
Ethnic Groups	<ul style="list-style-type: none"> • Black & Minority Ethnic Community (Broad Definition) 	Census 2011
Constrained Economic Circumstances – low income	<ul style="list-style-type: none"> • Indices of Multiple Deprivation 	Indexes of Multiple Deprivation Low Income 2015
Unemployment	<ul style="list-style-type: none"> • Job Seekers Allowance Average over 12 months 	Jobseeker's Allowance Nomis December 2015
Social isolation	<ul style="list-style-type: none"> • Social Isolation 	Health Counts Survey 2012

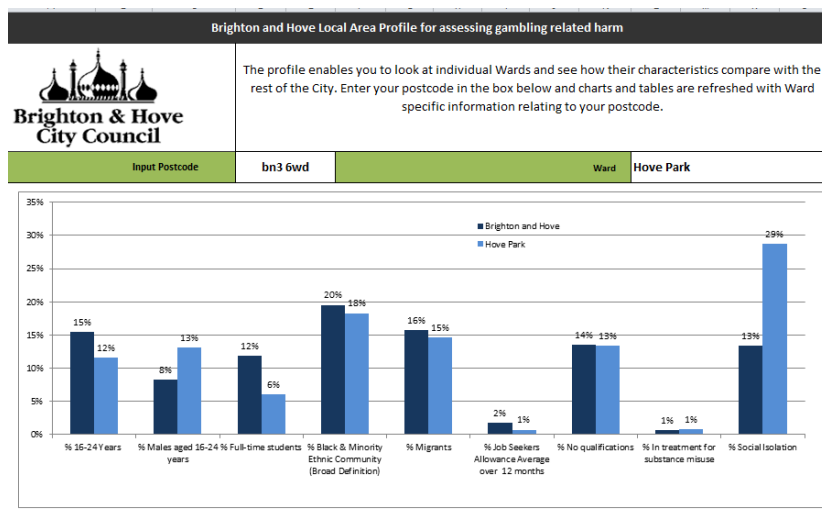
Proposed Maps

1. Licensed gambling premises
2. Licensed premises alcohol (all licenses on and off sales)
3. Hostels, Mental Health services and Drug and alcohol Services
4. Schools, leisure centres and parks
5. Crime and disorder heat map

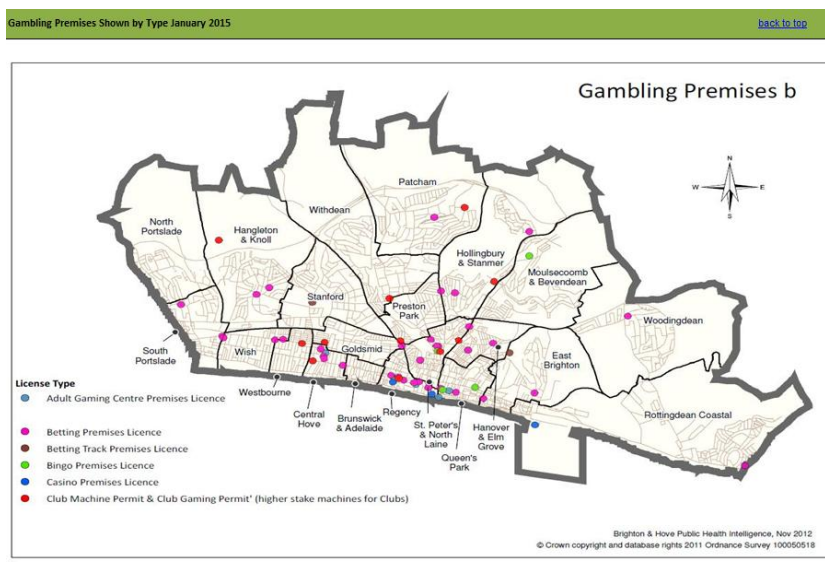
5. Web-based Local Area profile Spreadsheet

5.1 Applicants enter the postcode of the proposed premises into the spreadsheet. Data for the ward in which the premises is located automatically appears in the form of a chart comparing the Ward with that of the City as a whole.

- **Figure 2: Postcode, ward and ward based risk factors - chart**



- **Figure 3: Example Map showing location of gambling premises**



- **Figure 4: Ward based risk factors - tabular**

Population			
Source: ONS Mid Year Estimates 2013	Number by Ward	% of all Resident Ward Population	Rank Compared with other (21) Wards
16-24 Years	622	11.6%	10
Males aged 16-24 years	701	13.1%	10
Full-time students	641	6.0%	11
Black & Minority Ethnic Community (Broad Definition)	1,935	18.3%	13
Migrants	1,545	14.6%	11
No qualifications	1,121	13.4%	13
In treatment for substance misuse	11	0.7%	20
Social Isolation	25	28.7%	14
			Average for the City
Job Seekers Allowance Average over 12 months	49	0.7%	1.7%
	Number of LSOAs in this Ward that sit within the 10% most deprived	Number of LSOAs in this Ward that sit within the 20% most deprived	
Indices Of Multiple Deprivation	None of 7	None of 7	
Indices Of Multiple Deprivation (Mood And Anxiety) Domain	Lower Level of Deprivation (Mood and Anxiety) than City Average		

- **Figure 5: Index of data sources**

Index	Source	Modelled
16-24 Years	2011 Ward Population Estimates for England and Wales, mid-2011 (experimental statistics); based on the results of the 2011 Census	Data available in 5 year age bands this data apportioned to 16-24 year age groups
Males aged 16-24 years	2011 Ward Population Estimates for England and Wales, mid-2011 (experimental statistics); based on the results of the 2011 Census	Data available in 5 year age bands this data apportioned to 16-24 year age groups for males.
Full-time students	Census 2011	Full-time students All full-time students aged 16 to 74
Black & Minority Ethnic Community (Broad Definition)	Census 2011	All residents bar those defined as White; English/Welsh/Scottish/Northern Irish/British
Migrants	Census 2011	All residents bar those born in the United Kingdom
No qualifications	ONS Crown Copyright Reserved (from Nomis on 19 January 2016) Brighton & Hove Substance Misuse Case Management System	Individuals recorded as having no qualifications.
In treatment for substance misuse	Misuse Case Management System	All clients in treatment for drug and/or alcohol use as at 16th December 2015
Social Isolation	Health Counts Survey 2012	Respondents who speak to their neighbours once or twice a month or less
Job Seekers Allowance Average over 12 months	Jobseeker's Allowance (from Nomis on 9 December 2015)	Job Seekers Allowance Claimants as proportion of the working age population
Indices Of Multiple Deprivation (IMD) 10%	2015	Number of Lower Super Output Areas (LSOAs) [Income Decile] falling in the 10% most deprived in England. Where 1 is most deprived.
Indices Of Multiple Deprivation (IMD) 20%	2015	Number of Lower Super Output Areas (LSOAs) [Income Decile] falling in the 20% most deprived in England. Where 1 is most deprived.
Indexes of Multiple Deprivation Mood and Anxiety	2015	Health and Social Care Information Centre, Department for Work and Pensions, Office for National Statistics The mood and anxiety disorders indicator is a broad measure of levels of mental ill health in the local population. The definition used for this indicator includes mood (affective), neurotic, stress-related and somatoform disorders. A higher score for the indicator represents a higher level of deprivation. Shrinkage has been applied to this indicator. Part of this indicator contains public sector information licensed under the Open Government Licence v3.0. Part of this indicator uses Hospital Episodes Statistics. Hospital Episode Statistics Copyright © 2015, re-used with the permission of The Health & Social Care Information Centre. All rights reserved. Ward Average (based on LSOA) compared with the Average for the City.

6. Summary

6.1 The Local Area Profile is based on risk factors evidenced through research compiled by Geofutures. Risk factors have been matched with ward based data in the form of an interactive web-based spreadsheet. The spreadsheet also includes maps of locations identified as potential risk.

6.2 Data will be updated annually and additional risks included within the data set as these emerge.

Subject:	Statement of Licensing Policy Consultation response		
Date of Meeting:	3 March 2016 24 March 2016 – Full Council		
Report of:	Director of Public Health		
Contact Officer:	Name:	Jim Whitelegg	Tel: 29-2438
	Email:	jim.whitelegg@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The Council, as a licensing authority must carry out a consultation exercise prior to any review of its Licensing Policy (Section 5(3) of the 2003 Act).

2. RECOMMENDATIONS:

- 2.1 That Committee agree the revisions to the Statement of Licensing Policy.
- 2.2 That the revised Statement of Licensing Policy is referred to Full Council for adoption.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 At Licensing Committee on 25 June 2015, committee received a report and authorised officers to initiate consultation regarding a review of the Statement of Licensing Policy.
- 3.2 National Guidance states at 13.4 that before determining its policy, the licensing authority must consult the persons listed in section 5(3) of the 2003 Act. These are:
- The chief officer of police for the area
 - The fire and rescue authority for the area
 - The local authority's Director of Public Health in England
 - Persons/bodies representative of local premises licence holders
 - Persons/bodies representative of local club premises certificate holders
 - Persons/bodies representative of local personal licence holders; and
 - Persons/bodies representative of businesses and residents in its area.
- 3.3 Consultation was undertaken with these statutory consultees and more generally via the consultation portal and if committee are minded to agree the recommendations, the revised statement of licensing policy must be referred to Full Council.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 None - Section 5 of the 2003 Act requires the Statement of licensing policy to be kept under review.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The consultation commenced on 30 September 2015 with a closing date of 5 January 2016.
- 5.2 Consultation involved the Licensing Strategy Group which includes businesses via City Centre and Hove Business Forum, Police, Tourism, Events Office, Seafront Office (including Seafront Trader Association), Trading Standards, Legal and Finance, residents via residents associations and Community Associations and using the council's consultation portal. Consultation was also available on the council's website via the licensing pages.
- 5.3 Responses to the consultation via the council's consultation portal can be found at appendix 1. A total of 18 responses were received via the portal.
- 5.4 Responses to the consultation received by letter or email can be found at appendix 2. 9 responses were received by letter or email.
- 5.5 Questions asked via the consultation can be found at appendix 3.
- 5.6 Officers have reviewed the comments received following consultation and any changes to the policy have been 'tracked' – see appendix 4.
- 5.7 If members were minded to agree the statement of licensing policy, Full Council alone can exercise the function of revising the authority's policy.
- 5.8 The review of the policy includes overall structure and layout, removal of out of date and no longer relevant information to reflect changes in legislation, includes an Executive Summary, new section 2 "Public Health and Alcohol", Public Health section, incorporating latest Public Health thinking and perspective, include Alcohol Programme Board, proposed new section titled 'Special Policies and Initiatives' (section 3) to include BHCC policies CIZ, SSA, Matrix, TENs, Off licences/sensible on strength scheme, student and organised beer crawls, night-time economy safeguarding initiatives and updated Police section 4.2.
- 5.9 The matrix was reviewed (section 3.3) and the following amendments made:
- Add Café/bars category to table
 - Removal of residential/mixed areas from table
 - Include Other Areas category with rationale in note 7 of matrix notes (referring to Public Health framework document for alcohol decisions)
 - Restaurant in SSA – change from 2am to Midnight
 - Pub - change times from 11pm to No in CIZ category
 - Remove HVVD (super pub) category
 - Members Clubs – add 11pm for CIA and SSA
 - Include definition of restaurant condition in notes (paragraph 3.4)

6. CONCLUSION

- 6.1 Section 5 of the 2003 Act requires the Statement of licensing policy to be kept under review.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally by government. The recommendations in this report would only affect new applications and variations to existing premises licenses, and would not impact on current levels of income from renewals of applications.

Finance Officer Consulted: Michael Bentley

Date: 20/01/16

Legal Implications:

- 7.2 These are set out in the report. The SoLP should follow the fundamental principles set out in the Licensing Act 2003 and statutory guidance. Appropriate weight should be given to the views of those consulted in accordance with the Licensing Act 2003.

7.3

Lawyer Consulted:

Rebecca Sidell

Date: 25/01/16

Equalities Implications:

- 7.4 A rebuttal presumption against new licensed premises in a CIA may reduce the ability for small businesses to open as off-licences. Affected businesses may often be operated by members of minority ethnic groups.

Sustainability Implications:

- 7.5 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.

Any Other Significant Implications:

- 7.6 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:

1. Consultation responses received via the council's consultation portal.
2. Consultation responses received via letter and email.
3. Questions asked in consultation.
4. Proposed Statement of Licensing Policy with tracked changes.

Documents in Members' Rooms

1. None.

Background Documents

1. Statement of Licensing Policy.

Do you agree or disagree with including details of what may be considered exceptional circumstances within the special policy at paragraph 3.1.7?		
	Response	Percentage
Strongly agree	1	20%
Tend to agree	1	20%
Strongly disagree	2	40%
Don't know / not sure	1	20%
Total	5	100%

What effect do you think this will have on the policy?

Agree with including details of what may be considered exceptional circumstances within the special policy at paragraph 3.1.7

I do agree however this may have a diluting affect on the policy. For example, in East Street, where I live, a new off license was granted permission to open called Bison Beer. It sells specialist craft beer and is generally a good example of responsible alcohol trading. However recently at weekends, with the introduction of East street closure at weekends, the shop has started to put deck chairs outside and actively encourages people to purchase beer from the shop to sit and drink outside. I can see why it was granted a license but council officials should monitor the 'exceptional circumstances' that allowed a license to be granted to ensure premises do not abuse their conditions.

Disagree with including details of what may be considered exceptional circumstances within the special policy at paragraph 3.1.7

We don't agree with the word 'exceptional'. This is a mis-use of the word, but is being used as a default position. We do not believe an applicant could show that their application would have no negative Cumulative Impact. All the applicant needs to do is comply with the matrix to get a licence. What is the point of the CIZ?

As a resident of North Laine this policy will have the effect of increasing the number of licences in North Laine an area that is already a CIZ defined in para 3.1 as an area where there are problems of crime and disorder. The default policy in a CIZ should be not to grant any additional licences unless the application is indeed exceptional (defined as unique or outstanding. This paragraph of what may be deemed exceptional has a list of what might be deemed exceptional but is that list just guidance able to be completely ignored or must the applicant fulfill all of its requirements? I disagree with the statement that a small restaurant does not add to cumulative impact. Every single additional licence adds to cumulative impact in a CIZ by bringing more people into the area. Once in the area drinkers can go from one venue to another. I question the viability of the statement which says that 'exceptional circumstances may include.....community support. Any statement with the word 'may' means that the panel can simply ignore it. What if there is no community support? Does that act as a veto? Perhaps it should.

Don't know or not sure whether to including details of what may be considered exceptional circumstances within the special policy at paragraph 3.1.7

We currently experience problems of noise, crime and antisocial behavior ('crime and disorder and public nuisance') as a direct result of the late night economy along the saturated stretch of Western Road opposite the Coop (Bee's Mouth, Kasba, Upstairs/Downstairs etc). These businesses have (historic) licenses until 2 and 3am and we strongly object to any consideration given to more late licenses. The exception we do support however, would be that of the conversion of any of the current yob-ish premises which attract louts from across Brighton to something more in keeping with the Brunswick Town conservation area, more sympathetic to and better serving of our local residents. We currently experience problems with parking and in particular illegal parking on double yellow lines and would like the safety of all road users to be considered as a result of any extra traffic that new licensed businesses may bring.

Q2c - Do you have any general comments to make about the special policy and the Cumulative Impact Zone (CIZ).

I think the zone is a good idea but the fact that Brighton consistently scores badly in national statistics for alcohol related harm indicates that alcohol is too readily available in the city. There are far too many licensed premises on the seafront, too much focus on the lower promenade between West Street and East Street is on day and night time drinking of alcohol. I do not leave my flat at night because I do not feel safe in East Street after dark, particularly at weekends. Council officials should pay particular attention to off-licenses in East Street that play loud music at night to attract customers -who then gather in the street outside drinking.

Our residents make regular complaint that The Bee's Mouth, The Upstairs/Downstairs Bar, Kasba and others along this stretch of Western Road are regularly in breach of their licenses, as well as causing crime and disorder and public nuisance. Their negative impact is clear and measurable although consensus among resident groups in the area seems to be that the late night economy here is prioritized by the council above resident concerns. We therefore strongly urge that future applications be carefully considered to try and tackle these problems and make improvements to this specific hot spot.

3.1.4 sets out the special policy. 3.1.5 - 3.1.7 contradicts the wording. How can there be a special policy when in 3.1.7 it is regard as not absolute. The wording in the closing sentence of 3.1.7 needs to be amended. How can the Licensing Panel accept that exceptional circumstances may include the close consultation with and meeting requirements of responsible authorities, community contribution, community support etc.

Given that a CIZ is an area where there are already problems of crime an disorder, the default position should be not to grant any additional licences. The result of this change in policy to include cafe bars will be to increase the number of licences in North Laine by over 20%. It renders the CIZ pointless. The Government's Alcohol Strategy, March 2012 in para 3.7 says that 'There is evidence of a link between the number of venues selling alcohol in one area and levels of harm, whether this is crime, damage or harm to young people'. In para 3.9 it says that 'Communities should not have to tolerate alcohol-related crime and disorder.' If this is indeed the case, and I have no reason to doubt it, then why are we contemplating a policy that will result in a large increase in the number of licences.

Q3a. - Do you agree with the key changes proposed for the matrix, for example the area categories, the inclusion of café bars, and the exclusion of pubs in the Cumulative Impact Zone (CIZ)?

	Response	Percentage
Strongly agree	1	17%
Tend to agree	2	33%
Strongly disagree	3	50%
Total	6	100%

Do you agree or disagree with the stated times for licensable activities in the different types of premises and different areas, for example restaurants, pubs and non- alcohol lead venues?

	Response	Percentage
Strongly agree	2	29%
Tend to agree	3	43%
Strongly disagree	2	29%
Total	7	100%

Do you have any comments to make on the 'notes' following the Matrix?

Absolutely agree. In our area it is the pubs, the late night kebab shops and the clubs which attract the trouble. We would love to see more of the upmarket establishments which would attract a better clientele - more representative of the residents of this area - and lessen the negative impact of the other establishments which do not tend to serve nor represent our local residents.

We do not agree with the word 'exceptional'. There is too much flexibility and vagueness in the notes. Cafe/bar should be removed from the Matrix as this would allow every cafe in North Laine (there are 66) to apply, and get, a licence and make a nonsense of the CIZ. 3) should state: Departure from the matrix policy will not be allowed. 5) See previous comment on special policy: there should be no exceptional circumstances. Meetings /consultations with responsible authorities is a let out. This is insufficient guidance to Licensing Panels. Additional note: applicants must always demonstrate that there will no negative impact.

The revised matrix would allow every cafe in North Laine, a residential area, to have a licence until 1130. This can result in another 30 licences in North Laine. Given the amount of student development in the area, will these just be small bars? Granting a licence to every cafe and restaurant in North Laine that wants a licence is hardly 'exceptional circumstances'. The word means remarkable or outstanding. There will be nothing remarkable or outstanding about these premises other than they will result in an increase in activity late at night in North Laine, an area already suffering from late night noise as a result of a huge increase in the number of licences that have been granted in North Laine and indeed in Brighton since 2005. I believe that as Tim Nichols said in the Licensing Strategy meeting of 20 April 2015 the CIZ should be very strict. The minutes of that meeting state, 'Tim agreed that this (use of the term exceptional circumstances) needed to be addressed and would be minded to give advice to go for a very strict CIZ and matrix. Jim to consider.' I believe that the default position should be not to grant unless the applicant can demonstrate there will not be an adverse impact on the area. At the moment all the applicant has to do in a CIZ is to conform to the matrix and not necessarily to demonstrate there is no negative impact.

Do you have any comments to make about other special polices such asoff-licences at 3.5, night-time safeguarding initiatives at 3.4, and street drinking at 3.6?

I think it would be great if tackling rape and sexual offenses could be tied into this policy. This would be a great place to build on some of the training around vulnerability and to ensure that the night time economy is part of the awareness campaign on sexual consent and bystander work on tackling violence against women and girls.

Although 3.4 ('3.4 Night-time Economy Safeguarding Initiatives') makes reference to WiSE, SafeSpace and Police Vulnerability Training, it does not adequately address the issue of rape and sexual offences, or sexual harassment, particularly with regard either the Night Time Economy or other times on premises. The Statement of Licensing Policy 2016 could more fully explain the work of other voluntary sector providers, like Survivors' Network, or statutory provision, like the Sexual Assault Referral Centre. There could be a stronger reflection on the responsibilities of door or other staff for example in relation to taking action to safeguarding those who are vulnerable, or alternatively, those who may be a risk to others (e.g. predatory behaviour), or combating sexual harassment / touching.

The city should consider a city wide ban on drinking on the street - not just for street drinkers but for everybody. Alcohol should not be consumed casually on the street, but only at licensed premises. I have witnessed people drinking whilst sitting in Pavilion Gardens, whilst walking along the seafront and on Brighton and Hove buses.

We would like to request suitable restrictions be made to new licenses to restaurants in relation to customers/patrons sitting on the street in front of the place of business. We strongly support the view that businesses providing food/drink/entertainment should close their doors at 11pm and this activity continue indoors, to lessen the noise impact on local residents. Residents of Brunswick Road experience problems of noise at The Bee's Mouth, The Kasba and the Upstairs/Downstairs Bar as a direct cause of this not being enforced. We support the statements relating to off-licenses. Can any steps be taken to reduce the hours when currently off-licenses (with historic licenses) can sell alcohol? We have a 24 hour shop at the bottom of Brunswick Road which again is a beacon for trouble as drinkers then often congregate and drink in our road - shouting, screaming, fighting, vandalizing cars and property.... 3:6 Street drinking is an ongoing problem in our area - we witness open drinking, drug taking, residents being threatened and intimidated - and directly linked to the tone of the area set by the sale of cheap alcohol and current late licenses. Again numerous complaints have been made time and again by our residents but we are fatigued and frustrated by the response of the police.

In the main, we support 3.5, and should be no additional off licences / off-sales in the CIZ, even if an applicant applies to sell 'fine wines'. or any other 'exceptional need'. Should the wording 'street drinking' be further defined? We believe that street drinking should also apply to young drinkers who buy from off licenses and drink in the street on their way to and from venues from mid-evening onwards.

I agree that there should be no further off licences in a CIZ. There should also be conditions on any licence granted in a CIZ that there are not to be any off sales.

Do you have any comments on any aspects of the policy as a whole?

In London Road the existing matrix has served well and London Road LAT supports its continuance. 3.5.3 the Sensible on Strength initiative has had a very good effect in the London Road area 3.24 says "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." We presume that this cannot act retrospectively i.e. if licences are granted and that problems are increasing, then presumably licences cannot be revoked. 3.2 - typo: "eastwards until it's junction with Freshfield Road," i.e. should read "its" without apostrophe I note: "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. " - which is a valuable provision in the policy. Philip Wells - London Road Area LAT Chair 18/12/15

Could any revenue raised by licensing go towards funding a public awareness campaign designed to reduce incidences of rape and sexual abuse and domestic violence?

Council officials mean well with this policy but city bye laws must be policed and enforced. The night time economy is policed but so much alcohol related harm is caused by the easy access of alcohol in the city from supermarkets and off licenses. There are supposed to be designated no drinking areas in the city but there are not enough police officers or council officers to police it. Street drinkers gather in New Road, on the raised walkway on Madeira Drive, outside the Brighton Music Hall on the Seafront. These policies put in place to reduce alcohol related harm must be enforced otherwise Brighton will continue to score poorly in national statistics. East Street, for example, is a small street. Why does it need 4 off-licenses?

We value the opportunity to comment on the policy and would like to thank you for listening to our comments and concerns. We would like to see residents' objections to current (historic) licenses catered for - giving residents who live, work and make positive contribution to the area a stronger voice in the debate on the current landscape of licenses which affect our daily lives.

The policy is far too tolerant and does not deal with alcohol related harm that Brighton suffers from. It does nothing to address the problem of increased availability of alcohol. There is a clear link between the availability of alcohol and anti-social behaviour. This policy does nothing to address that. The council needs to take this opportunity of demonstrating it will not tolerate the anti social behaviour produced by excessive alcohol abuse and should put the health of people before the interests of money. TENs should be available only to non-licensed premises, ie schools, churches etc. Promoters (3.9.1): The city continues to suffer from flyposting and there is nothing in 3.9.1 to say how the Council will deal with illegal flyposting which is blighting the city. The Council could have a policy encouraging venues to have a clause in the contract to make the contract null and void if the promoters use illegal flyposting. We emphasise again that Cafe/Bar in the Matrix would have a detrimental impact on the CIZ, North Laine and its residents. Since 2005 there has been an increase of licensed premises that has affected the quality of life for residents. In 2005 there were about 20, now there are 70. Licensing cafe/bars would increase this to 100+ - surely against the intention of the CIZ.

The review of the Licensing Policy gives the Council an opportunity to send a message that it is not going to tolerate the negative impacts of alcohol consumption and is going to do something to mitigate those impacts. It is furthermore an opportunity to redress the balance that has been tipped well away from local residents in favour of trade. For too long residents have had to put up with anti-social behaviour late at night. It is time for the Council to redress that imbalance in the Late Night Economy. There is plenty of evidence of the negative impact of alcohol consumption upon local residents but for too long the Council and the Police have adopted a tolerant attitude. Now is the opportunity for the Council to do something to reduce the negative impact of

alcohol abuse. I fear though that it will not and will continue to allow the number of licensed premises and alcohol consumption in the city to escalate. The giving of licences to cafe bars itself will increase dramatically the number of licences in the city. The 2003 Act has been a disaster for people living in many city centres in Britain. Rather than create a cafe culture it has exacerbated the effects of the traditional drinking culture. Instead of changing the drinking culture, the effect of flexible hours has been to extend the negative impacts of alcohol consumption into the early hours of the morning, in particular noise, anti-social behaviour and crime and disorder. In Brighton there were 1025 licensed premises in 2005, now there are more than 1,500. The increased availability (proliferation) of cheap alcohol together with flexible hours, which means late hours into the middle of the night has created a night time economy which is resulting in a huge cost to the city. When many young people come to Brighton for a night out they pre-load, binge drink, and many get very sick. This drinking culture can result in anti-social behaviour, health and social problems, public disorder, violence, unintentional injuries and risky sexual behaviour. The city spends well over £100 million annually on alcohol related problems. Alcohol misuse is a cause of mental and physical ill health, accidents, risks and harm to children and young people, and crime and disorder. It causes night time disturbance in residential areas, domestic disturbance and child abuse in the home and accidents. Those with high blood alcohol concentration levels are at risk of drink driving the next day and returning to work still intoxicated. North Laine North Laine is in a CIZ because the licensing authority has determined that 'The concentration of licensed premises in an area .. is causing problems of crime and disorder..' In North Laine there were less than 20 licensed premises in 2005. Now there are nearly 70. Every weekend in North Laine and on several days during the week people have their sleep disturbed due to noise drinkers passing through the area to go home or to go to a night club in the area, cars are often vandalised and the general anti-social behaviour resulting from the dispersal of people is causing sleep deprivation and stress. Sleep deprivation can cause serious emotional, mental and physical consequences for exposed residents. The proposed policy will increase the number of licences in North Laine as many existing cafes will be able to apply for (and will get) licences under the new policy and matrix. Documentary evidence to support my points i) By making North Laine a CIZ, there is an acknowledgement that there are problems of crime and disorder and too many licences already in the area. See para 2.6.2 of existing SoLP. ii) In paragraph 4.2.2 of the draft SoLP, the police acknowledge that dispersal from the city centre continues to provide policing challenges. iii) Public Health Framework of assessing Alcohol Licensing, June 2015, gives the ranking of Brighton's wards against various crime and disorder data. St Peter's and North Laine ranked 1st for 'Police recorded alcohol incidents' and 'Criminal damage', and 2nd for all 'violence against the person', 'All injury violence', 'Non-injury Assault', and 'Sexual offences'. iv) Health Impact Assessment, October 2009 identifies the impact of the introduction of flexible drinking on residents and mentions in section 7.23, 7.24 and 7.25 sleep disturbance, loss of sleep and sleep deprivation, feelings of fear, intimidation and lack of safety as a result of exposure to anti-social threatening and abusive behaviour, vandalism and crime and disorder. It describes how the combined effects of noise and anti-social behaviour on residents can also led to reduced social cohesion in residential communities. v) The Government's Alcohol Strategy, March 2012 in para 3.7 says that 'There is evidence of a link between the number of venues selling alcohol in one area and levels of harm, whether this is crime, damage or harm to young people'. In para 3.9 it says that 'Communities should not have to tolerate alcohol-related crime and disorder.' vi) Safe in the City document on 'reducing Alcohol Related Harm in the City' refers to alcohol misuse being a national problem but experienced to a greater extent in Brighton and Hove and that the increased availability of alcohol in the city is a major part of the problem. vii) The North Laine LAT has 'A reduction of late night noise, particularly from drinkers passing through the area' as its No 1 priority for the area. At most NLCA meetings residents complain of recent incidents which have resulted in a loss of sleep or worse. In conclusion i the draft does not acknowledge the problems that North Laine is experiencing; ii The draft ignores completely the evidence about the impact of the Late Night Economy on the lives of residents; iii the policy would exacerbate problems in North Laine by enabling every cafe in North Laine to have a licence by becoming a cafe/bar under the new matrix; iv the draft takes no account of decisions taken by the Licensing Strategy Meeting on 20 April 2015.

As an older resident I would like to comment that, whilst I appreciate Brighton and Hove is a fun place to be for most people, it is not particularly so for those of us in the older age group. The area around the Western Road end of York Road and Brunswick Road is particularly intimidating in the late evening when one would be returning from the theatre, cinema or visiting friends etc. Many times have I been tempted to go to see an evening show or film, but the thought of arriving back late, alone, at the Norfolk Square bus stop and taking the short walk home - to put it simply - frightens me. Unless I take a taxi - a very expensive alternative on a pension, I rarely go out in the evening. There are just too many licensed premises along this tatty stretch of the road. This could be such a lovely area with a little more thoughtful planning. I will just add that I am a Brunswick Road housing association tenant.

Despite the policy additional requests for licensing are still accepted and in many cases approved.

I live in the Brunswick Town area opposite the Old Market and their late TENS licenses are not appropriate for this area. EBRA resident association has received many complaints. In general I feel that late licenses and the management of guests smoking and/or standing outside venues late at night is not appropriate for my neighbourhood. TOM in particular seemed to be given special treatment by the council even though they are in a minority compared to residents in this area. Also, we have too many licensed premises in East Brunswick

No necessarily about the policy but I object to the overuse of unexplained acronyms and jargon in the preamble to this survey

As a resident of St James St, classification - residential, we are blighted by constant noise pollution and sound blasts from various establishments here, I, personally have noise from "shorts music bar" and the raneghly public house at the same time, being stuck in the middle of 2 such premises ruins every single weekend for me in my own home. I firmly believe that all live music should cease by 10.30pm EVERY night where a street is classified as being residential, it is wholly unfair for business and council to totally ignore the residents right to a peaceful existence. I would also like to see the noise reporting line reintroduced on Fridays, business's here are aware it no longer operates and far exceed acceptable noise levels and licensing hours knowing full well residents have no action to take. Mr D Bloomfield Flat 2 41-45 Saint James st

It's important to protect live music venues as they are part of what makes Brighton a special place to live.

The volume of people pitching up at A&E are of course data on wobbly legs. And not all of them come to the attention of the police. Most of the Statement marries crime and violence with excessive consumption issues and I wonder if I don't see a skewing of data if those not violent or committing crimes, but who end up in A&E, are not coughing up information. (Pardon the pun!). Specifically, I would like everyone presenting as intoxicated at A&E to be asked where they were drinking. A&E attendees could be usefully mapped. It is unacceptable for TENS notices not to be notified to residents so they can brace themselves or leave for the night. Where is Council responsibility for this? And just how are you policing them so you KNOW they are not used to augment profit lines? The noise patrols were abolished! Wording of 3.7.1 is outrageous. If merely extending hours is likely or suspected and a genuine event is not taking place TENS should be withheld. How can that be organised? It is mealy-mouthed prevarication to say "will not be encouraged where the proposal is simply to extend the existing hours of operation". There is a need to deal with student "entitlement" issues. How is being a student a licence too? In their minds it is. "We're students; what do you expect?" is a known refrain. "This is a student area" (code for licensed for excess). They have no training in how to fit in. It has been uber-fashionable to be an uber-oik for sometime now. So they are. Please look at Western Road in Brunswick & Adelaide and consider use of Planning Enforcement or something to raise the tone of alcohol joints there. It is on the edge of a hugely Listed Area that deserves its residential status to be better respected.

The alert on the Statement of Licensing Policy was not sent out from the Brighton and Hove City Council portal until 23/12/15 and the consultation closes today, 5/1/16. If people rely on a BHCC email alert on consultations (as I do) and it isn't sent out at the beginning of a consultation period as in this case, the opportunity to respond could be lost or responses will be very limited due to lack of time. While I am not particularly focused on this consultation, I would like to ensure that alerts are not sent out late. I have not received any explanation as to why the alert in this case was so late, coinciding also with the Christmas and New Year period where people will be less attentive to email messages. Beyond this, I must say I don't find this particular consultation very public friendly. I was only interested in the content that would impinge on taxis, but I find that jargon is being used i.e. "DSA" and "Blue Book" in paragraph 5.4 without any explanation or glossary. My concern is that taxi drivers involved in road traffic incidents such as this: http://www.theargus.co.uk/news/13945843.Taxi_driver_s_case_changes_English_law/ where in a trial in October of last year a taxi driver received nine points on his licence and fines over Â£900 after admitting failing to stop and was found guilty of careless driving in a collision involving a female cyclist, will continue to drive in Brighton and Hove whereas common sense tells you that this should not be possible. My response is merely to highlight this incident and proper procedure.

The KINGSLIFFE SOCIETY

Brighton & Hove City Council - Statement of Licensing Policy

We thank the Council for the opportunity to comment on the review of the Licensing Policy from its last adopted review in 2011. Brighton has been a city with a human face with its residential areas stretching right into the city centre giving visitors a sense of safety and security but our Society has seen many members give up and move away, well outside the city, since the new licence reforms. Venice, one of the world's most desired visitor destinations has seen its population halved since 1980. This could so easily happen here to our city centre society.

One of the main problems with the review is the confusion now created by the new public health role in local authorities as laid out in **1.5.1** to **1.5.7**, in particular it directs - **1.5.3** Local authorities should embed these new (our emphasis) health functions into all their activities including its duty as licensing authority, . . . etc. How can this be reconciled under - **2.2 Alcohol Programme Board and Sensible on Strength Campaign 2.2.3** 2nd sentence - Public health is **not** a licensing consideration (our emphasis) but reducing high alcohol by volume drinks from the off licence trade should benefit alcohol related morbidity and mortality.

We worry that such opposing responsibilities will result in no positive outcomes and may in fact become the basis for doing nothing. The figures set out in **2.1.3** which only go to 2009/10 are truly dreadful but are already 5 years out of date. The last 5 years has seen the burgeoning of the 'Party House' phenomena which sees housefuls of young men and women dedicating a whole weekend largely to binge drinking. While we worry what this is doing to the figures on alcohol abuse, where are the statistics that show the effect of the fallout on the indigenous population ?

We are glad for the continuation of the CIZ as this has created a bulwark in our representations against further licensing applications but we regret the suggestion to do away with named residential, mixed and other defined areas. Any lack of recognition of St James's St as a residential area would only hasten the loss of residents to the pressures of disorder. We hope you will review this decision.

Under 3.3 The Matrix Approach

We also support the creation of the matrix with now the category of 'Cafe Bars' added to the grid. It is very important that terminal hours are now part of policy to be adhered to. While we appreciate the role of the council in the guidance and support of business, this has led in St James's St to a move towards a monoculture of catering establishments, largely serving alcohol, without any sign that a diverse range of customers is waiting on the horizon. We are well aware that when cafe/bars have been licensed the rule to prevent 'vertical drinking' is very difficult to control and therefore can become little more than a wish list.

With regard to 1.9 The Planning Context

We strongly support the desirability for planning to be in place prior to a licensing application. Could a Licence, if granted prior to a planning application not state it would be void if a planning application was not submitted by a specified date.

With regard to 3.9 Promoters and irresponsible drink promotions

In our work with the 'Open All Hours?' group in 2002/3 it was already standard practice in the west end of London to fine any venue where its fliers were found on the ground within 200 m of its entrance. The contract system to control these issues is a good policy. However, the promotion of drinks for as little as £1 is still too a common feature in our local area.

With regard to **4 Prevention of Crime and Disorder**

While there are numerous measures which attach to premises and the noise patrol, when it's on duty, is efficient and effective, the complete lack of any authority's ownership of street disorder is the great disservice of the current licensing regime. Sadly, there is nothing in the current review of policy which will do anything to change this situation.

The reduction of police numbers and their declaration at numerous public meetings that 'there is no law against anyone shouting their head off in the middle of the night!' is the most destructive result of the 2003 Act. This situation is not tolerated in any part of the continent (except in the low grade fleshpot resorts like Faliraki) and shows how wrong headed the 'Cafe Society' aspiration was.

Indeed, so obdurate seems to be the stance of the police to street noise that they ordered one of our members to cease contact in his supply of statistics on noise from a 'hot spot' late night pedestrian thoroughfare.

We do however support the introduction of a **Late Night Levy** as in para **4.1.6** as this may, providing the start time is set early enough, encourage many venues who are doing only marginal business after say 12 midnight to close earlier. This could reduce the stretch of the police in the hope of their controlling disorder in a smaller pool of disorder.

In **8.7 Other Regulatory Regimes**

We particularly support under **Community relations** the confrontation of all hate crime be it racist, homophobic, transgender or religious in nature. We are however aware that some of these groups are not entirely free of negative attitudes to other minorities, and some tend to want to dominate an area to the benefit of only themselves.

In the absence of our Secretary

For and on behalf of The Kingscliffe Society

Roger Rolfe

I have been requested by Trevor Scoble, another committee member of the Kingscliffe Society and the Licence Strategy Group to bring to our/your attention the following:

Now that the CIZ has limited licence approvals in this area to only those with unique character, if these licences are sold on, the specifics of their approval should be a condition on the new licensee. We should also comment on the Right of Residents under EU Law to the peaceful enjoyment of their own property and, by reason of the new healthcare responsibility, consideration of residents health needs should take precedent over business in the creation of new Licences. He would also note that the responsibility of Operators & Landlords in the selling of alcohol to already drunk patrons is still receiving too little attention and a lack of enforcement by the police.

ST. JAMES' COMMUNITY ACTION GROUP

Brighton and Hove City Council - Statement of Licensing Policy

We are pleased to take part in the public consultation relating to the Council's update of its licensing policy as adopted in December 2011.

We have noted the proposed key changes to the current policy and, in the main, are in broad agreement, i.e. review of overall structure and layout; removal of out of date and no longer relevant information; inclusion of an Executive Summary; a new section on "Public Health and Alcohol"; a Public Health Section incorporating latest public health thinking and perspectives. (Although Public Health as such is not a named licensing objective we think it is very appropriate that such a section should be considered in the statement of licensing policy); new section entitled Special Policies and Initiatives to include Council policies, Cumulative Impact Zone (CIZ), Special Stress Areas (SSA) and the Matrix.

We applaud the continuation of the well-established **CIZ**, within which our area is situated, and also the decision making Matrix. However, we regret the Council's proposal to do away with **named residential and mixed areas** as such designations offer extra scrutiny of licensing applications and protection to residents. As you know, the St. James's Street vicinity is one of two residential areas in the city named in the current policy statement and we believe it should continue so. We hope that the Council will reconsider the removal decision.

We support the addition of cafe bars to the **decision-making matrix**. Further, we support the proposed terminal hour for all named categories of venues in a CIZ. We are pleased to note retention of the comment that the matrix policy will be strictly adhered to, and that departures from it will be expected only in '*exceptional circumstances*' (our emphasis). We are pleased that quality of management is not regarded as 'exceptional' as clearly that is an expectation/requirement of all premises, whatever their nature.

Further, in respect of the introduction to the matrix at para 3.3.2 would it not be stronger to say '*would aim for*' rather than '*would like to see*'? Under para. 3.3.3, café bars, to make the situation absolutely clear could the words '*there will be no vertical drinking;*' be included as they are in para 3.3.4 dealing with Restaurants?

In respect of the **planning context**, we are pleased with the changed wording with regard to the relationship between planning and a licensing application. As you know, in the 2011 statement of policy para 1.10.4 indicates that the council's '*preferred position*' is to ensure planning permission is in place before an application for a licence is made. The wording at para 1.9.1 of the 2016 policy draft '*Applicants are recommended to obtain correct planning consents prior to applying for a licence to avoid potentially inoperative licenses*' is a welcome strengthening. We suggest that this might be reinforced in situations where a licence is granted before the required planning consent has been obtained.

We have in mind that a sentence could be included in the letter sent to successful licence applicants reminding them of the need to get appropriate planning consent. After all, that would be in the interest of the licence holder as well as of the council.

With regard to section 3.9 (**Promoters and Irresponsible drinks promotions**) we recommend that the words '*could include*' be changed to '*should include*' given the important issues referred to.

We support the favourable comments respecting a **Late Night Levy** set out para. 4.1.6 and hope there will be some progression in that respect during the lifetime of the policy to be adopted in 2016.

In para. 8.7, **Other Regulatory Regimes – Community Relations**, we strongly endorse the reference to confronting and reducing racist, homophobic, transphobic and religiously motivated crimes, incidents and anti-social behaviour. We think it appropriate to include reference to disabled people in this list as national reports indicate that they are a vulnerable group in terms of being victims of antisocial behaviour and other unacceptable incidents.

Comments from Deb Austin, Head of Safeguarding, Children's Services

3.4.1 Safe Space, run by the YMCA Downsink Group, 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 beermats 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. – my understanding is that this was a one off initiative rather than a continued campaign. This section seems to imply that WiSEUp continues to be being rolled out which I don't think it is.

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 –this is not language used within the child safeguarding arena – I would suggest the use of “emotional” to cover this 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 – could we use stronger language here such as “expect” 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 as in 7.1 not language used in child safeguarding

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 – should be DBS not CRB checked**

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 – this no longer exists – suggest replace with BHCC Children's Services** as being competent to advise on matters relating to the protection of children from harm. **Applicants shall copy their applications to the Local Safeguarding Children Board (LSCB) in its capacity as the responsible authority. Not sure what is meant by "responsible authority" & LSCB's role wouldn't cover such a thing as they are a scrutiny & monitoring Board not a "doing" Board. 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 – this references a Government guide for practitioners. Is this what you wanted or do you want to link to what action should be taken if someone is worried about a child locally?** and is downloadable from the council's licensing web pages.

11.2 Child Protection

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

- not sure why this addresses in in here but perhaps relates to 7.7 above? ACPC is what LSCB was called prior to 2004. Once 7.7 clarified this addresses wd need to change I think.

Email from Howard Barden, Tourism re updated stats (02/12/15)

I have to say I really like this document and the attention to and the matrix applied to the Special Policy and Cumulative Impact Zone and Special Stress Areas that were adopted in March 2008.

Our tourism stats have moved on again since I responded to Jim (these get updated annually (September) taking into account a 1 year time lag so they are representative of 2014) and therefore the Local Features 1.6.1 piece needs to read (amends in red);

Local Feature 1.6.1

The local visitor economy is characterised by three sectors: conferences, leisure and English language education. The city receives 10 million tourism day trips and 1.4 million staying visitors per year. 27% of staying visitors originate from overseas. Tourism generates £839m of direct income for local businesses and supports 21,682 jobs. 18% of the total Brighton & Hove labour force is employed in jobs supported by tourism expenditure.

Sussex Police

Ben Hearth, Acting Police Sergeant CH234, **Licensing Unit**

Brighton and Hove Division, Police Station | John Street | Brighton | BN2 0LA

We have had a look at the new statement of licensing policy and would like to raise the following:

- * Pg 15 under 3.1.7 we believe that BCRP membership is not an exceptional circumstance and we believe it is what is expected of a well run premises and would like it removed
- * Pg18 in the matrix. We think that the world generally in the other areas box opens up to challenge and would like this removed and replaced with the word up
- * Pg 19 under 7) The sentence "in a densely residential area for example the concerns of local residents will be relevant when considering...." we are concerned that this insinuates that those in non densely populated areas will not be relevant. Further there is a question mark as to whether this is compatible with the Licensing Act 2003
- * Pg 20 under 3.3.3 we are still concerned as to what substantial food is and is still open to interpretation as it has been for the current SOLP. We are in the process of looking at this at the moment but we are still concerned by the lack of clarity on what substantial food is.
- * Pg 25 under 4.2.3 just a minor point but it should be the business crime reduction partnership and not the Brighton crime reduction partnership
- * Pg 26 under 4.3.3 we ask that this paragraph is clarified. It seems to suggest that the authority does not require a review process for revocation or conditions on a licence.
- * Pg 27 under 4.3.4 we ask that you remove the wording that doorstaff are "the extended police family"
- * Pg 32 under 7.7 this paragraph is at odds to what we would recommend to premises looking to have under age events and I have attached the recommendations we send out to premises. Could you consider whether this is something you would make reference in the SOLP.

- * Pg 39 under Appendix A - we found that some of the conditions were duplicitous as they are already law, for example door supervisors having to wear badges. It may be worth us meeting to go through these conditions?
- * Pg 41 under Appendix B - Could you explain how the Hampton Principles would work and what you use them for?
- * Pg 51 the removal of the word tough under the heading.

Mark Cull

Wellbeing & Targeted Support Services Manager

Many of you will know that Helen O'Brien, our WiSE Project Coordinator, has started in a new role within YMCA DLG this week.

As there is only 4 months left on the funding for her post, we are unable to replace her.

Our WiSE Brighton & Hove provision is now reduced to casework support through our skilled and experienced caseworker, Helen Irving, who works 3 days per week. Helen can also provide professional support and consultation, however, her capacity to offer this is limited as she has a full caseload of young people.

We are now, once again, operating a waiting list and new referrals will need to be re-directed elsewhere for support until we have capacity to pick them up.

Given the numbers of requests we receive for professional support and consultation from frontline workers and social workers, this also leaves a worrying gap in current CSE provision within the city.

We will continue to provide training through the BHCC Workforce Development programme and LSCB training programme. We are currently unable to offer any free training workshops or update sessions, for which we receive numerous requests.

We are currently unable to offer group work or detached sessions to other youth provision.

We continue to look for further funding for WiSE in B&H, in a challenging economic and funding climate.

We do have some good news...

We have recently been successful in two funding applications to the Sussex Police & Crime Commissioner. One is to develop and deliver a 2 year preventative programme of work in schools and colleges, and community awareness raising work. The other is a short term project spanning B&H and East Sussex to scope the issues around and needs of boys & young men as victims of CSE.

We have also received funding to establish two WiSE project workers in Surrey, and continue to deliver a full service in East Sussex.

Please, for now, direct all referrals, requests and enquiries to me.

FAO: Jean Cranford

Brighton & Hove City Council
Environmental Health & Licensing

Sent by email only

Solicitors and
Parliamentary Agents

Minerva House
5 Montague Close
London
SE1 9BB
DX: 156810 London Bridge 6

Switchboard 020 7593 5000
Direct Line 020 7593 5004
www.wslaw.co.uk

18 December 2015

Our Ref: RPB/26508/1907

Dear Sirs

Brighton & Hove Statement of Licensing Policy 2016 Consultation

We act for Sainsbury's Supermarkets Ltd of 33 Holborn, London EC1N 2HT ("Sainsbury's"). Please accept this letter as a response to the above Consultation on behalf of Sainsbury's.

We are responding to the Consultation as a representative of a local business. Sainsbury's owns and operates ten supermarkets in Brighton & Hove.

The responses by Sainsbury's to the questions set out in your Consultation Survey are as follows:

Q1. We wish to make specific and general comments.

Q2a We strongly disagree.

Q2b It will militate against an application being considered on its merits. It is wrong for the Policy to prescribe what may or may not be considered exceptional circumstances: that is a decision to be taken on the consideration of any given application. It is wrong for the Policy to exclude 'good management' from the exceptional circumstances capable of rebutting the cumulative impact policy presumption.

Q2c We do not find it easy to understand this policy, not least because of internal contradictions. It is informed by assertions that are not evidence-based. We think that it is wrong, and contrary to principle, for an applicant for a licence to be required to prove a negative. For an applicant to be required to prove that his application "will have no negative Cumulative Impact" places a burden on him which it is impossible to discharge. We believe that the net outcome of this policy will be refusals of licences upon no or insufficient grounds; a stagnation of licensed premises in Brighton; and a reluctance of operators to invest in the town.

Q3a. We strongly disagree.

-
- (I) We are concerned that the Council may not have understood the documents it has relied on in formulating this approach.
 - (II) We do not find those documents as supportive of the Council's approach as the Council would appear to think they are.
 - (III) We operate as supermarkets with off-licences, and make no comment about the inclusion/exclusion of other types of premises.

Q3b. We strongly disagree. The stated times are arbitrary.

Q3c. The approach taken by the Council in the "notes" again militates against applications being considered on their merits. The occasional references to "individual merit" are formulaic – we believe them to be the mere rehearsal of words, the intended inference from them running contrary to our experience when making applications in Brighton, to the policy-presumption of refusal, the prescriptive list of what may or may not amount to exceptional circumstances, and the suggested pool of conditions.

Q4.

- (I) We are not satisfied that the assertions made in sections 3.5 and 3.6 are evidence-based.
- (II) 3.5.1 equates to an extra-statutory creation of 'the promotion of health' as a 5th licensing objective.
- (III) We do not understand what is meant by 3.5.2.

Q5. The Council has paid insufficient regard to the principles set out in paragraph 13.9 - 13.13 of the Guidance issued under section 182 of the Licensing Act 2003. The draft policies are over-prescriptive and will impede decision-makers from doing what is right on a case-by-case basis. We are concerned at the extent of un-evidenced assertion, particularly (but not exclusively) in the adoption of the "matrix approach". Where evidence *is* relied on:

- (I) It is frequently unverified; and/or
- (II) It has not been understood by the Council; and/or
- (III) It is 'cherry-picked' to support predetermined policy; and/or
- (IV) Reliance on it not justified; and/or
- (V) Contrary evidence has been ignored.

In addition, we do not understand the position taken in the draft policy as to the relevance of planning permission on an application for a premises licence under the licensing Act 2003. Neither do we understand what significance is to be attached to the alleged incidents of crime in "central Brighton".

We think that the conclusions drawn from the various statistics relied on (in particular from a comparison of local and national statistics) are irrational.

It is unclear whether 'Annex B' forms part of the draft policy; no mention of it is made in the body of the document. If it is intended to be part of the policy, we disagree with its inclusion.

We believe that 'pools of conditions' militate against applications being determined on their individual merits.

Yours faithfully

A handwritten signature in black ink, appearing to be the initials 'wh'.

Winckworth Sherwood LLP

DT 020 7593 5004
DF 020 7593 5069
rbotkai@wslaw.co.uk

Questions for SOLP consultation:

1. I would like to comment on:
2. Special Policy on Cumulative Impact.
 - a) Do you agree with including details of what may be considered exceptional circumstances within the special policy at paragraph 3.1.7?
 - b) What effect do you think this will have on the policy?
 - c) Do you have any general comments to make about the special policy and the CIZ?
3. Matrix approach.
 - a) Do you agree with the key changes proposed for the matrix, for example the area categories, the inclusion of café bars, and the exclusion of pubs in the CIZ?
 - b) Do you agree with the stated times for licensable activities in the different types of premises and different areas, for example restaurants, pubs and non- alcohol lead venues?
 - c) Do you have any comments to make on the 'notes' following the Matrix?
4. Section on Special policies and initiatives.
 - Do you have any comments to make about other special polices such as off-licences at 3.5, night-time safeguarding initiatives at 3.4, and street drinking at 3.6?
5. General comments about the policy
 - Please make any comments about any other aspects of the policy as a whole.

STATEMENT OF LICENSING POLICY 2016



**Brighton & Hove
City Council**

LICENSING ACT 2003

Executive Summary

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

The Policy recognises the 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 polices 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.

Brighton & Hove City Council: Statement of Licensing Policy 2016

CONTENTS

1	Introduction	5
1.2	The licensing objectives	5
1.3	Scope	5
1.4	Consultation	6
1.5	Partnership	6
1.6	Local features	7
1.7	Culture and Tourism	8
1.8	Arts	8
1.9	The Planning Context	8
1.10	Delegations	9
1.11	Human Rights	10
2	Public Health and Alcohol	10
2.1	Public Health Perspective	10
2.2	Alcohol Programme Board and Sensible on Strength Campaign	12
3	Special Policies	13
3.1	Cumulative impact	13
3.2	Special Stress Area	15
3.3	The Matrix Approach	17
3.4	Night-time Economy Safeguarding Initiatives	20
3.5	Off licences	21
3.6	Street drinking	22
3.7	Temporary Event Notices	22
3.8	Student and Organised Pub Crawls	23
3.9	Promoters	23
4	Prevention of Crime and Disorder	23
4.2	Sussex Police	24

4.3	Care, control and supervision of premises	25
5	Public Safety	27
6	Prevention of Public Nuisance	28
6.2	Smoking Advice	29
7	Protection of Children from Harm	30
8	Integration of Strategies	33
8.7	Other regulatory regimes	34
8.8	Enforcement	35
9	Reviews	36
10	Live Music, Dancing & Theatre	36
11	Contact Details, Advice and Guidance	37
	APPENDIX A Licensing Best Practice Measures	41
	APPENDIX B Licensing Enforcement Policy	42
	APPENDIX C Film Classification	55
	APPENDIX D Lead Agency Status	60

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 10 million tourism day trips and 1.4 million staying visitors per year. 274% of staying visitors originate from overseas. Tourism generates £83947m of direct income for local businesses and supports 21,68220,622 jobs. 187% 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.

1.10 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
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,			All cases

etc.			
Decision to object when local authority is a consultee and not the relevant authority considering the application			All cases
Determination of a police/EHA objection to a temporary event notice		All cases	
Policy decisions	All cases		
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor variation application			All cases

1.10.1 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.

1.11 Human Rights

1.11.1 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).

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 2013/14 there were 4,629 hospital admissions episodes for alcohol-related conditions in Brighton & Hove, a rate of 1,938 per 100,000 population. In recent years there has been no clear trend in this indicator: the rate fluctuated between 2010/11 and 2013/14, and the number of admissions was similar in 2013/14 as in 2008/09. The Brighton & Hove rate in 2013/14 was lower than the rate in England (2,111 per 100,000); in contrast from 2008/09 to 2011/12 when the Brighton & Hove rate was either similar or significantly worse than England.

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 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 [objective consideration](#) but reducing high alcohol by volume drinks from the off licence trade should benefit alcohol related morbidity and mortality.

3 Special Policies and Initiatives

3.1 Cumulative impact

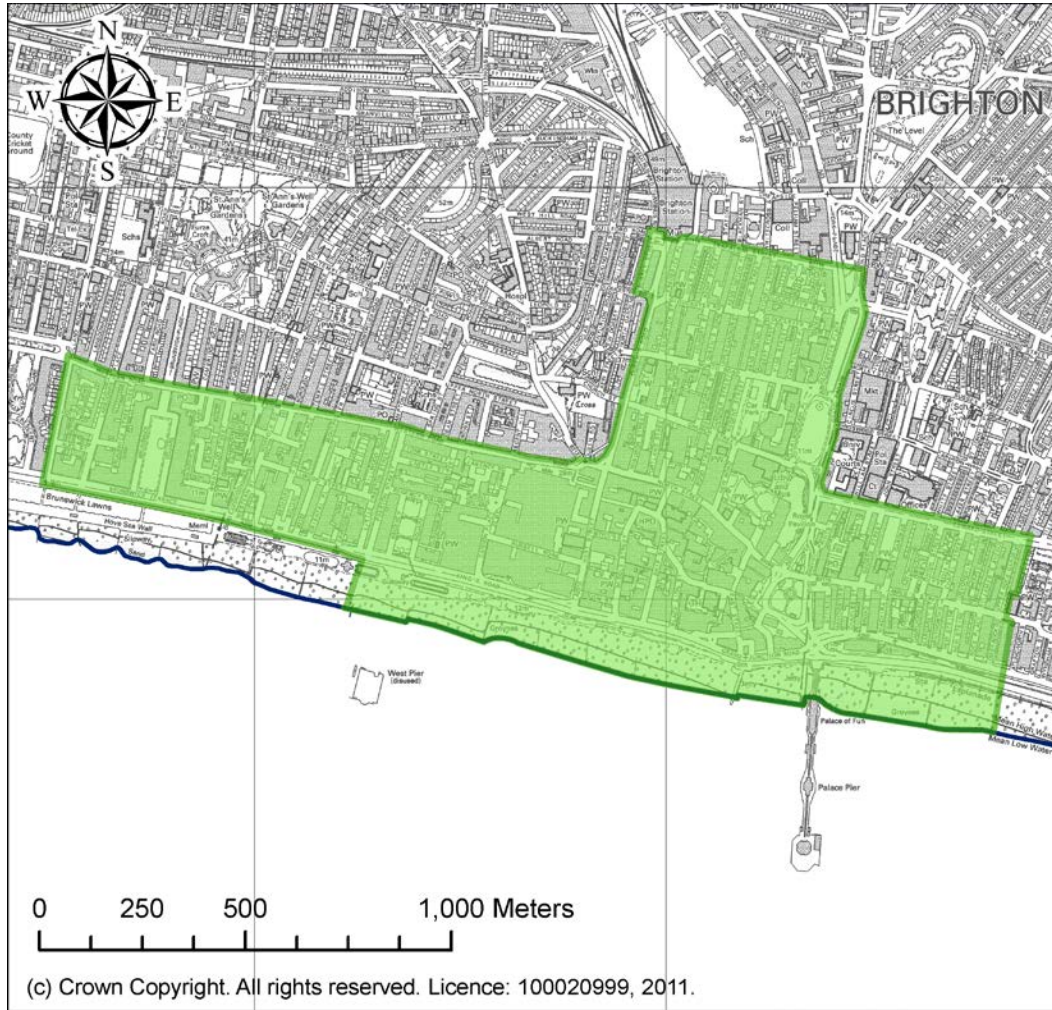
- 3.1.1 The licensing authority may receive representations from either a responsible authority or other persons that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not, however, be confused with 'need' which relates more to the commercial 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 and 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 and Special Stress Area



© Crown Copyright. All rights reserved. Licence: 100020959, Brighton & Hove City Council. Information & Mapping, Planning & Public Protection June 2011.

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 A of the SoLP sets out a list of potential measures the licensing authority considers may be appropriate. These may be more or less appropriate depending upon the style of operation applied for.
- 3.2.3 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
Restaurant	Yes (midnight)	Yes (midnight)	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	Yes (midnight)
Non-alcohol lead (e.g. Theatre)	Yes (favourable)	Yes (favourable)	Yes	Yes (favourable)
Off-licence	No	No	Yes	Yes (<u>generally Up</u> 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: consultation with and 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 to 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 and the Street Community and Drug Activity Profile. These documents 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~~ Safe Space, run by the YMCA Downsink Group, 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 Licensing Authority supports initiatives such as](#) The YMCA's sexual exploitation project, WiSE Project [and the Brighton Beach Patrol \(Quad Bike\), and police vulnerability training, which increase](#) ~~have also been busy running a campaign called WiSEUp increasing~~ awareness of sexual exploitation in the night time economy. These strands of work [aim](#) 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 strands of work [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 Brighton Beach Patrol is operated by](#)

[Resolve Security Solutions Ltd and utilises a quad bike and SIA security staff to patrol the beach between the Piers protecting the vulnerable from potential drownings, assaults, intoxication and safeguarding matters. The people that have been approached report that this is a fun and non-threatening way of getting people thinking about a serious topic.](#)

3.4.23.4.1 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 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.

- 4.1.2 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.
- 4.1.3 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.
- 4.1.4 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
- 4.1.5 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.
- 4.1.6 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.

4.2 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 Business 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, [the review process may be invoked, and](#) powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier closing times. Such action to restrict the operation may be taken for trial periods to allow businesses an opportunity to remedy existing disorder, nuisance or disturbance.
- 4.3.4 This policy recognises the use of registered Door Supervisors ~~as members of the extended police family as a~~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 B).

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 practice 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~~ emotional and physical harm which may be associated with licensed premises and certificated club premises (for example the exposure too early to strong language and sexual expletives, 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 emotional or psychological harm to them. Each application will be considered on its own merit but particular areas that will give rise to concern in respect of children are to be found in section 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 DBS 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. For exclusively under 18 events reference should be made to police guidelines (available from the Police Licensing Unit, Brighton tel. 101). The licensing authority recognises the Director of Childrens Services~~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 Director of Childrens Services~~Local Safeguarding Children Board (LSCB)~~ 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.~~ The "What to do" booklet is a national one and can be accessed here: <http://www.brightonandhovepsc.org.uk/wp-content/uploads/What-to-do-if-a-child-is-being-abused.pdf> Probably also worth getting him to put in that if you are concerned about a child locally to contact the Multi-Agency Safeguarding Hub (MASH) on 01273 290400, or you can contact Sussex Police on 101. If they think a child is in immediate danger to dial 999.

Formatted: Strikethrough

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

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

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

Licensing policy supports the Crime and Disorder Reduction Partnership's crime reduction strategy. In particular it seeks to confront and reduce racist, homophobic, transphobic and religiously motivated crimes, incidents and anti-social behaviour.

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

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

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

8.8 Enforcement

- 8.8.1 The Enforcement of licensing law and inspection of licensed premises is detailed in the Protocol between Sussex Police, the East Sussex Fire & Rescue Service and Brighton & Hove City Council. This protocol reflects the need for more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement and can be found at Appendix D (Lead Agency Status) of the Statement of Licensing Policy. In addition the Licensing Authority will have regard to its published Licensing Enforcement Policy in making enforcement decisions in accordance with Brighton and Hove City Council's Statement of Licensing Policy (Appendix B). In order to better target enforcement resources, inspections will be undertaken outside of normal office hours and the sharing of information between all enforcement agencies will be encouraged through joint meetings or similar arrangements.

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
[Brighton & Hove ACPC](#)

Child Protection

[Director of Childrens Services Chair of](#)

Hove Town Hall
Norton Road
Hove
BN3 1PT
Tel: 01273 290000

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

Director of Public Health
Kings House
Grand Avenue
Hove
BN3 2LS
Tel: 01273 296555

[Children Families & Schools](#)

Kings House,
Hove BN3 2SU

Tel: 01273 290000

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

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 ~~Businessrighton~~ 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		
Unauthorised 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 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		

Licensing Objective 4: 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		