





Brighton & Hove
City Council

Licensing Committee

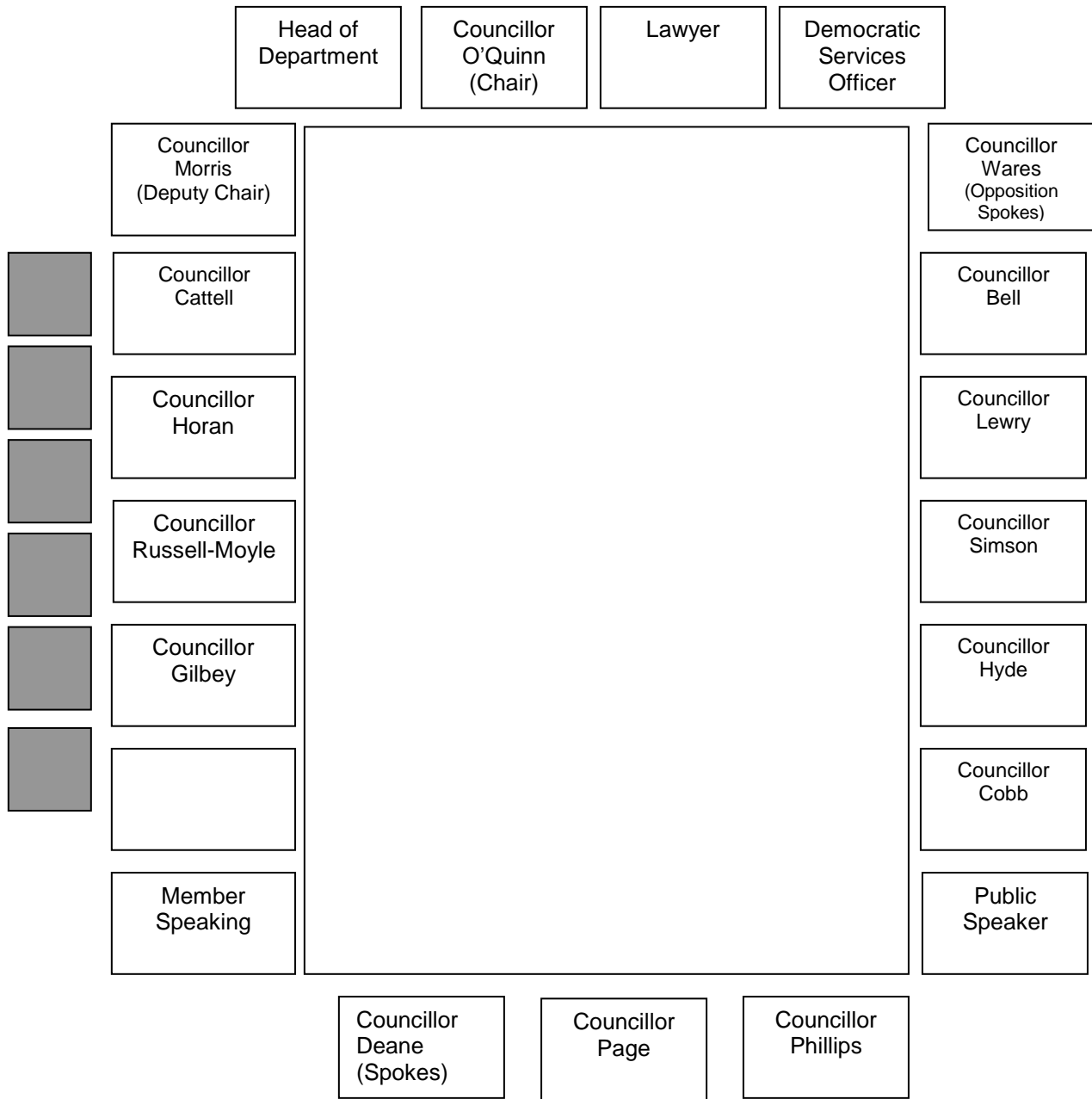
(Licensing Act 2003 Functions)

Title:	Licensing Committee (Licensing Act 2003 Functions)
Date:	2 March 2017
Time:	4.00pm (or conclusion of Non 2003 Committee)
Venue	Council Chamber, Hove Town Hall, Norton Road, Hove, BN3 3BQ
Members:	Councillors: O'Quinn (Chair), Morris (Deputy Chair), Wares (Group Spokesperson), Deane (Group Spokesperson), Bell, Cattell, Cobb (Opposition Spokesperson), Horan, Hyde, Gilbey, Lewry, Page, Phillips, Russell-Moyle and Simson
Contact:	Penny Jennings Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk

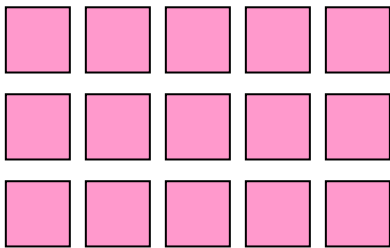
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Press



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
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

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

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

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

NOTE: *Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

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

23 MINUTES OF THE PREVIOUS MEETING

1 - 6

Minutes of the meeting held on 24 November 2017 (copy attached).

Contact Officer: Penny Jennings Tel: 01273 291065
Ward Affected: All Wards

24 CHAIR'S COMMUNICATIONS

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

25 CALLOVER

- (a) Item (28) will be read out at the meeting and Members invited to reserve the item for consideration.
- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

26 PUBLIC INVOLVEMENT

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

- (a) **Petitions:** to receive any petitions presented to the full council or at the meeting itself;
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on the 23rd February 2017;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 23rd February 2017.

27 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.

28 ANNUAL REPORT OF LICENSING AUTHORITY 2016

7 - 30

Report of the Executive Director, Neighbourhoods, Communities & Housing (copy attached)

Contact Officer: Jim Whitelegg

Tel: 01273 292438

Ward Affected: All Wards

29 ITEMS REFERRED FOR COUNCIL

To consider items to be submitted to the [Insert Date] 2012 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

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

PUBLIC INVOLVEMENT

Provision is 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.

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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

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LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

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BRIGHTON & HOVE CITY COUNCIL**LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)****4.00PM 24 NOVEMBER 2016****HOVE TOWN HALL****MINUTES**

Present: Councillors O'Quinn (Chair), Morris (Deputy Chair), Wares (Opposition Spokesperson), Deane (Group Spokesperson), Bell, Cattell, Cobb (Opposition Spokesperson), Gilbey, Horan (Deputy Chair), Hyde, Lewry, Page and Simson.

PART ONE**11 PROCEDURAL BUSINESS****11(a) Declarations of Substitutes**

11.1 There were none.

11(b) Declarations of Interest

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

11(c) Exclusion of Press and Public

11.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.

1.4 **RESOLVED:** That the press and public be not excluded from the meeting during consideration of any of the items contained in the agenda.

12 MINUTES OF THE PREVIOUS MEETING

12.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 30 June 2016 be agreed and signed as a correct record.

13 CHAIR'S COMMUNICATIONS

13.1 The Chair stated that the last few months had been very busy, during the summer she had been out with a Trading Standards Officer and then with a Licensing Officer which had been very enlightening.

Operation Marble

- 13.2 A number of Councillors had been out on Operation Marble at the end of September and once again this had been remarkably useful. Members had gone out with officers in twos and threes and this had actually been more productive. She had been impressed with the good working relations between a Special Constable trained in licensing with the various pubs and clubs in the city centre. It had been clear that the drugs issue was not neglected and that any found on customers were handed in. The aspect of an effective bar or club which had most struck her was those where there were a suitable number of SIA's, there was less trouble and people were free to enjoy themselves, so lots of excellent policies in operation.
- 13.3 Members also visited the Special Stress Area where there were some deeply worrying activities going on, of which the Police were aware. She had been encouraged by the promptness of the police and licensing officers in dealing with them during the following weeks.

Training

- 13.4 Some successful training events had taken place during the autumn, namely regarding issues surrounding the CIZ zone, proposed changes to the Gambling Legislation and the new immigration and fraud checks that taxi providers would be legally obliged to carry out.

Night Time Economy

- 13.5 Whilst there had been some increase in non-injury violent crime but not violent crime linked to licensed premises in the CIZ and no information had been received in relation to taxi ranks. This increase appeared to be linked to better recording practices rather than an actual increase. Sussex Police had indicated they were prepared to fund taxi marshalls for certain red weekends during 2016/17 and 2017/18 e.g., Halloween, New Year and Bank Holidays. The Head of Community Safety Sussex Police had met with the street pastor co-ordinator and were hoping to increase the number of street pastors from 12 to 40 over the next few months. Additional recruiting was to be undertaken.
- 13.6 Sussex Police had agreed to support training which would involve bespoke inputs on their syllabus about personal safety and recognised threats and risks. Local context matters such as SIA door staff, safe space, etc., would also be included. The Police were also working with door staff looking at professionalising them even more, training would help them to identify vulnerable people and to encourage them to report issues to the Police.
- 13.7 In relation to "Safe Space" the Red Cross had agreed that they would continue to support this into the New Year and funding was in place to the end of this financial year, but funding and clinical governance needed to be addressed going forward. The Universities had indicated that they might be able to contribute towards funding. A workshop session with interested parties was being arranged to explore additional services to help manage the night time economy and to look at funding options.

- 13.8 The Beach Patrol was continuing to be funded by “Resolve” and The North Laine Pub Company.

Late Night Levy

- 13.9 Government clauses amending the Late Night Levy and placing cumulative impact policies on a statutory footing had been tabled in Parliament that day for the introduction to the Policing and Crime Bill at Lords Committee although as yet the clauses had not been uploaded to the Parliament website.

The amendments had been proposed in order to :

Make the levy more flexible by allowing licensing authorities to target specific geographical locations (rather than, as now, the whole of the local authority area);
Extend the levy to include late night refreshment outlets (with the exception of premises which sold hot drinks only) authority ;
Enable Police and Crime Commissioners to request the licensing authority to consult on introducing a levy; and
Require licensing authorities to publish information about how funds raised by the levy were spent so that those paying it were clearer about how it would be used.

- 13.10 It was not anticipated that this Committee would be debating the New Late Night Levy until Autumn 2017.

- 13.11 **RESOLVED** – That the Chair’s Communications be received and noted.

14 CALLOVER

- 14.1 All items on the agenda were called for discussion.

15 PUBLIC INVOLVEMENT

15a Petitions

- 15.1 There were none.

15b Written Questions

- 15.2 There were none.

15c Deputations

- 5.7 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 COMMUNITY SAFETY AND CRIME IN BRIGHTON & HOVE : INFORMATION UPDATE

- 17.1 The Committee considered the extract referred from the meeting of Neighbourhoods and Communities Committee held on 10 October 2016 and the accompanying information update on Community Safety and Crime in Brighton and Hove prepared by the Head of Community Safety's Team. The Head of Community Safety, Peter Castleton, was in attendance in order to respond any questions from Members.
- 17.2 Councillors Bell and Simson who were also on that Committee explained that in view of concerns round the impact of the night time economy and in particular the implications arising should the Beach Patrol, Taxi Marshalls and Safe Space be curtailed they thought that it would be informative for this Committee the information contained in the report. Councillor Simson stated that one of major concern was the impact on behaviour due to a mix of excess alcohol and drugs, particularly cocaine. The Chair, Councillor O'Quinn concurred and the Head of Community Safety, Peter Castleton, confirmed that it was acknowledged that this constituted a serious issue.
- 17.3 Councillor Morris commended the report which was very informative. In answer to questions it was explained that these issues were being investigated in the round with health partners; also that the University was working pro-actively to discourage students from attending alcohol fuelled "Carnage" type events during "Freshers Week" for example and was actively encouraging events where the focus was not alcohol consumption.
- 17.4 Councillor Wares noted the information provided under Chair's Communications stating that none the less it was worrying that there would clearly be problems if funding of those initiatives associated with the night time economy which helped to protect the vulnerable were compromised due to reductions or inability to find them. There was a danger of overthinking the issue. Robust strategies were needed to identify what was needed, where we were going and what needed to be done going forward. Whilst commending all that was being done it was important to ensure that all the threads were joined together.
- 17.5 The Chair, Councillor O'Quinn, stated that there was agreement around what needed to be provided which was why measures were being put into place to fill any gaps.
- 17.6 **RESOLVED** – That the contents of the extract and the report be noted.

18 GAMBLING ACT 2005 - REVISED GAMBLING POLICY

- 18.1 The Committee considered a report of the Director of Neighbourhoods, Communities and Housing seeking approval to the final version of the "Revised Gambling Policy" as set out in Appendix 1 to the report.
- 18.2 The Licensing Manager, Jim Whitelegg, explained that under the Gambling Act 2005, Licensing Authorities were required to prepare a statement every three years (also known as a Policy) setting out the principles which they proposed to apply when exercising their functions. They were required to publish the Statement/Policy following procedures set out in the Gambling Act 2005 which also set out details regarding whom should be consulted.
- 18.3 At the meeting of the Committee which had taken place on 3 March 2016 it had been agreed that officers initiate consultation regarding a review of the council's revised Gambling Policy. Officers had re-written the Policy in light of the changes to the Licensing Conditions and Code of Practice (LCCP) and Guidance for Local Authorities (GLA), to incorporate the new social responsibility requirements which had come into force in April 2016. The revised Policy was now set before the Committee for approval.
- 18.4 Councillor Gilbey stated that in some instances Challenge 21 requirements were referred to and in other instances reference was made to Challenge 25, this appeared to be an anomaly and she queried whether this was correct. It was explained that this was correct as the guidance in relation to gambling provisions continued to refer to an age requirement of 21.
- 18.5 Councillor Page enquired whether there was any flexibility around how charges were set and it was confirmed that there was not as this was prescribed by the legislation.
- 18.6 A vote was taken and the 10 Members who were present when the vote was taken voted unanimously that the report recommendations be agreed and that the final version of the Statement of Gambling Policy as set out in Appendix 1 to the report be forwarded to the next scheduled meeting of Full Council for approval and adoption.
- 18.7 **RESOLVED** – That Members agree to refer the final version of the Statement of Gambling Policy as set out in (Appendix 1) to the report to Full Council for adoption
- 18.8 **RESOLVED TO RECOMMEND** – That the final version of the Statement of Gambling Policy be approved and adopted by Full Council having been agreed by the Committee and set out in Resolution 1 above.

Note: Councillors Hyde and Simson were not present at the meeting when the vote was taken.

19 SCHEDULE OF REVIEWS

- 19.1 The Committee considered the schedule prepared on behalf of the Acting Director of Public Health.

19.2 **RESOLVED** – That the contents of the Schedule be received and noted.

20 SCHEDULE OF APPEALS

20.1 The Committee considered the Schedule prepared on behalf of the Executive Lead for Law.

20.2 **RESOLVED** - That the contents of the Schedule be received and noted.

21 ITEMS REFERRED FOR COUNCIL

21.1 Item 18 – “Gambling Act 2005 – Revised Gambling Policy” was referred to Full Council in order for the Policy to be approved and adopted.

The meeting concluded at 6.06pm

Signed

Chair

Dated this

day of

LICENSING COMMITTEE

(Licensing Act 2003 Functions)

Agenda Item 28

Brighton & Hove City Council

Subject:	Annual Report of the Licensing Authority 2016		
Date of Meeting:	2 March 2017		
Report of:	Executive Director of Neighbourhoods, Communities & Housing		
Contact Officer:	Name:	Jim Whitelegg	Tel: 01273 292438
	Email:	Jim.whitelegg@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT:

- 1.1. This report sets out the licensing and gambling functions for Brighton & Hove City Council carried out during 2016.
- 1.2. National matters: legislative changes and consultation
 - Immigration Act 2016 & Policing and Crime Bill (see Appendix 1)
- 1.3. Local licensing matters
 - Alcohol Programme Board
 - Street drinking/Sensible on Strength
 - Sexual exploitation in the night-time economy
- 1.4. Local/national gambling matters
 - Review Gambling Policy – risk rating inspection programme
- 1.5. 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. CONTEXT / BACKGROUND INFORMATION:

3.1. Licensing Act 2003

- 3.1.1. At the time of writing this report the total number of licensed premises and club premises in Brighton & Hove is 1340 and 34 respectively.
- 3.1.2. Table 1 below shows the numbers of applications and hearings for the last three years, including those granted, refused and withdrawn.

3.1.3. The Licensing Authority dealt with 5 reviews in 2016. The full list can be seen in the Review table report. 2 licences were revoked including Azure which was the first Review called by the Licensing Team in Brighton & Hove (see Appendix 2).

3.1.4. In Appendix 3 you will find more detailed tables showing “Total Premises Licences by venue type and ward” and “Licence Applications received 2016 – venue type and area”.

Table 1: Licensing Act 2003 figures 2016/2015/2014

1st Jan - 31st December 2016		1st Jan - 31st December 2015		1st Jan - 31st December 2014	
New apps 01.01.16-31.12.16	75	New apps 01.01.15-31.12.15	61	New apps 01.01.14-31.12.14	52
TOTAL fully	72	TOTAL fully	48	TOTAL fully processed*	52
(granted)	65	(granted)	42	(granted)	46
(refused)	5	(refused)	3	(refused)	3
(withdrawn)	2	(withdrawn)	3	(withdrawn)	3
Variations		Variations		Variations	
TOTAL	27	TOTAL	21	TOTAL	29
(granted)	22	(granted)	16	(granted)	25
(refused)	2	(refused)	2	(refused)	3
(withdrawn)	3	(withdrawn)	3	(withdrawn)	1
Minor Variations		Minor Variations		Minor Variations	
TOTAL	79	TOTAL	59	TOTAL	50
(granted)	75	(granted)	59	(granted)	49
(refused)	1	(refused)	0	(refused)	1
(pending)	3				
Panel hearings (apps)	22	Panel hearings (apps)	13	Panel hearings (apps)	16
Reviews	5	Reviews	5	Reviews	8
Appeals	1	Appeals	3	Appeals	3
TENS hearings	2	TENS hearings	5	TENS hearings	4
TOTAL TENS	1101	TOTAL TENS	1075	TOTAL TENS	903
TENS (granted)	1080	TENS (granted)	1053	TENS (granted)	884
TENS (refused)	14	TENS (refused)	17	TENS (refused)	16
TENS (withdrawn)	7	TENS (withdrawn)	5	TENS (withdrawn)	3

3.1.4 In 2016 a total of 75 new premises applications were received, 72 of which were fully processed between 01.01.16 and 31.12.16. Processing means receiving the application, entering it onto the database, receiving representations and proceeding to a panel hearing, sending out the panel decision letters, writing up the licences, sending out the licence and entering the decision onto the database. There can be some applications received near to the year end that might be counted as an application received but not as an application fully processed (because of 28 day consultation period, 20 day hearing period etc).

3.1.5 Headline trends

There was an increase in the number of applications received in 2016.

1st Jan - 31st December 2016		1st Jan - 31st December 2015	
New apps 01.01.16-31.12.16	75	New apps 01.01.15-31.12.15	61
Pub/bar/nightclub	10	Pub/bar/nightclub	7
Convenience Store (off)	7	Convenience Store (off)	10
Restaurant	21	Restaurant	10
Café bar	13	Café bar	9
Late Night Refreshment	2	Late Night Refreshment	1
Large supermarket	1	Large supermarket	0
Petrol station	1	Petrol station	0
Church	2	Church	2
Cinema	1	Cinema	2
Hotel/guest house	0	Hotel/guest house	1
Other	16	Other	19

3.1.6 Of the 75 applications received during 2016, 22 were for premises within the CIZ and 17 were in the special stress area. 9 applications were for time limited licences (e.g. Big Beach Screen, Pride and Ice Rink) – 7 of which were in the CIZ. Looking at the 22 premises within the CIZ, 8 were granted after representations had been withdrawn & agreements reached, 8 were granted after no representations were received, 2 were refused, 3 were granted after a panel hearing and 1 is due to be heard before a panel hearing in Feb 17.

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 (31/12/2016)	2007
Casinos	4	4
Bingo Licences	1	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:** Licensing issues in Brighton and Hove have been at the forefront of the media between 1/1/16 – 31/12/16. Press interest includes:

- Planet India licensing application – Brighton & Hove News, The Argus
- Seafront restaurant (Azure) license revoked and alleged damage to units – Brighton & Hove News, Latest TV
- Uber licensing application renewal, meeting of licensing panel with Uber, and taxi drivers complaint about uber – Latest TV, Brighton & Hove News, The Argus
- Synergy Centre licensing – Latest TV, Brighton & Hove News – licence refused and appeal dismissed.
- Royal Standard pub and fake and smuggled alcohol – (The Argus, LGA press office) Royal Standard decision to ban the lessees while leaving the licence in the hands of Admiral Taverns. Local coverage, and the LGA also expressed an interest in using it as a case study for a national piece around action on fake and smuggled alcohol
- Bulldog - licence review gained local coverage
- Sensible on Strength campaign signs up Co-op stores
- Live music policy panel is a success

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 4.

3.4.2. **Street drinking/Sensible on Strength**

- Now 3 years since launch
- 153 members
- Further 39 stopped selling but not joined scheme
- Southern Co-op's have joined:

'Sensible on Strength' Scheme – Quote from The Southern Co-operative

"The Southern Co-operative is pleased to confirm that all 5 of its stores in Brighton and Hove, including Bramber House at Sussex University, have joined the 'Sensible in Strength' scheme, and that all low-cost, high-strength alcohol will have been taken off the shelves.

The Southern Co-operative's decision to join the campaign was based on our shared ethos for promoting and supporting responsible retailing, and addresses our continued commitment to the four licensing objectives; the prevention of crime and disorder, prevention of public nuisance, public safety, and protection of children from harm.

We were delighted to hear that significant and positive changes have already been achieved by the campaign and its existing members, which is helping to reduce anti-social behaviour and improve the health of all those affected by alcohol addiction.

We are proud to be the first convenience store chain to take part in the scheme and hope that our involvement will encourage others to also pledge their support.”

Silena Dominy, Director of Corporate Affairs, The Southern Co-operative

- Letter has been sent to all existing members thanking for their support in conjunction with ‘Alcohol Awareness Week’.
- Quote from Jesse Wilde, Senior Business and Partnership Manager for Equinox:
Probably the most visible impact of higher strength alcohol sales is the presence of street drinkers. The Sensible on Strength scheme targets this group of people in particular. Along with colleagues in Equinox, we monitor the number of street drinkers in the city. In the first two years following the introduction of the scheme street drinking numbers dropped by 31%. The vast majority of street drinkers now drink 6% abv and below as opposed to the 9% which was the norm before SOS. This means street drinkers are more able to engage with support.
- Equinox contributed to research carried out last year by Alcohol Concern. This has now been published as National Best Practice by the Police and Crime Commissioners. Sensible on Strength is also mentioned.
- Press Release went out on 13 December 2016.
- University of Sussex, Falmer site have also joined the scheme.

3.4.3. Statement of Licensing Policy and Gambling Policy

A major overhaul of both the Statement of Licensing Policy and the Gambling Policy was carried over 2015/16 and both policies were agreed at Full Council in March and December 2016 respectively.

3.4.4. Sexual Exploitation in the Night-Time Economy

The licensing authority continues to support safeguarding initiatives such as the Beach Patrol Quad bike, safe space and street pasters. A workshop for interested parties, looking at future proofing funding for these initiatives is being organised on the 21st February 2017 which the Councillors saw the benefit of on their late night visit. The licensing Authority worked with VisitBrighton to publise Vulnerability Training & Child Sexual Exploitation Awareness training in October 2016 for hotel staff, facilitated by the police.

3.5. **Gambling Local and National Issues**

Gambling Act 2005

Statement of Principles (Gambling Policy) was reviewed and agreed by Full Council in December 2016. The changes brought in by the Gambling Commission has been to improve social responsibility, reduce gambling related harm and give greater control to customers. The key change took effect is 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). Officers are currently working on a risk rating inspection programme.

4. **ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

4.1 There were no other options considered as the report is for information only.

5. **COMMUNITY ENGAGEMENT AND CONSULTATION**

5.1. Licensing Strategy Group, finance and legal services.

6. **CONCLUSION**

6.1 That the information should be noted.

7. **FINANCIAL & OTHER IMPLICATIONS:**

Financial Implications:

7.1 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.

7.2 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: Monica Brooks Date: 17/01/17

Legal Implications:

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

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

Equalities Implications:

7.4 There are no direct equalities implications.

Sustainability Implications:

7.5 There are no direct sustainability implications.

Crime & Disorder Implications:

- 7.6 Contained in the body of the report.

Risk and Opportunity Management Implications:

- 7.7 No implications

Public Health Implications:

- 7.8 Contained within report.

Corporate / Citywide Implications:

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

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix 1 – Legislative changes & consultation
2. Appendix 2 – Reviews and appeals tables
3. Appendix 3 – “Total premises Licences by venue type and ward” and “Licence applications received 2016 – venue type and area”
4. Appendix 4 - Alcohol Programme Board action plan

Documents in Members’ Rooms

1. None.

Background Documents

1. None.

National matters: legislative changes

Immigration Act 2016

Aim: to reduce illegal immigration.

Contains measures to remove incentives for illegal migrants to enter or remain in the UK, and to prevent and deter illegal working. To give Immigration Enforcement a statutory role within licensing.

82% of civil penalties served by immigration officers in the year ending June 2015 were served on the **retail industry or hotel, restaurant and leisure industry sectors.**

Amendments to the Licensing Act 2003 to commence spring 2017

Immigration Enforcement will be a responsible authority

Personal and premises licences: individuals must have permission to live and work in the UK

Immigration offences will be relevant offences (civil penalties)

Immigration officers will have the power of entry to investigate immigration offences

Policing and Crime Bill

Aim: to increase safeguards and prevent abuse of the licensing system

Amendments to the Licensing Act 2003:

- Definition of alcohol
- Summary reviews: interim steps
- Revocation and suspension of personal licences
- Updating the list of relevant offences
- S.182 guidance: publication
- Cumulative impact assessments
- Amendments to the late night levy

Revocation of Personal Licences

In 2015/16:

- 650,000 personal licences in existence
- 2 personal licences forfeited, 6 suspended

IoL survey March 2015:

- 114 responses: 79% licensing authorities, 17% police
- 75% have problems with the existing arrangements
- Licensing authorities will be able to revoke or suspend personal licences
- Licence holder will have 28 days to submit representations, and may appeal to magistrates' court
- Not for convictions received before the new arrangements commence

Summary Reviews

Review of premises associated with serious crime or serious disorder

Long-standing anomaly in the Licensing Act 2003:

- What should happen to the interim steps between the review hearing and the decision coming into effect (21 days or after appeal)

New process:

- Flexible for licensing authorities and fair for businesses
- Review interim steps at the review hearing and modify or withdraw
- Licensee or police may appeal ongoing interim steps to magistrates' court, heard within 28 days
- S.53B will be amended to limit repeat representations

Cumulative Impact

- **Aim:** legal certainty and transparency for applicants, licensing authorities and other responsible authorities on how CIPs are developed and operate.
- Licensing authority considers that the number of premises in a particular area is such that granting any further authorisations would be inconsistent with the licensing authority's duty to promote the licensing objectives.
- Consultation and evidence for this opinion
- Review and consult at least every 3 years

- Late Night Levys

- **Aim:** improve the levy by making it more flexible for licensing authorities, fairer to businesses and more transparent. To increase use of the levy.
- Target geographical areas
- Extend the levy to premises licensed to sell late night refreshment
- Give PCCs the right to request a consultation
- Licensing authorities to publish information about how the money is spent
- Public consultation on the charge for late night refreshment.

UPDATE - The Policing and Crime Bill received Royal Assent on Monday 31 January 2017.

Although the new Policing and Crime Act 2017 predominantly deals with police reform, there are a number of licensing measures included; Part 7 relates to alcohol and late night refreshment, cumulative impact policies and the late night levy. However the provisions are yet to come into force and this will be when Regulations are made with the commencement dates.

Section 137 - Meaning of "alcohol": inclusion of alcohol in any state - amends the definition of "alcohol" in the Licensing Act 2003 to include alcohol in any state.

Section 138 - Interim steps pending review: representations - Amends the Licensing Act 2003 to include a new section 9A: "Where the relevant licensing authority has determined under subsection (8) whether to withdraw or modify the interim steps taken, the holder of the premises licence may only make further representations under subsection (6) if there has been a material change in circumstances since the authority made its determination."

Section 139 - Summary reviews of premises licences: review of interim steps - Amends

the Licensing Act 2003 to clarify the position of interim steps following a summary review.

Section 140 - Personal licences: licensing authority powers in relation to convictions - Amends the Licensing Act 2003 to give licensing authorities new powers to act when a personal licence holder is found guilty of relevant offences (whereas at the moment, only HMCS has the power to act).

Section 141 - Licensing Act 2003: addition of further relevant offences - Amends the Licensing Act 2003 to add further relevant offences to the existing list.

Section 142 - Licensing Act 2003: guidance - Amends the Licensing Act 2003 to simplify the process for issuing new S.182 guidance by removing the requirement to ensure the guidance is approved by both Houses.

Section 143 - Cumulative impact assessments - Amends the Licensing Act 2003 to place cumulative impact policies on a statutory footing.

Section - 144 Late night levy requirements - Amends Police Reform and Social Responsibility Act 2011 to make changes to the current levy structure and requirements.

Section - 179 Licensing functions under taxi and PHV legislation: protection of children and vulnerable adults - Introduces a new discretionary power for the Secretary of State to issue statutory guidance "...to public authorities as to how their licensing functions under taxi and private hire vehicle legislation may be exercised so as to protect children, and vulnerable individuals who are 18 or over, from harm."

Appendix 2

Reviews table

NAME AND ADDRESS OF PREMISES	Review called by	DATE OF HEARING	DETERMINATION
Best Shop 91 Mill Lane Portslade BN41 2DF	Police	11.05.16	Suspended for 2 months & conditions added
Azure 9 - 11 Madeira Drive Brighton BN2 1PS	Licensing Authority	13.10.16	Revoked
Royal Standard 59 Queens Road Brighton BN1 3XD	Trading Standards	04.11.16	Conditions added
Brighton Racecourse Racehill Brighton	Environmental Protection	04.01.17	Conditions added
Tipple 52 Queens Road BN1 3XB	Trading Standards	05.01.17	Revoked

Schedule of Licensing Appeals

Premises	Appellant	PTR	Hearing	Outcome
The Synergy Centre	Synergy Centre	17.6.16	28 th , 30 th November and 1 st December 2016	Appeal dismissed and costs awarded to the Council.

Annual Report 2016 - Total no. of premises Licences by venue type and ward

	01B	01BA	01C	01D	01DA	01DD	01DDA	01G	01GA	01L	01M	01N	01P	01PA	01S	01SA	01SS	01SSA	01T	01TA	01V	01VA	CNOZN			
	Pubs, Bars and Nightclubs	Pubs, Bars and Nightclubs, 24hr	Cafe Bar	Hotels, Guest Houses, B&Bs	Hotels, Guest Houses, B&Bs, 24hr	Hotel Bar - Guests and Public	Hotel Bar - Guests and Public, 24hr	Restaurants	Restaurants, 24hr	Members Clubs inc Sports clubs	Village Halls and Community Premises	Cinemas and Theatres	Petrol Stations that sell alcohol	Petrol Stations that sell alcohol, 24hr	Large Supermarkets	Large Supermarkets, 24hr	Other Convenience Stores	Other Convenience Stores, 24hr	Late Night Refreshment only	Late Night Refreshment only, 24hr	Others	Others, 24hr	Not in CIZ or SSA	Not Assigned	Sum:	
Brunswick And Adelaide	14			1	3			13		1							5		4		2					43
Central Hove	16		12	2				17		4							20	1	5		5					82
East Brighton	9		1				1	4		3	1		1				10				6					36
Goldsmid	8		1					2		1	2	1					10				6					31
Hangleton And Knoll	3							2		1	1					1	1	13			2		1			25
Hanover And Elm Grove	18		1								2						11	1	2		1					36
Hollingdean And Stanmer	5							2		1		1					9		1		7					26
Hove Park	1		2							1		1	1		1		2									9
Moulsecoomb And Bevendean	1									2			1		1		12		7		5					29
North Portslade	1									1							4				1					7
Patcham	4							2					1	1		1	12							1		23
Preston Park	11		2				1	6		4			1		1		20	1	4		3					54
Queen's Park	41	4	13	6	9	1	2	21		1		2					22	2	8		12					144
Regency	85	7	17	9	4	5	9	113	1	5		6					24	8	17	2	11	1		3		327
Rottingdean Coastal	12			1				28		7	3	1			1	1	10		1	1	10	1		1		78
South Portslade	7							1		1	1				1		9	2	2		5					29
Stanford	1							1		3							6		1		3					15
St. Peter's And North Laine	61	1	17	2	1	1	2	51		1	5	4			1	2	38	8	18		13			1		227
Westbourne	3				1					1	1		1				6		4		2					19
Wish	5		1					6		2							10		2							26
Withdean	5		2					1					1				11	1	1		2					24
Woodingdean	2		2							1			1				6				2					14
	4		1	2				8		5	1				1		5	3	2		3			1		36
Sum:	317	12	72	23	18	7	15	278	1	46	17	16	8	2	8	5	275	27	79	3	101	2	1	7		1340

Annual Report 2016 - licence applications received in 2016 – venue type and area

Premises - new

	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other	Sum:
CIZ												
Grant with Conditions	4	3	4			1					7	19
Refuse Licence	2											2
Withdrawn												
Pending									1			1
Sum:	6	3	4			1			1		7	22
SSA												
Grant with Conditions	2	3	3			2		2			3	15
Refuse Licence						1						1
Withdrawn											1	1
Pending												
Sum:	2	3	3			3		2			4	17
OUTSIDE												
Grant with Conditions	2	7	13			4	1		1		4	32
Refuse Licence			1								1	2
Withdrawn	1											1
Pending												
Sum:	3	7	14			4	1		1		5	35
Grant with Conditions												
Refuse Licence											1	1

Withdrawn													
Pending													
Sum:												1	1

	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other	Sum:
Grand Total for Premises - new	11	13	21	0	8	1	2	1	1	0	17	75

Premises - variation

CIZ	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other	Sum:
Grant with Conditions	1	3	2		1					3		10
Refuse Licence			2									2
Withdrawn	1											1
Pending												
Sum:	2	3	4		1					3		13

SSA	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other	Sum:
Grant with Conditions	1											1
Refuse Licence												
Withdrawn	1											1
Pending												
Sum:	2											2

OUTSIDE	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other	Sum:
Grant with Conditions	3		1		3	1	1		1		1	11
Refuse Licence												
Withdrawn											1	1

Pending												
Sum:	3		1		3	1		1		1		2 12

	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other	Sum:
Grand Total for Premises - variation	7	3	5	0	4	1	1	0	1	3	2	27

Premises - Minor variation

CIZ	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other	Sum:
Grant with Conditions	15		9		6					1	1	32
Refuse Licence	1		1									2
Withdrawn												
Pending												
Sum:	16		10		6					1	1	34

SSA	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other	Sum:
Grant with Conditions	1	2			4							7
Refuse Licence												
Withdrawn												
Pending												
Sum:	1	2			4							7

OUTSIDE	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other	Sum:
Grant with Conditions	11	1	3	3	11	3				2	4	38
Refuse Licence												
Withdrawn												
Pending												

Sum:	11	1	3	3	11	3				2	4	38
	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotal Bars	Other	Sum:
Grand Total for Premises - Minor variation	28	3	13	3	21	3	0	0	0	3	5	79

**Alcohol Programme Board
SDG 2 : Availability (Jan 2017)**

Appendix 4

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. Revised policy published and on website.	Agreed at Full Council 24 March 2016	Existing budget	Jim Whitelegg, Public Health Licensing Manager Jean Cranford, Quality & Projects Manager	Revision of SoLP within 5 years
Safeguarding Initiatives in Night Time Economy	Raise funds for taxi marshalling, noise services, pastors, safe space, beach patrols, policing	Workshop being planned to discuss these initiatives.	February 2017		Jo Player, Joint Acting Head of Regulatory Services Ch/Insp Chris Veale, Sussex Police.	Update Licensing Committee on any progress

Activity Area	Impact		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 hotspots are regularly e-mailed by Anna Lalor, Sx Police.	Ongoing	Within existing budget	Sarah Cornell, Snr Licensing Officer Donna Lynsdale, Fair Trading Officer	Membership = 153 SOS website Further 39 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. Figures for Events were down on previous years and there has been a dramatic drop since first started 6 years ago – from 5,000 events to a maximum of 1,000. This year will again encourage non-alcohol lead programme for both Universities.			Sarah-Jane McNaught, Licensing Officer Jim Whitelegg, Public Health Licensing Manager	Initiative finished. Public Health not provided feedback. Work with Universities: meeting with Freshers events organisations and universities to discuss programmes for this year.

Activity Area	Impact	Current Activity	Time Frame	Cost Impact	Leads	Identified KPIs and Progress
		Accreditation Scheme being looked at.				
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 October 2016	Existing budget	Jim Whitelegg, Licensing Manager 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, Moulsecoomb, FBRA, BARG, Central Hove, London Road, West Hill Community Association, St James's Street 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 Mngr	

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 2015/16 752 investigations; 176 applications
Permitted price enforcement	Price >duty + VAT	Within inspection programme	Ongoing	Existing budget	Licensing team	As above
Test purchase operations	Reduced underage sales	Police led / Trading Standards 5.5.16 8 tested, 2 failed (off licences)	Ongoing	Police budget	Sussex Police Jo Player, Trading Standards Manager	<u>5.5.16</u> 8 tested 2 failed <u>9.11.16</u> 8 tested 4 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 Officer Jo Player, Trading Standards Manager	Since 1.4.16 78 premises 219 trained 550 visits
4. National Licensing Changes						
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 2015)	MUP backed by Scottish courts. SWA considering appeal before UK Supreme Court.			
Licensing Act		Changes to legislation.				