


# Licensing Committee

## (Licensing Act 2003 Functions)

Title:	<b>Licensing Committee (Licensing Act 2003 Functions)</b>
Date:	<b>14 March 2019</b>
Time:	<b>3.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<b>Councillors:</b> O'Quinn (Chair), Morris (Deputy Chair), Hyde (Opposition Spokesperson), Deane (Group Spokesperson), Bennett, Cattell, Cobb, Gilbey, Horan, Knight, Lewry, Marsh, Page, C Theobald and Wares
Contact:	<b>Penny Jennings</b> Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk
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	<b>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.</b>
	<p><b>FIRE / EMERGENCY EVACUATION PROCEDURE</b></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"> <li>• You should proceed calmly; do not run and do not use the lifts;</li> <li>• Do not stop to collect personal belongings;</li> <li>• Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and</li> <li>• Do not re-enter the building until told that it is safe to do so.</li> </ul>

## AGENDA

### Part One

### Page

#### 21 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.

#### 22 MINUTES OF THE PREVIOUS MEETING

5 - 10

Minutes of the meeting held on 29 November 2018 (copy attached)

#### 23 CHAIR'S COMMUNICATIONS

#### 24 PUBLIC INVOLVEMENT

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

## LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

- (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 8 March 2019;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on 8 March 2019.

### 25 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.

### 26 ANNUAL REPORT OF THE LICENSING AUTHORITY 2018 11 - 36

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

Contact Officer: Jim Whitelegg  
Ward Affected: All Wards

Tel: 01273 292438

### 27 PREMISES LICENCE APPLICATIONS FOR SHARED WORK PLACES 37 - 50

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

Contact Officer: Mark Savage-Brookes  
Ward Affected: All Wards

Tel: 01273 292100

### 28 ITEMS REFERRED FOR COUNCIL

To consider items to be submitted to Council 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.

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

Agendas and minutes are published on the council's website [www.brighton-hove.gov.uk](http://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](http://www.moderngov.co.uk)

We can provide meeting papers in alternate formats (including large print, Braille, audio tape or on disc, or in different languages) Please contact us to discuss your needs.

### **FURTHER INFORMATION**

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

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The lift cannot be used for evacuation purposes so those unable to use the stairs to the public gallery can be seated at the rear of the council chamber on the ground floor should you wish to watch the meeting or need to take part in the proceedings, for example if you have submitted a question.

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Date of Publication - Wednesday, 6 March 2019

<b>LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)</b>	<b>Agenda Item 22</b>  Brighton & Hove City Council
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**BRIGHTON & HOVE CITY COUNCIL**

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

**3.00PM 29 NOVEMBER 2018**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors O'Quinn (Chair), Morris (Deputy Chair), Hyde (Opposition Spokesperson), Deane (Group Spokesperson), Bennett, Cattell, Cobb, Horan, Knight, Marsh, Page, C Theobald and Wares

**Apologies:** Councillors Gilbey and Lewry

**PART ONE**

**11 PROCEDURAL BUSINESS**

**(a) Declarations of Substitutes**

11.1 There were no substitutes. Councillors Gilbey and Lewry had sent their apologies.

**(b) Declarations of Interest**

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

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

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

1.4 **RESOLVED:** That the press and public be excluded from the meeting during consideration of the items contained in part two of 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 28 June 2018 be agreed and signed as a correct record.

**13 CHAIR'S COMMUNICATIONS****Arrangements for Pride 2018**

- 13.1 The Chair, Councillor O'Quinn, referred to the Pride celebrations which had taken place earlier in the summer (the subject of a separate presentation). The Police had reported that there had been fewer incidents overall, the only issues had arisen at the train station when people had been trying to get home.

**Police Licensing Strategy Meeting(s)**

- 13.2 The Chair stated that she had been very pleased that Police representatives had attended the recent Licensing Strategy meeting. Approximately 21 people had attended the meeting which represented a diverse mix including from the Students Union of Sussex University, LAT representatives, Licensing Consultants and Residents Associations.
- 13.3 There had been lively discussion and debate on a range of matters such as, how "Fresher's Week" had gone, the success of Pride this year, a Presentation on the work of the Beach Petrol, hours of operation of cafes and discussion about alcohol in the workplace in view of the number of recent licensing applications submitted by companies who wished to obtain a licence in order that they could sell alcohol to individuals hiring space in their offices. There was concern that this could be a retrograde step.

**Licensing Committee Members – Operation Marble Visit**

- 13.4 The Police had been approached in order to arrange for Members to accompany Officers on "Operation Marble" on a weekend evening during November. The request had been made in June and a response was still awaited, it was understood that the Police were currently very short on manpower, however, this matter would be pursued and a date arranged as soon as was practicable.
- 13.5 **RESOLVED** – That the contents of the Chair's Communications be noted and received.

**14 CALLOVER**

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

**15 PUBLIC INVOLVEMENT**

- 15.1 There were no items.

**16 MEMBER INVOLVEMENT**

- 16.1 There were no items.

**17 PRESENTATION -PRIDE VILLAGE PARTY AND BRIGHTON AND HOVE PRIDE**

- 17.1 The Chair, Councillor, O'Quinn, welcomed Jayne Babb, the Operations Manager with Pride who gave a presentation outlining the arrangements which had been put into place to support the Pride weekend 2018, noting that the city's event was the United Kingdom's biggest Pride Festival which included the Pride Village Party in Kemptown.
- 17.3 Ms Babb detailed the history of Pride in Brighton and Hove from its beginnings as a protest march organised by the Sussex Gay Liberation Front in 1972 to date. The event in 2018 had been the largest in the UK and had raised £250,000 for charity and had involved 150 community groups and floats and had been watched by over 300,000 people. Integral to the success of the event was the detailed planning and effective partnership working which took place between the city council, emergency services including East Sussex Fire and Rescue Service and St John Ambulance Service, Brighton & Sussex University hospitals, transport providers and event safety experts. The need for continuous planning and development were recognised and following the de-brief following the 2018 event arrangements were well advanced for events to take place for the 2019 weekend.
- 17.4 The 2018 weekend had comprised Love BN1 Festival (for the first time), Pride Campsite at Waterhall, an Arts and Cultural Programme, the Community Parade, the Park Festival (Preston Park), Pride Village Party and Pride Pleasure Gardens events which would be repeated for 2019.
- 17.5 Following the presentation Members had the opportunity to ask questions before moving on to consider the remaining items on the agenda.
- 17.6 **RESOLVED** – That the content of the presentation be received and noted.
- 18 REVIEW OF STATEMENT OF LICENSING POLICY - CONSULTATION RESPONSE REPORT 2018**
- 18.1 The Committee considered a report of the Executive Director, Neighbourhoods, Communities and Housing detailing the review of the Statement of Licensing Policy which had taken place and the consultation responses received.
- 18.2 It was noted that the Council, as Licensing Authority, had a statutory duty to review its Statement of Licensing Policy (SoLP) every five years. The current policy was adopted on 24 March 2016 by Full Council. The current policy which had been adopted on 24 March 2016 by Full Council was required to be kept under review. The Council, as a licensing authority needed to carry out a consultation exercise prior to any review of its Licensing Policy (Section 5 (3)) of the 2003 Licensing
- 18.3 At its meeting held on 28 June the Committee had authorised officers to go out to statutory consultation with the proposal to expand the Special Stress (SSA) to cover Central Hove and to consult on the café/ bar category and a revised matrix.
- 18.4 Officers and the Police supported extension of the existing SSA to reflect the number of licensed premises in New Church Road, Hove. It had been identified that this would be consistent with the current SSA which acted as a buffer with the CIZ. The SSA was defined as an area of concern to be monitored for levels of public nuisance and anti

social behaviour. Applications in the SSA were expected to have a robust operating schedule with appropriate conditions, although unlike the CIZ there was no presumption of refusal.

- 18.5 The Chair, Councillor O'Quinn stated that she was delighted with the proposed changes, especially in relation to the proposed café designation which she considered would address the concerns raised by members. She was grateful to Councillor Deane who had first highlighted this issue in relation to the North Laines which had seen an increase in café bar operations.
- 18.6 Councillor Hyde concurred stating that she supported the recommendations which she considered would provide a useful tool for addressing issues which Panels had encountered when determining café bar applications. It was confirmed in answer to questions that all applications needed to be considered on their individual merits and that a blanket refusal policy could not be applied in a CIZ.
- 18.7 Councillor Page stated that the number of premises from which alcohol could be bought was at saturation point in his ward and he was sure that the café bar category had been used as a loophole for alcohol sales.
- 18.8 Councillor Deane stated that she was grateful for the work put in by officers in seeking to address members concerns and hoped that it would be possible to look at extending the existing areas/designations in future based on operating experience. Councillor Deane considered that part of problems arose in part due to the definition in the legislation in relation to café bars which had never identified what constituted "substantial" food.
- 18.9 The Chair, Councillor O'Quinn confirmed that the policy as approved would still be capable of subsequent periodic review.
- 18.10 Councillor Wares stated that he was grateful to Councillors Deane and Wealls for their diligence in highlighting issues in relation to café bars and in relation to issues which had arisen in Central Hove. In answer to questions it was confirmed that vertical drinking was not permitted in café bars, all drinks had to be served to customers who were seated at tables.
- 18.11 **RESOLVED** – (1) That the Committee agree the revisions to the Statement of Licensing Policy as follows:

Expand the Special Stress Area (SSA) into Central Hove;  
Change the name of the "café bar" category to "café" to reflect this in the policy;  
Reduce café hours to 10.00pm within CIA category of the matrix; and

(2) **RESOLVED TO RECOMMEND** – That the revised Statement of Licensing Policy be referred to Full Council for adoption.

## 19 GAMBLING ACT 2005 - REVIEW OF GAMBLING POLICY 2019-21

- 19.1 The Committee considered a report of the Executive Director of Neighbourhoods, Communities and Housing detailing the Gambling Act 2005 review of Gambling Policy



which had taken place which had led to the production the statement for 2019-21 which was now requested for approval.

- 19.2 It was noted that the Gambling Act 2005 required Licensing Authorities to prepare, every three years, a statement (also known as a Policy) of the principles which they proposed to apply when exercising their functions, and that they must publish the statement following the procedure set out in the Act, including whom they should consult.
- 19.3 The Chair, Councillor O'Quinn commended the report, referring to the fact that Brighton & Hove's gambling policies had been highlighted by the Gambling Commission as an exemplar of good practice. This was a testament to the hard work of the Regulatory Services Manager and the council's officer's and it was very positive that the work carried out in the city was widely recognised.
- 19.4 Councillor Morris sought confirmation regarding measures in place to ensure that minors did not have access to machines/games which were not age appropriate. It was explained that this was heavily proscribed and that it was required that notices indicating age and criteria for use were displayed. Work undertaken by the Gambling Commission had indicated that in some instances there was a high failure rate in public houses and work had been undertaken with breweries and holding companies to address this. Warning notices were sent and other actions taken as appropriate.
- 19.5 Councillor Page expressed concern regarding measures in place to seek to protect vulnerable adults in view of the fact that legislative changes in this respect had been delayed. It was explained that the measures in place in the city were robust, however the licensing authority and operators were required to recognise and balance some customers need for privacy against the need for appropriate levels of supervision.
- 19.6 Councillor Deane enquired whether any delay would arise when updating and publishing the final version of the policy. It was confirmed that the document would be made available to view/download from the Council website as soon as it had been updated.
- 19.7 **RESOLVED –** (1) That the final version of the Statement of Gambling Policy as set out in Appendix 1 to the report be approved and presented to Full Council; and
- (2) **RESOLVED TO RECOMMEND TO FULL COUNCIL –** That the final Statement of Gambling Policy as set out in Appendix 1 as presented be approved and adopted as Council policy.

## 20 ITEMS REFERRED FOR COUNCIL

- 20.1 The following items were referred to Full Council for decision:

Item 18: Review of Statement of Licensing Policy – Consultation Response Report 2018; and

Item 19: Gambling Act 2005 – Review of Gambling Policy 2019 - 21

The meeting concluded at 4.25pm

Signed

Chairman

Dated this

day of

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

## **Agenda Item 26**

Brighton & Hove City Council

<b>Subject:</b>	<b>Annual Report of the Licensing Authority 2018</b>			
<b>Date of Meeting:</b>	<b>14 March 2019</b>			
<b>Report of:</b>	<b>Executive</b>	<b>Director</b>	<b>of</b>	<b>Neighbourhoods, Communities &amp; Housing</b>
<b>Contact Officer:</b>	<b>Name:</b>	<b>Jim Whitelegg/Sarah Cornell</b>	<b>Tel:</b>	<b>01273 292438/295801</b>
	<b>Email:</b>	<a href="mailto:Jim.whitelegg@brighton-hove.gcsx.gov.uk">Jim.whitelegg@brighton-hove.gcsx.gov.uk</a> <a href="mailto:Sarah.cornell@brighton-hove.gcsx.gov.uk">Sarah.cornell@brighton-hove.gcsx.gov.uk</a>		
<b>Ward(s) affected:</b>	<b>All</b>			

### **FOR GENERAL RELEASE**

#### **1. SUMMARY AND POLICY CONTEXT:**

- 1.1. This report sets out the licensing and gambling functions for Brighton & Hove City Council carried out during 2018.
- 1.2. National matters: legislative changes and consultation
  - FOBT stake cut regulations published - The Gaming Machine (Miscellaneous Amendments and Revocation) Regulations 2018 were made on the 20th December 2018 and come into force on the 1st April next year.
- 1.3. Local licensing matters
  - Statement of Licensing Policy 2016 (as revised 2019) review – SSA extension and review of café bar categorisation
  - Gambling Policy 2019-2021 published
  - Alcohol Programme Board
  - Street drinking/Sensible on Strength
  - Night-Time Economy Initiatives
  - Test purchases
  - Public Health Framework for assessing alcohol licensing decisions (Revised 2019)
- 1.4. 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. At the time of writing this report the total number of licensed premises and club premises in Brighton & Hove is 1392 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 no Reviews in 2018.
- 3.1.4. In Appendix 1 and 2 you will find more detailed tables showing “Total Premises Licences by venue type and ward” in Appendix 1 and “Licence Applications received 2018 – venue type and area” in Appendix 2.

Table 1: Licensing Act 2003 figures 2018/2017/2016

<b>1st Jan - 31st December 2018</b>		<b>1st Jan - 31st December 2017</b>		<b>1st Jan - 31st December 2016</b>	
<b>New apps 01.01.18-31.12.18</b>	<b>71</b>	<b>New apps 01.01.17-31.12.17</b>	<b>79</b>	<b>New apps 01.01.16-31.12.16</b>	<b>75</b>
TOTAL fully	65	TOTAL fully	75	TOTAL fully	72
(granted)	55	(granted)	67	(granted)	65
(refused)	7	(refused)	3	(refused)	5
(withdrawn)	3	(withdrawn)	5	(withdrawn)	2
(pending)	6	(pending)	4	(pending)	3
<b>Variations</b>	<b>33</b>	<b>Variations</b>	<b>31</b>	<b>Variations</b>	<b>27</b>
TOTAL	32	TOTAL	31	TOTAL	27
(granted)	24	(granted)	25	(granted)	22
(refused)	4	(refused)	3	(refused)	2
(withdrawn)	4	(withdrawn)	1	(withdrawn)	3
(pending)	1	(pending)	0	(pending)	0
<b>Minor Variations</b>	<b>74</b>	<b>Minor Variations</b>	<b>65</b>	<b>Minor Variations</b>	<b>76</b>
TOTAL	72	TOTAL	65	TOTAL	79
(granted)	64	(granted)	64	(granted)	75
(refused)	7	(refused)	0	(refused)	1
(withdrawn)	1	(withdrawn)	1	(withdrawn)	0
(pending)	2	(pending)	0	(pending)	3
<b>Panel hearings (apps)</b>	<b>23</b>	<b>Panel hearings (apps)</b>	<b>25</b>	<b>Panel hearings (apps)</b>	<b>22</b>
<b>Reviews</b>	<b>0</b>	<b>Reviews</b>	<b>3</b>	<b>Reviews</b>	<b>5</b>
<b>Appeals</b>	<b>0</b>	<b>Appeals</b>	<b>3</b>	<b>Appeals</b>	<b>1</b>
<b>TENS hearings</b>	<b>4</b>	<b>TENS hearings</b>	<b>3</b>	<b>TENS hearings</b>	<b>2</b>
TOTAL TENS	1213	TOTAL TENS	1184	TOTAL TENS	1101
TENS (granted)	1180	TENS (granted)	1144	TENS (granted)	1080
TENS (refused)	26	TENS (refused)	23	TENS (refused)	14
TENS (withdrawn)	7	TENS (withdrawn)	17	TENS (withdrawn)	7

- 3.1.4 In 2018 a total of 71 new premises applications were received, 65 of which were fully processed between 01.01.18 and 31.12.18. 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), these are shown as 'pending' in the table.

### 3.1.5 Headline trends

There was a decrease in the number of applications received in 2018. There was more of a spread of different types of applications than in 2017 including a significant decrease in café bar applications.

<b><u>1st Jan - 31st December 2018</u></b>		<b><u>1st Jan - 31st December 2017</u></b>		<b><u>1st Jan - 31st December 2016</u></b>	
<b>New apps 01.01.18-31.12.18</b>	<b>71</b>	<b>New apps 01.01.17-31.12.17</b>	<b>79</b>	<b>New apps 01.01.16-31.12.16</b>	<b>75</b>
Pub/bar/nightclub	5	Pub/bar/nightclub	1	Pub/bar/nightclub	10
Convenience Store (off)	11	Convenience Store (off)	10	Convenience Store (off)	7
Restaurant	7	Restaurant	13	Restaurant	19
Café bar	14	Café bar	27	Café bar	15
Late Night Refreshment	2	Late Night Refreshment	1	Late Night Refreshment	2
Large supermarket	2	Large supermarket	0	Large supermarket	1
Petrol station	0	Petrol station	0	Petrol station	1
Church, Village hall etc	3	Church, Village hall etc	0	Church, Village hall etc	2
Cinema	1	Cinema	0	Cinema	1
Hotel/guest house	0	Hotel/guest house	1	Hotel/guest house	0
Other (inc. Members Clubs)	26	Other (inc. Members Clubs)	26	Other (inc. Members Clubs)	16

- 3.1.6 Of the 71 new applications received during 2018, 26 were for premises within the CIZ and 12 were in the special stress area. 8 applications were for time limited licences (e.g. Sussex University, Jubilee Sq Xmas market and the Ice Rink). Looking at the 26 premises within the CIZ, 5 were granted after representations had been withdrawn & agreements reached, 11 were granted after no representations were received, 4 were refused and 2 were granted after a panel hearing, 2 were withdrawn and 2 are pending.

Some examples of the 26 'Other' applications were for time limited licences, shared office spaces, premises with off sales that are not convenience stores like organic breweries, homemade gourmet gift hampers and a gift shop with a café too. An adventure centre with a café, a hair salon offering prosecco, a travelling cocktail making company and the Grosvenor Casino.

## 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 shows types and numbers of gambling licences issued by Licensing Authority.

Number of Gambling Authorisations – Current Figures (October 2018)

Betting Premises Licences	38
Bingo Premises Licences	1
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	182
Alcohol licences premises providing three or more gaming machines	25
Club Gaming Permits	3
Club Machine Permits	7
Casinos	4
Betting Track	2

3.3. **Press interest:** Licensing issues in Brighton and Hove have been at the forefront of the media between 1/1/18 – 31/12/18. Press interest includes:

Licensing issues in Brighton & Hove attracted widespread media interest during 2018.

### **Uber**

The decision not to renew Uber's private hire operator licence, and the company's subsequent appeal, received national and local coverage on TV, radio and in print, digital and social media.

Media interest was handled by the council's communications team and a number of journalists attended the licensing panel.

News outlets which covered the story included the BBC, ITV, Sky, the Guardian, Independent, Times, Telegraph, Sun, Metro, and Huffington Post, along with specialist and trade press.

Information on the council's website about the Uber decision was widely viewed and shared with people on social media.

### **Licensing decisions**

Decisions on a range of premises and event licence applications were covered in local media.

These included:

- Revocation of premises licence for International Food and Wine, Preston Road
- Variation of premises licence for the i360
- Licensing of the Oktoberfest event at the Level
- Temporary event notice applications by outlets wishing to sell alcohol during Pride, including a phone box in New Road
- Refusal to allow Pizza Plus, a takeaway in Beaconsfield Road, to deliver alcohol with pizzas.

## **Statement of licensing policy**

Consultation on the council's statement of licensing policy was covered in local media.

### **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/Under Age Training**

- Membership = 176 - SOS website
- Further 39 stopped selling but not joined scheme.
- Dr Worthley, Lead GP at Brighton Homeless Healthcare, "continues to be one of the most significant public health measures in Brighton & Hove"
- SoS scheme continues to generate a lot of interest from other authorities who have visited B&H to find out how we run the scheme. In 2018 the Trader information sheet was updated.
- Age restricted sales training has been delivered to at least 100 premises/300 staff
- Test purchasing Alcohol/Tobacco/Gambling/Knives

31/05/2018	9 Tested	1 Failed -	Alcohol
26/06/2018	10 Tested	7 Failed -	Gambling
22/09/2018	15 Tested	3 Failed -	Knives
06/12/2018	9 Tested	2 Failed -	Alcohol

#### **3.4.3. Safeguarding in the Night-Time Economy**

The licensing authority continues to support safeguarding initiatives such as the Beach Patrol Quad bike, safe space and street pastors. The Community Safety Partnership Board continues to oversee the Community Strategy and safety in the Night time economy Action Plan as part of their remit. The action plan has been updated and recently the updated strategic assessment has been completed. In addition, the University of Sussex operates a "Good Night Owl" scheme which includes 40 volunteers and is currently funded by the Police Community Safety Fund.

Licensed premises are being encouraged to use the “Ask 4 Angela” initiative. By telling customers that they can ‘Ask for Angela’ we’re giving them a discreet code word that they can give to staff if they feel unsafe or threatened. Posters making them aware of this will be displayed in toilets.

#### **3.4.4. Safeguarding Joint Operation**

Put together by Sussex Police to visit Hotels and Guest Houses in Brighton & Hove. The purpose of this operation was to educate/advise premises of signs to look for Vulnerability, Child Sexual Exploitation, Drug dealers and other criminal groups using their premises as a base to commit crime. In addition, to implement better measures of checking the identity of customers staying at the premises and reporting anything suspicious to the Police. This operation was also in conjunction with Criminal Exploitation and County Lines Operation.

Officers from Sussex Police Crime Prevention, Child Protection, Police Licensing, East Sussex Fire and Rescue, Trading Standards and Licensing took part.

The operation went well, and advice leaflets given to all premises of signs to look for to prevent illegal activity. Follow up visits will also need to be made by the Fire Service, Trading Standards and Licensing for non-compliance.

#### **3.5. Gambling Local and National Issues**

The recently revised Gambling Policy was published in January 2019, including raising awareness of mental health issues and concerns about the use of privacy booths. The Licensing Team continues to carry out annual Gambling inspections to all our 39 Betting Office premises, 3 casino premises, 1 bingo and 11 Adult Gaming centres. This involves going through a comprehensive inspection form which looks at all the Mandatory conditions, including gaming machine entitlements and age restrictions, Social Responsibility Code Provisions and Codes of Practice under the Gambling Act 2005.

##### **Test purchase exercise – Gaming machines in licensed premises**

In June the Licensing Team worked with the Gambling Commission to conduct test purchase operations in pubs to test compliance with laws in place to protect children from the risks associated with gambling.

Children are not permitted to play Category C gaming machines in pubs. Staff are expected to stop children playing on the machines and there should be clear signage indicating the age restriction.

There was a 70% failure rate of the licensed premises tested in Brighton., there Of the pub premises tested, 70% failed to prevent children accessing the age-restricted machines. This compares to a 90% failure rate nationally.

The failure rate is in stark contrast to the average failure rate of between 15 and 30% for other age-restricted products, such as alcohol and tobacco.



Those premises that were failed were given a written warning letter and, nationally, the Gambling Commission is calling on the pub sector to take immediate action to protect children and young people.

The Gambling Commission has published a Code of Practice for gaming machines in clubs and premises with an alcohol licence. The Code of Practice provides detailed advice for operators as to where machines should be located and how supervision and age restrictions should be implemented.

#### **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: 22/01/19*

##### Legal Implications:

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

*Lawyer Consulted: Rebecca Sidell Date: 23/01/19*

##### 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 – “Total premises Licences by venue type and ward”
2. Appendix 2 - “Licence applications received 2018 – venue type and area”
3. Appendix 3 – Alcohol Programme Board action plan

### **Documents in Members’ Rooms**

1. None.

### **Background Documents**

1. None.



## Annual Report 2018

### Premises - new

CIZ	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other
Grant with Conditions	2	6	5							5
Refuse Licence		1			1	1				1
Withdrawn								1		1
Pending			1							1
Sum:	2	7	6		1	1		1		8

OUTSIDE	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other
Grant with Conditions	2	5	1	1	3	1	2			13
Refuse Licence					1					
Withdrawn							1			
Pending					3					
Sum:	2	5	1	1	7	1	3			13

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

Pending										1
Sum:	1	2		1	3					5

	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotal Bars	Other
Grand Total for Premises - new	5	14	7	2	11	2	3	1	0	26

Premises - variation

CIZ	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotal Bars	Other
Grant with Conditions	5	2	2						1	2
Refuse Licence		1	1							
Withdrawn		1								1
Pending										1
Sum:	5	4	3						1	4

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

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

	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other
Grand Total for Premises - variation	7	8	3	0	6	0	0	0	1	8

### Premises - Minor variation

CIZ	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other
Grant with Conditions	12	3	8		7					3
Refuse Licence	3		1							
Withdrawn										
Pending					1					
Sum:	15	3	9		8					3

OUTSIDE	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other
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Grant with Conditions	11		1	2	7	1				2
Refuse Licence	1									1
Withdrawn										1
Pending	1									
Sum:	13		1	2	7	1				4

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

	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Late Night Refreshments	Village Halls	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Other
Grand Total for Premises - Minor variation	32	3	10	2	19	1	0	0	0	7





Sum:
18
4
2
2
26

Sum:
28
1
1
3
33

Sum:
9
2

1
12

Sum:
71



Sum:
12
2
2
1
17

Sum:
9
1
2
12

Sum:
3
1
4

Sum:
33

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Sum:
33
4
1
38

Sum:
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24
2
1
1
28

Sum:
7
1
8

Sum:
74

## Alcohol Programme Board

### SDG 2 : Availability (updated 22/01/19)

Activity Area	Impact	Current Activity	Time Frame	Cost Impact	Leads	Identified KPIs and Progress
<b>I. Reducing Alcohol Sales</b>						
Statement of Licensing Policy	Cumulative Impact Zone Special policies Special Stress Area (SSA) Matrix	Reports to Licensing Committee regarding extending the current SSA and reviewing café bar category with the matrix approach to licensing decision making. Revised policy published and on website.	Agreed at Full Council 24 March 2016 (as revised Jan 2019)	Existing budget	Jim Whitelegg, Regulatory Service Manager (Licensing & Trading Stds)	Revision of SoLP within 5 years (consultation 2020 & published 2021)
Safeguarding Initiatives in Night Time Economy	Support 3 <sup>rd</sup> sector organisations to identify funding streams to provide services such as safe space, beach patrol, street pastors.	The licensing authority continues to support safeguarding initiatives such as the Beach Patrol Quad bike, safe space and street pastors. The Community Safety Partnership Board continues to oversee the Community Strategy and safety in the Night time economy Action Plan as part of their remit. The	Ongoing		Jo Player, Head of Safer Communities. Ch/Insp Rachel Swinney, Sussex Police.	Update Licensing Committee on any progress

		action plan has been updated and recently the updated strategic assessment has been completed. In addition, we are supporting schemes such as “Good Night Owl” scheme (UoS) & “Ask 4 Angela” initiative.				
Public Health Framework document for assessing alcohol licensing	Detailing alcohol related crime and health data on a ward by ward basis and Citywide	Recently revised - used to inform policy and application decisions	Reviewed annually	Existing budget	Kate Gilchrist, Head of Public Health Intelligence & Jim Whitelegg, Regulatory Services Manager	Revised January 2019
<b>Activity Area</b>	<b>Impact</b>		<b>Time Frame</b>	<b>Cost Impact</b>	<b>Leads</b>	<b>Identified KPIs and Progress</b>
High ABV beer and cider SOS	Reduce the availability of super strength beer and cider	Sensible on Strength accredited off licence scheme, remove super strength (>6% ABV) Challenges, refusals, policy and CCTV. Current hotspots are regularly e-mailed by Sx Police. Monthly mtgs.	Ongoing	Within existing budget	Sarah Cornell, Snr Licensing Officer Donna Lynsdale, Fair Trading Officer	Membership = 177 SOS website Further 48 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 Sept, 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.			Jim Whitelegg, Regulatory Service Manager ( Licensing & Trading Std's)	Work with Universities: meeting with Freshers events organisations and universities to discuss programmes for this year.
<b>Activity Area</b>	<b>Impact</b>	<b>Current Activity</b>	<b>Time Frame</b>	<b>Cost Impact</b>	<b>Leads</b>	<b>Identified KPIs and Progress</b>
<b>2. Inclusion and engagement</b>						
Licensing Strategy Group	Developing licensing policy	Meeting of LATs, residents associations, licensees, licensees association, Police, BCRP, Fire Service, legal services.	Every three months. Last meeting was held on 21 January 2019.	Existing budget	Jim Whitelegg, Licensing Manager Jo Player, Head of Safer Communities	None
Meeting and LATs	Developing licensing	Meeting on request	Ongoing	Existing budget	Jo Player, Head	LATs: Chairs,

	policy.				of Safer Communities Jim Whitelegg, Regulatory Service Manager ( Licensing & Trading Stds)	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. Sarah Cornell, Snr Licensing Officer	
<b>Activity Area</b>	<b>Impact</b>	<b>Current Activity</b>	<b>Time Frame</b>	<b>Cost Impact</b>	<b>Leads</b>	<b>Identified KPIs and Progress</b>
<b>3. Responsibility Deal/Existing Licensing Enforcement</b>						
Risk based inspection programme	Compliance (Licensing Act 2003)	Prioritised inspections focussed on key issues (e.g. irresponsible promotions and age restricted sales). Proactive inspections for every New, DPS and Transfer application plus	Ongoing	Existing budget	Jim Whitelegg, Regulatory Service Manager ( Licensing & Trading Stds)	Ongoing



		inspections as a result of complaints or intel.				
Test purchase operations	Reduced underage sales	Police led / Trading Standards	Ongoing	Police budget	Sussex Police, Jim Whitelegg, Regulatory Service Manager	<b>12/02/2018</b> 11 Tested 0 Failed <b>31/05/2018</b> 9 Tested 1 Failed <b>06/12/2018</b> 9 Tested 2 Failed
<b>Activity Area</b>	<b>Impact</b>	<b>Current Activity</b>	<b>Time Frame</b>	<b>Cost Impact</b>	<b>Leads</b>	<b>Identified KPIs and Progress</b>
Business support (training)	Reduced underage sales	Training programmes	Ongoing	Existing budget	Donna Lynsdale, Fair Trading Officer Jim Whitelegg, Regulatory Service Manager ( Licensing & Trading Stds)	Since 1.4.18 71 premises 163 trained 569 visits



Annual Report 2018

	01B	01BA	01C	01D	01DA	01DD	01DDA	01G	01GA	01L	01M	01N	01P	01PA	01S	01SA	01SS	01SSA	01T	01TA	01V	01VA	
	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	Sum:
Brunswick And Adelaide	14		4		3			19		1							7		4		2		54
Central Hove	17		16	2				24		4					1		21	1	4	1	8		99
East Brighton	6		1				1	5		3	1		1				12				8		38
Goldsmid	6		2					2		2	2	1					11		1		6		33
Hangleton And Knoll	4									2	1					1	12		1		3		24
Hanover And Elm Grove	18		2								2						13	1	2		1		39
Hollingdean And Stanmer	5		1					3		2		1			1		12				5		30
Hove Park	2		2					1		4	1	1	1		1		7		1		5		26
Moulsecoomb And Bevendean	3		1							2			1		1		10		5	1	6		30
North Portslade	1									1	1						5				1		9
Patcham	4		1					2		1			1	1		1	12				1		24
Preston Park	10		1	1			1	7		4	2						15		5		4		50
Queen's Park	38	6	16	7	5	2	2	24		1		2					22	2	9		11		147
Regency	82	8	23	8	4	6	9	105	1	5		5					27	8	15	7	12	3	328
Rottingdean Coastal	12		3				1	26		7	4	1				1	10		1	1	16		83
South Portslade	7		2					1		1	1		1				10	2	2		8		35
St. Peter's And North Laine	63	1	24	1	1	1	2	57		1	6	3	1		1	2	41	11	19	1	20		256
Westbourne	5			1							2		1				4		3		4		20
Wish	7							5		4							11		2		3		32
Withdean	5		1					1		3			1				9	1	1		3		25
Woodingdean	1		1							1			1				6						10
Sum:	310	15	101	20	13	9	16	282	1	49	23	14	9	1	5	5	277	26	75	11	127	3	1392



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

## **Agenda Item 27**

Brighton & Hove City Council

<b>Subject:</b>		<b>Premises Licence applications for shared workplaces</b>	
<b>Date of Meeting:</b>		<b>Licensing Committee 14<sup>th</sup> March 2019</b>	
<b>Report of:</b>		<b>Director of Neighbourhoods, Communities and Housing</b>	
<b>Contact Officer:</b>	<b>Name:</b>	<b>Mark Savage-Brookes Licensing Officer</b>	<b>Tel: 01273 292100</b>
	<b>Email:</b>	<b>mark.savage-brookes@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>		<b>All</b>	

## **FOR GENERAL RELEASE**

### **1. SUMMARY AND POLICY CONTEXT:**

- 1.1 Following a rise in applications being received by Brighton & Hove City Council for Premises Licences to be issued to companies who either operate or operate within, premises that offer shared workspaces, we have been asked by Members to explore what clarification and guidance can be offered to the Licensing Committee when scrutinizing and dealing with similar applications in the future.
- 1.2 For the purpose of this report, a shared workplace or shared workspace can be defined by being a building that has been converted into office space, which is operated overall by one company that rents workspace to many different entrepreneurs and small businesses. Its general offering is of hot-desk working, meeting spaces, single or team desk hire and/or private office space, etc., usually to freelance workers and/or small or medium businesses who do not want to rent offices of their own. Customers who rent such office spaces are often termed 'members' of the applicant companies, however this term is not the same as members of clubs operating under a Club Premises Certificate.
- 1.3 Licensing Guidance, issued under Section 182 of the Licensing Act 2003, states that each application must be considered on its own merits. While the council's Statement of Licensing Policy (SoLP) does provide some guidance within its matrix approach on terminal times for licensable activities in pubs, cafes and restaurants, etc., it does not provide specific guidance for premises that could be defined as shared workplaces. The SoLP does refer to non-alcohol led premises in its Matrix Approach table; however, evidence suggests that previous licensing panels have not been keen to apply this definition to shared workplaces. This report looks into whether clarification on shared workplaces can be provided to the Licensing Committee for instances where Premises Licences are applied for. Investigation in to this matter has

included national research with other Local Authorities, liaison with Public Health and Economic Development colleagues and a review of research papers and online resources.

## **2. RECOMMENDATIONS:**

- 2.1 That Members of the Committee note the contents and information in this report.
- 2.2 That Members concerns about alcohol in shared workplaces are fed into the 2020 review of the SoLP with a view to creating a possible new category in the Matrix.
- 2.3 That the Licensing team scrutinize operating schedules of applications for shared workplaces and ask applicants to provide details of their alcohol workforce policy.

## **3. RELEVANT BACKGROUND INFORMATION AND CHRONOLOGY OF KEY EVENTS:**

- 3.1 Since May 2017, the Licensing Authority has received five applications for Premises Licences to be issued for premises that also have a shared workspace offer. Five of these applications have been made by the company who operate the shared workplace and one was made by a café franchisee operating within the building of the shared workplace.
- 3.2 Below are the details of the applications made and their outcomes. Descriptions given below are taken from the applicants' own submissions:

<b>Date received:</b>	May 2017
<b>Area:</b>	CIZ
<b>Applied for:</b>	Sale of alcohol (on the premises): 16:00 – 20:00 Every Day (plus no more than 6 extensions between 16:00 – 23:00 per year).
<b>Description:</b>	Alcohol was to be supplied to 'members' only, with no direct sale of alcohol taking place – it would form part of the 'member contract' that alcohol was available for them between the stated hours. Application went to Sub-Committee hearing due to reps made by a local business, a Resident Association, Sussex Police and The Licensing Authority.
<b>Decision:</b>	<b>Refused by panel</b> (applicant was absent at hearing and panel felt they did not have enough information about the operation and that the application would negatively impact the CIZ).

<b>Date received:</b>	August 2017
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<b>Area:</b>	SSA
<b>Applied for:</b>	Sale of alcohol (on the premises): 11:30 – 20:00 Monday to Friday.
<b>Description:</b>	Alcohol to be sold from both a ground floor café/deli and a bar on the sixth floor which is used for events/meetings only. Alcohol is not part of membership, but only members and those signed in to the building can access the café and therefore buy alcohol. Also, we want to provide alcohol as part of catering packages for meetings and events on site. Alcohol only to be consumed on ground or sixth floor, no other floors. Ground floor comprised of a café/deli space, three meeting rooms, break out areas and 'quiet space'. Applicant agreed conditions with Sussex Police during consultation period. Application went to Sub-Committee hearing due to reps being received from a local resident, a Residents' Association and a local Councillor.
<b>Decision:</b>	<b>Refused by panel</b> (the panel felt that there were issues that the applicant did not fully consider and aspects of the application that remained unclear. The panel did not believe it is appropriate to grant the licence in its current form and therefore refused the application).
<b>Date received:</b>	July 2018
<b>Area:</b>	SSA
<b>Applied for:</b>	Sale of alcohol (on and off the premises): 07:00 – 23:00 Every Day
<b>Description:</b>	Application made for a café/deli on ground floor and sixth floor bar area, with off sales to allow members to buy alcohol and then take it back to their desks on other floors. Applicant agreed a condition with Sussex Police that no off sales could be taken off the actual premises and were only to allow people to buy alcohol from the licensable areas on ground or sixth floor to take to other areas in the building.
<b>Decision:</b>	<b>Granted by panel</b> (the application was amended during panel hearing and the following conditions attached: <ol style="list-style-type: none"> <li>1. Sale of alcohol on the premises only, Monday to Friday from 12:00 midday to 21:00 hours; Saturday 12:00 to 17:00 hours.</li> <li>2. There is to be dispensation from the above times for up to ten occasions per year in which alcohol may be sold from 07:30. There shall be 48 hours' notice to the police on such occasions.</li> <li>3. There shall be no consumption of alcohol in the other non-licensed areas of the building and</li> </ol>

appropriate signage shall be displayed throughout the building to reinforce this.

4. The sale of intoxicating liquor on the ground floor shall only be for consumption by persons seated at tables within the café bar area and on the sixth floor only by persons seated. There will be no vertical drinking in the licensed areas and substantial food shall be available at all times.

5. All other conditions attached to the licence as per the operating schedule of the application, except the one relating to off-sales.)

<b>Date received:</b>	September 2018
<b>Area:</b>	Other
<b>Applied for:</b>	Sale of alcohol (on and off the premises): 09:00 – 23:00 Every Day
<b>Description:</b>	<p>Self-contained unit located at Hove Town Hall, over ground and mezzanine floors, providing a public café offering refreshments and facilities for business meetings, a lecture theatre and outside area in front of the Town Hall.</p> <p>The applicant agreed conditions with Sussex Police and Environmental Health including:</p> <p>1. Substantial food (which for the purpose of this licence means at least a sandwich) shall be available at all times that alcohol is offered for sale on these premises</p> <p>2. The sale of intoxicating liquor and other beverages within areas accessible to the public shall be for consumption by persons seated at tables and there will be no vertical drinking before 4pm</p> <p>3. From 4pm for pre-arranged events held inside the premises, for educational, networking or other similar events linked with the use of the premises to promote business vertical drinking will be permitted. A record of such of events will be kept on the premises and available for inspection by the Licensing Authority or the police.</p> <p>4. The outside area shall be cleared of patrons by 23.00 hours.</p> <p>5. All tables and chairs shall be removed from the outside area by 21:00 hours from 1<sup>st</sup> October to 30<sup>th</sup> April in any given year and by 22:30 hours between 1<sup>st</sup> May and 30<sup>th</sup> September in any given year.</p> <p>No representations were received.</p>
<b>Decision:</b>	<b>Granted</b>

<b>Date received:</b>	October 2018
<b>Area:</b>	CIZ



<b>Applied for:</b>	Sale of alcohol (on the premises): 18:00 – 22:00 Monday – Wednesday and 16:00 – 22:00 Thursday - Sunday
<b>Description:</b>	This is a co-working member's only space. We intend for the premises to have a small bar operation, also to be offered for evening event space. We will also have a maximum of 200 members who we will know personally. Application went to Sub-Committee hearing due to a rep made by The Licensing Authority.
<b>Decision:</b>	<b>Refused by panel</b> (the panel were not satisfied that even with the conditions agreed with the Police that there would be no negative impact were a licence to be granted. The application is contrary to policy and not exceptional).

#### 4. CONSULTATION

4.1 Research conducted online found that shared workplace companies are operating in moderate to large numbers in the metropolitan Licensing Authority areas of Westminster, Manchester, Leeds and Birmingham. Each of these Local Authorities were contacted by email and asked if they had noticed a similar rise in Premises Licence applications for shared workplaces, what their approach to dealing with these had been and if they had encountered any issues. They were also asked if any representations were received and whether the applications were heard and decided by a Sub-Committee panel.

4.1.1 A response was received from Westminster City Council, confirming that they have seen a number of these applications over the past few years. They confirmed that they tended to grant them with very stringent conditions and in some cases limited to the operation of the venue as a shared workspace and the sale of alcohol limited to those who are tenants ('members') and their bonafide guests. Westminster have identified three separate Cumulative Impact Areas in their SoLP, however it was not confirmed whether any of the licences granted to shared workplaces are in these areas.

4.1.2 A response was received from Manchester City Council, confirming that they had recently received four similar applications. They confirmed that applications were granted in a similar way to those in Westminster, with similar conditions attached. They confirmed that none of the applications received had gone through the hearing process and all had been granted after conditions were agreed with Responsible Authorities. Applications received were not made in a CIZ as the city's CIZs are mainly located in student areas.

Manchester City Council confirmed that an SIA condition was replaced via variation on one of the granted licences, with a condition that requires 'the manager responsible for the premises to ensure that the area of the premises where alcohol is supplied is regularly patrolled by management and housekeeping teams during the hours that supply of alcohol is permitted, to ensure compliance with the Licensing Act 2003 and the company's Responsible Alcohol Management Plan'.

- 4.1.3 Responses were not received from Birmingham City Council or Leeds City Council.
- 4.2 Consultation was also undertaken on the Licensing Guru website (a site for Licensing professionals) by placing a question in an online forum, asking if any other Licensing Authorities had received applications for Premises Licences in shared workplaces and how these were dealt with.
  - 4.2.1 One relevant response was received on Licensing Guru, from an officer who had previously worked at Tower Hamlets Council. They confirmed that the LA had issued a Premises Licence to a shared workplace company in 2016 and that it had conditions attached stating that only members, employees and bonafide guests can be supplied alcohol, SIA staff have to patrol the premises and signage should be displayed regarding residents and underage sales.
- 4.3 Consultation was also conducted with all Sussex Authorities, who were each emailed and asked to respond if they had received similar applications.
  - 4.3.1 There were no responses to this request from any Sussex Authorities.
- 4.4 Consultation was attempted with two providers of shared workspaces, who were asked which of their London premises had been issued with a Premise Licence, however no responses were received. The theory behind this line of consultation was to identify the premises and then interrogate the relevant Licensing Authority public register and contact the relevant Licensing Officer. However, this was not possible without addresses being provided as the companies operating the workspaces do so over the whole of London and are often not the Premises Licence applicant.
- 4.5 Dr Peter Wilkinson, Consultant in Public Health working in the Health and Adult Social Care Directorate was also consulted on whether he could provide any comment on the sale of alcohol in shared workplaces

and whether the 'Public Health Framework for Assessing Alcohol Decisions' document could be used to offer guidance within this report.

- 4.5.1 Dr Wilkinson replied: "I don't think the Framework can really help much other than as it does at present based on the geographical location. In general with workplaces it is about having alcohol policies in place for staff, but I don't know whether that has ever been applied to a whole premises with more than one organisation in place. Clearly one of the potential harms from a public health perspective is the impact of alcohol being readily available throughout the working day. The more traditional 9-5 workstyle of a large employer lends itself much more to an alcohol workforce policy which expects no drinking of alcohol whilst at work. Staff then go to the pub with colleagues after work or home to drink.

The workstyles being considered here are more flexible hours being worked by small numbers of people working in small units within a larger premises. From a public health perspective (and health & safety, information governance, etc.) it would still be good practice for employers to have a workforce alcohol policy and for employees not to have access to alcohol during work hours. Who would want their staff's work performance to be under the influence of alcohol? The tricky part is if the working day extends from 8am to 10pm and the socialising part is included in it and is an integral part of the work culture. Would these staff pop out to the pub if they couldn't drink on site or would they have a coffee instead?

If awarded a licence, it would seem reasonable to expect employers to have alcohol workforce policies in place or to sign up to the overarching premises policy? Including expected behaviours would be helpful too. As seen in examples from elsewhere the "members and bona fide guests" seems a good compromise where a public café is not being operated".

## 5. RESEARCH

- 5.1 An online search found that there are at least 13 different companies offering over 250 different shared workspace premises in London. Multiple numbers of shared office spaces are also on offer in all major cities in the UK. Whilst these do not all have Premises Licences or supply alcohol to their members, the numbers identified show that there is a large and growing market for shared space working. Writing for Forbes Online on 30<sup>th</sup> January 2018, Tamara Schwarting says, "co-working today is booming as a new generation of entrepreneurs, consultants, freelancers, and corporate organizations re-think the overhead costs of business and the value of collaborative work". Catrin Mackie, a Commercial Property solicitor working for Capital Law adds to this in her October 2018 online article on the rise in this modern way of working, confirming that it provides an affordable and flexible way for small businesses to work alongside and network with other likeminded

people. Mackie goes on to say that these shared spaces offer a collaborative approach to working to a generation of workers who are 'tech savvy', dynamic and innovative and implies this demographic will seek this type of office space increasingly in the future.

- 5.2 Nick Hibberd, BHCC Executive Director for Economy Environment & Culture and his colleagues in Economic Development have provided further context to these types of premises appearing in both the UK and Brighton & Hove, confirming that "according to the latest research from Cushman & Wakefield (one of the world's largest commercial property and real estate services companies), demand for flexible workspace across the UK saw record growth in 2017. Around two thirds of the UK flexible workspace market is outside London, with take-up of flexible workplaces in the UK's largest regional cities increasing from 2% of all city centre lettings in 2016 to 7.5% of take-up in 2017".

Giving an overview of the city's economic development and in relation to shared workplaces appearing in Brighton & Hove, Mr Hibberd confirmed "the Brighton & Hove economy comprises 140,000 jobs and 16,000 businesses. Eighty-six percent of the city's business base is micro, employing less than ten people; with only around 50 businesses employing more than 250 people in the city.

Brighton & Hove is home to an enterprising economy, with high levels of start-ups and one of the UK's largest homeworker population. Self-employment has grown at a faster rate in Brighton & Hove than the rest of England, with around one in five people (31,000) in self-employment. Around 13% of residents work from home which is higher than the national average. Brighton & Hove has one of the largest per capita concentrations of creative businesses; attracted by the city's progressive attitudes and ethical credentials. The sector is clustered primarily in and around the famous North Laine area of the city which is home to many bars and coffee shops that have acted as pseudo offices and networking spaces for freelancers and small businesses. Latterly, this demand for networking and collaboration space has resulted in the rise of new co-working space in the city. This model offers more flexibility than the traditional office structure by offering leases on desk spaces rather than rooms, varied hours of access to fit in with alternative working hours and meet-up areas (often in-house or co-located bars and cafes), to encourage networking and joint working. There are now over a dozen such spaces in the city responding to this demand. In responding to the demand for co-working space, providers are increasingly offering benefits over and above the standard office services. Many are providing on-site business support services, sector focused or general business events and community facilities for its members. A sector report, published in November 2015 by Deskmag, which looked into the rise in the popularity of co-working spaces, found that co-workers were looking to connect, socialise, share knowledge, brainstorm and make connections that could lead to jobs and contracting opportunities. Many had migrated from a home office environment and many preferred to

work in an open space rather than a private office supporting the desire for interaction with others”.

- 5.3 Online research has uncovered a large amount of employers that offer free alcohol in the workplace to their employees. Examples of this practice include PR firm Hill and Knowlton who has a bar and terrace at its London offices, Saatchi and Saatchi has an in-office pub for staff and London-based marketing firm BSC Agency have drinks trolleys and beer carts that are made available in the office at the end of the working week. However, this practice of giving out free alcohol as an employee perk differs to the shared workplace model, as sales of alcohol are not being made. Many of the people using shared workplaces are not employed and are freelance workers. Shared workspace providers require Premises Licences where they supply alcohol to members, as there is a business relationship between them and their members. Where they wish to provide alcohol to members via the membership fee, the sale of alcohol is made when membership fees are paid. Equally, where they want to provide a point of sale at which alcohol can be ordered, the sale of alcohol takes place.
- 5.4 An online review was undertaken of research conducted in to workplaces and alcohol, however specific research papers could not be found that cover alcohol consumption in the workplace. It was further identified that there are very few recent studies that cover alcohol and its impact on the workplace. Peter Anderson’s 2012 research paper titled ‘Alcohol and the workplace’ reviews workplace-based alcohol policies in Europe, which in turn cover matters such as productivity, absenteeism, workplace intervention, peer support and health promotion programmes. Anderson reports that there is certainly evidence of the negative impact of alcohol on the workplace, however as there are few good-quality research studies in to this area; it is not possible to determine the best way to deal with this. Anderson concludes that prevention activities, such as introducing health promotion and wellbeing at work initiatives could lower the impact of employee alcohol consumption. It is noted however, that the report refers to employees throughout and not specifically to drinking at the workplace, or to the self-employed sector.

Research undertaken in Australia by Pidd, Kostadinov and Roche, published in September 2015, looked at whether workplace policies used as a strategy to prevent or manage alcohol and other drug use were effective. They concluded that there was value and efficacy of such policies and noted that even basic policies could be associated with reducing high risk drinking.

The Government’s Alcohol Strategy published in March 2012 states that it expects to see progress on workplace alcohol education and prevention programmes, which the above research supports.

- 5.5 Due to the perceived age of shared space workers being in a younger demographic, research was made in to the drinking habits of this age

group. A report titled 'Youth drinking in transition' published in September 2016 by Demos, a British cross-party think-tank, explored the drinking habits of young adults in Great Britain. The report specifically includes a chapter on drinking and working and finds that the most common reason for drinking alcohol among young workers, aged 18-34, was not directly related to their work environment, but instead was related to drinking with friends from outside of work. The same report finds that 66% of those surveyed aged 16-24 do not feel that alcohol is an important factor in their social lives. In addition, the Office of National Statistics released a report in May 2018 titled 'Adult drinking habits in Great Britain: 2017', which found that young people aged 16 to 24 years in Great Britain are less likely to drink than any other age group.

## **6. CONCLUSIONS**

- 6.1 It is advised that Committee members be aware of the fast growing demand for modern shared working spaces and that this could result in an increase in these spaces being offered in Brighton and Hove. In turn, there could be an increase in applications for Premises Licences to be issued for these premises, or parts of these premises.
- 6.2 It is noted that the five applications received so far by Brighton & Hove City Council, that have proposed alcohol sales within premises that also offer shared workspaces, have each been unique in their proposed method of the supply of alcohol. One application proposed alcohol was to be included with membership, so no physical sale would take place. The other applications proposed points of sale with one proposing alcohol was to only be consumed by members and their guests in defined areas of the premises, whilst another included off sales, so that alcohol could be taken away by members from the licensed area of the premises to other parts of the premises. A similar application to this was received, although the applicant wanted a public café with alcohol bought being allowed into the shared workspace area. Another proposed alcohol sales within a members only bar.
- 6.3 Whilst it is relatively easy to identify how a pub will operate and to attach conditions to licences to ensure premises are operated as cafes or restaurants, there is no evidence at this stage to conclusively define the operation of Premises Licences in shared workplaces. The Licensing Authority have received five different applications, with the common theme being that the licensable activity is attached to a shared workplace in some way. However, each application received has been unique in its proposed method of alcohol sales, which sometimes falls outside of the shared workspace itself.
- 6.3 There is no evidence to suggest that other Local Authorities have encountered issues with these licences, but they have been issued in different Licensing Authority areas with conditions attached.

- 6.4 In all research conducted into workplaces and alcohol, it is clear that there is evidence that alcohol can have a negative impact on workplaces. It also clear that workplace policies on alcohol consumption are effective and are supported by the Government. It is therefore suggested that the Licensing Authority could, on a case by case basis, expect applicants for Premises Licences that are related to a shared workplace to provide evidence of promoting the Licensing Objectives through their policy on health and wellbeing and responsible drinking for members, to support their application.
- 6.5 Officers advise that every application received continues to be considered on its own merits in line with Guidance and the council's Statement of Licensing Policy and where relevant, the special policies for Cumulative Impact and Special Stress. Licensing Guidance states: "Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned". Additionally: "Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy".

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### **7.1 Financial Implications:**

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: 23/01/19

### **7.2 Legal Implications:**

There are no direct legal implications arising from the report

Lawyer Consulted: Rebecca Sidell

Date: 23/1/19

### **7.3 Equalities Implications:**

None.

### **7.4 Sustainability Implications:**

None.

7.5 Crime & Disorder Implications:

None.

7.6 Risk and Opportunity Management Implications:

None.

7.7 Corporate/Citywide Implications:

None.



## **SUPPORTING DOCUMENTATION**

Appendices: None

Documents in Members' Rooms: None

Background Documents: None

Documents In Members' Rooms: None

