

Licensing Committee (Licensing Act 2003 Functions)

<u>Date:</u>	27 June 2019
<u>Time:</u>	4.00pm Or at the conclusion of the preceeding Non-Licensing Act Committee
<u>Venue</u>	Council Chamber, Hove Town Hall
<u>Members:</u>	Councillors: O'Quinn (Chair), Henry (Deputy Chair), Deane (Opposition Spokesperson), Simson (Group Spokesperson), Appich, Atkinson, Bagaeen, Davis, Ebel, Fowler, Hill, Lewry, Osborne, Rainey and Wares
<u>Contact:</u>	Penny Jennings Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk

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AGENDA

PART ONE

Page

1 PROCEDURAL BUSINESS

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

(b) Declarations of Interest:

- (a) Disclosable pecuniary interests
- (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.

2 MINUTES OF THE PREVIOUS MEETING

7 - 12

Minutes of the meeting held on 14 March 2019 (copy attached)

3 CHAIR'S COMMUNICATIONS

4 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 21 June 2019;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 21 June 2019.

5 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.

6 PRESENTATION -PRIDE VILLAGE PARTY AND BRIGHTON AND HOVE PRIDE

Jayne Babb, Operations Manager for Pride, will give a presentation outlining the arrangements which are being put into place for the 2019 Pride Festival which includes the Pride Village Party in Kempdown.

Following the presentation Members will have the opportunity to ask questions before moving on to consider the remaining items of business on the agenda.

7 SAFEGUARDING IN THE NIGHT TIME ECONOMY 13 - 26

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

Contact Officer: *Jim Whitelegg*

Tel: 01273 292438

Ward Affected: *All Wards*

8 GAMBLING ACT REVISED LOCAL AREA PROFILE 2019 AND RECENT GAMBLING UPDATE 27 - 32

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

Contact Officer: *Jim Whitelegg*

Tel: 01273 292438

Ward Affected: *All Wards*

9 SCHEDULE OF APPEALS 33 - 34

Schedule prepared on behalf of the Executive Lead for Strategy Governance and Law (copy attached)

10 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.

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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.

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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.

FURTHER INFORMATION

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)	Agenda Item 2 Brighton and Hove City Council
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BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

3.00PM 14 MARCH 2019

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

PART ONE

21 PROCEDURAL BUSINESS

21(a) Declarations of Substitutes

21.1 There were none.

21(b) Declarations of Interest

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

21(c) Exclusion of Press and Public

21.3 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.

21.4 **RESOLVED:** That the press and public be excluded from the meeting during consideration of the items contained in part two of the agenda.

22 MINUTES OF THE PREVIOUS MEETING

22.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 29 November 2018 be agreed and signed by the Chair as a correct record.

23 CHAIR'S COMMUNICATIONS**Pride Village Party**

- 23.1 The Chair explained that the Pride Village Party would remain at its current location until 2021 at which time the arrangements in place would be re-negotiated by all parties.
- 23.2 Councillor Hyde stated that she had been aware that it had been suggested that the beach be considered as a possible future venue. She considered that should be resisted as it would be difficult to contain activity within such a large area, also that to have large numbers of people in close proximity to the sea when a number of them might have consumed alcohol could give rise to additional public safety issues.

Gambling

- 23.3 The Gambling Commission had advised that as a result of changes to the stakes which could be placed using gaming machines in betting shops it was anticipated that there could be a fall in income of up to 65% from that source and that a number of smaller establishments could close.
- 23.4 The Gambling Commission had approached the city council and had asked that the council host a regional workshop in relation to public health and gambling in June 2019.

Safeguarding Operation, Police, Trading Standards and Licensing

- 23.5 A joint workshop had taken place in January 2019 to which hotel and guest house owners/staff had been invited. The purpose of the session had been to educate/advise on looking for signs of vulnerability (in conjunction with county lines operations).
- 23.6 **RESOLVED** – That the contents of the Chair's Communications be noted and received.

24 PUBLIC INVOLVEMENT

- 24.1 There were no items of public engagement.

25 MEMBER INVOLVEMENT

- 25.1 There were none.

26 ANNUAL REPORT OF THE LICENSING AUTHORITY 2018

- 26.1 The Committee considered a report of the Executive Director, Neighbourhoods, Communities detailing the licensing and gambling functions carried out by the council during 2018. The report also sought to apprise members of local and national issues.
- 26.2 It was noted that whilst there had been a marginal decrease in the number of applications made, however overall figures remained constant. In answer to questions it was explained that of the 18 new licences had been applied for in the CIZ, each had been considered on its individual merits and licences had only been granted in those instances where a compelling case for an exception to policy could be made. Councillor

Wares stated that he was concerned that applications continued to be made for premises in the ClZ, bearing in mind that it had been identified as area where the sale of alcohol was at saturation point and the policies in place sought to control the supply of alcohol there. Councillor Page expressed the same concerns.

26.3 Councillor Page referred to "Sensible on Strength" and it was explained that support and take-up for this across the city was strong and continued to grow.

26.4 Councillor Deane referred to the test purchasing that had taken place and to the failures which had been observed in relation to use of fruit machines/gambling machines by those who were underage asking whether a trend had been identified. It was explained that the majority of failures had occurred in public houses where it was possible that use could be less strictly monitored. In all instances where breaches had been identified, a warning letter was sent and follow up action taken to ensure compliance with the law. Officers were working very closely with the Gambling Commission.

26.5 **RESOLVED** - (1) That the Committee notes the contents of the report; and

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

27 PREMISES LICENCE APPLICATIONS FOR SHARED WORK PLACES

27.1 The Committee considered a report of the Executive Director, Neighbourhoods, Communications and Housing advising that following a rise in applications being received by the council for Premises Licences to be issued to companies who either operated or operated within, premises that offered shared workspaces, officers had been asked by members to explore what clarification and guidance could be offered to the Licensing Committee when scrutinising and dealing with similar applications in the future.

27.2 For the purpose of this report, a shared workplace or shared workspace had been defined as being a building that has been converted into office space, which was operated overall by one company that rented workspace to many different entrepreneurs and small businesses. Its general offering was 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 did not want to rent offices of their own. Customers who rented such office spaces are often termed 'members' of the applicant companies, however this term was not the same as members of clubs operating under a Club Premises Certificate. Licensing Guidance, issued under Section 182 of the Licensing Act 2003, stated that each application must be considered on its own merits. While the council's Statement of Licensing Policy (SoLP) provided 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 referred to non-alcohol led premises in its Matrix Approach table; however, evidence suggested that previous licensing panels had not been keen to apply this definition to shared workplaces. This report looked into whether clarification on shared workplaces could be provided to the Licensing Committee for instances where Premises Licences were applied for.

- 27.3 Councillor Page stated that he found the report informative but was also very concerned at this new issue which was emerging would could serve to exacerbate alcohol related problems in the city and could result in individuals behaving inappropriately or increasing risk to personal safety in the workplace.
- 27.4 Councillor Hyde echoed those concerns and asked whether it would be possible for the Licensing Authority to amend its Statement of Licensing Policy to address Members very real concerns.
- 27.5 Councillor Wares commended the report stating that he considered that it would be appropriate for members concerns and the feedback received to date to feed into the SoLP with a view to officers creating a new category in the matrix which could be brought back to the Committee for approval.
- 27.6 Councillor O'Quinn, the Chair stated that she had considered it timely for a report to be brought to Committee to apprise Members of the situation in order to enable them to determine how they wished to proceed. She was of the view that the SoLP needed to be amended/added to in order to address this issue.
- 27.7 Councillor Deane concurred with all that had been said and further suggested that paragraph 2.3 of the recommendations be amended as set out below to make it more all-encompassing. Members agreed unanimously to the proposed amendment.
- 27.8 **RESOLVED** - (1) That the Committee note the contents of the report;
- (2) That Members concerns about alcohol in shared workplaces are fed into the 2020 review of the SoLP with a view to creating a new category in the Matrix; and
- (3) That the Licensing Team scrutinise operating schedules of application for shared workplaces and ask applicants/landlords/managing agents to provide details of their alcohol workplace policy.

28 ITEMS REFERRED FOR COUNCIL

- 28.1 There were none.

The meeting concluded at 4.30pm

Signed

Chairman

Dated this

day of

Subject:	Safeguarding in the Late Night Economy		
Date of Meeting:	27th June 2019		
Report of:	Executive Director of Neighbourhoods, Communities & Housing		
Contact Officer:	Name:	Jim Whitelegg	Tel: 01273 292438
	Email:	Jim.whitelegg@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1. This report sets out the current safeguarding initiatives within the Night Time Economy, including:
- Alcohol Programme Board
 - Public Health Framework for assessing alcohol licensing decisions (Revised 2019)
 - Test purchases
 - Police and security initiatives
 - Partner Agency initiatives
 - Exploitation Group
 - Joint Intelligence Meetings
- 1.2. 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. Night-Time Economy Initiatives

The licensing authority continue 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 Safety 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.

3.1.1 Operation Marble (Sussex Police)

An operation to reduce violence, alcohol related disorder and antisocial behaviour in the City of Brighton and Hove within the night time economy.

Due to the large concentration of licensed premises and night clubs in the centre of Brighton, a high proportion of the Division's violent crime and serious sexual offences are committed within a relatively small area. The Division receives a large influx of visitors to the city centre at weekends. Many of these people attend the pubs and night-clubs during night time hours and as a result an enhanced policing operation is provided. Traditionally this has run from 2100hrs through to 0400hrs on a Friday and Saturday night with the emphasis being on a highly visible presence of officers.

In addition to the standard Friday and Saturday night, there are a number of standalone operations such as Bank Holidays, New Year's Eve, Halloween and Pride. In the run up to Christmas, additional resources are at times deployed during the end of week to monitor Christmas Parties.

Op Marble covers an area between Preston Street to the West – The Level to the North – Kemptown to the East and the seafront between West Pier and Concorde 2 to the South.

3.1.2 **Doorstaff Briefing**

In association with BCRP – Business Crime Reduction Partnership – Police attend a weekly Friday night doorstaff briefing at Pryzm. Covered are persons of interest and share information on any events that might impact the city during that weekend – music events, football etc.

3.1.3 **Police & BCRP weekly meetings**

Weekly meeting is held between Police and BCRP. The previous weekend is reviewed and plan for the weekend ahead and any future events. Premises of concern are also discussed.

3.1.4 **Vulnerability Training**

Training delivered by Sussex Police to staff working within the night time economy to provide them with knowledge of vulnerability and ensure they understand their responsibilities and duty of care to vulnerable people including actions that must be taken to reduce identified risk. Training will include:

- **Ask for Angela**

An initiative for persons that are on dates and they are feeling uneasy and need a safe way of leaving. The individual can approach a member of bar staff and ask for Angela and the staff will know this person needs some help getting out of a situation they don't feel safe or comfortable in. This could be calling them a taxi or a friend of family member to come and collect them.

- **Op Bobcat**

How to identify a possible sexual predator within the night time economy. What kind of behaviour to look out for. What to do when you feel someone could be out to cause sexual harm to other individuals.

3.1.5 Counter Terrorism Training

A number of venues throughout the city including night time venues have attended various training sessions in regards to counter terrorism.

Partner Agencies Initiatives

3.1.6 Safe Space

YMCA Safe Space, run by the YMCA DownsLink Group, on West Street runs throughout the year on Fridays and Saturdays (23.30-04.00Hrs) from its base in St Pauls Church, West Street. The project provides a safe place for users of the night time economy who are rendered more vulnerable due to alcohol and/or drug use, or through physical injury or emotional distress. Safe Space regularly provides emotional support to distressed people, including delivering suicide prevention interventions and safety planning (through the ASIST model). First Aid is provided by EMS Ltd, with emotional and practical support from the YMCA team. Dependent on funding, the YMCA can also provide a mobile outreach team to operate along the seafront, providing an immediate response to vulnerable people, and where safe to do so taking people to St Pauls Church. Mobile teams also operate on New Year's Eve in the Kemp Town and East Street areas. Safe space also has a positive impact in reducing the need for police and medical attendance.

The Licensing Authority supports initiatives such as the YMCA's sexual exploitation project, YMCA WiSE, which amongst its work, increases awareness of sexual and criminal exploitation in the night time economy through the offer of training to the NTE workforce and through awareness campaigns.

April 2018- March 2019

Safe Space supported 829 clients & 113 homeless (usually quick cup of tea and chat when quiet)

Of those clients-

- Main age group is 18-24 accounting for 69% and 25-34 accounting for 20%
- 46% from B&H, 51% not local although majority are from West Sussex & East Sussex
- 51% Male, 49% Female
- Main referrers; Venue door staff account for 33% ; Self referrals 40%, Police 7%
- 80% of support alcohol related, 13% drugs related, 22% needed medical support (either immediate or secondary), 93% required practical support i.e. separated from friends. lost phone/money, Needed info/support to get home, Needed phone charger, somewhere to stay; 26% required emotional support i.e. Upset or distressed, Mental health issues disclosed, Suicidal ideation, Victim of theft or assault, disclosure of abuse
- Total savings in estimated paramedic/ambulance call outs and hospital admissions = £516,790

- Budget is covered for 2019-20, but uncertain at this stage for 2020-21. Waiting to find out if we have additional funding to extend the service over Pride.

3.1.7 Beach Patrol

Quad bike(s) patrolling the beach between 23:00-05:00 Friday and Saturday nights by SIA qualified staff. Equipped with first aid kits, thermal blankets, defibrillator and night-safe radio. Visual presence has reduced crime on the beach including sexual assaults. Educates persons of the dangers of going in to the sea and has actively got people out of the sea and back on to the safety of the beach.

Brighton Beach Patrol (BBP) started in May 2015 and is operated by volunteers. The service is currently joint funded by Resolve Security Solutions Ltd and the Laines Brewery Company. BBP are in the process of applying for charitable status. The service utilises a quad bike and SIA security staff to patrol the beach between the Piers protecting the vulnerable from potential drownings, assaults, intoxication and safeguarding matters. BBP operate every weekend and operate on additional days for high risk events and bank holidays. BBP provide weekly reports to key stakeholders, including the police, council and coastguard.

BBP noted the following from January – September 2018:

- Beach Patrol runs from the Brighton Pier to the i360 between 11pm – 5am.
- Beach Patrol is supported by Sussex Police, BCRP, Seafront Office and BIDS
- Beach Patrol uses the BCRP radio
- Beach Patrol was established to reduce drownings, mainly through alcohol and reduce crime.
- Beach Patrol links with Safe Space – escorting people from the beach to Safe Space
- Any/all drug offences/incidents are reported to the Police
- Pride weekend was exceptionally busy and the Shoreham Safeguards were on hand to help – overall it was very successful.
- This is a voluntary service - there are four people in the team and all equipment has been donated to the team
- The Quad bike is an essential tool of the team – enabling them to respond quickly, and to be a 'presence' during those times. People know that they can approach the Beach Patrol team about anything
- Aim is to have a presence on the other side of the Pier
- Sussex University gives a donation when there is a promoted Student event but no other companies on the seafront help with funding – although it was noted that it is not only seafront businesses who should be asked, given that many of the customers are from the whole city and are drawn to the sea

3.1.8 **Street Pastors** – operate every Friday night from around 22:00-02:30. Patrol West Street, North Street, East Street, Queens Road, Churchill Sq., The Lanes and Seafront.

3.1.9 Street Wise Community Street Marshalling Scheme – Operates during term time pm a Wednesday, Thursday and Friday night between 22:00-04:00. Covering Lewes Road, Hanover, Upper Lewes Road and around the North end of London Road, they are looking out of students to ensure they get home safely as well as reminding them of noise levels and prevent ASB issues. This is run by University of Sussex.

BHCC - Street drinking/Sensible on Strength/Under Age Training

3.1.10 Sensible on Strength (SoS)

- Membership = 190 - SoS website
- Further 49 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.

3.1.11 Age restricted sales training has been delivered to 90 premises/202 staff

3.1.12 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

3.1.13 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 A.

3.1.14 Public Health Framework for assessing Alcohol licensing

An annual report entitled ‘Public Health Framework for assessing Alcohol licensing’ is produced by the Public Health Intelligence team. It contains ward by ward analysis of crime and disorder data and health data and as such is a valuable tool in assessing the potential impact of new licences within a community. The Director of Public Health may use this information to inform a representation relating to an individual application. This document is available on the following page of our website www.brighton-hove.gov.uk/licensingact.

3.1.15 Joint Intelligence Meeting (Licensing) - JIM

The Licensing Joint Intelligence Meeting is a fortnightly meeting, chaired by the Council’s Licensing Team, held to bring together the Relevant Authorities to share intelligence relating to premises licensed under the Licensing Act 2003 in Brighton and Hove. The information brought is deemed necessary and

appropriate to share with all Authorities and the aim is to avoid duplication and to better target enforcement resources.

Relevant subjects include, Breaches of premises licences. Premises where enforcement action is currently being taken (eg Enforcement notices), Premises that are of interest for more than one Authority/ In need of joint investigation.

The JIM is attended by Brighton and Hove City Council (Licensing Authority, Environmental Protection, Health and Safety, Trading Standards), Sussex Police Licensing Unit, East Sussex Fire and Rescue Service.

3.1.16 Exploitation Group

Brighton & Hove's adult and children's safeguarding partnerships have established a multi-agency exploitation subgroup chaired by Sussex Police. This group has been established to oversee the strategic and tactical / operational response to the criminal and sexual exploitation of children / adults including human trafficking, modern slavery, missing children and radicalisation. The Community Safety Partnership has agreed a violence, vulnerability and exploitation (VVE) strategic action plan which informs this work and recruited a coordinator based within the council's safer communities team. The action plan sets out SMART actions related to early intervention, safeguarding, disruption, enforcement, communications, education, data analysis and research. Current activity includes the commissioning of WiSE to deliver exploitation awareness training to taxi drivers, security staff, licensed premises and the night-time economy and to investigate how to improve safe spaces within the city for people at risk of immediate harm related to VVE.

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: 22/05/19

Legal Implications:

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

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 A – Alcohol Programme Board action plan

Documents in Members' Rooms

1. None.

Background Documents

1. None.

Alcohol Programme Board

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

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 (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 rd 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
Activity Area	Impact		Time Frame	Cost Impact	Leads	Identified KPIs and Progress
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)	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
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. 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	
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). 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	12/02/2018 11 Tested 0 Failed 31/05/2018 9 Tested 1 Failed 06/12/2018 9 Tested 2 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 Jim Whitelegg, Regulatory Service Manager (Licensing & Trading Stds)	Since 1.4.18 71 premises 163 trained 569 visits

Subject:	Gambling Act 2005 – revised Local Area Profile 2019 and recent gambling update		
Date of Meeting:	27 June 2019		
Report of:	Executive Director of Neighbourhoods, Communities & Housing		
Contact Officer:	Name:	Jim Whitelegg	Tel: 01273 292438
	Email:	Jim.whitelegg@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1. This report highlights the recent revised Local Area Profile (LAP) and gives an update on recent gambling developments.
- 1.2. National matters: legislative changes and consultation
 - FOBT (Fixed Odds Betting Terminal) stake cut regulations published - The Gaming Machine (Miscellaneous Amendments and Revocation) Regulations 2018 were made on the 20th December 2018 and came into force on the 1st April 2019.
- 1.3. Local licensing matters
 - Gambling Policy 2019-2021 published
 - Local Area Profile
 - Risk rate Inspection Scheme
 - Test purchases
 - Gambling/Public Health round table 19th June 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. **Gambling Act 2005 - Licensing Authority Functions**

- 3.1.1. 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.
- 3.1.2. Table shows types and numbers of gambling licences issued by Licensing Authority.

Number of Gambling Authorisations – (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

3.2. Gambling Local and National Issues

FOBT stake cut regulations published - The Gaming Machine (Miscellaneous Amendments and Revocation) Regulations 2018 were made on the 20th December 2018 and came into force on the 1st April 2019. Research from the main operators and the Gambling Commission highlighted the following.

- 3.2.1 **National Impact** of changes to stakes for B2 machines on 1st April 2019 when stakes on B2 machines would reduce from £100 to £2 per spin.

Licensed Betting Shops (LBOs)

1. As there are only 2 suppliers of B2 machines this change would be done remotely by changes in software.
2. There have been various trade articles published outlining the possible impact of the stake reduction on the @£1.8bn taken each year from machines (@60-65% of betting operators' income).
3. Most likely is a reduction in the number of LBOs with up to 30% of the 8500 shops estimated to close.
4. At the same time operators will push other products such as encouraging sign up to their online betting products. Note: a customer can pay in and collect winnings in a shop from an online account.
5. Operators may look to increase the number of Self Service Betting Terminals (SSBTs); and B3 machines may increase in popularity. It is worth noting that with stakes/prizes of also £2/£500 B3 machines may have a lower return to player % than B2s (@85% compared to @96% on B2s) but the speed of play on B3 machines is faster with a spin every @8 seconds compared to every 20 seconds on a B2 machine.

6. Other new products and ideas may emerge -LAs are encouraged to let the Commission know of changes in offerings and also details of closures of any premises as a result of the stake change (which the Commission will also be tracking).
7. Coral/Ladbrokes have also opened some AGCs in the Midlands and other operators may look to similarly diversify.

3.2.2 Local Impact – licensing officers carried out a number of inspections of betting shops in May 2019. As part of the routine inspection officers were assessing the impact of the stake reduction (£100 to £2) in B2 gaming machines.

Staff reported a drop in footfall and money going through the machines, with a slight increase in over the counter betting or betting terminals (sports betting). However, what was particularly telling was the number of managers and staff who reported a significant reduction in aggressive behaviours towards equipment and staff. Most reported an improved atmosphere, calmer, 'no longer a life or death situation' for many customers. One manager stated that the high stakes should only ever have been available in casinos.

We are aware of one betting shop (Ladbrokes) surrendering its licence in Islingword Road.

3.2.3 Local Area Profile (LAP) and Gambling Policy 2019

As reported in the March committee the revised Gambling Policy was published in January 2019, including raising awareness of mental health issues and concerns about the use of privacy booths. In addition, the LAP was revised in 2019.

It is a requirement of the Gambling Commission for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. This is covered in more detail in the Council's Gambling Policy (paragraph 13.11). In making risk assessments, licensees must take into account relevant matters such as changes in local circumstances and the premises themselves.

Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the Council has published a local area profile. This profile, compiled in conjunction with the Public Health Intelligence Team, can be obtained from <http://www.brighton-hove.gov.uk/content/business-and-trade/licensing-and-gambling>. The LAP is one tool available to operators when carrying out their LRA, and includes data, maps and tables detailing at risk groups and risk factors on a ward by ward basis to assist in covering the following areas:

- whether the premises is in an area of deprivation;
- whether the premises is in an area subject to high levels of crime and/or disorder;
- the demographics of the area in relation to vulnerable groups;
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather;

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

The revised LAP can be accessed via the link <https://www.brighton-hove.gov.uk/content/business-and-trade/licensing-and-gambling>

3.2.4 Test purchase exercise – Gaming machines in licensed premises

In 2018 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:* 22/05/19

Legal Implications:

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

Lawyer Consulted: Rebecca Sidell *Date:*

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.

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

Agenda Item 9

Brighton & Hove City Council

Schedule of Licensing Appeals: Date of Meeting: 27 June 2019

Premises	Appellant	PTR	Hearing	Outcome
Twisted Lemon, 41 Middle Street, Brighton.	Licence Holder, appeal against refusal to remove restaurant condition	26 th June 19		
Park and Shop, Woodingdean Service Station, 534 – 540 Falmer Road, Brighton	Licence Holder, appeal against refusal to vary to 24 hour licence.			

