

Licensing Committee (Licensing Act 2003 Functions)

Date: **28 November 2019**

Time: **4.00pm Or at the conclusion of the preceding Non-Licensing Act Committee**

Venue **Council Chamber - Brighton Town Hall**

Members: **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

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AGENDA

11 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.

12 MINUTES OF THE PREVIOUS MEETING

7 - 12

To approve the minutes of the last meeting on 27th June 2019.

Contact Officer: Kat Hoare
Ward Affected: All Wards

Tel: 01273 291064

13 CHAIR'S COMMUNICATIONS

14 CALLOVER

- (a) Item 17 will be read out at the meeting and Members invited to reserve the items for consideration.
- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

15 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 22nd November 2019;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 22nd November 2019.

16 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.

17 LICENSING ENFORCEMENT REPORT 2018 - 2019

13 - 40

Report of the Executive Director Housing, Neighbourhoods & Communities

Contact Officer: Sarah Cornell
Ward Affected: All Wards

Tel: 01273 295801

18 SCHEDULE OF REVIEWS

41 - 42

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

19 SCHEDULE OF APPEALS

43 - 44

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

20 ITEMS REFERRED FOR COUNCIL

To consider items to be submitted to the 19th December 2019 Council meeting for information.

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

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

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the 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 Kat Hoare (01273 2910654, email penny.jennings@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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Please inform staff on Reception if you have any access requirements so that they can either direct you to the public gallery, or to the video-conferencing room as appropriate.

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Date of Publication - Wednesday, 20 November 2019

BRIGHTON & HOVE CITY COUNCIL
LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

4.00PM 27 JUNE 2019

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors O'Quinn (Chair), Henry (Deputy Chair), Simson (Group Spokesperson), Appich, Atkinson, Brown, Davis, Ebel, Hill, Janio, Osborne, Rainey, Wares and West.

Apologies: Councillors Bagaeen, Fowler and Lewry.

PART ONE

1 PROCEDURAL BUSINESS

1a Declarations of Substitutes

- 1.1 Councillor Brown was present in substitution for Councillor Bagaeen; Councillor Janio was present in substitution for Councillor Lewry; Councillor West was present in substitution for Councillor Deane and Councillor Fowler had submitted her apologies.

1b Declarations of Interest

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

1c 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 not be excluded from the meeting during consideration of the any item contained on part the agenda.

2 MINUTES OF THE PREVIOUS MEETING

- 2.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 14 March 2019 be agreed and signed as a correct record.

3 CHAIR'S COMMUNICATIONS

Gambling Commission Conference – “Gambling and Public Health”

3.1 The Chair, Councillor O'Quinn referred to the fact that agenda Item 8 "Gambling Act 2005 – Revised Local Area Profile 2019, Update" provided an update on current Gambling Legislation. In connection with that she wanted to mention that the Gambling Commission had held an event in Brighton the previous week entitled "Gambling and Public Health" with nationwide speakers, including some of the Council's own Licensing Team. The event had been well attended by Police, council and licensing authority officers, adult social care, treatment providers and Brighton and Hove City Councillors.

3.2 **RESOLVED** – That the content of the Chair's Communications be noted and received.

4 PUBLIC INVOLVEMENT

4.1 There were no items.

5 MEMBER INVOLVEMENT

5.1 There were no items.

6 PRESENTATION -PRIDE VILLAGE PARTY AND BRIGHTON AND HOVE PRIDE

6.1 Jayne Babb, Operations Manager for "Pride" gave a presentation outlining the arrangements which had been put into place and were now well advanced for the "Pride Festival 2019" which included the "Village" in St James's Street and Kemptown.

6.2 Ms Babb explained that based on the experience of previous years arrangements were in place with partners in order to manage the movement of the large number of people expected around the city safely and to facilitate the clearance of waste particularly from Preston Park and to return these areas to public use as soon as possible after the Pride weekend. The event had become a year round campaign working in concert with local retailers, restaurants, hotels and other businesses which promoted the Brighton retail and hospitality economy. Those businesses who benefitted from the weekend £20.5m was spent over Pride weekend had been encouraged to support the City Angels campaign which was being launched this year.

6.3 For 2019 a reusable cup scheme was being introduced in Preston Park, the Pleasure Gardens and PVP sites. The aim of this scheme was to reduce the volume of single use plastic deriving from the festival bars. Bottled water for sale to festival goers was also to be replaced by Aquapak cartons in order to seek to reduce the use of single use plastic and all plastic bottles would be replaced by cans at all bars and concessions. Mixed recycling bins would be provided at Pride in the Park for the first time, with bins clearly labelled separate bins provided for mixed waste with a team of volunteers stationed at each pod to ensure that festival goers separated their waste accordingly.

6.4 Councillor West was pleased to note the robust arrangements which had been put into place stating that problems of waste and anti-social behaviour had on occasion given rise to criticism of what was an important community event. He asked how the message about use the sustainability arrangements being put into place was going to be conveyed and it was explained that in addition to information provided in the Pride brochures and other literature information would be posted at key locations around the park and messages would be placed on screen throughout the weekend.

- 6.5 Councillor Wares sought confirmation regarding “clear-up” arrangements following the weekend and it was confirmed that these would be put into place immediately at the conclusion of each event.
- 6.6 In answer to questions by Councillor Ebel in relation to use of the reusable cups it was confirmed that they would be collected, cleaned and stored for use in future years.
- 6.7 Councillor Henry noted the arrangements which had been put into place stating that it was pleasing to note that they had been improved upon year on year and had been instrumental in shaping this weekend event into the great community event which it had become.
- 6.8 The Chair, Councillor O’Quinn thanked Ms Babb for her comprehensive and informative presentation.
- 6.9 **RESOLVED** - That the contents of the presentation be received and noted.

7 SAFEGUARDING IN THE NIGHT TIME ECONOMY

- 7.1 The Committee considered a report of the Executive Director, Neighbourhoods, Communities and Housing detailing current safeguarding initiatives operating within the Night Time Economy and seeking to apprise Members of local and national issues.
- 7.2 The Regulatory Services Manager referred to the initiatives in place which included:
- The 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
- 7.3 Councillor Atkinson commended the report which he considered to be very informative referring to the various services available including Safe Space which were available across the city asking what measures were in place to ensure that these were widely publicised. It was explained in answer to further questions that an effective inter-agency approach was in place to ensure effective working and information sharing with meetings taking place monthly.
- 7.4 Councillors Appich and Ebel also commended the Safe Space and other initiatives but expressed concern that the Beach Patrol service which carried out such excellent could be compromised due to lack of funding. The Chair, Councillor O’Quinn, stated that other members had echoed those concerns and that the issue of whether this service could be afforded charity status and means by which further funding could be secured were being actively pursued. Currently no companies located on the seafront helped to fund this service and it was considered that other businesses ought to be invited to contribute

as those who were vulnerable or intoxicated having consumed alcohol across the city were drawn to the sea.

7.5 Councillor Janio stated that it was very important that the current multi-agency approach continue as clearly it was effective and worked very well.

7.6 **RESOLVED:**

(1) That the Committee notes the contents of this report; and

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

8 GAMBLING ACT REVISED LOCAL AREA PROFILE 2019 AND RECENT GAMBLING UPDATE

8.1 The Committee considered a report of the Executive Director, Neighbourhoods, Communities and Housing which highlighted the recent revised Local Area Profile (LAP) and gave an update on recent gambling developments.

8.2 The Regulatory Services Manager referred to the following legislative changes at national level:

- FOBT (Fixed Odds Betting Terminal) stake cuts regulations published - The Gaming Machine (Miscellaneous Amendments and Revocation) Regulations 2018 were made on 20 December 2018 and came into force on 1 April 2019.

At local level:

- The Gambling Policy 2019 – 2021 had been published;
- The Local Area Profile had been put together;
- The Risk Rate Inspection Scheme was in place;
- Test Purchases had continued;
- A Gambling/Public Health round table meeting had taken place on 19 June 2019

8.3 Councillor Atkinson stated that it was very disappointing to note the 70% failure rate on age restricted machines across the city. The measures taken to address this problem were welcomed.

8.4 Councillor Brown concurred with Councillor Atkinson stating that whilst disappointing she was unsurprised by the scale of the problem.

8.5 Councillor Appich referred to issues in respect of on-line gaming and the Regulatory Services Manager stated that it was very difficult to know the potential scale of the problem or deal with it effectively as it did not fall under the control of the local licensing authority. There had been a lot of media coverage and interest, however, and discussions were taking place at government level to determine measures which could be put in place.

8.6 Councillor Janio stated that issues by government to address the issues around gambling for instance reduction in the level of stakes that could laid on fixed-odds machines were welcome. He noted the information detailed regarding the follow-up arrangements in place when there had been failed test purchases for example and was pleased to note that this would be subject to on-going monitoring which fell under this committees' responsibilities.

8.7 **RESOLVED:**

(1) That the committee notes the contents of this report; and

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

9 SCHEDULE OF APPEALS

9.1 The Committee considered a schedule prepared on behalf of the Executive Lead for Strategy, Governance and Law covering the period since the last meeting of Committee.

9.2 Councillor Wares sought clarification of the grounds on which an appeal had been lodged by "Twisted Lemon" and it was explained that the applicant would be arguing that the Council's policy had been mis-applied.

9.3 **RESOLVED:** That the contents of the report be noted.

10 ITEMS REFERRED FOR COUNCIL

10.1 There were none.

The meeting concluded at 5.25pm

Signed

Chair

Dated this

day of

Subject:	Alcohol Licensing Enforcement Report		
Date of Meeting:	28 November 2019		
Report of:	Executive Director of Housing, Neighbourhoods & Communities		
Contact Officer:	Name:	Sarah Cornell	Tel: 01273 295801
	Email:	Sarah.cornell@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1. This report sets out the licensing and gambling enforcement functions and approximate annual figures carried out by Brighton & Hove Licensing Authority. The figures quoted look at the previous year (September 2018 – September 2019)
- 1.2. The report will specifically look at the enforcement procedures and options available to the Licensing Authority taking into account our Licensing Enforcement Policy.
- 1.3. The type of complaints we receive and follow up investigation measures used will be explained and reactive & proactive inspections including our Risk Rating programme will be outlined. Examples of enforcement work will be provided but all premises and individuals will remain anonymous.
- 1.4. Enforcement and investigation work that the Licensing Authority undertakes under the Licensing Act 2003 and the Gambling Act 2005 includes:
 - Enforcement procedure and options
 - Licensing Risk rate inspections and reactive licensing inspections
 - Joint Intelligence Meetings (JIM)
 - Test Purchase exercises (TP)
 - Sensible on Strength Scheme (SoS)
- 1.5. Legislation and guidance:
 - Licensing Act 2003 and subsequent regulations (LA03) – including reference to the four licensing objectives: The prevention of crime & disorder, the prevention of public nuisance, public safety and the protection of children from harm)
 - Home Office Guidance issued under Section 182 of the Licensing Act 2003
 - Statement of Licensing Policy 2016 (as revised 2019) (SoLP)
 - Brighton & Hove Licensing Enforcement Policy (LEP)

- Gambling Act 2005 and subsequent regulations (GA05)
- Gambling Commission Guidance to licensing authorities 5th edition (Sept 2015)
- Gambling Commission licence conditions and codes of practice (January 2018)
- Gambling Policy (Statement of Principles) 2019-2021

2. RECOMMENDATIONS:

- 2.1. That the contents of the report be noted.
- 2.2. That it be agreed that Licensing Enforcement Officers (LO) should continue to investigate complaints of non-compliance in line with legislation, policy and procedures and take appropriate enforcement action accordingly and LOs continue to carry out proactive work as well as reactive work.

3. CONTEXT/ BACKGROUND INFORMATION

3.1. LICENSING ACT 2003

Enforcement procedure and options

- 3.1.1 LOs will take into account the Licensing Enforcement Policy (LEP) in making enforcement decisions in accordance with Brighton & Hove City Council's Statement of Licensing Policy (LEP can be found at Appendix 1). In order to better target enforcement resources, some inspections will be undertaken outside of normal office hours and the sharing of information between all enforcement agencies will be encouraged through joint meetings or similar arrangements.

A stepped approach to investigations and enforcement is required in line with our LEP. LOs are encouraged to educate rather than enforce in the first instance for less serious matters and if education does not work or is not appropriate then enforcement action will be taken. Enforcement actions are:

- Informal warning
- Formal warning letter
- Licence Review
- Simple Caution
- Prosecution

Licensing Risk rate inspections and reactive licensing inspections

- 3.1.2 The purpose of a risk rate inspection is to determine when we next need to carry out another inspection on a risk-based scoring system. By talking to staff about the premises licence and checking that each premises is complying with the conditions attached to the licence and their responsibilities under the LA03, we can determine when the next programmed inspection visit will need to be carried out. Answers from an inspection form are inputted against the specific premises licensing record on our database and a score is provided. Examples of the type of questions include, the type of premises (nightclub, pub, restaurant, off licence etc), capacity of the venue, terminal hour, whether they have CCTV, Mobile support unit, BCRP membership, confidence of

management, breaches witnessed to name a few). The scoring system will rate the premises into a very low, low, medium, high or very high risk category and this will determine when the next inspection should take place. For a very high score the next visit should be in 6m, for high 12m, for medium 18m etc. The pro forma form for a licensing inspection/risk rate is attached at Appendix 2.

- 3.1.3 We also routinely carry out a licensing inspection for a change in operator (for either a Transfer of Premises Licence Holder and/or a DPS Variation) and for all new licences that are granted and major variations.
- 3.1.4 Attached at Appendix 3 are some tables showing figures for the last year; the first table is for types of service requests, these are jobs that are allocated to Licensing Officers to respond to and investigate if necessary (codes for these are: LICCON & LICPRM). This table also includes the risk rating inspections referred to above (LICRSK) and the second table is for types of visits that are undertaken.
- 3.1.5 Following a service request various actions will be undertaken, these include verbal advice by phone or in person, written advice (via email or letter). For letters, our computer system breaks these down to letter sent with action required, letter sent with action not required and warning letter sent. Within the last year 19 warning letters have been sent, 45 letters with follow up action requested have been sent. One notice has been served (this would have been a Section 19 Closure Order Notice). 622 emails have been sent and 275 have been received following our contact.
- 3.1.6 The third table is for Wards broken down by Service Request type (which gives the total number of complaints, enquiries and risk rate inspections for each Ward) – the results show that both Regency and St Peters & North Laine Wards have had the most service requests which is not surprising given that they are in the city centre.

Examples of reactive complaint investigations:

- 2018-2019 - A new garden was created at a public house in Brighton which caused a lot of concern by local residents. Lots of complaints were received by licensing which resulted in a lot of advice and visits to complainants and the premises. This involved not only Licensing but also working closely with Environmental Protection (EP) and our legal team. A meeting was held with residents, a Councillor, Legal, and Licensing to discuss these issues. After much advice and mediation the residents are now working with the premises & having meetings and a noise management plan has been created by the premises licence holder. No further complaints have been received to this date.
- In 2018, following a failed test purchase, breach of conditions and concerns over bad management with a convenience store & off licence (outside of CIZ & SSA) a number of visits took place from licensing, trading standards and police licensing. The premises licence was revoked by the Panel after a Review was submitted by the police, which sent a very strong statement to other premises that if they behave irresponsibly their licence could be revoked.

- Since then two separate applicants have applied for a premises licence, both of which were refused by our licensing panel. One applicant appealed the decision, but this was dismissed by the Magistrates Court.

Joint Intelligence Meetings (JIM)

- 3.1.7 The fortnightly Joint Intelligence Meeting (JIM) has been running since the Licensing Act 2003 came in to force in 2005 and it has always been a very worthwhile meeting. The purpose of the meeting is to bring together the Relevant Authorities to share intelligence relating to licensed premises in Brighton & Hove. The information brought is deemed necessary and appropriate to share with all authorities. It helps to avoid duplication and to better target enforcement resources. Premises added to the minutes of the meeting are of interest to more than one authority.
- 3.1.8 The core members of the JIM are Brighton & Hove City Council Licensing Authority (LA), the Environmental Protection team (EP), Health and Safety, Trading Standards team, Food Safety team, Sussex Police Licensing Unit and East Sussex Fire & Rescue Service. Other attendees include the Home Office Immigration Enforcement Team and minutes are copied to our Highways enforcement team and Planning.
- 3.1.9 The officers that attend the JIM consist of persons with sufficient knowledge in the authority they represent to deal with cases raised at the JIM and to contribute information and update cases.

Some examples of notable joint work so far this year include:

- The Police had concerns over DPS/no BCRP membership of a CIZ bar/cafe. It was visited at night by the Police Licensing Unit and served a Section 19 Closure Order for multiple breaches of the licence. Long history of breaches at the Premises in the past that led to two Reviews. The premises is under new management with another rebranding but they continue to breach. Police and LA joint inspection carried out with a lot of follow up work and discussions with the licence holder. Subsequent night visit by the Police uncovered further breaches, heading for joint Review/Prosecution.
- A one-day festival in the city was raised by LA at JIM. Police attended the event with EP where they witnessed a nearby Club Premises breaching its Club premises certificate. Subsequent joint meeting held on site with Police & LA to follow this up. Club not a bona fide club anymore so now enforcement action taken to stop carrying out licensable activities and they will now apply for a premises licence.
- A complaint was referred to us by Police Licensing regarding a serious incident on Easter Bank Holiday Sunday afternoon at a large city centre hotel (within the Cumulative Impact Area (CIZ)). On checking the history the LO could see that the premises was recently visited and a licensing inspection undertaken and due to the seriousness of the incident it was deemed appropriate to call the premises in for a joint meeting at the Police Station with the LA. The Premises Licence was a very old licence from 2005 that had been converted straight over from the old Licensing Act 1964 (issued by

the Magistrates Court), it had no updated conditions on that are seen on Premises Licences issued since 2005. In light of the serious crime & disorder, public nuisance, public safety and protection of children from harm concerns the police and ourselves had, the premises has since put in a Minor Variation to update and amend the conditions on their licence. These include things such as CCTV, Business Crime Reduction Partnership (BCRP) membership, SIA door supervisors to be risk assessed, Challenge 25 policy and staff training. This is an example of a successful outcome using a joint stepped and measured approach to a premises not upholding the licensing objectives without the need to Review the licence. The premises remain as one that is monitored to ensure compliance.

- A 24-hour convenience store and off-licence within the CIZ has received a number of complaints from local residents, businesses and PCSO's, regarding antisocial behaviour (ASB), crime and disorder and public nuisance, often linked to alcohol in and around a notoriously bad area. This antisocial behaviour is predominantly caused by the street drinking community who are purchasing cheap super strength alcohol from this premises on a daily basis.
- A number of visits have been made to these premises reminding them of the problems in the area and not to sell to intoxicated customers, but these warnings have been ignored so a Review has been submitted by a member of the licensing team which will be supported by the police.
- In 2016 - An example of excellent joint working originated at the JIM where police, licensing and trading standards conducted a joint operation regarding an action against an organised crime group operating across a range of licensed premises. Joint visits were carried out and evidence gathered of counterfeit alcohol, money laundering and drug dealing. Criminal charges were brought, and review proceedings initiated resulting in the license holders/occupants being evicted from the premises and the licences being updated with robust conditions.
- This was a huge victory for the Licensing and Trading Standards teams as the JIM helped to facilitate the joint working that led to this remarkable outcome with a real benefit to the residents of Brighton and Hove. Ensuring that relevant intelligence was shared with the right agencies resulting in enforcement action that stopped persons involved in organised crime from running a business with day to day contact with the public on one of our busiest streets in the city, stopping them being exposed to illegal alcohol.

Test Purchase Exercises (TP)

- 3.1.10 Sussex Police and Trading Standards continue to have a concern that, despite free staff training in age-restricted sales being provided by Trading Standards, under age individuals are still being served alcohol in some of the city's licensed premises. As such, regular intelligence-led 'test-purchase' operations are conducted.

Date	TPO Op	No of Premises Test Purchased	No of Sales to Underage Volunteers	Type of Licence
31.05.2018	Alcohol	9 Premises	1 Failure 1 x Off-Licence	7 x Off-Licence / 2 x On-Licence
06.12.2018	Alcohol	9 Premises	2 Failures 1 x Off-Licence 1 x On-Licence	8 x Off-Licence / 1 x On-Licence
14.03.2019	Alcohol	9 Premises	2 Failures 2 x Off-Licence	7 x Off-Licence / 2 x On-Licence
21/08/2019	Alcohol	8 Premises	4 Failures 3 x Off-Licence 1 x On-Licence	7 x Off-Licence / 1 x On-Licence

- 3.1.11 If a premises fails a test purchase, the individual will be given a £90 penalty notice for disorder (PND) which is down to themselves to pay.
- 3.1.12 The Premises Licence Holder (PLH) and DPS is summoned to meeting with police licensing following the failure. Signed official warning letter is issued and advised that they will be tested a second time, and if fails an immediate review application and matter will be put in front of a council licensing panel hearing in accordance with Home Office S.182 Guidance.
- 3.1.13 The PLH may put in a minor variation to update their existing licence conditions to current modern standards.
- 3.1.14 It is anticipated that initiatives, including the introduction of identification scanning machines at premises throughout the city, will go some way to mitigate this risk. Sussex Police also continue to work alongside the BCRP to tackle the problem of those who use false identification to enter licensed premises and purchase alcohol. Free Trading Standards age restricted sales training is delivered to at least 100 premises/300 staff on an annual basis.

Sensible on Strength Scheme (SoS)

- 3.1.15 In November 2013 the Licensing Authority launched the 'Sensible on Strength' scheme to reduce the availability of cheap super-strength beers and ciders. Off licences voluntarily sign up not to sell cheap super-strength beers and ciders over 6% ABV and operate good practice measures, for which they receive an accreditation as a responsible retailer. This has been a considerable success and we have received positive feedback including from businesses, alcohol treatment centres and health professionals, where 80% of the high-profile street drinkers have moved to lower ABV and more clients are engaging with rehab treatment centres, as well as breaking up hot spot drinking areas. This is an ongoing scheme that will be reviewed regularly.
- 3.1.16 Through achieving this change, the ultimate aim is to reduce alcohol related harm and anti-social behaviour, and to move vulnerable drinkers onto weaker alcohol as experience shows that if this can be achieved, the level of deterioration in health is dramatically slowed and there is more likelihood that they will take the step to abstinence and long-term sobriety. Public health is not

a licensing objective but reducing high alcohol by volume drinks from the off-licence trade should benefit alcohol related morbidity and mortality.

- 2013-14 79 premises joined the scheme
 - 2014-15 119 premises are members
 - 2015-16 131 premises / 23 stopped selling but not joined
 - 2016-17 159 premises / 39 stopped selling but not joined
 - 2018-19 178 premises / 48 stopped selling but not joined
 - 2019-20 192 premises / 49 stopped selling but not joined
-
- There are 286 off licences in Brighton & Hove. This figure is made up of off-licences/convenience stores, supermarkets and petrol stations.
 - Premises re-visited to confirm still members: 105
 - Dr Worthley, Lead GP at Brighton Homeless Healthcare, “continues to be one of the most significant public health measures in Brighton & Hove”
 - We have very recently received this from a Doctor at the Royal County hospital who wanted some advice on the SoS scheme: - “We've been doing some research work looking at whether the sensible on strength initiative had an impact on admissions with alcohol related liver disease in our hospital. We will let you know once our results get published. Keep up with the great work!”
 - The 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.

3.2 Gambling Act 2005

- 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 Compliance is a relatively small amount of work for the Licensing Authority. Two yearly inspections are carried out for all gambling premises to ensure compliance with the GA05 and regulations. 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 GA05. Any non-conformities are followed up with the premises and head offices in writing, ensuring that the Gambling Commission are kept up to date. Non-conformities are rare as all of the Betting Offices, the Bingo premises, Betting Tracks, AGC's and Casinos in Brighton & Hove are run by national companies who have stringent regulations and training in place.

Gambling Local and National Issues

- 3.2.3 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.

Test purchase exercise – Gaming machines in licensed premises

- 3.2.4 In June 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.
- 3.2.5 Children (under 18's) 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.
- 3.2.6 There was a 70% failure rate of the licensed premises tested in Brighton. Of the 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.
- 3.2.7 Those premises that 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. On a recent licensing inspection by a LO to a pub of one of the national chains, the licence holder indicated that their head office were now carrying out their own test purchases on gaming machines in all of their pubs. This is just one of the national chains so hopefully this is now a more common occurrence amongst national pub companies. Brighton & Hove and the Gambling Commission are proposing to do some more TP's in the near future including to those that failed last time. Further TP's are to be carried out, including those premises that failed last year. If a premises fails again we will consider removing their entitlement to having gaming machines or review their premises licence.
- 3.2.8 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: 16/10/19

Legal Implications:

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

Lawyer Consulted:

Rebecca Sidell

Date: 16/10/19

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):

- 6.1 None – for information only.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 For information only.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix 1 Licensing Enforcement Policy
2. Appendix 2 Pro forma form for a licensing inspection/risk rate
3. Appendix 3 Table of figures showing type of service requests, visits undertaken for service requests and service request by Ward (all for the last year).

Background Documents

1. None.

LICENSING ENFORCEMENT POLICY

1.0 STATEMENT OF OBJECTIVES

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

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

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

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

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

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

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

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

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

1. 6 The rights and freedoms given under the Human Rights Act, particularly Article 6 and 8, will be observed, as will the provisions of the Regulation of Investigatory Powers Act.

2.0 SCOPE OF THE POLICY

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

3.0 TRAINING

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

4.0 MANAGEMENT SYSTEMS

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

5.0 ENFORCEMENT OPTIONS

- 5.1 The service recognises the importance of achieving and maintaining consistency in its approach to enforcement. Statutory Codes of Practice and guidance issued by government departments, other relevant enforcement agencies or professional bodies will therefore be considered and followed where appropriate.
- 5.2 Sanctions and penalties will be consistent, balanced, fairly implemented and relate to common standards that ensure individual's, public safety or the

environment is adequately protected. The aim of sanctions and penalties are to:

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

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

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

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

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

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

- Failure to comply with an Enforcement Notice
- Declining a Simple Caution
- Continued, reckless, negligent or pre-meditated non-compliance.
- Failure to pay a fixed penalty.
- Non-cooperation, acts of obstruction or threats of physical harm or abuse.

- **Injunctions:** Injunctive action as a means of preventing an activity or course of action likely to result in significant risk to public or community safety or economic wellbeing of consumers and businesses.

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

6.0 INFORMAL WARNING

6.1 Informal action may be taken when:

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

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

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

7.0 SIMPLE CAUTIONS

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

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

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

- evidence of the suspect's guilt
- has a clear and reliable admission of the offence been made either verbally or in writing
- is it in the public interest to use a caution as the appropriate means of disposal when taking into account the public interest principles set out in the Code for Crown Prosecutors.

- the suspected offender must understand the significance of a simple caution and give an informed consent to being cautioned.

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

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

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

8.0 PROSECUTION

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

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

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

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

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

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

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

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

9.0 Home Office and Government Advice: Problem premises on probation

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

10. APPEALS

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

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

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

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

ANNEX A

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

The problem

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

Supporting enforcement agencies

5. The government will encourage enforcement agencies – mainly the police, trading standards officers and environmental health officers – to seek more reviews in the knowledge of the yellow card/red card system described below. This will mean not giving formal warnings. It will mean that on identifying problem premises, the licensing authority will be engaged faster than it might have been in the past.

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

First intervention

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

Second intervention

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

Implementation

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

ANNEX B

POSSIBLE TOUGH CONDITIONS TO BE ASSEMBLED INTO PACKAGES

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

GREATER CONTROL OVER SALE

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

TRAINING

8. All staff to read and sign a declaration that they understand the law every time they start a shift.
9. Train all staff engaged in selling alcohol in alcohol awareness (not just personal licence holders). All new staff to be trained within two weeks of commencing employment. Evidence of training to be retained in writing and to be available for inspection by any authorised person and training standards officers. Impact on all licensing objectives.

ALCOHOL SALE BANNED AT CERTAIN HOURS

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

ALCOHOL DISPLAYS

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

CUTTING DOWN ON SHOPLIFTING

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

NAMING AND SHAMING

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

OTHERS

18. Maintain a log of all under attempted purchases from those who appear to be under 18 or drunk.
19. Children aged under [18 years] not to be present or (not more than one child at any one time) on premises (other than children living on the premises or of the people working on the premises); or only children under 18 accompanied by an adult to be permitted on the premises during retailing hours. Impact on protection of children from harm.
20. Products to be labelled (a label stuck to the bottle or can) to show the details of the shop from which it was bought. Purpose would be to provide evidence of unlawful sales if product found commonly in possession of persons under 18.

21. Designated single items – beer, alcopops and cider – not to be sold to any person. Impact on protection of children from harm. Purpose would be to reduce sales to children and drunks. Alternative would be to prescribe sales of beer, alcopops and cider in quantities of less than four.
22. CCTV installed, monitored and 24 hour recordings kept for a week and made available to constables and persons authorised under the 2003 Act to help identify attempted proxy purchasing.
23. Where there is no designated smoking area, readmission after midnight should normally be prohibited.

Licensing Act 2003

Inspection Report

Licensing Department
Environmental Health & Licensing
Bartholomew House
Bartholomew Square
Brighton BN1 1JP

Tel: 01273 294429

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

Appendix 2

Person spoken to and position:

Is the person a Personal licence holder? Yes ☐ No ☐

Changes:

Premises Name and Address:

Telephone number:

CIZ / SSA / Outside

Premises Licence number:

Part A (site) Yes ☐ No ☐ B displayed Yes ☐ No ☐ SOS ☐ 6% ABV cond ☐ Challenge 25 ☐

DPS:

Authority:

Written ☐ Verbal ☐ None ☐

CCTV:

Installed ☐ Working ☐

Gaming Machines No of M/C
No & CAT

Capacity:

Plans ok? Yes ☐ No ☐

Doorstaff: No ☐ Yes ☐ Company:

S.I.A.

MSU

BCRP

External windows & doors

Noise Limiter

Open ☐ Closed ☐

Yes ☐ No ☐

Forecourt / Beer Garden

Smoking shelter:

In use: Yes ☐ No ☐

Yes ☐ No ☐

Cond Licensable activities taking place:

Mandatory Annex 1:

Initiatives / Promotions

Annex 2/3: CD:

PS:

PN:

CH:

Advice given / comments / further action required:

Date & time:

Officer:

Visits**Table 1 – Service request type**

SR Request Type	Request Type Description	Count
LICCON	Licence Conditions (<i>i.e. alleged breach of conditions, unauthorised licensable activities & complaints</i>)	71
LICPRM	Licensing – premises (<i>i.e. complaints & enquiries about premises</i>)	206
LICRSK	Licensing - Risk Rating (<i>routine licensing inspection</i>)	335
	Total	612

Table 2 – Service request visit types

Visits for Service Requests (SR) between 01/09/2018 to 19/09/2019		
Visit Type	Visit Description	Count
LICGPR	EH Licensing - revisit	106
LICINV	EH Licensing - initial visit	102
LICOOH	EH Licensing - Out of Hours (evening/night) visit	40
LICOTH	EH Licensing - other visit (<i>follow up visits, meetings...</i>)	135
LINF	EH Licensing - Enforcement Visit (<i>pre-programmed RR visit, complaint visit, joint visit with other agencies</i>)	102
	Total	485

Table 3 – Service requests types by Wards

Wardname	Request Type	Count
Brunswick And Adelaide	LICCON	5
Brunswick And Adelaide	LICPRM	17
Brunswick And Adelaide	LICRSK	12

Central Hove	LICCON	4
Central Hove	LICPRM	10
Central Hove	LICRSK	20
East Brighton	LICCON	4
East Brighton	LICPRM	8
East Brighton	LICRSK	10
Goldsmid	LICCON	1
Goldsmid	LICPRM	2
Goldsmid	LICRSK	8
Hangleton And Knoll	LICPRM	2
Hangleton And Knoll	LICRSK	4
Hanover And Elm Grove	LICCON	3
Hanover And Elm Grove	LICPRM	2
Hanover And Elm Grove	LICRSK	10
Hollingdean And Stanmer	LICPRM	4
Hollingdean And Stanmer	LICRSK	12
Hove Park	LICPRM	2
Hove Park	LICRSK	1
North Portslade	LICRSK	4
Patcham	LICCON	1
Patcham	LICPRM	2
Patcham	LICRSK	8
Preston Park	LICCON	2
Preston Park	LICPRM	6
Preston Park	LICRSK	8
Queen's Park	LICCON	6
Queen's Park	LICPRM	30
Queen's Park	LICRSK	36
Regency	LICCON	22
Regency	LICPRM	65
Regency	LICRSK	83

Rottingdean Coastal	LICCON	3
Rottingdean Coastal	LICPRM	9
Rottingdean Coastal	LICRSK	25
South Portslade	LICPRM	1
South Portslade	LICRSK	5
St. Peter's And North Laine	LICCON	17
St. Peter's And North Laine	LICPRM	40
St. Peter's And North Laine	LICRSK	64
Westbourne	LICCON	1
Westbourne	LICPRM	3
Westbourne	LICRSK	5
Wish	LICCON	1
Wish	LICPRM	3
Wish	LICRSK	6
Withdean	LICCON	1
Withdean	LICRSK	7
Woodingdean	LICRSK	7
Brunswick And Adelaide	LICCON	5
Sum:		612

Schedule of Reviews from Nov 2019

NAME AND ADDRESS OF PREMISES	Review called by	DATE OF HEARING	DETERMINATION
The Border Store 2 Western Road Hove BN3 1AE	Licensing Authority	02.12.19	Yet to be determined
The Gin Tub 16 Church Road Hove BN3 2FL	Sussex Police	09.12.19	Yet to be determined

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)	Agenda Item Brighton & Hove City Council
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Schedule of Licensing Appeals: Date of Meeting: 28th November 2019

Premises	Appellant	PTR	Hearing	Outcome
Twisted Lemon, 41 Middle Street, Brighton.	Licence Holder, appeal against refusal to remove restaurant condition			Settlement terms agreed. Minor variation to reduce hours at other premises 1 Middle Street; Robust set of conditions for 41 Middle Street so the variation to remove restaurant condition allowed.
Park and Shop, Woodingdean Service Station, 534 – 540 Falmer Road, Brighton	Licence Holder, appeal against refusal to vary to 24 hour licence.			Appeal allowed by consent. Effective training and management systems in place and test purchase pass. Premises will trade by secure hatch after 23:00 hours.

