

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

Agenda Item 7

Brighton & Hove City Council

Subject: Annual Report of the Licensing Authority 2023/24
Date of Meeting: 20 June 2024
Report of: Executive Director of City Services
Contact Officer: Name: Jim Whitelegg/Sarah Cornell Tel: 01273 292438/295801
Email: Jim.whitelegg@brighton-hove.gov.uk
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 functions for Brighton & Hove City Council carried out during 2023/24 (1st April 2023 – 31st March 2024).
- 1.2. National matters: legislative changes and consultation
 - There were two updates in the Section 182 Local Authority Home Office Guidance:
 - i) July 2023 - Following on from the recommendations made in relation to the Manchester Arena Inquiry, the Home Office have made amendments to the s182 Guidance which accompanies the Licensing Act 2003 under 2.11 – 2.15 Counter terrorism and public safety.
 - ii) Dec 2023 to include a reference to Spiking (2.7) under the Prevention of Crime and Disorder licensing objective.
 - Martyn's Law (Terrorism (Protection of Premises) Draft Bill) May 2023. New scrutiny requirements for public venues in the UK requiring venues to consider the threat of terrorism and take steps to improve safety. There is no law or pending law yet, a Government consultation ended on 18 March 2024 relating to the Standard Tier proposal but nothing has happened since then.
 - Regulatory Easements –Off sales easements extended to 31st March 2025 but additional TENs limits have been reduced back to what they were pre Covid.
 - In light of the current off licence easements coming to an end in March 2025, the Government has recently launched a consultation with three possible options to choose from. The consultation seeks views on whether changes should be made to the Licensing Act 2003 in order to make it easier for businesses with a premises licence to sell alcohol for consumption in an adjacent licensed pavement area.
- 1.3. Local licensing matters
 - Alcohol delivery
 - Applications and Reviews/Expedited Reviews
 - Spiking
 - Street drinking/Sensible on Strength

- Test Purchase operations
- Events
- Forthcoming Statement of Licensing Policy Review

1.4. Members are apprised of local and national issues.

2. RECOMMENDATIONS:

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

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

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1. Licensing Act 2003

3.1.1. At the time of writing this report the total number of licensed premises in Brighton & Hove is 1430.

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

3.1.3. The Licensing Authority dealt with 3 Reviews (1 of which was expedited) from 1st April 23 to 31st March 24.

3.1.4. In Appendix 1 and 2 you will find more detailed tables showing “Total Premises Licences by venue type and ward” in Appendix 1 and “Licence Applications received between 1st April 23 to 31st March 24 – venue type and area” in Appendix 2.

Table 1: Licensing Act 2003 figures

1st April 2023 – 31st March 2024		1st April 2022 – 31st March 2023		1st April 2021 – 31st March 2022	
New apps 01.04.23-31.03.24	68	New apps 01.04.22-31.03.23	69	New apps 01.04.21-31.03.22	89
TOTAL fully processed*	67	TOTAL fully processed*	64	TOTAL fully processed*	88
New (inc. time limited)					
(granted)	63	(granted)	59	(granted)	83
(refused)	2	(refused)	2	(refused)	3
(withdrawn)	2	(withdrawn)	3	(withdrawn)	2
(pending)	1	(pending)	5	(pending)	1
Variations	29	Variations	25	Variations	20
TOTAL	28	TOTAL	24	TOTAL	19
(granted)	24	(granted)	21	(granted)	16
(refused)	2	(refused)	2	(refused)	1
(withdrawn)	2	(withdrawn)	1	(withdrawn)	2
(pending)	1	(pending)	1	(pending)	1
Minor Variations	59	Minor Variations	54	Minor Variations	48

TOTAL	59	TOTAL	52	TOTAL	48
(granted)	58	(granted)	51	(granted)	47
(refused)	0	(refused)	1	(refused)	0
(withdrawn)	1	(withdrawn)	0	(withdrawn)	1
(pending)	0	(pending)	2	(pending)	0
Panel hearings (apps excluding reviews)	23	Panel hearings (apps)	22	Panel hearings (apps)	29
Reviews	3	Reviews	7	Reviews	5
Appeals	3	Appeals	1	Appeals	2
Surrendered	34	Surrendered	16	Surrendered	19
Lapsed	15	Lapsed	6	Lapsed	8
TENS hearings	0	TENS hearings	0	TENS hearings	
TOTAL TENS	1124	TOTAL TENS	761	TOTAL TENS	663
TENS (granted)	1050	TENS (granted)	720	TENS (granted)	647
TENS (refused/invalid)	29	TENS (refused)	0	TENS (refused)	12
TENS (withdrawn)	45	TENS (withdrawn)	41	TENS (withdrawn)	4

3.1.5 From 01.04.23 to 31.03.24 a total of 68 new premises applications were received, 67 of which were fully processed. Processing means receiving the application, entering it onto the database, receiving representations and proceeding to a panel hearing, sending out the panel decision letters, writing up the licences, sending out the licence and entering the decision onto the database.

3.1.6 Headline trends

There was a slight increase in Variations and Minor Variations. There was also an increase in surrendered and lapsed licences. We also had a significant increase in TENSs. The table below details New applications received by premises type:-

1st April 2023- 31st March 2024		1st April 2022- 31st March 2023		1st April 2021- 31st March 2022	
New apps 01.04.23- 31.03.24	68	New apps 01.04.22- 31.03.23	69	New apps 01.04.21- 31.03.22	88
Pub/bar/nightclub	2	Pub/bar/nightclub	2	Pub/bar/nightclub	7
Convenience Store (off)	5	Convenience Store (off)	5	Convenience Store (off)	10
Restaurant	17	Restaurant	18	Restaurant	24
Café	11	Café	14	Café	18
Late Night Refreshment	4	Late Night Refreshment	6	Late Night Refreshment	2
Large supermarket	0	Large supermarket	0	Large supermarket	0
Petrol station	0	Petrol station	1	Petrol station	0
Church, Village hall etc	0	Church, Village hall etc	1	Church, Village hall etc	0
Cinema	0	Cinema	1	Cinema	0
Hotel/guest house	2	Hotel/guest house	2	Hotel/guest house	0
Alcohol Off sales via delivery/online (new category)	1	Alcohol Off sales via delivery/online (new category)	3	Alcohol Off sales via delivery/online (new category)	3

Other (inc. Members Clubs)	19	Other (inc. Members Clubs)	16	Other (inc. Members Clubs)	24
Time limited licences	7	N/A		N/A	

3.1.7 Of the 68 new applications received 29 were for premises within the CIZ. Looking at the 29 premises within the CIZ, 17 were granted after no representations were received (inc. pre-consulted applications, modified applications after agreements reached, applications within policy), 2 were for new Hotels, 1 time limited licence, 1 re-granted lapsed licence 1 members club. 5 went to a panel hearing (4 of which were granted and one refused). 2 applications were withdrawn by the applicant.

This is a breakdown of the 8 'Other' applications within CIZ:-

1 x time limited (Royal Pavilion ice rink), Royal Pavilion Buildings, independent record store, indoor golf centre, members only workspace, retail shop selling specialist truffle deli products, venue for art classes and a street food market.

3.2. Gambling Act 2005 - Licensing Authority Functions

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

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

Number of Gambling Authorisations			
	May 2024	May 2023	May 2022
Betting Premises Licences	24	24	25
Bingo Premises Licences	2	2	2
Adult Gaming Centre Premises Licences	5	6	6
Family Entertainment Centre Premises Licences	2	2	2
Family Entertainment Centre Permits	4	5	5
Alcohol licensed premises providing two or less gaming machines	183	185	184
Alcohol licences premises providing three or more gaming machines	25	22	23
Club Gaming Permits	3	3	3
Club Machine Permits	5	8	8
Casinos	4	4	4
Betting Track	2	2	2

3.3 Local Licensing Issues

3.3.1 Licensing Reviews and Applications

It has been a busy year with some notable licensing reviews as well as significant licensing applications within the city centre. The licensing team and panel members have dealt with two standard licensing reviews bought by the police and residents and one expedited/summary review. This is an urgent review where the police are concerned the premises are associated with serious crime or disorder.

3.3.2 Brighton & Hove response to spiking incidents

Public Health and Licensing are working with key partners (e.g. universities and colleges) to raise awareness and provide advice and links on promoting safety as well as reporting incidents to the police. Training of venue staff is also being provided by accredited trainers and the council provided funding to facilitate the training.

3.3.21 In November 2023, the Police and Licensing attended a training course delivered by Stamp Out Spiking, an anti-spiking charity based in the UK. The charity has professional experience in alcohol and drug awareness workshops, concentrating on the welfare of young people. This course explored the incident rate and consequences of spiking. Provided a full overview of the substances used to spike drinks and other methods of spiking. How the crime impacts on the victim/ public and businesses. Work with experienced trainers to review how businesses can safeguard employees and customers, developing a policy, risk assessment and incident flow chart and incident log.

3.3.22 Revised Guidance issued under section 182 of the Licensing Act 2003 has recognised that Spiking is a national issue and was updated in December 2023 to include a paragraph about spiking:

(2.7) The objective to crime under the Licensing Act 2003 would include taking measures to prevent incidents of spiking which would usually be prosecuted under section 23 and 24 of the Offences Against the Person Act 1861, and section 61 of the Sexual Offences Act 2003. The following examples are within the range of behaviours that would be considered spiking. This list is not exhaustive:

- Putting alcohol into someone's drink without their knowledge or permission
- Putting prescription or illegal drugs into an alcoholic or non-alcoholic drink without their knowledge or permission
- Injecting another person with prescription or illegal drugs without their knowledge or permission
- Putting prescription or illegal drugs into another person's food without their knowledge or permission
- Putting prescription or illegal drugs into another person's cigarette or vape without their knowledge or permission

3.4 VAWG/safeguarding initiatives

3.4.1 The Council have used Home Office funding to set up and support a series of initiatives to promote safety on our streets and, in particular, to tackle violence against women and girls (VAWG). The key initiatives relevant to licensing include extra VAWG police patrols, taxi marshals, additional quad bike for Beach Patrol,

training for venues and the public, bystander training, promoting “Healthy Relationships” in schools, media campaign and drink spiking awareness and prevention.

- 3.4.2 In addition, there is the on-going work of street pastors and safe space in within the city centre, the Beach Patrol service and the work done in partnership with organisations such as universities, as well as licensed premises, to promote safeguarding schemes such as the “Good Night Owl” scheme and the “Ask 4 Angela” initiative.
- 3.4.3 The Council’s licensing team works closely with Brighton Police Licensing carrying out joint enforcement work of licensed premises and joint age-restricted test purchase exercises including the sale of alcohol and knives. Safeguarding and child sexual exploitation training is provided to the hotel and hospitality sector and has been made mandatory for all of our licensed taxi drivers.
- 3.4.4 The BHCC licensing authority continue to engage with key stakeholders, including responsible authorities, venues and resident associations via the Licensing Strategy Group which meet every 3 months and work closely with the BCRP as a link with the city’s venues.

3.5 Sensible on Strength (SoS) and Under-Age sales training

- Total number of off licences 338 in the city
- BHCC SoS launched in 2013 to reduce availability of cheap super strength beers and ciders
- SoS Membership = 274 - SOS website plus further 51 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 addition, Varndean 6th Form College are using the Sensible on Strength (SoS) as a study about a local health campaign and the SoS initiative has been included in a module for Promoting Public Health to second year students.
- Age restricted sales training and test purchasing is provided to licensed venue staff.
- As part of the County Lines Intensification work, Sussex Police and Council’s Licensing Officers conducted visits at local hotels to ensure the staff receive relevant training on Child Sexual Exploitation and vulnerability. As part of this exercise follow up requests were made for underage sales training to be provided to hotels.

3.6 Test Purchasing of - Alcohol - Underage

Procedure

- 3.6.1 If a premises fails a test purchase, the individual is given a Community Resolutions (CR) order. Staff must complete training and take an assessment.

However, if a sale is made by the Designated Premises Supervisor (DPS) they will be summoned to court.

There has been a request for the CR training to be shared across Sussex. Council Trading Standards and Licensing jointly with Sussex Police to lead in setting up a subgroup to the licensing forum to get it developed and rolled out force wide, and also to other Local Authorities and Trading Standards Departments.

3.6.2 The Premises Licence Holder (PLH) and Designated Premises Supervisor 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 committee in accordance with Home Office S.182 Guidance.

3.6.3 The PLH may also be presented with minor variation to update their existing licence conditions to current modern standard. If the PLH accepts this must be applied and paid for to the council without delay.

Results

Date	TP Op	Premises Tested	Failed	Premises Type
26.04.2023	Alcohol	11 Premises	0 Failed	Off-Licence
07.07.2023	Alcohol	4 Premises	1 Failed	On-sales
10.11.2023	Alcohol	11 Premises	1 Failed	Off-Licence

3.6.4 As a result of the test purchasing operations, 1 premises licence was revoked following a licensing panel hearing. The premises has appealed and waiting court hearing. 1 premises voluntarily applied for minor variations to update existing premises licence conditions.

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: 07/06/24

Legal Implications:

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

Lawyer Consulted: Rebecca Sidell Date: 13/06/24

Equalities Implications:

5.3 There are no direct equalities implications.

Sustainability Implications:

5.4 There are no direct sustainability implications.

Crime & Disorder Implications:

5.5 Contained in the body of the report.

Risk and Opportunity Management Implications:

5.6 No implications

Public Health Implications:

5.7 Contained within report.

Corporate / Citywide Implications:

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

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

None – for information only.

7. REASONS FOR REPORT RECOMMENDATIONS

For information only.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix 1 – “Total premises Licences by venue type and ward”
2. Appendix 2 - “Licence applications received 2023/24 – venue type and area”

Documents in Members’ Rooms

1. None.

Background Documents

1. None.



