

Licensing Committee (Licensing Act 2003 Functions)

Date: **23 June 2022**

Time: **3.00pm**

Venue: **Council Chamber, Hove Town Hall**

Councillors: John (Chair), Davis (Deputy Chair), Henry (Opposition Spokesperson), Simson (Group Spokesperson), Ebel, Fowler, Heley, Knight, Lewry, Moonan, O'Quinn, Phillips, Pissaridou, Rainey and Theobald

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Date of Publication - Wednesday, 15 June 2022

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 previous meeting held on the 17 February 2022. (Copy Attached)

3 CHAIR'S COMMUNICATIONS

4 CALLOVER

(a) Items (7 – 9) 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.

5 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 17 June;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 17 June.

6 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.

7 ANNUAL REPORT OF THE LICENSING AUTHORITY 2021/22 13 - 26

Contact Officer: Jim Whitelegg Tel: 01273 292438
Ward Affected: All Wards

8 REVIEW OF LICENSING PANEL HEARINGS ARRANGEMENTS 27 - 30

Contact Officer: Rebecca Sidell Tel: 01273 291511
Ward Affected: All Wards

9 SCHEDULE OF REVIEWS & APPEALS 31 - 34

Schedule of Reviews from 1 April 2021 (copy attached)
Schedule of Licensing Appeals (copy attached)

10 ITEMS REFERRED FOR COUNCIL

To consider items to be submitted to the 21 July 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

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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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Further information

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

4.00PM 17 FEBRUARY 2022

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Deane (Chair), Davis (Deputy Chair), Henry (Opposition Spokesperson), Simson (Group Spokesperson), Appich, Ebel, Knight, Moonan, O'Quinn, Rainey and C Theobald

Apologies: Councillors Bagaeen, Lewry and Phillips

PART ONE

24 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

24.1 Councillor Shanks was present in substitution for Councillor Heley.

(b) Declarations of Interest

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

(c) Exclusion of Press and Public

24.3 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.

24.4 **RESOLVED:** That the press and public not be excluded from the meeting.

25 MINUTES OF THE PREVIOUS MEETING

25.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 14th October 2021 be agreed and signed as a correct record.

26 CHAIR'S COMMUNICATIONS

26.1 I would like to talk to you about spiking incidents which have had considerable interest throughout the city in recent months. Following an increase in reported spiking incidents in October and November last year, the Police and Safe Space have seen a significant decrease in reported incidents. Police investigations are continuing and

both the Council and the Police are very conscious that spiking by alcohol or drugs is an ongoing issue and despite a drop in reported incidents, we are committed to addressing the problem by raising awareness and giving advice and support as well as taking enforcement action.

Guidance was put together by the Police in October 2021 and sent out to as many licensed premises as possible as soon as it was recognised there was an increase in reports being made. This guidance was disseminated in a number of ways but the main route was through the partnership working with Brighton and Hove Business Crime Reduction Partnership and colleagues in the council's Licensing team. In addition, round table meetings were held with venues and security companies to share best practice.

Many venues have purchased products to cover drinks, increased searches on entry, increased door and bar staff and brought in medics to make their venues as safe as possible in a bid to install confidence that they are doing as much as they can do to try keep people safe. Many venues and some mobile support units have also purchased drinks spiking test kits.

Public Health colleagues are currently working with universities and colleges to send an update of the current situation and provide advice and links on promoting safety as well as reporting incidents to the Police.

27 CALLOVER

27.1 The following items were called over:

Item 30 Review of Licensing Panel Hearing Arrangements

Item 30a Public Health Framework for Assessing Alcohol Licensing 2021 Review

Item 31 Schedule of Appeals

Item 32 Schedule of Reviews

28 PUBLIC INVOLVEMENT

28.1 There were no public engagement items.

29 MEMBER INVOLVEMENT

29.1 There were no Member engagement items.

30 REVIEW OF LICENSING PANEL HEARINGS ARRANGEMENTS

30.1 The Committee considered a report of the Executive Director, Governance, People and Resources, which set out the position in relation to the powers of the Licensing Committee to make its own arrangements in relation to the conduct of Licensing Panels convened under the Licensing Act 2003 (Licensing Panels).

- 30.2 The report proposed that Members review the current arrangements and delegate authority to the Executive lead officer after consultation with lead members to determine the future conduct of Licensing Panels until further review at the next committee in June 2022. The intention was to build flexibility into the arrangements and be able to respond to the latest public health and government advice.
- 30.3 The report was presented by the Lawyer.
- 30.4 Councillor O'Quinn said that virtual Licensing Panels had worked well and had enabled a wider number of residents to participate. She did not want to see hybrid panels, preferring for them to be either in-person or virtual.
- 30.5 The Lawyer proposed that the decision regarding future arrangements be taken in consultation with the Lead Member. The idea currently was to see how Members felt about current arrangements and continue this flexibility until the next Licensing Committee in June.
- 30.6 Councillor Appich felt that virtual Licensing Panels had taken the fear away from residents and made them seem less formal. Going forwards, she asked officers to bear in mind the lessons learnt from virtual hearings and build these into whichever method of meetings were implemented in the future.
- 30.7 Councillor Theobald said virtual meetings had worked well and she preferred to keep to this arrangement in future.
- 30.8 Councillor Simson preferred in-person panels, citing problems with technology as her reason for this. She said that technical problems had caused extended meetings and she would want to see a return to in-person meetings when safe to do so. She asked if webcasting would continue if they returned to in-person meetings.
- 30.9 The Lawyer said it was very possible that webcasting would continue if Licensing Panels took place in-person.
- 30.10 Councillor Moonan said one of the main benefits of hybrid meetings had been accessibility – people with disabilities, parents with young children etc had been able to participate. She felt that attending in person was a huge barrier and she wanted members of the public to have the option to attend in person or remotely.
- 30.11 Councillor Davis said that virtual meetings empowered people because they could attend from the comfort of their own homes. Any system that enabled residents to get their points across was a good thing.
- 30.12 Councillor O'Quinn agreed. She said that virtual meetings had provided an opportunity for many more residents to engage with the licensing process. Meetings in Hove Town Hall were intimidating for some residents and they preferred taking part from home in familiar surroundings. It had worked extremely well.
- 30.13 Councillor Knight agreed that it was less intimidating to take part from home and said that residents appreciated not having to travel to the Town Hall. She felt that “back to normal” was not progress and she would not aspire to going back to in-person panels.

RESOLVED –

1. That the Committee delegate authority to the Executive Director - Governance, People & Resources after consultation with the Chair and group spokespersons to determine arrangements for Licensing Panel hearings until the next Licensing Committee in June 2022.
2. That the Committee recommends that in exercising this authority the above officer takes into account all relevant factors including latest public health and government guidance and the need to ensure fair and transparent procedures in accordance with the Hearings Regulations 2005.

31 PUBLIC HEALTH FRAMEWORK FOR ASSESSING ALCOHOL LICENSING 2021 REVIEW

- 30a.1 The Committee considered a report by the Executive Director of Housing, Neighbourhoods and Communities, which set out the review of the Annual report entitled 'Public Health framework for assessing alcohol licensing'.
- 30a.2 The report was presented by the Regulatory Services Manager. He informed Members that the Licensing Authority at Brighton and Hove was one of the first in the country to integrate Public Health into its Licensing Policy. The "Public Health Framework for Assessing Licensing" document was updated annually. It was presented on a ward-by-ward basis and provided an analysis of crime and disorder and health data. He introduced the Senior Public Health and Community Safety Analyst and the Public Health Intelligence Specialist who had led on the production of the framework document.
- 30a.3 The Senior Public Health and Community Safety Analyst presented some slides and a live demonstration of the Public Health framework.
- 30a.4 In response to a question from Councillor Moonan, the Senior Public Health and Community Safety Analyst advised that in terms of super output areas and crime data, she received a download from Sussex Police for crime and incident data every month and this included specific locations, so further analysis could be carried out. However, because of the presence of around 150 LSOAs (Lower Layer Super Output Areas) in the city it would be too unruly to include this data in the framework document.
- 30a.5 Councillor O'Quinn said the document was incredibly helpful for Licensing Panels because it gave Members an outline of what was going on the city. She asked if data regarding hospital admissions and ambulance call outs would be made available. The Senior Public Health and Community Safety Analyst said in terms of health data they had stuck to the same indicators that were previously incorporated, including hospital and accident and emergency admissions. She confirmed the framework document would be available once they had liaised with the web team about hosting it.
- 30a.7 Councillor Shanks asked if gender and age data would be included. The Senior Public Health and Community Safety Analyst said age and gender breakdowns were

not available but this analysis was done as part of the strategic assessment which would be published in April 2022.

30a.8 In response to a question from Councillor Simson, the Regulatory Services Manager advised that the document would be on the council's website and available for use by anyone. He explained that Licensing Officers had used it since 2013 to make representations against licensing applications. In terms of making residents aware, he explained there would be a link on the website which would signpost residents to the framework document.

30a.9 Cllr Simson thanked officers for their work.

30a.10 **RESOLVED –**

1. That the committee note the contents of the report.
2. That the Public Health framework for assessing alcohol licensing report should continue to be used to develop licensing policy and assess premises licence applications.

32 SCHEDULE OF APPEALS

31.1 The Committee considered the schedule prepared on behalf of the Executive Director of Housing, Neighbourhoods and Communities.

31.2 The Lawyer reported that Saltdean had been withdrawn as their licence had been surrendered and a new licence was in place with different operators. There was still a backlog with appeals.

31.3 **RESOLVED –** That the Schedule of Appeals be noted.

33 SCHEDULE OF REVIEWS

32.1 The Committee considered the schedule prepared on behalf of the Executive Director of Housing, Neighbourhoods and Communities.

32.2 Councillor O'Quinn noted there had been a lot of Reviews. The Regulatory Services Manager explained this was due to limited operations during Covid, particularly test purchase operations. These had now resumed.

32.3 Councillor Simson queried why all the Reviews had been applied for by Sussex Police and asked if the council needed to be more proactive about informing residents of their right to call for Reviews. The Regulatory Services Manager said they did inform residents and supported them with the process.

32.4 Councillor O'Quinn highlighted that councillors could also call Reviews and said they should be informed of this as part of their training.

32.5 Councillor Knight suggested a presentation at Group meetings about what councillors can do to help residents with licensing matters.

32.6 **RESOLVED** – That the Schedule of Reviews be noted.

33 ITEMS REFERRED FOR COUNCIL

There were none.

The meeting concluded at 5.10pm

Signed

Chair

Dated this

day of

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

Agenda Item

Brighton & Hove City Council

Subject:	Annual Report of the Licensing Authority 2021/22		
Date of Meeting:	23 June 2022		
Report of:	Executive Director of Housing, Neighbourhoods, Communities		
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 2021/22 (1st April 2021 – 31st March 2022).
- 1.2. National matters: legislative changes and consultation
 - Government legislature (Levelling Up and Regeneration Bill), post lockdown restrictions, spiking.
- 1.3. Local licensing matters
 - Gambling Policy 2021 reviewed (published 2022)
 - Spiking
 - Street drinking/Sensible on Strength
 - Test Purchase operations
- 1.4. Members are apprised of local and national issues.

2. RECOMMENDATIONS:

- 2.1. That the committee notes the contents of this report.
- 2.2. That officers should continue to monitor trends of applications and illegal activity to inform future policy.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1. Licensing Act 2003

- 3.1.1. At the time of writing this report the total number of licensed premises and club premises in Brighton & Hove is 1427 and 28 respectively.

3.1.2. Table 1 below shows the numbers of applications and hearings for the last three years, including those granted, refused and withdrawn. Please note as the Annual Report is now heard at Licensing Committee in June it was felt that the new figures should be run for the financial year.

3.1.3. The Licensing Authority dealt with 5 Reviews from 1st April 21 to 31st March 22.

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 21 to 31st March 22 – venue type and area” in Appendix 2.

Table 1: Licensing Act 2003 figures

1st April 2021 – 31st March 2022		1st Jan - 31st December 2020		1st Jan - 31st December 2019	
New apps 01.04.21-31.03.22	89	New apps 01.01.20-31.12.20	74	New apps 01.01.19-31.12.19	76
TOTAL fully *	88	TOTAL fully *	71	TOTAL fully *	72
(granted)	83	(granted)	65	(granted)	67
(refused)	3	(refused)	3	(refused)	3
(withdrawn)	2	(withdrawn)	3	(withdrawn)	2
(pending)	1	(pending)	3	(pending)	4
Variations	20	Variations	37	Variations	28
TOTAL	19	TOTAL	36	TOTAL	28
(granted)	16	(granted)	31	(granted)	23
(refused)	1	(refused)	0	(refused)	2
(withdrawn)	2	(withdrawn)	5	(withdrawn)	3
(pending)	1	(pending)	1	(pending)	0
Minor Variations	48	Minor Variations	75	Minor Variations	79
TOTAL	48	TOTAL	75	TOTAL	77
(granted)	47	(granted)	70	(granted)	77
(refused)	0	(refused)	4	(refused)	0
(withdrawn)	1	(withdrawn)	1	(withdrawn)	0
(pending)	0	(pending)	0	(pending)	2
Panel hearings (apps)	29	Panel hearings (apps)	13	Panel hearings (apps)	26
Reviews	5	Reviews	8	Reviews	2
Appeals	2	Appeals	3	Appeals	2
Surrendered	19	Surrendered	13		
Lapsed	8	Lapsed	3		
TENS hearings		TENS hearings		TENS hearings	
TOTAL TENS	663	TOTAL TENS	327	TOTAL TENS	1342
TENS (granted)	647	TENS (granted)	300	TENS (granted)	1313
TENS (refused)	12	TENS (refused)	1	TENS (refused)	20
TENS (withdrawn)	4	TENS (withdrawn)	26	TENS (withdrawn)	9

3.1.4 From 01.04.21 to 31.03.22 a total of 89 new premises applications were received, 88 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.

3.1.5 Headline trends

There was an increase of new applications for 2021-2022 but a decrease in Variations and Minor Variations. The table below details New applications received by premises type:-

1st April 2021- 31st March 2022		1st Jan - 31st December 2020		1st Jan - 31st December 2019	
New apps 01.04.21-31.03.22	88	New apps 01.01.20-31.12.20	74	New apps 01.01.19-31.12.19	76
Pub/bar/nightclub	7	Pub/bar/nightclub	3	Pub/bar/nightclub	9
Convenience Store (off)	10	Convenience Store (off)	7	Convenience Store (off)	9
Restaurant	24	Restaurant	12	Restaurant	22
Café	18	Café	14	Café	10
Late Night Refreshment	2	Late Night Refreshment	3	Late Night Refreshment	3
Large supermarket	0	Large supermarket	1	Large supermarket	0
Petrol station	0	Petrol station	0	Petrol station	1
Church, Village hall etc	0	Church, Village hall etc	0	Church, Village hall etc	1
Cinema	0	Cinema	0	Cinema	1
Hotel/guest house	0	Hotel/guest house	1	Hotel/guest house	0
Alcohol Off sales via delivery/online (new category)	3				
Other (inc. Members Clubs)	24	Other (inc. Members Clubs)	33	Other (inc. Members Clubs)	20

3.1.6 Of the 88 new applications received 45 were for premises within the CIZ and 13 were in the special stress area. 6 applications were for time limited licences (e.g. Ice Rink, Spiegletent, Pride Pleasure Gardens, Christmas Market). Looking at the 45 premises within the CIZ, 5 were granted after representations had been withdrawn & agreements reached, 26 were granted after no representations were received (inc. 4 pre-consulted applications, 5 time limited licences, 3 shadow licences and 3 re-granted lapsed licences). 14 went to a panel hearing (13 of which were granted and one refused). 2 applications were withdrawn by the applicant.

This is a breakdown of the 24 'Other' applications:- 9 x time limited licences for events, the Sealife Centre, Stanmer House, 2 x deli's, health club with café, adventure golf x 2, 4 x distilleries, casino, hairdressers, specialist themed shop, art gallery. (The Other applications include New, Variations and Minor Variations).

3.2. Gambling Act 2005 - Licensing Authority Functions

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

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

Number of Gambling Authorisations – Current Figures			
	Oct 2018	May 2021	May 2022
Betting Premises Licences	38	25	25
Bingo Premises Licences	1	2	2
Adult Gaming Centre Premises Licences	10	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	182	185	184
Alcohol licences premises providing three or more gaming machines	25	22	23
Club Gaming Permits	3	3	3
Club Machine Permits	7	8	8
Casinos	4	4	4
Betting Track	2	2	2

3.3. Local Licensing Issues/Covid Impact

3.3.1 Post COVID/legislative Update – licensing and hospitality sector

3.3.2. All hospitality restrictions were lifted on the 19th July 2021 and the remaining COVID isolation requirement were lifted in February 2022 with the end to mass testing on the 1st of April 2022.

3.3.3 The Government is proposing to amend the Business and Planning Act, which was brought in at the start of the pandemic to streamline the current pavement license process and encourage outdoor dining in a bid to help out the hospitality sector. The Government has said pavement licensing is to be made permanent under the proposed Levelling Up and Regeneration Bill. The Home Office has confirmed that the Regulatory easement in respect of off-sales of alcohol will cease in September 2022.

3.3.4 The Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2021 (The Regulations) have amended the limits prescribed by the Licensing Act to increase the allowance for temporary event notices from 15 to 20 and increase the maximum number of days on which temporary events may be held from 21 to 26. This increase only applies in the years 2022 and 2023.

3.4 Brighton & Hove response to spiking incidents

- 3.4.1 Following the increase in reported spiking incidents in October and November 2021, the police, licensing and safe space have seen a significant decrease in reported incidents. Police investigations are continuing and the both the council and the police are very conscious that spiking by alcohol or drugs is an on-going issue and despite a drop in reported incidents, we are committed to addressing the problem through raising awareness and giving advice and support, as well as taking enforcement action.
- 3.4.2 Guidance was put together by police in Oct 2021 and sent out to as many licensed premises as possible within the city as soon as it was recognised there was an increase in reports being made. This guidance was disseminated via numerous methods but the main routes were through the partnership working with Business Crime Reduction Partnership (BCRP) and colleagues in the Brighton and Hove Council Licensing Team. In addition, roundtable meetings were held with venues and security companies to share best practice. Council public health and licensing colleagues linked up to provide leaflets and drink stoppers, sharing information via newsletters and social media. The majority of spiking incidents relate to alcohol and BHCC is looking to fund training to raise venue staff awareness.
- 3.4.3 Many venues have purchased products to cover drinks, increased searches on entry, increased door staff/bar staff and brought in medics to try and make their venues as safe as possible, in a bid to instill confidence that they are doing as much as they can to keep people safe. Many venues and some mobile support units have also purchased drink-spiking test kits.
- 3.4.4 Public Health colleagues are currently working with universities and colleges to raise awareness and provide advice and links on promoting safety as well as reporting incidents to the police.

3.5 VAWG/safeguarding initiatives

- 3.5.1 The Council have used Home Office safer streets 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, launch of a Safe Space app, training for venues and the public, bystander training, promoting "Healthy Relationships" in schools, media campaign and drink spiking awareness and prevention.
- 3.5.2 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.
- 3.5.3 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.

3.5.4 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.

3.6 Modern Slavery

3.6.1 On behalf of the licensing authority, an officer attended a national roundtable meeting in February 2022 on licensing and modern slavery. The purpose of which was to understand how local licensing frameworks could be used to increase modern slavery prevention within business, and to identify best practice currently underway and opportunities that exist to embed new ideas.

3.6.2 The licensing team were able to share the work we are already doing with regards to enforcement (there's been a number of licensing reviews in the last 2 years, as well as trading standards investigations into illicit tobacco,(possibly linked to modern slavery), multi-agency operations targeting licensed premises (takeaways, restaurants and hotels),visiting licensing premises to raise awareness, and mandatory training for taxi drivers.

3.6.3 As a result of the roundtable and follow up interviews/questionnaires a report was submitted to the Home Office, including the following suggested actions:

- Policy level changes
 - National – modern slavery is listed as one of the serious crimes within para11.27 of s182 Guidance
 - Local – add modern slavery section to Statement of Licensing Policy (SoLP)
- Training for licensed premises and taxi drivers
- Posters/documentation issued to licensed premises
- Training for LA staff/inspectors
- Information sharing
- Joint visits

3.7 Sensible on Strength (SoS)/Under-Age Training

- Total number of off licences 323 in the city
- BHCC SoS launched in 2013 to reduce availability of cheap super strength beers and ciders
- SoS Membership = 245 - SOS website plus further 50 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 were limited in 2020/21 as a result of the covid restrictions but resumed from May 2021.

3.8 Test Purchasing of - Alcohol - Underage

Procedure

3.8.1 Previously, if a premises failed a test purchase, the individual would be given a £90 Fixed Penalty Notices (FPN). On 4 October 2021 FPN's were replaced with Community Resolutions (CR). There is a cost of £45 to complete this training and take the assessment. However, if a sale is made by the Designated Premises Supervisor (DPS) they will be summoned to court.

3.8.2 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.

3.8.3 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
07.05.2021	Alcohol	12 Premises	2 Failed	Off-Licence
17.06.2021	Alcohol	8 Premises	2 Failed	Off-Licence
11.08.2021	Alcohol	6 Premises	4 Failed	Off-Licence
21.10.2021	Alcohol	12 Premises	1 Failed	Off-Licence
09.12.2021	Alcohol	6 Premises	2 Failed	Off-Licence
23.03.2022	Alcohol	8 Premises	0 Failed	Off-Licence

3.8.4 As a result of the test purchasing operations, 2 licensing reviews took place which resulted in both premises issued with suspensions and additional conditions. 6 FPN fines and 1 CR was issued.

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:* 27/05/22

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.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix 1 – “Total premises Licences by venue type and ward”
2. Appendix 2 - “Licence applications received 2021/22 – venue type and area”

Documents in Members’ Rooms

1. None.

Background Documents

1. None.



Appendix 1 - Annual Report by Ward & Main Use Type

21

	01B	01BA	01C	01D	01DA	01DD	01DDA	01G	01GA	01L	01M	01N	01O	01OA	01P	01PA	01S	01SA	01SS	01SSA	01T	01TA	01V	01VA	
	Pubs, Bars and Nightclubs	Pubs, Bars and Nightclubs, 24hr	Cafe Bar	Hotels, Guest Houses, B&Bs	Hotels, Guest Houses, B&Bs, 24hr	Hotel Bar - Guests and Public	Hotel Bar - Guests and Public, 24hr	Restaurants	Restaurants, 24hr	Members Clubs inc Sports clubs	Village Halls and Community Premises	Cinemas and Theatres	Alcohol off sales via delivery/online	Alc off sales via delivery/online, 24hr	Petrol Stations that sell alcohol	Petrol Stations that sell alcohol, 24hr	Large Supermarkets	Large Supermarkets, 24hr	Other Convenience Stores	Other Convenience Stores, 24hr	Late Night Refreshment only	Late Night Refreshment only, 24hr	Others	Others, 24hr	Sum:
Brunswick And Adelaide	18		10	1	1			19		1									8	1	3		4		66
Central Hove	19		15	1				26		4							1		19	1	4	2	6		98
East Brighton	6		2			1		5		2	1				1				12				10		40
Goldsmid	7		3					3		2	2	1			1				10		1		7		37
Hangleton And Knoll	2									3	1					1		1	11		1		3		23
Hanover And Elm Grove	17		1								2								11	1	2		2		36
Hollingdean And Stanmer	6		2					2		2							1		11				9		33
Hove Park	2		2					2		4	1		1		1		2		4		1		4		24
Moulsecoomb And Bevendean	1		1							1							1		10		5	1	8		28
North Portslade	1									1	1								5				1		9
Patcham	4		1					1		1					1			1	12				2		23
Preston Park	11		1	1		1		7		3	2								14		4		5		49
Queen's Park	40	6	23	6	2	1	2	26		3		2		1					20	1	7		14		154
Regency	75	8	30	7	5	6	9	125	1	3		5							20	6	12	8	20	3	343
Rottingdean Coastal	13		6				1	20		6	5	1						1	10		2	1	16		82
South Portslade	7		1					2		1	1				1				7	2	1		8		31
St. Peter's And North Laine	63	1	30	2	2	1	3	60		1	5	3			1		1	1	44	9	19		16		262
Westbourne	5		1	1				2			1								6		3		2		21
Wish	6		1					6		3						1			12		1		4		34
Withdean	5		1					2		3						1			8	1			3		24
Woodingdean	1		1							1						1			5				1		10
Sum:	309	15	132	19	10	8	17	308	1	45	22	12	1	1	6	4	6	4	259	22	66	12	145	3	1427

Appendix 2 - Licence Applications received between 1st April 21 to 31st March 22 – venue type and area

Premises - new

	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Alcohol Off sales via delivery/online	Other	Sum:	
CIZ													
Grant with Conditions	4		7	16		2		1				12	42
Refuse Licence				1									1
Withdrawn			1									1	2
Sum:	4		8	17		2		1				13	45

	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Alcohol Off sales via delivery/online	Other	Sum:	
OUTSIDE													
Grant with Conditions	3		6	3			4				3	9	28
Refuse Licence							1						1
Withdrawn													
Defer to next Committee			1										1
Sum:	3		7	3			5					9	30

	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Alcohol Off sales via delivery/online	Other	Sum:	
SSA													
Grant with Conditions			3	4			3					2	12
Refuse Licence								1					1
Withdrawn													
Sum:			3	4			3	1				2	13

	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Alcohol Off sales via delivery/online	Other	Sum:
Grand Total for Premises - new	7	18	24	0	10	0	2	0	0	3	24	88

Premises - variation

	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Alcohol Off sales via delivery/online	Other	Sum:
CIZ												
Grant with Conditions	1		5	3								9
Refuse Licence				1								1
Withdrawn												
Defer to next Committee	1											1
Sum:	2		5	4								11

	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Alcohol Off sales via delivery/online	Other	Sum:
OUTSIDE												
Grant with Conditions	1		1				3					5
Refuse Licence								1				1
Withdrawn											1	1
Defer to next Committee												
Sum:	1		1				3	1			1	7

	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Alcohol Off sales via delivery/online	Other	Sum:
SSA												
Grant with Conditions			1	1								2
Refuse Licence												
Withdrawn												
Sum:			1	1								2

	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Alcohol Off sales via delivery/online	Other	Sum:
Grand Total for Premises - variation	3	7	5	0	3	0	1	0	0	0	1	20

Premises - Minor variation

	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Alcohol Off sales via delivery/online	Other	Sum:	
CIZ													
Grant with Conditions	11		2	6			4			2		2	27
Refuse Licence													
Withdrawn	1												1
Defer to next Committee													
Sum:	12		2	6			4			2		2	28

	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Alcohol Off sales via delivery/online	Other	Sum:	
OUTSIDE													
Grant with Conditions	4			3	1		8					2	18
Refuse Licence													
Withdrawn													
Sum:	4			3	1		8					2	18

	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Alcohol Off sales via delivery/online	Other	Sum:
SSA												
Grant with Conditions				1			1					2
Refuse Licence												
Withdrawn												
Sum:				1			1					2

	Pubs, Bars, Nightclubs	Cafe Bar	Restaurants	Large Supermarkets	Other Convenience Stores	Petrol Station	Late Night Refreshments	Cinemas & Theatres	Hotels, Guest Houses, Hotel Bars	Alcohol Off sales via delivery/online	Other	Sum:
Grand Total for Premises - Minor variation	16	2	10	1	13	0	0	0	2	0	4	48

Brighton & Hove City Council

Licensing Committee (Licensing Act 2003 Functions)

Agenda Item 30

Subject: Review of Licensing Panel hearings arrangements

Date of meeting: 23rd June 2022

Report of: Executive Director - Governance, People & Resources

Contact Officer: Name: Rebecca Sidell
Tel: 01273 291511
Email: rebecca.sidell@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 The report sets out the position in relation to the powers of the Licensing Committee to make its own arrangements in relation to the conduct of Licensing Panels convened under the Licensing Act 2003 (Licensing Panels).
- 1.2 The report proposes that members review the current arrangements and delegate authority to the Executive lead officer after consultation with lead members to determine the future conduct of Licensing Panels until further review at the next committee in November 2022. The intention is to build flexibility into the arrangements and be able to respond to the latest public health and government advice

2. Recommendations

- 2.1 That the Committee delegate authority to the Executive Director - Governance, People & Resources after consultation with the Chair and group spokespersons to determine arrangements for Licensing Panel hearings until the next Licensing Committee in November 2022.
- 2.2 That the Committee recommends that in exercising this authority the above officer takes into account all relevant factors including latest public health and government guidance and the need to ensure fair and transparent procedures in accordance with the Hearings Regulations 2005.

3. Context and background information

- 3.1 Following the outbreak of the Covid-19 pandemic the Government enabled local authorities to hold 'virtual' meetings under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) (Amendment) Regulations 2020 ('the Regulations'). These Regulations expired on the 7th May 2021 and a recent Court decision confirmed that the Council must run those of its meetings which are governed by the Local Government Act 1972 with members and the public in attendance at a physical meeting.
- 3.2 However, Licensing Panels are established under different legislation (the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005.) This means that Licensing Committees are empowered to regulate their own procedures and those of its sub-committees (the Licensing Panels).
- 3.3 At the full Licensing Committees (Licensing Act 2003 Functions) on 24th June 2021, 14th October 2021, and 17 February 2022 members delegated authority to the Executive lead for Strategy Governance and Law after consultation with the Chair and group spokespersons to determine arrangements for Licensing Panels until further review by this committee. The decision was taken to continue to hold the panel hearings virtually via Teams pending review by this committee.
- 3.4 There is still uncertainty about future infection rates in the City. Council Committee meetings in person (where required by law) continue to take mitigation measures such as wearing masks and requiring testing. These are to be reviewed in July. It may seem sensible, where the legal flexibility exists as in this case, to continue with the virtual meetings. The minutes of this Committee held in February 2022 illustrate that many members remain largely supportive of virtual meetings as it was felt that there were also other advantages of remote attendance for both members and the wider public. It was considered that it encouraged wider participation in the licensing process generally, being less formal than an in-person meeting, more accessible and more convenient saving time on travel. The remote panels will continue to be webcast.
- 3.5 The committee is thus invited to review the arrangements and indicate if virtual meetings should continue or if attendance of members at Hove Town Hall is preferred with remote attendance still an option for other parties. The situation can be kept under review as appropriate in light of the latest public health advice, the conduct of other Council meetings, and the national picture.

4. Analysis and consideration of alternative options

- 4.1 Delegation to officers avoids the need to convene further urgent committee meetings and enables a flexible response to changing national or local conditions.
- 4.2 The delegation is only temporary and will be reviewed at the next full licensing committee in November 2022.

5. Community engagement and consultation

5.1 These are regulatory hearings and the proceedings must give all parties the ability to participate as appropriate and enable the press and public to see and hear them.

6. Conclusion

6.1 The Licensing Committee is empowered to determine procedures for its sub-committees (licensing panels) and is able to delegate this function, after appropriate consultation, to senior officers for a temporary period in the interests of effective and flexible decision making

7. Financial implications

7.1 There are no additional financial implications arising from this report

Name of finance officer consulted:

Date consulted (dd/mm/yy):

8. Legal implications

8.1 The Licensing Committee can determine its own procedures for its sub-committees (hearing panels) pursuant to s 9 Licensing Act 2003. There is no reason under the Licensing Act (see Section 10) why such determination cannot be delegated to officers in an appropriate manner as outlined in the report. Arguably each licensing panel could determine its own procedure at the outset but this is not practical given the need for advance notifications under the Hearings Regulations.

Name of lawyer consulted: Elizabeth Culbert

Date consulted 03/02/22

9. Equalities implications

9.1 The Council has a public sector equality duty under s149 of the Equality Act 2010. In the exercise of its functions the Council must have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and those that do not. Decisions as to procedures will always take this into account.

10. Sustainability implications

10.1 No direct sustainability implications

11. Other Implications [delete any or all that are not applicable]

Public health implications:

- 11.1 Any decision to move to more face to face meetings will be informed by the latest public health guidance.

Schedule of Reviews from 1st April 2021

NAME AND ADDRESS OF PREMISES	Review called by	DATE OF HEARING	DETERMINATION
Pascals Bistro Bar 6 Queens Place Hove BN3 2LT	Sussex Police (PCD)	30.07.21	Licence revoked at hearing and appeal to Magistrates Court received.
Molly Malones 57 West Street Brighton BN1 2RA	Sussex Police (Expedited Review) (PCD, PS & PPN)	Interim Steps hearing 08.07.21 Summary Review hearing 03.08.21	Interim steps – licence suspended Summary Review hearing - Licence revoked (Decision appealed to Magistrates Court)
My Yummie Pizza 41 Longridge Avenue Saltdean, BN2 8LG	Sussex Police (PCD, PS & PPN)	10.12.21	Licence revoked at hearing
Wild Park Local (PKA Londis) 46 Barcombe Road Brighton BN1 9JQ	Sussex Police (PCH)	02.03.22	Two week suspension and additional conditions added to licence.
Moonlight 171 Church Road Hove BN3 2AB	Sussex Police (PCH)	02.03.22	One month suspension of licence and an additional condition added to the licence.

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

Agenda Item

Brighton & Hove City Council

Schedule of Licensing Appeals: Date of Meeting: 23rd June 2022

Premises	Appellant	PTR	Hearing	Outcome
Tivoli Food & Wine, 2 Tivoli Crescent, Brighton	Licence holder appeal against revocation of licence on review			
Churchill Supermarket Unit 1 And 1A 8 Air Street Brighton BN1 3FB	Licence holder Appeal against revocation of licence on review	28.1.22	1.7.22	Agreement reached and Consent Order submitted for Court approval. Substitution of further conditions
Pascal's Bistro Bar, 6 Queens Place, Hove, BN3 2LT	Licence holder appeal against revocation of licence on review			Licence transferred to new holder and varied to reduce hours and revert to restaurant. Consent Order to be submitted
Molly Malones, 57 West Street, Brighton BN1 2RA	Licence holder appeal against revocation of licence on summary review	16.12.21	3,4,5 May 22	Agreement reached and Consent Order approved by Court. New conditions imposed including ID Scanner, last entry and venue to operate as a bona fide live music venue.

