

Subject:	Annual Report of the Licensing Authority 2017		
Date of Meeting:	1 March 2018		
Report of:	Executive Director	of	Neighbourhoods, Communities & Housing
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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 2017.
- 1.2. National matters: legislative changes and consultation
 - House of Lords Select Committee post legislative scrutiny into the LA2003
- 1.3. Local licensing matters
 - Alcohol Programme Board
 - Street drinking/Sensible on Strength
 - Night-Time Economy Initiatives
- 1.4. Local/national gambling matters
 - Review Gambling Policy 2018 – risk rating inspection programme
- 1.5. Members are apprised of local and national issues.

2. RECOMMENDATIONS:

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

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1. Licensing Act 2003

- 3.1.1. At the time of writing this report the total number of licensed premises and club premises in Brighton & Hove is 1392 and 34 respectively.

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1 below shows the numbers of applications and hearings for the last three years, including those granted, refused and withdrawn.

3.1.3. The Licensing Authority dealt with 3 reviews in 2017. The full list can be seen in the Review table report. 2 licences were revoked including International Food & Wine and Ideal Market. 5 appeals of the licensing authorities decision were or are being dealt with, including Tipple (appeal dismissed), Azure (license transferred), Coldean (condition modified by agreement), Ideal Market (appeal dismissed) and International Food & Wine (pending) (see Appendix 1).

3.1.4. In Appendix 2 you will find more detailed tables showing “Total Premises Licences by venue type and ward” and “Licence Applications received 2017 – venue type and area” (Please note appendix 3 includes same tables for 2016).

Table 1: Licensing Act 2003 figures 2017/2016/2015

1st Jan - 31st December 2017		1st Jan - 31st December 2016		1st Jan - 31st December 2015	
New apps 01.01.17-31.12.17		New apps 01.01.16-31.12.16	75	New apps 01.01.15-31.12.15	61
TOTAL fully	76	TOTAL fully	72	TOTAL fully	48
(granted)	67	(granted)	65	(granted)	42
(refused)	3	(refused)	5	(refused)	3
(withdrawn)	5	(withdrawn)	2	(withdrawn)	3
Variations		Variations		Variations	
TOTAL	31	TOTAL	27	TOTAL	21
(granted)	25	(granted)	22	(granted)	16
(refused)	3	(refused)	2	(refused)	2
(withdrawn)	1	(withdrawn)	3	(withdrawn)	3
Minor Variations		Minor Variations		Minor Variations	
TOTAL	65	TOTAL	79	TOTAL	59
(granted)	64	(granted)	75	(granted)	59
(refused)	0	(refused)	1	(refused)	0
(withdrawn)	1	(pending)	3		
Panel hearings (apps)	25	Panel hearings (apps)	22	Panel hearings (apps)	13
Reviews	3	Reviews	5	Reviews	5
Appeals	3	Appeals	1	Appeals	3
TENS hearings	3	TENS hearings	2	TENS hearings	5
TOTAL TENS	1184	TOTAL TENS	1101	TOTAL TENS	1075
TENS (granted)	1144	TENS (granted)	1080	TENS (granted)	1053
TENS (refused)	23	TENS (refused)	14	TENS (refused)	17
TENS (withdrawn)	17	TENS (withdrawn)	7	TENS (withdrawn)	5

3.1.4 In 2017 a total of 79 new premises applications were received, 76 of which were fully processed between 01.01.17 and 31.12.17. Processing means receiving the application, entering it onto the database, receiving representations and

proceeding to a panel hearing, sending out the panel decision letters, writing up the licences, sending out the licence and entering the decision onto the database. There can be some applications received near to the year end that might be counted as an application received but not as an application fully processed (because of 28 day consultation period, 20 day hearing period etc).

3.1.5 Headline trends

There was an increase in the number of applications received in 2017. Although there was an increase in café bar applications, there was a decrease in both pub/bar/nightclub and restaurant applications.

1st Jan - 31st December 2017		1st Jan - 31st December 2016		1st Jan - 31st December 2015	
New apps 01.01.17-31.12.17	79	New apps 01.01.16-31.12.16	75	New apps 01.01.15-31.12.15	61
Pub/bar/nightclub	1	Pub/bar/nightclub	10	Pub/bar/nightclub	7
Convenience Store (off)	10	Convenience Store (off)	7	Convenience Store (off)	10
Restaurant	13	Restaurant	19	Restaurant	10
Café bar	27	Café bar	15	Café bar	9
Late Night Refreshment	1	Late Night Refreshment	2	Late Night Refreshment	1
Large supermarket	0	Large supermarket	1	Large supermarket	0
Petrol station	0	Petrol station	1	Petrol station	0
Church	0	Church	2	Church	2
Cinema	0	Cinema	1	Cinema	2
Hotel/guest house	1	Hotel/guest house	0	Hotel/guest house	1
Other (inc. Members Clubs)	26	Other (inc. Members Clubs)	16	Other (inc. Members Clubs)	19

3.1.6 Of the 79 applications received during 2017, 33 were for premises within the CIZ and 9 were in the special stress area. 9 applications were for time limited licences (e.g. Sussex University, Jubilee Sq Xmas market and the Ice Rink) – 3 of which were in the CIZ. Looking at the 33 premises within the CIZ, 6 were granted after representations had been withdrawn & agreements reached, 18 were granted after no representations were received, 3 were refused, 3 were granted after a panel hearing and 3 are pending.

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 2 shows types and numbers of gambling licences issued by Licensing Authority currently compared to 2007 when the Gambling Act 2005 came into force.

Premises Licences	2017 (Current)	2016	2007
Casinos	4	4	4
Bingo Licences	1	1	8
Adult Gaming Centres (AGCs)	11	10	28
Family Entertainment Centres (FECs)	2 (plus 4 FEC permits)	2 (plus 4 FEC permits)	8

Betting tracks	2	2	2
Betting Shops	39	39	51
Gaming Machines Total	191	191	222
Gaming Machine Permit (> 2 x Cat C&D)	23	24	
Gaming Machine Auto Entitlement (2 x C&D)	166	157	
Club Machine Permits	7	7	
Club Gaming Permits	3	3	

3.3. **Press interest:** Licensing issues in Brighton and Hove have been at the forefront of the media between 1/1/16 – 31/12/16. Press interest includes:

- Uber licence renewal – the decision to extend Uber’s licence for six months attracted widespread coverage in the autumn, with media interest from Channel 4 News, Sunday Times, BBC South East, BBC Sussex, Latest TV, the Argus, Brighton & Hove News
- Revocation of premises licence for Tipple, Queen’s Road – Juice FM, Argus
- Revocation of premises licence for International Food and Wine, Preston Road – the Argus, Brighton & Hove News
- Renewal of licence for the Pussycat Club in Grand Parade – the Argus, Brighton & Hove News
- Brighton and Hove workshop to make gambling safer and free from crime – Gambling Commission monthly bulletin (Dec 2017)

3.4. **Local Licensing Issues**

3.4.1. Alcohol Programme Board

The Alcohol Programme Board includes health commissioners and NHS/voluntary sector providers, the Council, University student reps, police, licensees, retailers and probation services, with Chair of Licensing invited. The work of the Alcohol Programme Board, domain group 2 (availability) developed an action plan which can be found at Appendix 4.

3.4.2. **Street drinking/Sensible on Strength**

- Membership = 163 - SOS website
- Further 39 stopped selling but not joined scheme.
- Dr Worthley, Lead GP at Brighton Homeless Healthcare, “continues to be one of the most significant public health measures in Brighton & Hove”
- SoS scheme continues to generate a lot of interest from other authorities who have visited B&H to find out how we run the scheme.

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

The licensing authority continues to support safeguarding initiatives such as the Beach Patrol Quad bike, safe space and street pasters. A workshop for interested parties, looking at future proofing funding for these initiatives was held on the 21st February 2017. Members attended the tour of the night time economy, facilitated by the police licensing unit. Action Plan and Community Safety strategy have been agreed by Full Council. The Safe in the City board will oversee the Community Strategy and Action Plan as part of their remit but we will provide updates to Licensing Committee with regard to the Action Plan and keeping safe in night time economy.

3.5. Gambling Local and National Issues

Following the publication of the revised Gambling Policy in December 2016, the Licensing Team carried out routine Gambling inspections to our 39 Betting Office premises, 3 casino premises, 1 bingo and 11 Adult Gaming centres. This involved going through a comprehensive inspection form which looks at all the Mandatory conditions, including gaming machine entitlements and age restrictions, Social Responsibility Code Provisions and Codes of Practice under the Gambling Act 2005. Overall this was felt to be a successful operation with most premises being compliant and having good practices and procedures in place. We will be re-inspecting these premises on annual basis, ensuring that the operators have regard to the Council's Gambling Policy and Local Area Profile.

Brighton & Hove's gambling policies and practices has been highlighted by the Gambling Commission as an examples of good practice, in particular the work and links developed with Public Health to tackle gambling related harm. We recently asked to present at the Institute of Licensing Conference and a regional workshop to share the work we have been doing with Public Health.

This has been reported nationally, and I include below a quote from the Chair from a recent Gambling Commission press release and feedback from the recent presentations.

3.6 Gambling Commission Press release

Gambling businesses from across the south east of England are expected to attend a workshop aimed at ensuring their activity is safe and crime-free today.

Run by the Gambling Commission, with the support of Brighton and Hove City Council, the workshop at Civic Hall in Crawley will provide advice about tackling money laundering, and helping gamblers stay safe using local risk assessments and self-exclusion tools.

Local risk assessments help businesses ensure they have considered nearby risks when running their business – such as their proximity to schools and homeless shelters – and the self-exclusion scheme helps consumers who would like to take steps to stop gambling.

Representatives from the region's adult gaming centres, betting shops and bingo halls are expected at today's workshop.

Helen Venn, Programme Director at the Gambling Commission, said: “Raising standards across the whole gambling industry is at the heart of our latest strategy to shape a well-regulated gambling market that works for consumers.

“It’s been a really important opportunity for us to engage with smaller operators on a face-to-face basis, but also to re-emphasise with gambling businesses the importance of taking their anti-money laundering and social responsibility requirements seriously.”

While workshop sessions on common compliance, anti-money-laundering, and self-exclusion will be run by Commission representatives the session on local risk assessments will be supported by Brighton and Hove City Council.

Brighton and Hove City Council’s Chair of Licensing, Jackie O’Quinn said: “BHCC recognises that certain groups are more vulnerable to gambling-related harm. With this in mind, we have developed a local area profile toolkit that helps operators carry out risk assessments and identify and help those who may be at higher risk of harm.”

Feedback from IoL Conference and Regional Workshop

Dear Geoff Raw

Shared regulation of gambling

I wanted to convey my thanks to your licensing manager Jim Whitelegg who I had the pleasure of meeting at our annual meeting of seaside licensing authorities last year. Jim recently co presented at the National Institute of Licensing event with the Gambling Commission, which was very well received. I very much appreciate the vital role that licensing authorities play in making the system work effectively. Jim has, I know, consistently supported this system and worked closely with my staff here at the Commission, indeed, through his work particularly around the gambling statement of principles and the links in Brighton between public health and gambling has provided examples of good practice for others to follow.

We very much hope that we will be able to continue benefiting from the expertise at the Council and working together in the future.

Yours sincerely, Sarah Harrison MBE Chief Executive

Dear Jim

Many thanks for attending and presenting at our Small Operator Workshop in Crawley last Thursday. The work Brighton and Hove is doing is really interesting and extremely positive. You captured and shared the work in a very clear and informative way. The feedback we have received from attendees has all been positive and your presentation has been particularly referenced.

Many thanks once again.

Kind regards, Helen Venn, Programme Director – Compliance, Gambling Commission

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: *Monica Brooks* *Date: 17/01/17*

Legal Implications:

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

Lawyer Consulted: *Rebecca Sidell* *Date: 17/02/16*

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 – Reviews and appeals tables
2. Appendix 2 – “Total premises Licences by venue type and ward” and “Licence applications received 2017 – venue type and area”
3. Appendix 3 – “Total premises Licences by venue type and ward” and “Licence applications received 2016 – venue type and area”
4. Appendix 4 – Alcohol Programme Board action plan

Documents in Members’ Rooms

1. None.

Background Documents

1. None.

Schedule of Reviews 2017

Premises	Appellant	Hearing	Outcome
Ideal Market 71 St Georges Road Brighton BN2 1EF	Trading Stds	30 th June 2017	Revoked
International 17 Preston Road Brighton BN1 4QE	Police	1 st December 2017	Revoked

Schedule of Licensing Appeals 2017

Premises	Appellant	PTR	Hearing	Outcome
Tipple, 52 Queens Road, Brighton.	Licence Holder		25 th July 2017	Appeal dismissed, decision to revoke licence upheld. Costs awarded.
Azure, 9 – 11 Madeira Drive, Brighton	Licence Holder		23 rd August 2017	Licence transferred so decision to revoke substituted for condition that previous licence holder have no involvement whatsoever in operation of the premises.
Coldean Lane Convenience, Coldean Lane, Brighton	Licence holder		27 th October 2017	Condition about staff levels slightly modified by agreement.
Ideal Market, 71 St Georges Road, Brighton	Licence holder	18 th October 2017		Judge dismissed appeal due to non- attendance of Appellant
International Food & Wine	Licence holder			pending

