

**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
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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 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1 below shows the numbers of applications and hearings for the last three years, including those granted, refused and withdrawn.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(withdrawn)	2	(withdrawn)	3	(withdrawn)	2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.

