

Subject:	Annual Report of the Licensing Authority 2022/23		
Date of Meeting:	29 June 2023		
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 2022/23 (1st April 2022 – 31st March 2023).

1.2. National matters: legislative changes and consultation

- Updating s182 Govt Licensing Guidance – including right to work, TENs, relevant offences, “agent of change” principle
- Gambling White Paper – online protections, advertising, powers, dispute resolution& customer redress, children & adults, and land-based gambling
- 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
- Regulatory Easements – consultation on extension of off sales easements and additional TENs limits

1.3. Local licensing matters

- Applications and Reviews/Expedited Reviews)
- Spiking
- Street drinking/Sensible on Strength
- Test Purchase operations
- Events?

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 1446 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1 below shows the numbers of applications and hearings for the last three years, including those granted, refused and withdrawn.

3.1.3. The Licensing Authority dealt with 7 Reviews (2 of which were expedited) from 1st April 22 to 31st March 23.

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 22 to 31st March 23 – venue type and area” in Appendix 2.

Table 1: Licensing Act 2003 figures

1st April 2022 – 31st March 2023		1st April 2021 – 31st March 2022		1st Jan - 31st December 2020	
New apps 01.04.22-31.03.23	69	New apps 01.04.21-31.03.22	89	New apps 01.01.20-31.12.20	74
TOTAL fully	64	TOTAL fully	88	TOTAL fully	71
(granted)	59	(granted)	83	(granted)	65
(refused)	2	(refused)	3	(refused)	3
(withdrawn)	3	(withdrawn)	2	(withdrawn)	3
(pending)	5	(pending)	1	(pending)	3
Variations	25	Variations	20	Variations	37
TOTAL	24	TOTAL	19	TOTAL	36
(granted)	21	(granted)	16	(granted)	31
(refused)	2	(refused)	1	(refused)	0
(withdrawn)	1	(withdrawn)	2	(withdrawn)	5
(pending)	1	(pending)	1	(pending)	1
Minor Variations	54	Minor Variations	48	Minor Variations	75
TOTAL	52	TOTAL	48	TOTAL	75
(granted)	51	(granted)	47	(granted)	70
(refused)	1	(refused)	0	(refused)	4
(withdrawn)	0	(withdrawn)	1	(withdrawn)	1
(pending)	2	(pending)	0	(pending)	0
Panel hearings (apps)	22	Panel hearings (apps)	29	Panel hearings (apps)	13
Reviews	7	Reviews	5	Reviews	8
Appeals	1	Appeals	2	Appeals	3
Surrendered	16	Surrendered	19	Surrendered	13
Lapsed	6	Lapsed	8	Lapsed	3
TENS hearings	0	TENS hearings		TENS hearings	
TOTAL TENS	761	TOTAL TENS	663	TOTAL TENS	327
TENS (granted)	720	TENS (granted)	647	TENS (granted)	300
TENS (refused)	0	TENS (refused)	12	TENS (refused)	1
TENS (withdrawn)	41	TENS (withdrawn)	4	TENS (withdrawn)	26

3.1.4 From 01.04.22 to 31.03.23 a total of 69 new premises applications were received, 64 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 a decrease of new applications for 2022-2023 but an increase in Variations, Minor Variations and Reviews (two of which were expedited Reviews). We also had a big increase in TENs. The table below details New applications received by premises type:-

1st April 2022- 31st March 2023		1st April 2021- 31st March 2022		1st Jan - 31st December 2020	
New apps 01.04.22-31.03.23	69	New apps 01.04.21-31.03.22	88	New apps 01.01.20-31.12.20	74
Pub/bar/nightclub	2	Pub/bar/nightclub	7	Pub/bar/nightclub	3
Convenience Store (off)	5	Convenience Store (off)	10	Convenience Store (off)	7
Restaurant	18	Restaurant	24	Restaurant	12
Café	14	Café	18	Café	14
Late Night Refreshment	6	Late Night Refreshment	2	Late Night Refreshment	3
Large supermarket	0	Large supermarket	0	Large supermarket	1
Petrol station	1	Petrol station	0	Petrol station	0
Church, Village hall etc	1	Church, Village hall etc	0	Church, Village hall etc	0
Cinema	1	Cinema	0	Cinema	0
Hotel/guest house	2	Hotel/guest house	0	Hotel/guest house	1
Alcohol Off sales via delivery/online (new category)	3	Alcohol Off sales via delivery/online (new category)	3		
Other (inc. Members Clubs)	16	Other (inc. Members Clubs)	24	Other (inc. Members Clubs)	33

3.1.6 Of the 69 new applications received 30 were for premises within the CIZ. Looking at the 30 premises within the CIZ, 22 were granted after no representations were received (inc. pre-consulted applications, modified applications after agreements reached, applications within policy, 2 time limited licences (e.g. Ice Rink & Spiegletent), 2 re-granted lapsed licences). 5 went to a panel hearing (4 of which were granted (one of which was time limited) and one refused). 2 applications were withdrawn by the applicant and one is pending awaiting hearing.

This is a breakdown of the 16 'Other' applications:- 9 x time limited licences for events, the Hippodrome, indoor axe throwing venue, tobacconist, virtual gaming premises, art gallery, University Summer ball & festival, and venue within the open market that sells specialist brewed alcoholic products on & off the premises.

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 2021	May 2022	May 2023
Betting Premises Licences	25	25	24
Bingo Premises Licences	2	2	2
Adult Gaming Centre Premises Licences	6	6	6
Family Entertainment Centre Premises Licences	2	2	2
Family Entertainment Centre Permits	5	5	5
Alcohol licensed premises providing two or less gaming machines	185	184	185
Alcohol licences premises providing three or more gaming machines	22	23	22
Club Gaming Permits	3	3	3
Club Machine Permits	8	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 for licensing reviews as well as significant licensing applications within the city centre. The licensing team and panel members have dealt with a number of standard licensing reviews bought by the police and immigration. In addition, we January received two expedited or summary reviews. These are urgent reviews where the police are concerned the premises are associated with serious crime or disorder.

3.3.2 Brighton & Hove response to spiking incidents

3.3.2.1 Following the increase in reported spiking incidents in October and November 2021, the police, licensing and safe space saw a significant decrease in reported incidents. 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.

3.3.2.2 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.

3.3.2.3 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 install 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.

3.3.2.4 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 are providing funding to facilitate the training.

3.4 VAWG/safeguarding initiatives

3.4.1 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.

3.4.2 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 Modern Slavery

3.5.1 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.

3.5.2 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.

3.5.3 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

3.6 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 = 267 - 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 restarted in 2022 following Covid. This has resulted in a high demand from premises requesting training.
 - 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.

3.7 Test Purchasing of - Alcohol - Underage

Procedure

3.7.1 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.

3.7.2 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.

3.7.3 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
23.03.2022	Alcohol	8 Premises	0 Failed	Off-Licence
14.07.2022	Alcohol	9 Premises	2 Failed	Off-Licence
09.11.2022	Alcohol	6 Premises	3 Failed	Off-Licence
30.01.2023	Alcohol	5 Premises	3 Failed	Off-Licence

3.7.4 As a result of the test purchasing operations, 2 licensing reviews pending. 1 requesting removal of DPS, additional conditions and a yellow card to be issued. 1 requesting revocation. Others resulted in 6 CR's issued. 6 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: 07/06/23

Legal Implications:

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

Lawyer Consulted: Rebecca Sidell Date: 13/06/23

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.

