

The KINGSLIFFE SOCIETY

Brighton & Hove City Council - Statement of Licensing Policy

We thank the Council for the opportunity to comment on the review of the Licensing Policy from its last adopted review in 2011. Brighton has been a city with a human face with its residential areas stretching right into the city centre giving visitors a sense of safety and security but our Society has seen many members give up and move away, well outside the city, since the new licence reforms. Venice, one of the world's most desired visitor destinations has seen its population halved since 1980. This could so easily happen here to our city centre society.

One of the main problems with the review is the confusion now created by the new public health role in local authorities as laid out in **1.5.1** to **1.5.7**, in particular it directs - **1.5.3** Local authorities should embed these new (our emphasis) health functions into all their activities including its duty as licensing authority, . . . etc. How can this be reconciled under - **2.2 Alcohol Programme Board and Sensible on Strength Campaign 2.2.3** 2nd sentence - Public health is **not** a licensing consideration (our emphasis) but reducing high alcohol by volume drinks from the off licence trade should benefit alcohol related morbidity and mortality.

We worry that such opposing responsibilities will result in no positive outcomes and may in fact become the basis for doing nothing. The figures set out in **2.1.3** which only go to 2009/10 are truly dreadful but are already 5 years out of date. The last 5 years has seen the burgeoning of the 'Party House' phenomena which sees housefuls of young men and women dedicating a whole weekend largely to binge drinking. While we worry what this is doing to the figures on alcohol abuse, where are the statistics that show the effect of the fallout on the indigenous population ?

We are glad for the continuation of the CIZ as this has created a bulwark in our representations against further licensing applications but we regret the suggestion to do away with named residential, mixed and other defined areas. Any lack of recognition of St James's St as a residential area would only hasten the loss of residents to the pressures of disorder. We hope you will review this decision.

Under 3.3 The Matrix Approach

We also support the creation of the matrix with now the category of 'Cafe Bars' added to the grid. It is very important that terminal hours are now part of policy to be adhered to. While we appreciate the role of the council in the guidance and support of business, this has led in St James's St to a move towards a monoculture of catering establishments, largely serving alcohol, without any sign that a diverse range of customers is waiting on the horizon. We are well aware that when cafe/bars have been licensed the rule to prevent 'vertical drinking' is very difficult to control and therefore can become little more than a wish list.

With regard to 1.9 The Planning Context

We strongly support the desirability for planning to be in place prior to a licensing application. Could a Licence, if granted prior to a planning application not state it would be void if a planning application was not submitted by a specified date.

With regard to 3.9 Promoters and irresponsible drink promotions

In our work with the 'Open All Hours?' group in 2002/3 it was already standard practice in the west end of London to fine any venue where its fliers were found on the ground within 200 m of its entrance. The contract system to control these issues is a good policy. However, the promotion of drinks for as little as £1 is still too a common feature in our local area.

With regard to **4 Prevention of Crime and Disorder**

While there are numerous measures which attach to premises and the noise patrol, when it's on duty, is efficient and effective, the complete lack of any authority's ownership of street disorder is the great disservice of the current licensing regime. Sadly, there is nothing in the current review of policy which will do anything to change this situation.

The reduction of police numbers and their declaration at numerous public meetings that 'there is no law against anyone shouting their head off in the middle of the night!' is the most destructive result of the 2003 Act. This situation is not tolerated in any part of the continent (except in the low grade fleshpot resorts like Faliraki) and shows how wrong headed the 'Cafe Society' aspiration was.

Indeed, so obdurate seems to be the stance of the police to street noise that they ordered one of our members to cease contact in his supply of statistics on noise from a 'hot spot' late night pedestrian thoroughfare.

We do however support the introduction of a **Late Night Levy** as in para **4.1.6** as this may, providing the start time is set early enough, encourage many venues who are doing only marginal business after say 12 midnight to close earlier. This could reduce the stretch of the police in the hope of their controlling disorder in a smaller pool of disorder.

In **8.7 Other Regulatory Regimes**

We particularly support under **Community relations** the confrontation of all hate crime be it racist, homophobic, transgender or religious in nature. We are however aware that some of these groups are not entirely free of negative attitudes to other minorities, and some tend to want to dominate an area to the benefit of only themselves.

In the absence of our Secretary

For and on behalf of The Kingscliffe Society

Roger Rolfe

I have been requested by Trevor Scoble, another committee member of the Kingscliffe Society and the Licence Strategy Group to bring to our/your attention the following:

Now that the CIZ has limited licence approvals in this area to only those with unique character, if these licences are sold on, the specifics of their approval should be a condition on the new licensee. We should also comment on the Right of Residents under EU Law to the peaceful enjoyment of their own property and, by reason of the new healthcare responsibility, consideration of residents health needs should take precedent over business in the creation of new Licences. He would also note that the responsibility of Operators & Landlords in the selling of alcohol to already drunk patrons is still receiving too little attention and a lack of enforcement by the police.

ST. JAMES' COMMUNITY ACTION GROUP

Brighton and Hove City Council - Statement of Licensing Policy

We are pleased to take part in the public consultation relating to the Council's update of its licensing policy as adopted in December 2011.

We have noted the proposed key changes to the current policy and, in the main, are in broad agreement, i.e. review of overall structure and layout; removal of out of date and no longer relevant information; inclusion of an Executive Summary; a new section on "Public Health and Alcohol"; a Public Health Section incorporating latest public health thinking and perspectives. (Although Public Health as such is not a named licensing objective we think it is very appropriate that such a section should be considered in the statement of licensing policy); new section entitled Special Policies and Initiatives to include Council policies, Cumulative Impact Zone (CIZ), Special Stress Areas (SSA) and the Matrix.

We applaud the continuation of the well-established **CIZ**, within which our area is situated, and also the decision making Matrix. However, we regret the Council's proposal to do away with **named residential and mixed areas** as such designations offer extra scrutiny of licensing applications and protection to residents. As you know, the St. James's Street vicinity is one of two residential areas in the city named in the current policy statement and we believe it should continue so. We hope that the Council will reconsider the removal decision.

We support the addition of cafe bars to the **decision-making matrix**. Further, we support the proposed terminal hour for all named categories of venues in a CIZ. We are pleased to note retention of the comment that the matrix policy will be strictly adhered to, and that departures from it will be expected only in '*exceptional circumstances*' (our emphasis). We are pleased that quality of management is not regarded as 'exceptional' as clearly that is an expectation/requirement of all premises, whatever their nature.

Further, in respect of the introduction to the matrix at para 3.3.2 would it not be stronger to say '*would aim for*' rather than '*would like to see*'? Under para. 3.3.3, café bars, to make the situation absolutely clear could the words '*there will be no vertical drinking;*' be included as they are in para 3.3.4 dealing with Restaurants?

In respect of the **planning context**, we are pleased with the changed wording with regard to the relationship between planning and a licensing application. As you know, in the 2011 statement of policy para 1.10.4 indicates that the council's '*preferred position*' is to ensure planning permission is in place before an application for a licence is made. The wording at para 1.9.1 of the 2016 policy draft '*Applicants are recommended to obtain correct planning consents prior to applying for a licence to avoid potentially inoperative licenses*' is a welcome strengthening. We suggest that this might be reinforced in situations where a licence is granted before the required planning consent has been obtained.

We have in mind that a sentence could be included in the letter sent to successful licence applicants reminding them of the need to get appropriate planning consent. After all, that would be in the interest of the licence holder as well as of the council.

With regard to section 3.9 (**Promoters and Irresponsible drinks promotions**) we recommend that the words '*could include*' be changed to '*should include*' given the important issues referred to.

We support the favourable comments respecting a **Late Night Levy** set out para. 4.1.6 and hope there will be some progression in that respect during the lifetime of the policy to be adopted in 2016.

In para. 8.7, **Other Regulatory Regimes – Community Relations**, we strongly endorse the reference to confronting and reducing racist, homophobic, transphobic and religiously motivated crimes, incidents and anti-social behaviour. We think it appropriate to include reference to disabled people in this list as national reports indicate that they are a vulnerable group in terms of being victims of antisocial behaviour and other unacceptable incidents.

Comments from Deb Austin, Head of Safeguarding, Children's Services

3.4.1 Safe Space, run by the YMCA Downsink Group, on West Street runs throughout the year on Fridays and Saturdays (11-3.30am) from its base in St Pauls Church, West Street. The project is intended to provide a safe place for users of the night time economy who are rendered more vulnerable due to alcohol and/or drug use. First Aid is provided by The British Red Cross with emotional and practical support from the YMCA. During the Spring and Summer months a mobile outreach team also operates along the seafront. Mobile teams also operate on New Year's Eve in the Kemp Town and East Street areas. The YMCA's sexual exploitation project, WiSE Project, have also been busy running a campaign called WiSEUp increasing awareness of sexual exploitation in the night time economy. These strands of work are to speak to workers such as pub and bar staff, door staff, fast food outlets, taxi firms and hotels to encourage them to look out for signs of sexual exploitation and inform them of how to report incidents of concern. This has been extremely well received and staff report that they feel more able to respond appropriately to vulnerable people using their services. The other strand involves talking to customers in the city centre and on student campuses about staying safe and looking out for other people using interactive beer mats and informative leaflets. The people that have been approached report that this is a fun and non-threatening way of getting people thinking about a serious topic. – my understanding is that this was a one off initiative rather than a continued campaign. This section seems to imply that WiSEUp continues to be being rolled out which I don't think it is.

7 Protection of Children from Harm

7.1 The following details and measures are intended to address the need for the protection of children from harm; this includes moral, psychological –this is not language used within the child safeguarding arena – I would suggest the use of “emotional” to cover this and physical harm which may be associated with licensed premises and certificated club premises (for example the exposure too early to strong language and sexual expletives, e.g. in the context of film exhibitions or where adult entertainment is provided). It is intended that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting conditions (unless the 2003 Act itself imposes such conditions or there are good reasons to restrict entry or to exclude children completely

7.2 Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, the committee recommend – could we use stronger language here such as “expect” that all licensees should work with a suitable ‘proof of age’ scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be those recommended by police, trading standards officers and their partners in the Licensing Strategy Group (e.g. passport, photo driving licence or pass card).

7.3 It is the licensing authority's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral as in 7.1 not language used in child safeguarding

or psychological harm to them. Each application will be considered on its own merit but particular areas that will give rise to concern in respect of children are to be found in section 5.3 below.

7.4 To reduce alcohol-induced problematic behaviour by under 18 year olds, to enforce underage purchase and drinking laws and to assist in the protection of children from harm, the licensing authority supports the following measures:-

- a) Police should exercise powers (Confiscation of Alcohol (Young Persons) Act 1997) to remove alcohol from young people on the street
- b) Police and trading standards should implement test purchasing to reduce sales to under 18s in on and off sales licensed premises
- c) Further take-up of proof of age schemes will be promoted
- d) In-house, mystery shopper type schemes operated by local businesses will be supported
- e) Providers of events specifically catering for unaccompanied children should consider whether all staff at such events need to **be CRB – should be DBS not CRB checked**

7.7 Where children are expected to attend a public entertainment, appropriate adult supervision will be required to control the access and egress of children and to protect them from harm. This will normally be an adult member of staff for every 100 children. Where the entertainment is music and dancing, 2 persons, licensed by the Security Industry Authority (door supervisors) should be employed for every 100 children but will be subject to advice within the Event Safety Guide. Nothing in this policy shall seek to override child supervision requirements contained in other legislation or regulations. The licensing authority recognises **the Children, Families and Schools section – this no longer exists – suggest replace with BHCC Children’s Services** as being competent to advise on matters relating to the protection of children from harm. **Applicants shall copy their applications to the Local Safeguarding Children Board (LSCB) in its capacity as the responsible authority. Not sure what is meant by “responsible authority” & LSCB’s role wouldn’t cover such a thing as they are a scrutiny & monitoring Board not a “doing” Board. Copies should be sent care of the Police. The booklet ‘What to do if you are worried about a child’ is available from the LCSB – this references a Government guide for practitioners. Is this what you wanted or do you want to link to what action should be taken if someone is worried about a child locally?** and is downloadable from the council’s licensing web pages.

11.2 Child Protection

Chair of Brighton & Hove ACPC
Children Families & Schools
Kings House,
Hove

- not sure why this addresses in in here but perhaps relates to 7.7 above? ACPC is what LSCB was called prior to 2004. Once 7.7 clarified this addresses wd need to change I think.

Email from Howard Barden, Tourism re updated stats (02/12/15)

I have to say I really like this document and the attention to and the matrix applied to the Special Policy and Cumulative Impact Zone and Special Stress Areas that were adopted in March 2008.

Our tourism stats have moved on again since I responded to Jim (these get updated annually (September) taking into account a 1 year time lag so they are representative of 2014) and therefore the Local Features 1.6.1 piece needs to read (amends in red);

Local Feature 1.6.1

The local visitor economy is characterised by three sectors: conferences, leisure and English language education. The city receives 10 million tourism day trips and 1.4 million staying visitors per year. 27% of staying visitors originate from overseas. Tourism generates £839m of direct income for local businesses and supports 21,682 jobs. 18% of the total Brighton & Hove labour force is employed in jobs supported by tourism expenditure.

Sussex Police

Ben Hearth, Acting Police Sergeant CH234, **Licensing Unit**

Brighton and Hove Division, Police Station | John Street | Brighton | BN2 0LA

We have had a look at the new statement of licensing policy and would like to raise the following:

- * Pg 15 under 3.1.7 we believe that BCRP membership is not an exceptional circumstance and we believe it is what is expected of a well run premises and would like it removed
- * Pg18 in the matrix. We think that the world generally in the other areas box opens up to challenge and would like this removed and replaced with the word up
- * Pg 19 under 7) The sentence "in a densely residential area for example the concerns of local residents will be relevant when considering...." we are concerned that this insinuates that those in non densely populated areas will not be relevant. Further there is a question mark as to whether this is compatible with the Licensing Act 2003
- * Pg 20 under 3.3.3 we are still concerned as to what substantial food is and is still open to interpretation as it has been for the current SOLP. We are in the process of looking at this at the moment but we are still concerned by the lack of clarity on what substantial food is.
- * Pg 25 under 4.2.3 just a minor point but it should be the business crime reduction partnership and not the Brighton crime reduction partnership
- * Pg 26 under 4.3.3 we ask that this paragraph is clarified. It seems to suggest that the authority does not require a review process for revocation or conditions on a licence.
- * Pg 27 under 4.3.4 we ask that you remove the wording that doorstaff are "the extended police family"
- * Pg 32 under 7.7 this paragraph is at odds to what we would recommend to premises looking to have under age events and I have attached the recommendations we send out to premises. Could you consider whether this is something you would make reference in the SOLP.

- * Pg 39 under Appendix A - we found that some of the conditions were duplicitous as they are already law, for example door supervisors having to wear badges. It may be worth us meeting to go through these conditions?
- * Pg 41 under Appendix B - Could you explain how the Hampton Principles would work and what you use them for?
- * Pg 51 the removal of the word tough under the heading.

Mark Cull

Wellbeing & Targeted Support Services Manager

Many of you will know that Helen O'Brien, our WiSE Project Coordinator, has started in a new role within YMCA DLG this week.

As there is only 4 months left on the funding for her post, we are unable to replace her.

Our WiSE Brighton & Hove provision is now reduced to casework support through our skilled and experienced caseworker, Helen Irving, who works 3 days per week. Helen can also provide professional support and consultation, however, her capacity to offer this is limited as she has a full caseload of young people.

We are now, once again, operating a waiting list and new referrals will need to be re-directed elsewhere for support until we have capacity to pick them up.

Given the numbers of requests we receive for professional support and consultation from frontline workers and social workers, this also leaves a worrying gap in current CSE provision within the city.

We will continue to provide training through the BHCC Workforce Development programme and LSCB training programme. We are currently unable to offer any free training workshops or update sessions, for which we receive numerous requests.

We are currently unable to offer group work or detached sessions to other youth provision.

We continue to look for further funding for WiSE in B&H, in a challenging economic and funding climate.

We do have some good news...

We have recently been successful in two funding applications to the Sussex Police & Crime Commissioner. One is to develop and deliver a 2 year preventative programme of work in schools and colleges, and community awareness raising work. The other is a short term project spanning B&H and East Sussex to scope the issues around and needs of boys & young men as victims of CSE.

We have also received funding to establish two WiSE project workers in Surrey, and continue to deliver a full service in East Sussex.

Please, for now, direct all referrals, requests and enquiries to me.