





**Brighton & Hove
City Council**

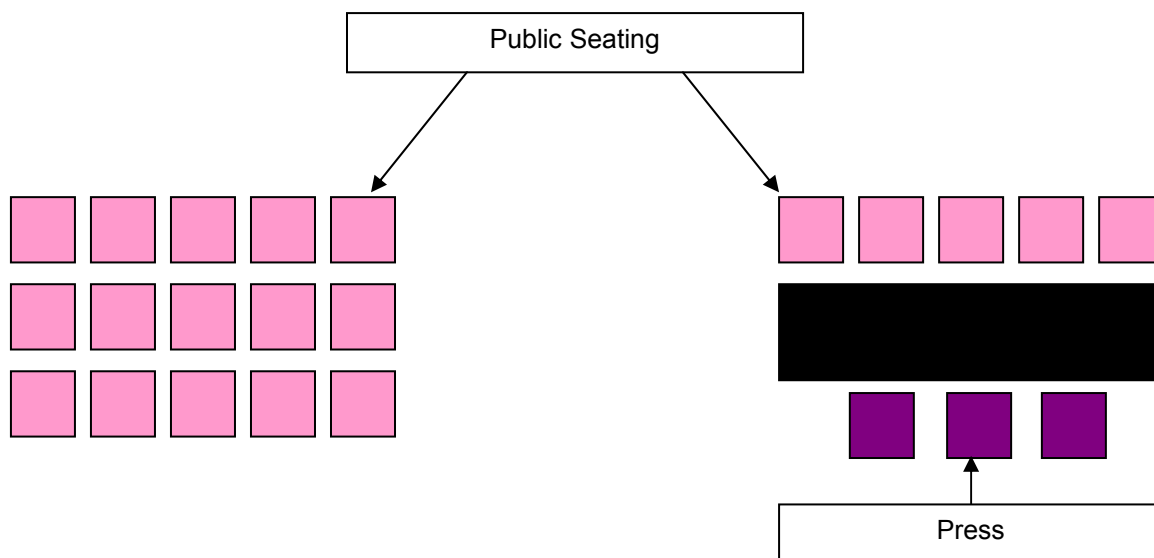
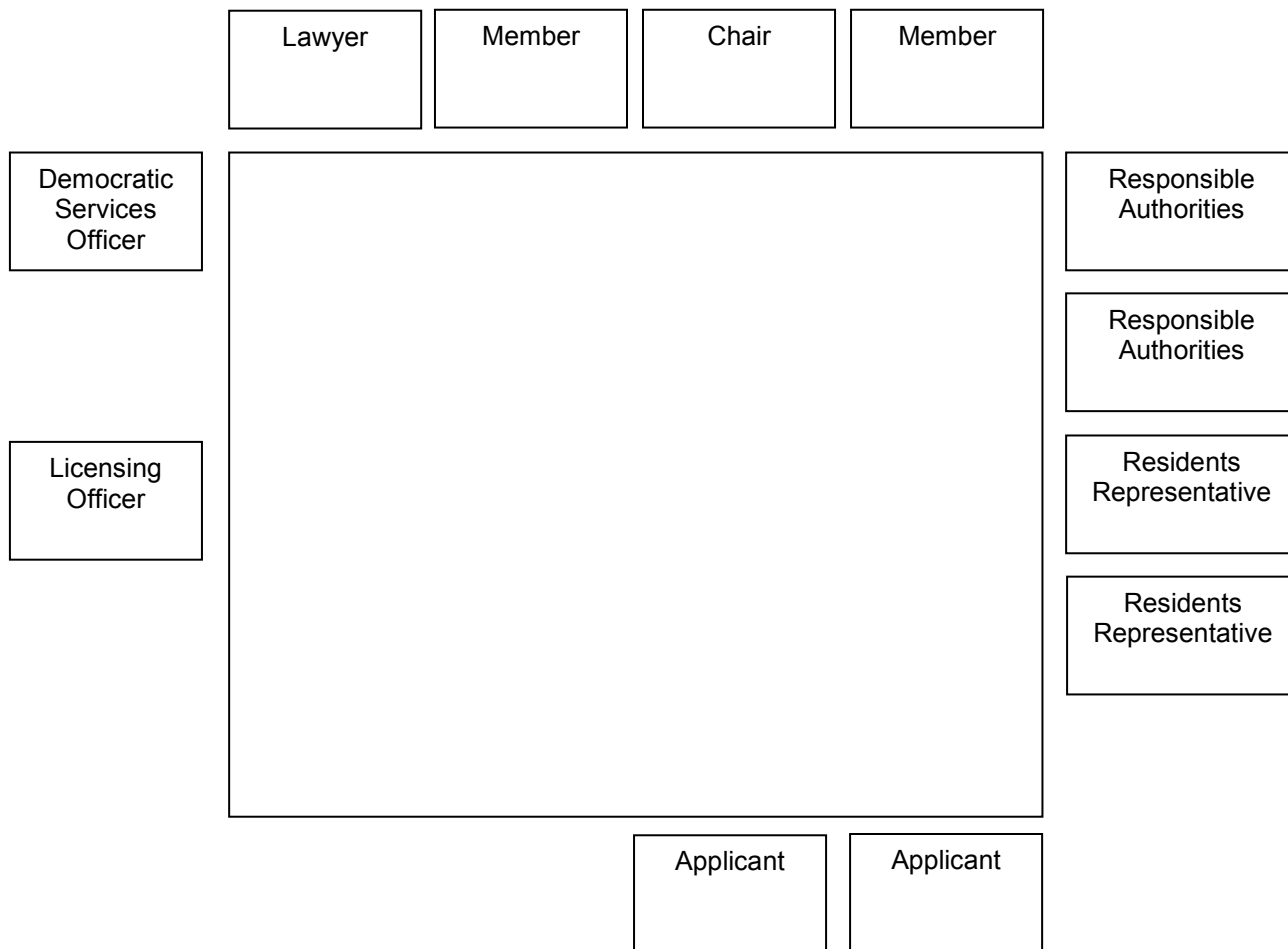
Licensing Panel

(Licensing Act 2003 Functions)

Title:	Licensing Panel (Licensing Act 2003 Functions)
Date:	18 August 2009
Time:	2.00pm
Venue	Council Chamber, Brighton Town Hall
Members:	Councillors: Mrs Cobb, Lepper and Simson
Contact:	Jane Clarke Democratic Services Officer 01273 291064 jane.clarke@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

38. TO APPOINT A CHAIRMAN FOR THE MEETING

39. PROCEDURAL BUSINESS

- (a) Declaration of Substitutes - Where Councillors are unable to attend a meeting, a substitute Member from the main Licensing Committee may attend, speak and vote in their place for that meeting.
- (b) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (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 2 of the Agenda states in its heading either that it is confidential or 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 categories of exempt information is available for public inspection at Brighton and Hove Town Halls.

40. BLANCH HOUSE, ATLINGWORTH STREET, BRIGHTON, BN2 1LP 1 - 22

Report from the Assistant Director of Public Safety (copy attached).

Contact Officer: Becky Keely Tel: 01273 292100
Ward Affected: Queen's Park;

LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public.

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Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Jane Clarke, (01273 291064, email jane.clarke@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Monday, 10 August 2009

LICENSING PANEL
(Licensing Act 2003 Functions)

Agenda Item 40
Brighton & Hove City Council

Subject: *Application for a Variation of a Premises Licence under the Licensing Act 2003 for Blanch House, Atlingworth Street, Brighton, East Sussex, BN2 1PL*

Date of Meeting: **18 August 2009**

Report of: *Assistant Director Public Safety*

Contact Officer: Name: **Rebecca Keely** Tel: **29-2100**
E-mail: rebecca.keely@brighton-hove.gov.uk

Wards Affected: Queen's Park

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Blanch House.

2. RECOMMENDATIONS:

2.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Blanch House.

2.2.1 The application is for:

A Variation of a Premises Licence under the Licensing Act 2003 for Blanch House.

The application proposes:

A variation of the permitted hours and an alteration in the conditions relating to the sale and service of alcohol in various parts of the premises.

2.2.2 Part P of the application is detailed at Appendix A and the new plan is attached at Appendix B.

2.3 Summary table of existing and proposed activities:

	<i>Existing</i>	<i>Proposed</i>
B Films	N/A	Indoors The licensee will on occasion show films in the restaurant area to the rear of the premises. Every Day: 10:00 02:00
L Late Night Refreshment	N/A	Indoors The Licensee requires the ability to provide heated foods beyond 23:00 Every Day: 23:00 -02:00
M Supply of Alcohol	<p>Sale by Retail of Alcohol</p> <p>Every Day: (00:00 – 00 :00) At any time alcohol may be sold to or consumed by any person who is resident at the premises and may be consumed by any private friend of the resident, bona fide entertained by him at his own expense.</p> <p>Sale by Retail of Alcohol for consumption On the premises</p> <p>Café Bar Monday – Saturday: 10:00 - 23.00</p> <p>Sunday & Good Friday: 12.00 - 22.30 Christmas Day: 12:00 - 15.00 & 19.00 – 22.30 New Years Eve: 10.00 (12.00 if a Sunday) – 00.00 New Years Day: 00.00 – 23.00 (22.30 if a Sunday)</p>	<p>Sale by Retail of Alcohol</p> <p>Every Day: (00:00 – 00 :00) At any time alcohol may be sold to or consumed by any person who is resident at the premises and may be consumed by any private friend of the resident, bona fide entertained by him at his own expense.</p> <p>Sale by Retail of Alcohol for consumption On the premises</p> <p>In respect of non residents: Within Bar & Restaurant</p> <p>Every Day: 10:00 – 02:00</p> <p>The standard hours be extended until 03:00 am on not more than 12 occasions per year upon giving not less than 7 days written notice to the Police of their intention to do so upon the holding of any pre-booked event and: On Christmas Eve, Christmas Day, Boxing Day, New Years Eve and Day, Spring, May and August Bank Holidays, Good Friday, Easter</p>

	Restaurant area - there shall be added to the permitted hours: the period (on Christmas Day) between the first and second parts of the general licensing hours the hour following the general licensing hours (Monday – Saturday)	Saturday, Sunday and Monday, St George's Day, St Patrick's Day, and any other Publicly declared holiday - by one hour. 1. On Commencement of British Summer Time - one hour to be added to the relevant Saturday finish time. 2. Hours extended from the end of sales/opening on 31.12 in each year and upon the night of Saturday/Sunday in the Gay Pride weekend each year, until the opening/start of sales on the following day.
O Hours premises are open to public	Every Day: 00:00 – 00:00	Every Day: 00:00 – 00:00
P Conditions removed as a consequence of the proposed Variation	Embedded conditions – all Licence conditions – 1 + 3	

2.4 Existing licence attached at Appendix C.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 This premises does not fall in the Cumulative Impact Area or the Special Stress Areas.

3.2.1 Representations received

Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:

3.2.2 One representation was received. It was received from a local resident.

3.2.3 Representation received had concerns relating to Prevention of Public Nuisance.

3.2.4 Full details of the representation is attached at Appendix D. A map detailing the addresses of the person who have submitted the

representation and their location in relation to the premises is attached at Appendix E. (Please note Relevant Authorities are not included).

4. CONSULTATION

Commentary on licensing policy

- 4.1 The following extracts from Brighton & Hove Licensing Policy are considered relevant to this application and numbered as they appear in the policy:

General

- 1.2 The licensing objectives are:-
- (a) Prevention of crime and disorder;
 - (b) Public safety;
 - (c) Prevention of public nuisance;
 - (d) Protection of children from harm.
- 1.3 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focussed on matters which are in the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity.
- 1.5 Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- 1.15 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act, and the conditions attached to licences, certificates and permissions will be focused on matters which are within the control of the licensee and will centre on the premises themselves and their immediate vicinity. When considering these terms and conditions the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

In respect of the prevention of public nuisance

- 4.1 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, or as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke).
- 4.4 Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.
- 4.5 Staggered closing times will not be used to combat binge drinking disorder and antisocial behaviour. Zoning will be avoided. A general principle of later opening so that customers can leave for natural reasons, slowly over longer periods will be promoted, to prevent unnatural concentrations of people. The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
- 4.7 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.
- 4.8 Regard will be had to any history or likelihood of nuisance. Generally, favourable consideration will be given to applications for later hours in the city centre and on busy main roads. Powers may be exercised to impose conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood.

Strategic Integration

- 6.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening.
- 6.7 This policy avoids duplication with other regulatory regimes wherever possible.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

Finance Officer Consulted: Karen Brookshaw Date: 28.07.2009

5.2 Legal Implications:

The licensing authority must act to promote the four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

Lawyer Consulted: Rebecca Sidell Date: 28.07.2009

5.3 Equalities Implications:

Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

5.4 Sustainability Implications:

Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.

5.5 Crime & Disorder Implications:

Licensing policy aims to prevent crime and disorder and protect public safety.

5.6 Risk and Opportunity Management Implications:

Licensing is a crucial business and employment opportunity and unnecessary regulation might lead to legal challenge.

5.7 Corporate / Citywide Implications:

The success of the city's tourism strategy requires a safe, attractive city centre to improve competitiveness. The Act may significantly change night time economy.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Part P of application
2. Appendix B – New plan of premises
3. Appendix C – Part A of Premises Licence
4. Appendix D – Representation
5. Appendix E – Map of area

Documents in Members' Rooms

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council: Statement of Licensing Policy.

Background Documents

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council Statement on Licensing Policy.

APPENDIX A

P

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

(a) General - all four licensing objectives (b, c, d, e)(please read guidance note 9)

please see schedule attached

(b) The prevention of crime and disorder

please see schedule attached

(c) Public safety

please see schedule attached

(d) The prevention of public nuisance

please see schedule attached

(e) The protection of children from harm

please see schedule attached

Proposed conditions/Operating Schedule

Prevention of Crime and Disorder

1. Intoxicating liquor will be sold or supplied only within the premises

A . To persons residing therein as hotel guests or their private friends bona fide entertained by them at their own expense and for consumption by such person or their private friend so entertained either on the premises or with a meal supplied at but to be consumed off the premises, OR

B. Otherwise only within the bar and restaurant areas as shown on the plan of the premises lodged to other persons attending at the premises and only between the hours of 1000 am and 0200 the following morning

3. The Premises will subject to risk assessment (a) contract for a Mobile Support service with an SIA registered organisation and (b) join the Business Crime Reduction Partnership and participate in the "Exclusion Scheme"

4. Crime Prevention posters to be displayed in the premises when requested by the Police

5 Service in the Restaurant area shall be by waiter/waitress only to patrons seated at tables (provided that the service area may be cleared for the purpose of stand-up functions on not more than 52 occasions per year subject on each occasion to not less than 7 days written notice given to the Police)

Public Safety

1. The numbers of persons – to include staff - in the premises as a whole and/or in any particular part thereof shall not exceed such numbers as shall be specified by the Fire Officer from time to time

Prevention of Public Nuisance

1. The Licensee shall ensure that

(1) excessive noise does not come from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed and

(2) prominent clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

2. The playing of any recorded music shall be at background levels unless that music is provided by a DJ which shall be in the Restaurant area at the rear only, and shall only be (i) played through the existing sound system (which will be fitted with an AVC set at a level specified by the Director of Environmental Health if they shall so require) (ii) played only at pre-booked functions only and (iii) shall cease at midnight in any event

3. There shall be no provision of any live music

4. No non resident patrons shall be admitted to the premises within 60 minutes of the anticipated closing time on any night the premises shall be open after 2300 hrs.

5. No alcohol shall be taken from the premises for consumption outside

6. The windows in the rear of the premises shall be kept closed shut at all times that the premises are open

7. The front door of the premises shall be kept locked and closed save for entry and egress

8. The Licensee and his staff shall actively monitor the area outside the premises to ensure that patrons do not gather there – whether smoking or not – so as to cause a nuisance to local residents

Protection of Children

1. No person under 18 shall be allowed in the bar or restaurant areas of the Premises after 2200 on any day nor unless accompanied by an adult
2. As to alcohol sales - the Premises will adopt a policy whereby any person attempting to buy alcohol who appears to be under 21 will be asked for photographic ID to prove their age. The only ID that will be accepted are passports, Driving Licenses with a photograph or Portman Group proof of age cards bearing the "Pass" mark hologram. The List of approved forms of ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the actual Licence

Schedule 12

Part A

**Premises Licence
Brighton and Hove City Council**

Premises Licence Number

1445/3/2005/03433/LAPRE

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Blanch House
17 Atlingworth Street
Brighton, BN2 1PL

Telephone number 01273 603504

Where the licence is time limited the dates: N/A

Licensable activities authorised by the licence

Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol

Every Day (00:00 – 00 :00) - At any time alcohol may be sold to or consumed by any person who is resident at the premises and may be consumed by any private friend of the resident, bona fide entertained by him at his own expense.

Sale by Retail of Alcohol

Monday - Saturday	10:00 - 23.00
Sunday	& Good Friday 12.00 - 22.30
Christmas Day	12:00 - 15.00 & 19.00 – 22.30
New Years Eve	10.00 (12.00 if a Sunday) – 00.00
New Years Day	00.00 – 23.00 (22.30 if a Sunday)

Restaurant area - there shall be added to the permitted hours:

- a) the period (on Christmas Day) between the first and second parts of the general licensing hours
- b) the hour following the general licensing hours (Monday – Saturday)

The opening hours of the premises -

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption on the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Chris Edwardes & Amanda Blanch
Blanch House
17 Atlingworth Street
Brighton
East Sussex
BN2 1PL
E-Mail: info@blanchhouse.co.uk
Tel : 01273 603504

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number 3954453

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Chris Edwardes

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Annex 1 – Mandatory conditions

S 19; mandatory conditions where licence authorises supply of alcohol

- no supply of alcohol may be made under the premises licence
 - (a) at a time when there is no designated premises supervisor in respect of the premises, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

Embedded Restrictions

On Licences

1. Permitted Hours

Alcohol shall not be sold or supplied except during permitted hours.

- 1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.
- 2) On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- 3) On Good Friday, 12 noon to 10.30 p.m.
- 4) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- 5) On New Year's Eve, except on a Sunday, 10 a.m. to 11 p.m.
- 6) On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- 7) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Restrictions

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours the consumption of alcohol on the premises;
- b) during the first twenty minutes after the above hours, the taking of alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- c) during the first thirty minutes after the above hours the consumption of alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- d) consumption of alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered;
- f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the

Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

h) the taking of alcohol from the premises by a person residing there; or
i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

2. Premises with no children's certificate-

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- a) He is the child of the holder of the premises licence.
- b) He resides in the premises, but is not employed there.
- c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of alcohol. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Source Section 168,171 and 201 Licensing Act 1964

4. Late Night Refreshment

The Licence may also provide and permit the consumption of late night refreshment for a period of 30 minutes after the permitted hours set out above, and on New Years Eve until 5am on New Years Day.

5. Recorded Music

Premises licensed for the sale and supply of alcohol may provide, at any time, regulated entertainment by the reproduction of wireless, including television broadcast and of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound.

Source Section 182 Licensing Act 1964

Supper Hours Certificate

Alcohol may be sold or supplied for one hour following the end of permitted hours and on Christmas day, between 3 p.m. and 7 p.m. to persons taking table meals in the premises in a part of the premises usually set apart for the

service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the permitted hours shall continue to apply.

Schedule: Monday to Saturday in the Restaurant area
Source Section 68 Licensing Act 1964

Licence conditions

1. Intoxicating liquor will be sold or supplied only within the premises
 - a) To persons residing therein or their private friends bona fide entertained by them at their own expense and for consumption by such person or their private friend so entertained either on the premises or with a meal supplied at but to be consumed off the premises, OR
 - b) Within those areas so defined by the plan of the premises as lodged with the Licensing Authority and as with the consent of the Licensing Authority amended from time to time:
 - i) In the area edged and hatched red – to persons attending at the bar area provided that:
 - a) in such area there shall be a maximum capacity of 30 customers and staff or such other number as may be specified by the fire officer
 - b) a minimum of 20 seats to be available at all times
 - c) substantial food to be available at all times this area of the premises be open other than only to residents and their bona fide guests
 - d) waiter/waitress service be available at all times
 - e) No AWP's be applied for
 - f) The said area will be cleared and closed off at the end of permitted hours
 - ii) In the area edged red – to persons attending the restaurant area:

On Monday to Saturday each week –
by waiter/waitress service to persons taking table meals and for consumption by such persons as ancillary to their meal.

On Sunday in each week –
by waiter/waitress service to persons seated and for consumption at tables – and provided that substantial food be available at all such times.
2. Suitable beverages other than intoxicating liquor (including drinking water) will at all times be equally available.
3. There shall be afforded in the premises for persons provided with board and lodging, suitable accommodation in a room not used or to be used for sleeping accommodation, or for the service of substantial refreshment, or for the supply or consumption of intoxicating liquor.

Document is Restricted

Appendix E Blanch House, 17 Atlingworth Street, Brighton, BN2 1PL



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